### Personal Data

-----

Dr Antonio Capizzi Università La Sapienza Dipartimento di Scienze Giuridiche Piazzale Aldo Moro 5 00185 ROMA <u>Antonio.capizzi@uniroma1.it</u>

Tenure-track researcher in Commercial Law, Department of Legal Sciences, University of Rome La Sapienza

Member of the Board of Lecturers of the Phd in Private Autonomy, Enterprise, Labour and Protection of Rights in the European and International Perspective (Commercial Law and L&E Curriculum), Sapienza University of Rome, Faculty of Law

Lawyer in Rome

# Studies and training

A/A 2004-2005	Classical high school diploma (100/100), Liceo Ginnasio Classico Torquato Tasso, Rome;
A/A 2009-2010	Master Degree in Law, with a thesis in Private Law, SSD IUS/01, entitled "L' <i>exceptio doli</i> nel quadro delle clausole generali", supervisor chiar.mo Prof. Nicolò Lipari, 110/110, cum laude and dignity of publication of the thesis;
A/A 2014 – 2015	PhD in Economic and Business Law (IUS 008), with a grade of 'excellent', by discussing a thesis entitled "Extraordinary transactions and protection

of holders of securities other than ordinary shares".

- YY 2010 2014 Assistance to Prof. Giuliana Scognamiglio at the Faculty of Political Science - 'La Sapienza' University of Rome (Commercial and Competition Law);
- A/A 2015-2016 Winner of the selection for the conferment of a research grant, cat. A type II, in Commercial Law, announced with notice rep. 58 of 19 June 2015 at the Department of Legal Sciences of the University "La Sapienza" of Rome.
- A/A 2016-2018 Winner of the selection for the award of a research contract by the Free University of Bozen/Bolzano within the project 'The law of close corporations in the broader European regulatory competition: A View from the Euregio', scientific responsible Prof. Paolo Giudici.
- 2016/2017 Member of the 'Fintech' research group established at CONSOB (Italian Authority for Listed Companies and Stock Exchange)
- 2018 Appointed to the post of associate professor in Commercial Law, concurring sector 12-B1 (National Scientific Appointment Competition announced by Directorial Decree no. 1532 of 29 July 2016)

### Languages

\_\_\_\_\_

Italian Mother tongue , perfect command of written and spoken language;

English	Excellent knowledge of written and spoken language (TOEFL 109/120);
French	Good knowledge of written and spoken language.
German	Elementary knowledge

#### Professional experience

-----

- 2007-2010 Collaborator with scholarship at the *Institute of Economics and Finance at the* Faculty of Law, 'La Sapienza' University of Rome;
  2010 2012 Practising attorney at the Avvocatura Generale dello Stato with Avv. dello Stato M. Gabriella Mangia, VI sez., Ministry of Justice Ministry of Economic Development AGCOM ENEA ENIT ICE ISVAP Agenzia del Demanio.
- 2012-2021 lawyer at Raffaele Cappiello law firm in Rome, with specific expertise in the fields of corporate law (judicial and extrajudicial), insolvency law (both as a collaborator of professionals appointed by the Court and by the MISE, and as a procedural lawyer, as well as in assisting in procedures of agreed crisis resolution), real estate law (judicial and extrajudicial), banking and financial markets law (judicial, extrajudicial and ABF) and, in general, business law.
- 2021-actual Researcher on fixed-term contract type B in Commercial Law at the Department of Legal Sciences, University of Rome 'La Sapienza', as of 15 November 2021

Tenure-track researcher in Commercial Law, Department of Legal Sciences, University of Rome La Sapienza

Member of the Board of Lecturers of the Phd in Private Autonomy, Enterprise, Labour and Protection of Rights in the European and International Perspective (Commercial Law and L&E Curriculum), Sapienza University of Rome, Faculty of Law

# Publications

\_\_\_\_\_

2011 "Enforceability of limits to the powers of representation of directors of s.p.a.. New tasks for a (supposed) exceptio doli?", in "Rivista di diritto societario", 4, 2011;

"Residual offer, delisting and breach of the obligation to convert warrants: extraordinary transactions, foreseeability of the factum pricipis and protection of 'hybrid' security holders", in Giurisprudenza commerciale, 2011, 4, II, 1299 ff;

- 2013 "Compulsory Conversion of Savings Shares into Ordinary Shares, Equal Treatment, Alienation of S.p.A. Shares ante causam and Continuing Entitlement to Compensation Pursuant to Article 2377<sup>3</sup> of the Civil Code", in "Giurisprudenza Commerciale", 2013, 2, II, 274 ss;
- 2014 'Extraordinary transactions and investor protection: the case of pressure to tender', in *Giurisprudenza commerciale*, 2014, 1, I, 96 ff;

'On the subject of transactional leases terminated prior to the declaration of bankruptcy', in Giurisprudenza commerciale, 2014, 3, II, 491 ff;

With S. Cappiello: '*First considerations on the* bail-in *instrument: the forced conversion of debt into equity*', at the 2014 ODC Conference;

Sub artt. 2421-2435-bis c.c., in Commentario al Codice Civile edited by P. Rescigno, Giuffrè, Milan, 2014.

