

Draft Initial Report CSC Charter Review Team

Version 04

14 February 2018

Table of Contents

Executive Summary	2
1. Background & Introduction	2
2. Purpose of review & Scope	3
3. Process, Timetable and Background material	3
4. Findings with respect to the Charter	4
5. Observations which are out of immediate scope of the Charter Review	6
6. Proposed changes to the CSC Charter	8
Annex A – Proposed updated Charter CSC version 1, February 2018.	17
Annex B- Terms of Reference CSC Charter Review	24

Executive Summary

The CSC Charter Review Team (RT) was established in 2017 by the ccNSO and RySG to review the charter of the CSC, as required under the ICANN Bylaws and the CSC Charter.

As a result of a number of consultations with the CSC, VP of IANA, members of the PTI Board and the direct customers of IANA, the key findings with respect to the Charter are as follows:

1. The narrow scope of the CSC, as contained in the Charter, should not be expanded. The current Membership Selection Process and criteria should be maintained. A process to address the changing circumstances of appointed members or liaisons should be included in the Charter
2. The CSC should continue the practice of providing monthly PTI performance reports to direct customers and the community more broadly.
3. The current requirement to provide three face-to-face updates per year is to be changed to at least twice per year to fit the revised ICANN meeting structure.
4. The Charter includes a provision for the CSC or PTI to request a review or change to service level targets. This provision needs to be amended to include an SLE change procedure.
5. The Remedial Action Procedure contained in the Charter was provided as an example with the expectation that the CSC would develop an RAP in consultation with IANA/ICANN. The agreed RAP will replace the example currently contained in the Charter.
6. There should be a clear mechanism for the CSC and the PTI to discuss ways to enhance the provision of IANA's operational services to meet changing technological environments and future planning.
7. Provision needs to be included in the Charter to ensure that the role and responsibilities of the CSC is maintained in the event that the IANA Functions becomes separated from ICANN.
8. Clarification of the roles and responsibilities of the CSC vis-a-vis PTI, the PTI Board of Directors, ICANN Org, and the ICANN Board of Directors would be beneficial for the functioning of the CSC.

Based on these findings the CSC Review Team recommends changes to the CSC Charter.

Although out of scope of this particular review, the Review Team believes these two topics need to be addressed by the relevant community in the near future.

1. Within one year (2018) the CSC will be subject to 3 reviews: this CSC charter review, which started in October 2017, and the first CSC Effectiveness and first IANA Function Review process. Avoiding overlap and creating synergies would be beneficial for all stakeholders involved in these reviews.
2. Restrictions on travel support for CSC members should be lifted.

1. Background & Introduction

The Customer Standing Committee was established as one of the post IANA Transition entities and conducted its first meeting on 6 October 2016. It performs the operational oversight previously performed by the U.S. Department of Commerce's National

Telecommunications and Information Administration as it relates to the monitoring of the performance of the IANA naming functions. Its mission is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services.

According to the ICANN Bylaws (Section 17.3 (c)) and the CSC Charter , the ccNSO and RySG are required to review the Charter (Annex A – Charter CSC version 1, October 2016) one year after the first meeting of the CSC.

Starting May 2017, a small group appointed by the ccNSO and RySG developed the Terms of Reference for the Charter Review. These terms were adopted by the ccNSO and RySG in July 2017 (Annex B ToR). The members of the drafting team were appointed as the CSC Review Team:

- ccNSO: Martin Boyle and Abdalla Omari
- RySG: Keith Drazek and Donna Austin

In addition, the CSC appointed Elaine Pruis to serve as a liaison to the Review Team.

2. Purpose of review & Scope

The purpose of the review is to consider whether the Charter is adequate and provides a sound basis for the CSC to perform their responsibilities as envisioned in the development of the IANA Transition Proposal.

Scope of review

The Charter will be reviewed to determine whether:

- the Charter enables the CSC to fulfil its role and responsibilities as envisioned
- there are any aspects of the Charter that are ambiguous that require amendment
- there are any typographical errors in the Charter that require amendment
- there are any elements of the work of the CSC that should be captured in the Charter that were not captured at the time the Charter was originally drafted

Out of Scope of the review

The Charter provides for the effectiveness of the CSC to be reviewed two years after the first meeting of the CSC. Therefore, the effectiveness of the CSC is out of scope of this review.

