



MEMORANDUM OF UNDERSTANDING

The following parts:

1. Pr. Marina Calamo Specchia and Pr. Laura Fabiano co-coordinators for the research team of the Department of Law, University of Bari Aldo Moro- Umberto I Square - 70121 BARI-ITALY
2. Pr. Angel Rodriguez, UMA – Universidad de Malaga (UMA), Facultad de Derecho, Av.da Cervantes, 2. 29071 MÁLAGA
3. Pr. Caterina Severino, for the research team of the Institut Louis Favoreu–Groupe d’Etudes et de Recherches sur la Justice Constitutionnelle (ILF-GERJC) – CNRS-UMR 7318 – Droit International, Comparé et Européen (*DICE*)- Aix-Marseille Université (AMU) - 3, Avenue Robert Schuman, 13628 Aix-en-Provence CEDEX 1 FRANCE

Hereinafter referred to as “Parties” or “Party”

enter into this agreement, to establish a network, for the participation, elaboration and application of the project to one of the calls of the Horizon **Europe Framework** programme (**HORIZON**).

WHEREAS

The Parties, since many years in contact with each other, via e-mail and electronic meetings, thanks to a series of joint initiatives, are now intended to submit a project proposal under the Horizon 2020 programme (cluster 2: Culture, Creativity& Inclusive Societies). Starting from a project developed by the Research Unit of the University of Bari (Horizon Europe Seeds), the Parties agreed to focus the proposal on the following topic: "Technology, Consensus, Legitimacy (*tecoleg*). Relationship between civil society, new technology and Institutions". The network starts among the three Parties, but it is open to the participation of other partners, public and private, active in the operational field under investigation. The entry of new partners is subject to the approval of all the Parties. Appendix 1 is part of this MoU and contains the research proposal drawn up by the research group of the University of Bari and accepted and signed by the Parties.

THE PARTIES AGREE AS FOLLOWS:

1. The Parties designated Marina Calamo Specchia and Laura Fabiano of the University of Bari as Project Coordinators.
2. Each party shall not prepare or submit any additional proposal under the same call.
3. In order to prepare and submit the proposal in a timely manner, the parties agree:
 - to meet or communicate as necessary to prepare and decide on the details of the proposal;
 - that each party endeavours to prepare all documents, data and information necessary for the preparation of the proposal and provide them to the Coordinators in due course.
4. The Coordinators undertakes not to modify, without prior consent, any document, data or information provided by the other party.
5. The Coordinators will keep the other Parties informed of the progress of the proposal and, upon the latter's request, make available a copy of any letters, e-mails or other documents relating to the proposal to be submitted to the call that will be identified.
6. A Party may at any time withdraw from the project and terminate its participation in the activities set forth in this Memorandum of Understanding. Such termination shall be effected by written notice.
7. The parties acknowledge that the intellectual property of the project idea, as per the concept note



attached in the previous communications, belongs to the researchers of the University of Bari Aldo Moro.

8. The parties undertake to keep confidential information confidential and not to disclose it or allow it to be disclosed to third parties and not to make it publicly available or accessible in any way.
9. Confidential Informations shall mean any information provided or disclosed, directly or indirectly, in writing or by any other means, by either party to the other, including, but not limited to, documents, drawings, sketches, designs, materials, samples, prototypes, data, know-how and which at the time of disclosure is identified as confidential.
10. The parties undertake to use the confidential information solely for the aim of this agreement and not to make any other use of it, commercial or non-commercial, without the prior written consent of the other party.
11. The parties may only disclose Confidential Information to their employees or contractors who reasonably need to receive the Confidential Information for the purpose of this Agreement and have been informed of the confidential nature of the Confidential Information and the terms of this Agreement and agree to be bound by the non-disclosure obligation.
12. All confidential information disclosed by either party shall remain the exclusive property of that party, as shall all patent rights, copyrights, trade secrets, trademarks and other intellectual property rights therein. Disclosure of the Confidential Information by one party shall not transfer any licence, interest or intellectual property rights to the other party.
13. The University of Bari Aldo Moro reserves the right to use the above-mentioned products, instruments, data and results for the purposes of communication and dissemination of the activities.
14. This agreement shall take effect on the date of signature by the parties and shall remain in force for 12 months. If the Parties agree, they can extend the validity of the Agreement.
15. Any disputes relating to this memorandum shall be settled amicably. If this is not possible, the parties submit any disputes relating to this agreement to the exclusive jurisdiction of the Court of Bari.
16. Each party will charge its own costs related to the preparation and submission of the proposal, including travel to attend any meetings not organized online.

