Outline ccPDP Implementation
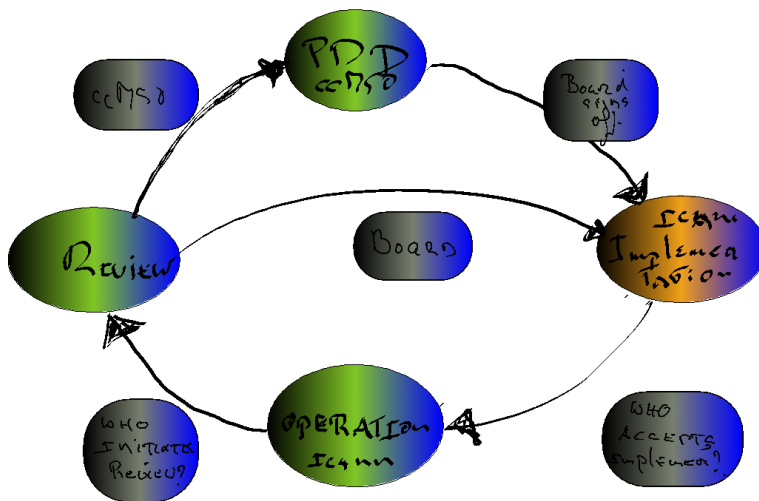Version 4 | 21 April 2023

For review and completion

Lifecycle of policies

Preamble - Lifecycle of policies and the roles and responsibilities of the ccNSO and ICANN
One of the core responsibilities of the ccNSO is to develop policies related to ccTLDs and directed to ICANN (Annex C, ICANN Bylaws). The process for developing these policies is defined in Annex B of the ICANN Bylaws. Once a policy has been developed, i.e., supported by the ccNSO, it is submitted to the ICANN Board for consideration and adoption (Annex B), following its procedures, including a public comment period and an invitation to the GAC to provide advice.

The policy must be implemented upon adoption of the policy proposals by the Board. The Board directs the CEO of ICANN or a designate to implement the policy. To date, documentation of the roles and responsibilities of the ccNSO and ICANN (Board and Staff) has yet to be developed (due to lack of need). To ensure clear lines of communication, predictability of the process, and setting expectations, the ccNSO looked at the experiences with respect to GNSO-developed policies and, based on the interaction between the GNSO and ICANN, developed a set of principles that would describe the role of the ccNSO. However, it is outside the remit of ccNSO to develop such a framework for ICANN (Board and Staff). Given the diverse nature of the ccNSO proposed policies (retirement of ccTLDs, IDNccTLD selection process, and review mechanism of certain decisions it is unclear to the

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ccNSO if ICANN function will be mainly responsible for handling the implementation and acting as a point of contact.

In developing its principles to guide the role of the ccNSO, it needs to be clarified who, if anyone, would have to sign off on the result of the implementation process. The assumption is that implementation is meant to turn the policy into reality, and before ICANN and ccTLDs can act upon it in accordance with the implemented policy, the implementation must become effective (implementation is accepted and set an effective date). Assuming this will be ICANN, the ccNSO Principles also foresee a role for the ccNSO.

Once the implemented policy has become effective, it is assumed ICANN operates it.

Over time it has become standard practice that policies and their implementation are reviewed. For example, RFC 1591 and its implementation were reviewed through the ccNSO Delegation and Redelegation review working group. The IDN Fast Track Process has been reviewed 3 times at the instigation of the Board (per requirement in the Fast Track Implementation Plan) and at the initiative of the ccNSO (leading up to the IDNccPDP4 Issue report). In addition, some of the ccNSO proposed policies require a review after an event or time period. To date, the roles and responsibilities of the ccNSO and ICANN with respect to these reviews have not been delineated.

Finally, depending on the outcome of a review, the implementation could change (FoI and aspects of the Fast Track), or the policy needs to be revised (IDNccTLD selection process) or newly developed (Retirement of ccTLDs and Review Mechanism). Again, the roles and responsibilities of the ccNSO and ICANN with respect to amending the implementation have not been well described if a policy needs to be revised or newly developed; Annex B of the Bylaws applies, where the roles and responsibilities of the ccNSO and ICANN are described.