3. Process, Timetable and Background material

The process, method and timelines of the CSC charter review are described in the Terms of Reference (see Annex B).

Actions to date

The review team prepared its Consultation with CSC and PTI consultation in September –

October 2017. This included interviews with the PTI liaison to the CSC and with the CSC. In the same timeframe the CSC conducted a self-assessment of its Charter and shared this with the Review Team.

In November 2017, at ICANN60, there were discussions with the ccNSO and GNSO/RySG, representing the direct customers of the CSC naming functions, held an open consultation and met with the independent PTI directors.

In December 2017, the CSC was again consulted to discuss the Review Team's initial findings.

Next steps

Following this initial consultation of the community (February – March 2018), the Review team will finalize its report and present it to the RySG, and ccNSO and GNSO Councils for adoption (April 2018). The Final report will include the recommended changes to the Charter.

Background material

CSC Charter review team wikispace: <https://community.icann.org/display/CRT>

The wikispace includes the dates and recordings of the RT meetings.

CSC RT meetings with CSC:

CSC Review team meeting public meeting ICANN60:

https://sched.ws/hosted_files/icann60abudhabi2017/0e/I60AUH_Wed01Nov2017-Customer%20Standing%20Committee%20Review%20Team-en.pdf

CSC Review

4. Findings with respect to the Charter

Scope of the CSC should not be expanded

A key area of the review is to establish whether the Charter enables the CSC to fulfil its role and responsibilities as envisioned. According to the feed-back from the direct customers and others the CSC has successfully performed its role as envisioned. It is also evident that the CSC is well-respected by the PTI, the PTI Board, direct customers of IANA and the ICANN Board. Based on these conversations the Review Team believes that the focused and narrow remit of the Charter has been instrumental for the success of the CSC.

In this context it is important to recall that in a post IANA transition environment it is possible for PTI to be separated from ICANN in the event that the performance of IANA function is found to be unsatisfactory. In this regard, the CSC is the only entity in the post IANA transition construct responsible for monitoring IANA's performance. While the RT understands that given the success of the CSC there might be some temptation to broaden the scope of the CSC by including other functions or responsibilities, we strongly believe that this would detract from the critical role that it was established to perform.

In addition, the limited scope and narrow focus also helps the appointing organizations select members and liaisons, which proved also to be a factor contributing to the success.

The CSC has spent much of their first twelve months establishing operating procedures and the narrow scope and responsibilities detailed in the Charter has assisted in this regard.

Selection criteria and process for members and liaisons should be maintained

The composition of the CSC has been key to its success. The CSC and others believe this can be attributed to a large extent to the selection criteria and process contained in the Charter. The CSC itself has been cohesive and this has meant that the distinction between members and liaisons does not constrain input to discussions.

While no changes to the Charter are needed in this area, the Review Team noted that, since October 2016, two (2) of the four (4) members appointed by the direct customers have changed their affiliation and are no longer associated with a direct customer. The Review Team proposes that a procedure should be included in the Charter to cover the changes of a member's circumstances/affiliation during its tenure. This proposal is included in overview of proposed changes.

Monthly meetings should be maintained

The Charter currently prescribes monthly meetings and while it does not prescribe monthly reporting to the community, the CSC has established the practice of providing monthly reports to the community. Given the value of these reports and their importance in the context of an IANA Function Review, the practice of monthly reports will be recommended for inclusion in the Charter.

The CSC was responsible for developing its own operating procedures and other documentation in the first 12 months of its existence. To that end, having monthly meetings prescribed in the Charter has been very helpful providing a formal framework for the regular review of performance data.

For avoidance of doubt and confusion, the Charter should provide for a distinction between monthly meetings, which allows the CSC to discuss the PTI's performance, and monthly reporting. The monthly reporting to the community on all SLA measures remains valuable and should be maintained as it should provide a timely indicator of changes in performance.