The Parties hereby agree to the terms and conditions set forth in this Agreement and such is demonstrated throughout by their signatures below:

...Omissis...

APPENDIX 1

Horizon Europe Seeds (Cluster: Culture, Creativity& Inclusive Societies)

PROPOSAL IDEA

Technology, Consensus, Legitimacy (*tecoleg*).
Relationship between civil society, new technology and Institutions

The project's goal is to investigate the problems associated with the technological evolution of democratic processes in the main experiences of Western Legal Tradition in contemporary times, with a particular emphasis on the relationship between civil society, new technology, and democratic principles.

The crisis of the representative principle, caused by the loss of Parliament's central role in political decision-making, will be highlighted, as will the role played in this field by technological evolution (particularly computer science).

The way that the media is currently developing through the network has a significant impact on how opinions are formed in public and online spaces, necessitating a revaluation of representative democracy's traditional instruments. Within this intricate framework, the phenomena of populism and the crisis of traditional political parties make sense.

New fundamental rights have emerged as a result of technological advancement. Among these, we draw attention to the rights of the individual to be shielded from online threats and the group's right to freely form consent without being subjected to data conditioning or profiling.

In both situations, the issue is how resilient democratic systems are and how democracies can continue to operate in the modern era by utilizing the core ideas of the Western legal tradition.

In other words, can we still rely on traditional democratic principles to legitimize public decisions? Or, through new generative and predictive artificial intelligences, does technological development permeate the process of forming social consensus on public decisions (from public policies to voting, to institutional legitimacy, and so on) to the point of supplanting traditional forms of democratic legitimacy?

The project proposal aims to investigate these questions from two angles.

A) The person's decision-making process; in this section, several important concerns regarding the interaction of the person and new technologies will be discussed:

- the right to personal data protection
- the right not to be subject to automated decisions
- the fundamental right not to be "affected" by algorithmic decisions, which has recently emerged in the face of the use of algorithms as the basis for prejudicial administrative decisions.

Given the widespread use of telematics, Internet access is a necessary right-means for the fulfilment of other fundamental rights (for example, education through DAD, online booking of health or other social services, and so on) and the digital divide is a form of discrimination caused by exclusion from free Internet access for a variety of reasons:

- a) An authoritative ruling regarding specific circumstances (such as detention status).
- b) Inadequacies in the infrastructure.
- c) Personal financial hardships.
- d) Issues pertaining to disabilities that hinder an individual from engaging with specific content.
- e) An individual's lack of digital literacy or computer proficiency (digital alphabetization).

B) The internet has also been crucial in the formation of new political movements that have gained acclaim, particularly by utilizing digital tools and frequently bypassing traditional communication channels, which are likely perceived as more corruptible and untrustworthy. Consider the various "pirate parties" in Germany and Sweden, the Cinquestelle Movement in Italy from 2013 onwards, the same creation of La Republique en Marche, and, prior to that, Macron's candidacy in France between 2016 and 2017.

In recent years, the open communication of new digital technologies has encouraged the emergence and consolidation of numerous populist movements, which have discovered a new way of manipulating the formation and expression of individual and collective consensus through the wise use of new technologies.

The project aims to investigate issues concerning the relationship between new technologies and consensus formation, with particular emphasis on the role of the digital arena (social media, AI) in the legitimacy of institutions/political parties and their decisions/politics (consider the relationship between institutions and



political parties and public opinion mediated by private digital platforms):

1. The evolution of new technologies and their influence on public opinion.
2. Participation "in the network" and "outside the network": the impact of simplified legal jargon on free expression and digital vulnerability.
3. The network's impact on citizens' freedom of expression and participation.
4. The influence of the digital divide on democratic processes.
5. Algorithmic democracy: new artificial intelligence (generative and predictive), consent profiling, and citizens as "users of political offerings".
6. Concerns about constitutional guarantees of the right to vote, including when that right is used on digital platforms.
7. Is online participatory democracy an answer to the debate over representative and direct democracy?
8. The use of new technology tools to direct, control, or influence policy decisions.
9. The institution's use of new technology tools to engage with the public and strengthen their legitimacy.

Agreed and Signed by the Parties

...Omissis...