Outline ccNSO roles and responsibilities implementation of ccNSO policies
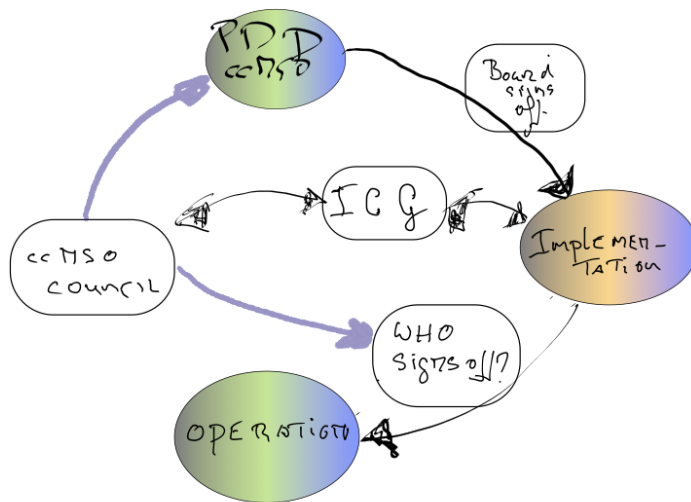
1. Introduction

This Outline aims to propose and define the roles and responsibilities of the ccNSO Council and a potential Implementation Consultation Group (ICG) concerning implementing policies developed by the ccNSO and adopted by the Board. These proposals are derived from the GNSO Implementation Review Team Principles.

The focus is on the roles and responsibilities of the ICG and possible interaction with ICANN Staff to assist Staff in developing the implementation details for a ccNSO policy. In addition, the possible role of the Council is detailed.

The roles and responsibilities of ICANN staff and Board with respect to the implementation of ccNSO policies are not considered in detail.

Firstly, the GRC understands that it depends on the subject of ccNSO Policy which of the ICANN function(s) will be involved in the implementation process of a specific ccNSO developed policy.

Secondly, although ICANN's roles and responsibilities are critical for the successful and predictable implementation of policies developed by the ccNSO, the GRC believes that it is ICANN's prerogative and responsibility to detail its roles and responsibilities with respect to the implementation of a specific ccNSO developed policy. However, the GRC also believes that the ICG and ICANN's implementation team should work closely together, recognizing each other's roles and responsibilities. Therefore this outline aims to serve as a starting

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point from a ccTLD perspective to agree upon the rules of engagement between the ICANN team and the ccNSO team. It is the view of the GRC that these rules of engagement will need to be agreed upon for every ccPDP implementation project.

2. Purpose & Scope of the ICG

Role of ICG- After the Board has adopted the ccNSO recommended policy, but no later than ICANN org informs the ccNSO it has started with the implementation, the ccNSO Council may convene an Implementation Consultation Group (ICG) to assist Staff in developing the implementation details for the policy to ensure that the implementation conforms to the intent of the policy recommendations.

Avoid re-litigation of policy as part of implementation - The ICG is not a forum for opening or revisiting policy discussions. Where issues emerge that may require possible policy discussion, these must be escalated using the ICG escalation procedure.

No involvement in individual cases - The ICG is neither a forum to discuss individual cases nor to open policy discussions to address specific cases. Where those issues emerge that may require possible policy discussion, these must be escalated using the ICG escalation procedure.

ICG Escalation Procedure- If there is a disagreement between ICANN Staff and the ICG or any of its members on the implementation approach proposed by ICANN Staff, the issue should be escalated to ccNSO Council as soon as possible . Ultimately the ccNSO Council decides how to proceed, noting that options are, among others,:
- Launch a new PDP or
- Provide further guidance to the ICG and/or ICANN Staff on how to proceed.

This procedure also applies in cases where there is agreement between the ICG and ICANN Staff that further guidance is needed either from the Council and/or through possible policy discussion.