2016 'Article 2503-bis of the Civil Code and Directive 78/855/EC. Between equivalence of rights and majority method in reorganisation transactions', at the ODC 2016 Conference.

(with Dr Gabriele Moreschini) '*Liquidation of real estate assets: between "competitive procedures" and the code of practice*', in <u>ilfallimentarista.it</u>, 5 October 2016.

2018 Sub articles 2342 - 2362, 2421 - 2435-ter, 2484 - 2496, Commentario al Codice Civile edited by P. Rescigno, Giuffrè, Milan, 2018.

'*Extraordinary transactions and investor protection. Tra rimedi compensativi e rimedi ostativi*', Giappichelli, Turin, 2018.

Note of references to Trib. Roma, 2 July 2018, in *Foro it.*, 2018, I, 3755 ss.

2019 'Right to be forgotten, business register and bankruptcy: the Supreme Court and notitia decoctionis as a method of "general prevention"', in Giurisprudenza commerciale, 2019, II, 742 ff.

Note of references to Trib. Rome, 20 November 2018, in *Foro it.*, 2019, I, 1818 ff.

Note of references to Trib. Rome, 1 April 2019, in *Foro it.*, 2019, I, 2566 ff.

2020 'The warning notice to the CAI between recettitiveness of the act, industry rules, balancing of interests and violation of protection obligations', in 'Banca, borsa, tit. cred.', 2020, II, 223 ff;

Note of references to App. Brescia, 15 October 2019, in *Foro it.*, 2020, I, 1042 ff.

Note of references to App. Rome, 3 February 2020, in *Foro it.*, 2020, I, 1383 ff.

with P. Agstner and P. Giudici: "*Business Angels, Venture Capital and the New S.r.l.*", in "*Orizzonti del Diritto Commerciale*", 2020, 353 ff.

Note of references to Cass., 22 June 2020, no. 12108, in *Foro it*., 2020, I, 3102 ff.

2021 Note of references to Trib. Milano, 23 July 2020, in *Foro it.*, 2021, I, 1101 ff.

Note of references to Trib. Genova, 16 November 2020, in *Foro it.*, 2021, I, 3712 ff.

with P. Agstner and P. Giudici: '*The contractual design of VCfinanced start-ups in Italy*', in *AGE - Analisi Giuridica dell'Economia*, 2021, 227 ff.

2022 Note of references to Trib. Genova, 10 November 2021, in Foro it., 2022, I, 338 ss.

Sub artt. 2342-2362, 2421-2435-ter, 2484-2496, Commentario al Codice Civile edited by P. Rescigno, Giuffrè, Milan, 2022.

Note of references to Cass. 7 October 2021, no. 27227, in Foro it., 2022, I, 1092 ff.

Note of references to Trib. Roma 16 February 2022, in Foro it., 2022, I, 1465 ff.

Note of references to App. Rome 6 May 2022, in Foro it., 2022, I, 2500 ff.

Note of references to Cass. 22 june 2022, no. 20181, forthcoming in Foro it.

(with P. Giudici & P. Agstner) "The Corporate Design of Investments in Startups: A European Experience", forthcoming in EBOR, European Business Organization Law Review.

### **Conferences and Summer Schools**

\_\_\_\_\_

2011 Speaker at the Conference organised by ODC - Orizzonti del diritto commerciale, on 11 and 12 February 2011, entitled "Le clausole generali nel diritto commerciale e industriale" (General clauses in commercial and industrial law), with a paper entitled "Opponibilità dei limiti ai poteri di rappresentanza degli amministratori di s.p.a.. New tasks for a (supposed) exceptio doli?".

Participant in the Summer School organised by the EFLN -*European Financial Law Network,* in Imperia, September 2011, entitled *Analytical Methods for Lawyers*, held by Prof. Todd Henderson, of the Chicago Law School.

- 2012 Rapporteur at the conference organised by the ODC -Horizons of Commercial Law Association, on 10 and 11 February 2012, entitled 'The protection of the weaker party between fairness and market efficiency', with a *paper* entitled '*Extraordinary transactions and investor protection: the case* of pressure to tender';
- 2013 Study at IALS (Institute for Advanced Legal Studies), London, funded by the Felice Gianani Scholarship, awarded by the ABI;

Internship at the EBA (European Banking Authority), London, Recovery, Resolution and Register Unit, during the drafting of the Bank Recovery and Resolution Directive.

