

Hence, and prior to any possible endorsement, I kindly ask that a detailed legal analysis of the proposed text be commissioned to the Legal assistance by the Co-Chairs:

- who would decide whether the carve-out is applicable to a certain issue to be subject to a community decision

- according to what standard would that decision be taken? For instance: is it enough if Board mentions GAC Advice in its rationale as a source for its decision. Or would a substantial test be applied, i.e. checked whether the Board decision follows GAC Advice? In the latter case, would the carve-out also apply if the GAC Advice is only partially followed?

- what means of redress would be available for any party not in agreement with such a decision?

- would the GAC, according to this wording, be able to participate fully in the decision-making of the community mechanism on the following topics?:

1. Any Board decision on policies or implementation of delegation and redelegation of ccTLDs, which would be taken. having regard, among others, general standing advice on the matter. There is standing Advice from the GAC on such issues (e.g. GAC principles on delegation and redelegation of ccTLDs)

2. Any Board decision on policy or implementation of new gTLDs, which would also take into consideration, among others, general standing advice on the matter. There is standing Advice from the GAC on such issues (e.g. GAC principles on new gTLDs)