Include Purpose and Scope of ICG in Rules of Engagement - For avoidance of doubt, the ICG and ICANN staff are expected to include this section in their Rules of Engagement (see below, section 5).

3. Activities

Communication – It is expected that as part of the communication between the ICG and ICANN Staff, Staff will inform the ccNSO of expected effort from ccNSO, anticipated duration of implementation, schedule, milestones etc.

High-level work plan/roadmap of implementation & ccNSO Work Plan- The ICG/ ccNSO is expected to include the milestones of the implementation plan in the ccNSO Work plan (with the expectations that the ccNSO Triage committee will monitor progress as well).

4. **Membership of ICG**

Membership- Membership of each ICG will be based on the ccNSO Committee outline: https://ccnso.icann.org/sites/default/files/filefield_47785/outlines-working-groups-30mar16-en.pdf [ccnso.icann.org]

When the ccNSO is seeking membership for an ICG, former members of the related PDP WG are invited and encouraged to participate as they can provide insight into the original reasoning behind policy recommendations.

One of the members of the ICG will act as liaison to the ccNSO Council (preferably a Councillor, see also the escalation procedure).

Other Stakeholders- Only those stakeholder groups who were involved in the Policy Development effort will be invited to participate in the ICG.

Bringing volunteers up to speed- If there is an extended period of time between adoption and close of the WG / no members of policy WG available: education of volunteers is required.

Transparency - An ICG will operate with full transparency, with, at a minimum, a publicly archived mailing list and recordings of all ICG calls. In the extraordinary event that the ICG should require confidentiality, the ICG is encouraged to conduct its meeting(s) in accordance with the Chatham House Rule (comments and remarks should not be attributable to any of the individual contributors).

5. **Implementation team and ICG**

The following aspects of the cooperation between the ICG and ICANN staff s are expected to be included and detailed in the Rules of Engagement:
- Section 2 of this Outline
- Frequency of updates on implementation progress by ICANN Staff to the ICG
- Meeting frequency and organization of meetings between the ICANN Implementation team and ICG
- Minutes & notes taking, chairmanship of the meetings
- Decision-making during the meetings, if any.
- Deadlines and response times- If input or comment is required from the ICG, ICANN staff shall set clear deadlines for the ICG to provide feedback and comments on documents and implementation plans and send documents to the ICG in a timely manner to ensure sufficient time for ICG review. If these deadlines are provided by staff, the ICG should respect those.

- Milestones in implementation planning documentation (to be included in the ccNSO Work plan, however this is a responsibility of the ccNSO Council's Triage committee).
- The requirement that the ICG will need to check whether the procedures developed as part of the implementation plan align with the policy recommendations.

6. Closure of ICG

The ICG is expected to check if the procedures developed in the implementation plan align with the policy recommendations. The ICG can only sign off on implementation if the procedures align with the policy according to the ICG. If an ICG was established, the ICG has to sign off before Council may sign-off on implementation. The Council sign off is considered the formal closure policy implementation from a ccNSO perspective.

If the ICG determines that it has completed its work or cannot achieve its goal(s), the ICG will submit a Final Report to the ccNSO Council. This report should recommend whether the implementation procedures meet the policy requirements. It should also include a recommendation on whether to close the ICG.

An ICG is closed by a resolution of the ccNSO Council, referencing and considering the ICG Final Report.

7. Miscellaneous

Review of Outline after the first implementation is completed - This outline will be reviewed after the first implementation process has been completed and ICG closed. The ICG is expected to conduct a self-evaluation as part of this first review. After the first review, it will be reviewed every 5 years or when necessary by the Chair of the ccNSO.
The updated Outline must be adopted by the Council and published on the ccNSO website to become effective. Before publishing the updated Outline, the Secretariat will include the version number and insert the date of adoption.

Omission in or unreasonable impact of the Outline - If this outline does not provide guidance and/or the impact is unreasonable, the Chair of the ccNSO Council will decide upon any questions or issues. However, once adopted by the ICG, the Rules of Engagement will always remain paramount.

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