2014 Speaker, together with Dr. Stefano Cappiello of the European Banking Authority in London, at the Conference organised by the association ODC - *Orizzonti del diritto commerciale*, on 21 and 22 February 2014, entitled "The company and commercial law: innovation, value creation, safeguarding value in the crisis", with a *paper* entitled "*First considerations*  *on the* bail-in *instrument*: *the forced conversion of debt into capital*"

2016 Speaker at the Conference organised by the association ODC - Orizzonti del diritto commerciale, on 26 and 27 February 2016, entitled "L'influenza del diritto europeo sul diritto commerciale italiano: valori, principi, interessi", with a paper entitled "L'art. 2503-bis c.c. e la direttiva 78/855/CE. Between equivalence of rights and majority method in reorganisation transactions".

Speaker at the Conference organised by the association ODC - *Horizons of Commercial Law*, on 25 November 2016, entitled 'Jurisprudents "budding". National day of discussion of theses of PhDs in Commercial Law'.

2019 Rapporteur at the Conference organised by the association ODC - Horizons of Commercial Law, on 22 and 23 February 2019, entitled 'Technological developments and commercial law', with a paper entitled 'Cross-border brokerage chains in the centralised management of financial instruments and legitimation for the exercise of social rights: what role for DLT/blockchain technology? ".

Participant, together with Prof. Paolo Giudici, at the Euregio Symposium '*The Law of Closed Corporations*', organised by the Free University of Bozen/Bolzano on 24 and 25 May 2019

2020 Speaker, together with Dr. Peter Agstner and Prof. Paolo Giudici, to the Conference organised by the association ODC - Orizzonti del diritto commerciale, on 14 and 15 February 2020, entitled "Organisation, Reorganisation and Restructuring of Enterprises in Domestic Law and the Transnational Dimension", with a paper entitled "The Financing of Startups: Angels, Venture Capital and the New S.r.l. "

- 2021 Speaker at the Conference organised by the ODC *Horizons* of Commercial Law Association, on 17 and 18 September 2021, entitled 'Freedom of Enterprise', with a paper entitled 'Equity Investments for Financing Purposes and Statutory Autonomy'.
- 2022 Speaker at the Conference organised by La Sapienza University and Free University of Bozen, on October 7<sup>th</sup> 2022, entitled 'Financing techniques of startup in Italy'.

#### Acknowledgements

-----

2012 Winner of the 'Futuro in Ricerca' award, 2012 edition, University of Rome 'La Sapienza';

Winner of a postgraduate scholarship abroad awarded by the University of Rome 'La Sapienza'.

Winner of the 2012 prize awarded by the Fondo Studenti Italiani;

Winner of the 2012 'Felice Gianani' scholarship, awarded by the ABI.

2022 Winner of "Contributo premiale per i ricercatori e assegnisti di ricerca per rafforzarne la condizione professionale e potenziare il sistema della ricerca del Lazio – Determina G05411/22"

#### **Teaching experiences**

- 2010 present Organising seminars and supplementary lectures as part of the collaboration with Prof. Giuliana Scognamiglio's professorships
- 2013 2015 Tutor of the course in Commercial Law Tutoring Degree Course, Faculty of Law, La Sapienza University, Rome

- 2015 2016 Tutor in the field of Commercial Law teaching at the SSPL of the Faculty of Law, La Sapienza University, Rome
- 2020 Lecturer of the European Company Law course at the Faculty of Law, La Sapienza University, in collaboration with Wuhan University (China), Professors Giuliana Scognamiglio and Alessandra Paolini
- 2021 2022 Teacher of the course in Commercial Law Tutoring Degree Course, Faculty of Law, La Sapienza University, Rome

Co-teacher, together with Prof. Giuliana Scognamiglio, of the course in 'Banking Law' - LMG 01 Jurisprudence - La Sapienza University

Co-teacher, together with Prof. Maura Garcea, of the course in 'Law of Financial Intermediaries and Markets' - LMG 01 Law - La Sapienza University

Co-teacher, together with Dr. Riccardo Acciai of the Italian Data Protection Authority, of the course in 'Intellectual Property, Competition and Data Protection Law' - LM 91 Data Science - La Sapienza University

Lecturer at the Master Course 'Il Curatore fallimentare' - Niccolò Cusano University.

2022-2023 Co-teacher, together with Prof. Giuliana Scognamiglio, of the course in 'Banking Law' - LMG 01 Jurisprudence - La Sapienza University

> Co-teacher, together with Prof. Giuliana Scognamiglio, of the course in "International and European Commercial Law" – LM 90 European legal studies – La Sapienza University

Co-teacher, together with Prof. Maura Garcea, of the course in 'Law of Financial Intermediaries and Markets' - LMG 01 Law - La Sapienza University

# **Collaborations with scientific journals**

2014 – today Member of the Rome editorial board of the journal 'Giurisprudenza Commerciale'.

I authorise the processing of my personal data.

Rome, October 24<sup>th</sup> 2022