Updates to direct customers during ICANN meetings

The Charter prescribes that the CSC provides no less than three updates per year to the RySG and ccNSO during ICANN meetings. The CSC has recommended that this requirement be changed to *"... no less than two updates per year"* to be conducted at ICANN's meetings. The CSC and Review Team note that the format of what is currently designated as the Policy Forum considerably limits the opportunity to provide the required updates and members of the CSC might not otherwise attend these ICANN meetings.

Travel funding for CSC

Specific travel funding for representatives of the CSC is not available. This was discussed as

part of the CWG IANA Transition and it was the view of the CWG that funding for members of the CSC was available through their appointing organisations, the ccNSO and RySG. The Review Team noted that the aforementioned view was also explicitly included in the Selection Criteria for potential CSC Candidates.

However, it also understood that the Charter requires the CSC to provide updates to the ccNSO and RySG at ICANN meetings and the CSC also provides updates to other groups at ICANN meetings. As noted above, the CSC uses ICANN meetings to provide face-to-face reports to the ccNSO and GNSO/RySG and also to meet as a Committee to progress work. In addition, when procedures are in place to adopt minor changes in service levels,, ICANN meetings will be used to inform and seek feed-back from direct customers regarding proposed changes.

Review or change to service level targets.

PLACEHOLDER

Need for proportionate Service Level Agreement change mechanism:

- Major change to SLA, arduous change procedure <-> Trivial change, light-weight procedure
- The SLA change procedure needs to be detailed (and linked to the charter) for consideration as part of this review.

Currently PTI, ICANN Org and CSC are working on it: Review team awaits outcome.
Potential overlap and delineation between role CSC and IFRT under IFR (section 18.3 (a), (b), and (c) (see below)

Remedial Action Procedure

PLACEHOLDER

The Remedial Action Procedure should be developed and linked to the charter, taking into account the ICANN Bylaws and required change of current charter.

Awaiting proposal from CSC and ICANN/PTI.

5. Observations which are out of immediate scope of the Charter Review

Concurrence of CSC related reviews

Although not in scope of this review the Review Team notes that the number and timing of CSC related reviews may become a potential issue as it may affect proper functioning of the CSC. This opportunity is used to inform the broader community about these concerns.

The following reviews as defined in the ICANN Bylaws impact the CSC and its role directly:
CSC Charter review (Section 17.3 (c))

- one year after the first meeting of the CSC (= current charter review). Thereafter, at request of CSC, ccNSO ,GNSO , the ICANN Board, and/or the PTI Board, and/or by an IFRT (=IANA Function Review Team) in connection with an IFR.
- Method (including scope of) review and review team to be determined by the ccNSO

and RySG.

Effectiveness review CSC ((Section 17.3 (b))

- Two years after the first meeting of the CSC; Thereafter every three years.
- Method (including scope) of review to be defined by the ccNSO and GNSO.

IANA Naming Function Reviews (IFR) (Section 18.2, 18.3)

- Section 18.3 (j) Identify process or other areas for improvementthe performance of the CSC and the EC as it relates to oversight of PTI
- First Periodic IFR shall be convened no later than [1 October 2018] Thereafter, every 5 years after previous IFR was convened.
- IFR also relevant for review of SLA under IANA Naming Function Contract to needs of direct customers and expectation of broader ICANN Community (Section 18.3 (a)) and allows for review of the Charter of the CSC (See current CSC charter: Thereafter (after the first review) the Charter... may also be reviewed in connection with the IANA Function Review.

According to Article 25.2 (a) both Article 17 and 18 are defined as Fundamental Bylaws. This implies that a change can only be achieved through an Approval Process as defined in Annex D of the ICANN Bylaws.

Based on the conversations to date and experience with this and other reviews, the Review Team advises the community that avoiding overlap and creating synergies between the reviews would be beneficial for all stakeholders involved. The RT expresses its concerns with respect to the timing and overlap of the two upcoming reviews: CSC Effectiveness and IANA Function Review (IFR). Although the IFR is much broader and focuses on PTI, the RT is concerned that

1. the outcomes of these two reviews will need to be coordinated with respect to the CSC.
2. the pool of volunteers from the ccNSO and RySG/GNSO is limited and could be spread thinly, if these two reviews would not be properly coordinated.

