

Guidelines for GNSO-ccNSO Joint Consultation on Initiation of a Special IFR

5.1 Introduction

For Special IFRs ICANN Bylaws Section 18.12(a) states:

A Special IFR may be initiated outside of the cycle for the Periodic IFRs to address any deficiency, problem or other issue that has adversely affected PTI's performance under the IANA Naming Function Contract and IANA Naming Function SOW (a "**PTI Performance Issue**"), following the satisfaction of each of the following conditions:

(i) The Remedial Action Procedures of the CSC set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such procedures shall have been reviewed by the ccNSO and GNSO according to each organization's respective operating procedures;

(ii) The IANA Problem Resolution Process set forth in the IANA Naming Function Contract shall have been followed and failed to correct the PTI Performance Issue and the outcome of such process shall have been reviewed by the ccNSO and GNSO according to each organization's respective operating procedures;

(iii) The ccNSO and GNSO shall have considered the outcomes of the processes set forth in the preceding clauses (i) and (ii) and shall have conducted meaningful consultation with the other Supporting Organizations and Advisory Committees with respect to the PTI Performance Issue and whether or not to initiate a Special IFR; and

(iv) After a public comment period that complies with the designated practice for public comment periods within ICANN, if a public comment period is requested by the ccNSO and the GNSO, a Special IFR shall have been approved by the vote of (A) a supermajority of the ccNSO Council (pursuant to the ccNSO's procedures or if such procedures do not define a supermajority, two-thirds (2/3) of the Council members) and (B) a GNSO Supermajority.

The following are guidelines for the joint GNSO-ccNSO consultation on whether to initiate a Special IFR assuming that both, 18.12(a)(i) and, (ii) have occurred and the ccNSO and GNSO have considered the outcomes according to their internal procedures.

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5.2 Establishing the SIFR Initiation Coordination Team

As soon as the ccNSO and GNSO Councils are informed by the Customer Standing Committee about a performance issue as defined in the CSC Remedial Action Procedure, the GNSO and ccNSO Council shall as soon as possible each appoint three (3) members including the Chairs ~~and in accordance with their own rules and procedures to~~ a SIFR Initiation Coordination Team

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(SICT). The GNSO and ccNSO Chairs shall jointly chair the SICT. If the Remedial Action Procedure results in resolution of the PTI Performance Issue, the SICT will be disbanded.

5.3 Initiating the Joint Consultation

When the GNSO has completed the GNSO Input Process for a Special IFR (Section 4.0 above), and the ccNSO has completed its internal processes, the GNSO and ccNSO shall begin a joint consultation process to determine whether to initiate a Special IFR.

The GNSO Chair shall formally provide to the ccNSO Chair the input agreed by the GNSO Council as the outcome of the GNSO Input Process for a Special IFR. The GNSO Chair shall arrange for this input to be posted to the GNSO website and wiki, subject to redaction requested by input provider. The ccNSO Chair shall formally confirm receipt of the input.

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The ccNSO Chair shall formally provide to the GNSO Chair the input agreed by the ccNSO Council per its internal processes. The ccNSO Chair shall arrange for this input to be posted to the ccNSO website and wiki, subject to redaction requested by input provider. The GNSO Chair shall formally confirm receipt of the input.

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The GNSO and ccNSO shall jointly release a statement through the SICT that they are initiating a Joint Consultation on whether to initiate a Special IFR. The statement shall be posted on the GNSO and ccNSO websites and wikis. It also will be posted as an announcement on the main ICANN org website.

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5.4 Consultation with Supporting Organizations (SOs) and Advisory Committees (ACs)

For a Special IFR ICANN Bylaws Section 18.12(a)(iii) states:

“(iii) The ccNSO and GNSO shall have considered the outcomes of the processes set forth in the preceding clauses (i) and (ii) and shall have conducted meaningful consultation with the other Supporting Organizations and Advisory Committees with respect to the PTI Performance Issue and whether or not to initiate a Special IFR”

Thus, the SICT must gather statements from any ICANN Supporting Organization or Advisory Committee (where these were sought and provided). The SICT shall issue a call for input from the SOs and ACs as soon as possible but no later than one (1) week after the establishment of the SICT. The call for input shall include a summary of section 18 of the ICANN Bylaws and call out the applicable sub sections. The call shall request a response within thirty (30) days.

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5.5 Deciding Whether to Request a Public Comment Period

Per ICANN Bylaws Section 18.12(a)(iv):

“(iv) After a public comment period that complies with the designated practice for public comment periods within ICANN, if a public comment period is requested by the ccNSO and the GNSO, a Special IFR shall have been approved by the vote of (A) a supermajority of the ccNSO Council (pursuant to the ccNSO’s procedures or if such procedures do not define a supermajority, two-thirds (2/3) of the Council members) and (B) a GNSO Supermajority.”

Accordingly, the SICT shall decide whether to request a public comment period on the draft joint recommendation developed by the SICT that complies with the designated practice for public comment periods within ICANN. See: <https://www.icann.org/public-comments>. If it decides not to recommend a Public Comment Period, the SICT shall provide the final recommendation to the GNSO and ccNSO Councils. If the SICT decides to request a public comment period, subject to approval by the ICANN Organization, at the completion of the public comment period the SICT shall review the comments and staff shall post a public comment summary report.

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5.6 Developing the Joint Recommendation

The SICT shall review:

1. The input and recommendations from the GNSO and ccNSO as separately developed based on their respective internal procedures;
2. Input, if any, received from the SOs and ACs;
3. Input, if any, from the Public Forum.

After analyzing the inputs, the SICT shall determine whether they can be reconciled on whether or not to initiate a Special IFR. If they can be reconciled, the SICT shall develop a draft joint recommendation for consideration by the GNSO and ccNSO Councils. If the input and recommendations cannot be reconciled, the GNSO and ccNSO Chairs shall issue a joint statement that they do not agree to jointly initiate a Special IFR. The statement shall be delivered to the ICANN Board of Directors, the EC Administration, and posted to the respective websites and wikis, including the main ICANN org website.

5.7 ccNSO and GNSO Council Votes

The GNSO and ccNSO Councils shall each conduct a vote on the SICT final recommendation. The recommendation will be either to initiate a Special IFR or not to initiate a Special IFR. Per Section 18.12(a)(iv) of the ICANN Bylaws, a Special IFR shall have been approved by the vote of (A) a supermajority of the ccNSO Council (pursuant to the ccNSO’s procedures or if such procedures do not define a supermajority, two-thirds (2/3)) and (B) a GNSO Council Supermajority. If both the GNSO and ccNSO do not approve the initiation of a Special IFR, or if one approves and one does not approve, they shall issue a joint statement that they do not agree to jointly initiate a Special IFR. The statement shall be delivered to the ICANN Board of

Directors, the EC Administration, and posted to the organizations' respective websites and wikis.

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If both the GNSO and ccNSO approve the initiation of a Special IFR, they shall issue a joint statement that they agree to jointly initiate a Special IFR. The statement shall be delivered to the ICANN Board of Directors, the EC Administration, and posted to the respective websites and wikis, including the main ICANN org website.