If the relevant communities advise the Review team to look further into this matter, the RT is willing to propose a course of action to ensure minimal impact, whilst maintaining the reviews. If so requested the RT will recommend such a course in its final report.

Role and responsibilities CSC vis- a-vis PTI, PTI Board, ICANN Org, ICANN Board

Consultation with the independent members of the PTI Board and CSC suggested that it would be beneficial for the relationship between the CSC and other entities that these relations will need to be clarified in the Charter.

In which areas will the CSC need more clarity to understand its role vis-à-vis:

- PTI Org
- PTI Board
- ICANN Org
- ICANN Board

Operational Areas for consideration in Charter?

- Remedial Action Procedure: How does it look and who needs to confirm?
- SLA mechanism change? Who needs to confirm? Reference

Strategic areas for early consultations between CSC and PTI Board?

- PTI Strategic plan
- PTI Budget

Should PTI Board and CSC meetings be prescribed in the Charter? If so, should this include frequency?

Or should there be a reference to a MoU between PTI Board and CSC?

Travel to ICANN meetings

Should the CSC continue to use ICANN meetings as an opportunity to meet face-to-face to progress its activities, consideration could be given to providing travel support from ICANN’s Budget. If attendance at an ICANN meeting is only for the purpose of providing an update, the CSC members should request travel support through the RySG or ccNSO. If the CSC and PTI have agreed there would be value for face-to face meetings it would seem appropriate to provide direct travel support to the members.

6. Proposed changes to the CSC Charter

Based on its findings, and taking into account the suggestion of the CSC, changes are proposed to the charter. These changes are included in the table below.

The proposed changes proposed have been included the proposed amended Charter of the CSC (Annex A) and are **marked (red)**. The **(number)** refers to the number (#) of the proposed wording in the table below.

#	Proposed Wording CSC	Proposed Wording RT	Consolidated Comments
1.	This transfer of responsibilities took effect on <u>[date]</u> .	This transfer of responsibilities took effect on <u>October 1, 2016</u> .	Inserting the effective date of the IANA Transition
2.	The CSC is authorized to undertake remedial action to address <u>poor performance</u> in accordance with the Remedial Action Procedures <u>(see illustrative procedures at the end of this Annex)</u>	The CSC is authorized to undertake remedial action to address <u>performance issues</u> in accordance with the Remedial Action Procedures.	Proposed change to provide consistency with the IANA Naming Functions Contract. Below, it is proposed that the Annex on the RAPs be removed conditional on the RAPs themselves being finalized, so it is proposed that this reference also be removed.

3		<p><i>The CSC will be the primary interface between the the IANA Functions Operator, currently PTI, and its customers. Should PTI cease to be the IANA Functions Operator, there should be an obligation on successor operators to work with the CSC to ensure satisfactory performance of the IANA naming functions</i></p>	<p>Additional language proposed by the RT clarifying terminology and ensuring that the CSC role is identified as independent of the operator.</p> <p>This needs to be applicable to all subsequent IANA Functions Operator. An alternative wording was suggested: "Should PTI cease to be the IANA Functions Operator, the successor shall be obligated to work with the CSC...": This is acceptable so long as it does not limit it to the first successor (this is why marginally preference for the more generic use of IANA Functions Operator): "...any successor operators shall be obligated..."</p>
4	<p>The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service level targets and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern</p>	<p>The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service level targets and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern. <i>As such, the CSC and the IANA Functions Operator should work together to identify issues and to initiate timely action.</i></p>	<p>Additional wording to be included in Section Mission between 2nd and 3rd paragraph. Wording is suggested by the RT to introduce the idea of dialogue between CSC and the management of the IANA Functions Operator</p>
5.	<p>In the event performance issues are not remedied to the satisfaction of the CSC, despite good- faith attempts to do so, <u><i>the CSC is authorized to escalate the performance issues to the ccNSO and GNSO for consideration.</i></u></p>	<p><i>The CSC is authorized to undertake remedial action to address poor performance in accordance with the Remedial Action Procedures (see illustrative procedures at the end of this Annex). The Remedial Action Procedures are to be developed and agreed to by the CSC and the IANA Functions Operator post-transition, once the CSC is formed.</i></p>	<p>This change is proposed to provide consistency with the IANA Naming Functions Contract and to remove the suggestion that the CSC can escalate issues directly to the ccNSO and GNSO without following the steps set out in the RAPs.</p> <p>Comment RT member: I do not think that the CSC actually has the authority to take action, but only to require that action is initiated.</p> <p><i>Need to revisit the para above too once the RAP has been finalised.</i></p>

		In the event performance issues are not remedied to the satisfaction of the CSC, despite good- faith attempts to do so, <i><u>the CSC will use the escalation procedure in the manner set out in the RAPs and failing resolution will refer to the RySG and the ccNSO Council..</u></i>	
6	The CSC is not mandated to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO, which might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.	The CSC is not mandated to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO <i>Councils, who</i> might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.	Ensure that it is clear that the ccNSO and GNSO Councils take the decisions.
7	The CSC is authorized to monitor the performance of the IANA naming function against agreed <i>service level requirements</i> on a regular basis.		Terminology needs to be consistent across the relevant different documents (ICANN Bylaws, CSC charter and ICANN – PTI Naming Function contract
8	The CSC is authorized to undertake remedial action to address poor performance in accordance with the Remedial Action Procedures (see illustrative procedures at the end of this Annex). The Remedial Action Procedures are to be developed and agreed to by the CSC and the	The CSC is authorized to request the IANA Functions Operator to take remedial action to <i>address performance issues in accordance with agreed Remedial Action Procedures. Any necessary remedial action will be discussed by the IANA Functions Operator and CSC and will lead to an agreed plan for resolving the issues.</i>	The language needs to be updated if the RAP becomes available during this review.

	IANA Functions Operator post-transition, once the CSC is formed.		
9	New text	<i>The Remedial Action Procedures should include procedures to escalate issues to the IANA Functions Operator and ICANN management should there be a failure to resolve issues</i>	An attempt to ensure the basic principles of the RAP are enshrined when the section on the RAP is deleted.
10	In the event performance issues are not remedied to the satisfaction of the CSC, despite good- faith attempts to do so, the CSC is authorized to escalate the performance issues to the ccNSO and GNSO for consideration.	In the event performance issues are not remedied to the satisfaction of the CSC, despite good- faith attempts to do so, <i>and following the agreed escalation processes (RAP)</i> CSC is authorized to escalate the performance issues to the ccNSO and GNSO <i>Councils</i> for consideration.	It is unclear where the CSC want to include a reference to the RAP. I do not think that the CSC actually has the authority to take action, but only to require that action is initiated. [In response to CSC proposed change 3] Clarification of role of the Councils.
11	The CSC will review individual complaints with a view to identifying <u><i>any patterns of poor performance by the IANA Functions Operator in responding to complaints of a similar nature. In relation to problem resolution, if CSC determines that remedial action has been exhausted and has not led to necessary improvements, the CSC is authorized to escalate to the PTI Board and further if necessary.</i></u>	The CSC will review individual complaints with a view to identifying <u><i>whether any patterns of poor performance issues exist and if so, to invoke the Remedial Action procedures if necessary.</i></u> <u><i>Suggestion by RT: evidence of systemic performance issues and, if necessary, will discuss remedial action with the IANA Functions Operator as appropriate.</i></u>	This change is proposed to ensure consistency with the terminology of the Naming Functions Contract and to make it clear that CSC action in respect to individual complaints can only occur upon finding that a ‘performance issue’ exists and then that the RAPs must be followed. CSC cannot go directly to the PTI Board. RT comment: This is all about systemic issues that may come to light from (for example) a number of individual complaints. The CSC should not action on individual cases (usurping the proposed IRP). [In response to CSC proposed change 4] The proposed RAPs include the step of discussion with the IANA Functions Operator. “Where the CSC has decided to undertake a review of a complaint to determine if a PTI Performance Issue exists, the CSC will invite the

			President of PTI to comment before finalizing its review.
12	The CSC will, as needs demand, conduct a consultation with the IANA Functions Operator, the primary customers of the naming services, and the ICANN community about the performance of the IANA Functions Operator. PTI should consult with CSC on any consultations with customers that it is proposing.		This seems to overlap with the customer review carried out by the IANA Functions Operator. Was it carried out by the CSC this year? Perhaps, but relatively harmless and it might be useful. Make it an optional step? And ensure that CSC does have a say in the PTI survey definition?
13	The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA’s operational services to meet changing technological environments; as a means to address performance issues; or other unforeseen circumstances. In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by IANA Functions Operator on the proposed change. Any recommended change must be approved by the ccNSO and RySG.	The CSC, in consultation with registry operators, is authorized to discuss with the IANA Functions Operator ways to enhance the provision of IANA’s operational services to meet changing technological environments; as a means to address performance issues; or other unforeseen circumstances. In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by IANA Functions Operator the IANA Functions Operator, on the proposed change. Any recommended change <u>that does not require a change to the IANA Naming Function Contract</u> must be approved by the ccNSO <i>Council</i> and RySG.	<p>This new language is proposed to make clear that if the improvements involve a change to the contract, then the process is more complex, involving more than the ccNSO and RySG approval.</p> <p>RT identified a need to have a conversation with the CSC about this paragraph to understand how it is being interpreted and whether there is any need for change.</p> <p>Some additional language to make clear that contractual amendments are the trigger for public consultation vs. approval by the ccNSO and RySG?</p> <p>The CSC is still working on proposal to be included in the charter.</p> <p>The additional language proposed by the CSC is meant to address minor modifications to the service level agreements. For example, the PTI has consistently failed to meet the technical check threshold, and the CSC agrees the threshold is</p>

			unnecessarily high. Therefore a minor modification to the SLA is proposed. This language is meant to avoid that modification having to go through the cumbersome contract change process, and instead just get the approval of the ccNSO and RYSG. (See item 15)
14	New Text	<i>To allow the CSC to carry out the work identified above and, in particular, to help develop a cooperative relationship with the IANA Functions Operator, there should be meetings between the CSC and the Board of the IANA Functions Operator as necessary. These meetings should, wherever possible, be held at ICANN meetings and might be at the request of either the IANA Functions Operator Board or the CSC</i>	An attempt to respond to input from the external PTI Board members.
15	None (new text)	<i>The CSC will develop with PTI and ICANN a process for timely amendments to the SLE's where such changes are minor and are unlikely to impose additional resource requirements on PTI.</i>	The SLE's are currently part of the IANA Naming Functions Contract, which means the process for changing these is the same as for changing the contract itself. The CSC has identified a need for minor amendments to the SLE's which will not have any resource impact on PTI but no process to effect such minor changes yet exists.
16	The CSC will provide a liaison to the IANA Function Review Team and a liaison to any Separation Cross Community Working Group.	The CSC will provide a liaison to <u>the CSC Charter Review Team</u> , the IANA Function Review Team and a liaison to any Separation Cross Community Working Group.	The CSC proposes that it be given a formal roll in any CSC Charter Review.
17	The CSC will provide regular updates, <u>no less than three per year</u> , to the direct customers of the IANA naming function. These updates	The CSC will provide regular updates, <u>at least twice</u> per year, to the direct customers of the IANA naming function. These updates may be provided to the RySG and the	It is proposed to change 'no less than three per year' to 'at least twice per year' to remove the obligation to hold three annual updates to the RySG and ccNSO during ICANN meetings. This

	may be provided to the RySG and the ccNSO during ICANN meetings.	ccNSO during ICANN meetings.	reflects the new ICANN meeting format which makes it more difficult to find an opportunity for the CSC to meet with the RySG and the ccNSO during the 'Policy Forum' meeting.
18	The CSC and the IANA Functions Operator will nominate primary and secondary points of contact to facilitate formal lines of communication		How does PTI Board fit into this picture? Based on the comments provided might need to be included somewhere else. This is taken care of with liaisons between PTI and CSC. The point raised needs to be covered elsewhere and should be more strategic in viewpoint
19	No text	<p><i>Changing circumstances of appointed CSC member:</i> <i>In the event that a member appointed to the CSC by either the ccNSO or RySG has a change in circumstances that may affect the basis upon which the member was appointed to the CSC, they are required to notify their appointing organization of their changing circumstances and, if the member wishes to remain a member of the CSC, seek re-confirmation of their appointment. The appointing organization will be responsible for considering the request in accordance with internal procedures.</i></p> <p><i>The appointing organization will be responsible for notifying the Chair of the CSC of its decision and should also notify the other appointing organisation.</i></p> <p><i>In the event that the appointing organization is not willing to re-confirm the appointment, the member</i></p>	To ensure the continuity of activities of the CSC, taking into account the role of the CSC members. Text proposed by Donna and Martin

		<p><i>will be required to resign from the CSC and the appointing organization will be required to fill the vacancy as soon as possible. A temporary replacement may be appointed while attempts are made to fill the vacancy.</i></p> <p><i>If a member wishes to resign from the CSC because of a change in circumstances, or for any other reason, they must notify their appointing organization.</i></p> <p><i>Any new appointment will need to be approved by both the ccNSO Council and the RySG, and the GNSO Council should be notified of any new appointment.</i></p>	
20	None – new text	<p><u><i>ICANN should consider requests for travel funding for CSC members to attend ICANN meetings, where such requests are supported by the members’ constituency, the RySG or the ccNSO.</i></u></p>	<p>The ability of CSC members to update the ICANN community at ICANN meetings is being compromised by their lack of travel funding. Their absence from such meetings could also compromise the CSC’s ability to achieve quorum for decision-making at such meetings.</p> <p>This will be included in report itself and NOT included in charter.</p>
21.	Any remedial action will also be reported by the CSC.	<p><u><i>In the event that the CSC invokes the Remedial Action procedures, it will provide regular public updates to the GNSO and ccNSO of the status of the process.</i></u></p>	<p>This change is proposed to make the intention more clear and to specify who the CSC is to keep informed.</p>
22.	<u>The IANA Functions Operator</u> will provide secretariat support for the CSC. The IANA Functions Operator will also be expected to	<p><u>ICANN</u> will provide secretariat support for the CSC. The IANA Functions Operator will also be expected to provide and facilitate remote</p>	<p>It is proposed that the current practice of ICANN providing the secretariat support be codified here. This would provide consistency with s. 17.4 of the ICANN bylaws which says “ICANN</p>

	provide and facilitate remote participation in all meetings of the CSC.	participation in all meetings of the CSC.	<i>shall provide administrative and operational support necessary for the CSC to carry out its responsibilities, including providing and facilitating remote participation in all meetings of the CSC.</i>
23	The effectiveness of the CSC will initially be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO.		Need to update this to remove and avoid any duplication with other reviews. Make a suggestion that reviews need to be coordinated to avoid an undue load on the CSC. However, this will not be included in charter, but noted as observation.
24.	<u><i>Proposed Remedial Action Procedures.</i></u>		It is proposed that this title and all of the text following it be deleted, conditional on the RAPs being finalized.

Annex A – Proposed updated Charter CSC version 1, February 2018.

The proposed changes proposed have been included the proposed amended Charter of the CSC (Annex A) and are marked (red). The (number) refers to the number (#) of the proposed wording of the table in section 4 of this report .

Amended Charter of the Customer Standing Committee (CSC)¹

Draft February 2018

Version 01

Mission

The Customer Standing Committee (CSC) has been established to perform the operational oversight previously performed by the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) as it relates to the monitoring of performance of the IANA naming function. This transfer of responsibilities took effect on **October 1, 2016 (1)**.

The mission of the CSC is to ensure continued satisfactory performance of the IANA function for the direct customers of the naming services. The primary customers of the naming services are top-level domain registry operators, but also include root server operators and other non- root zone functions.

The mission will be achieved through regular monitoring by the CSC of the performance of the IANA naming function against agreed service level targets and through mechanisms to engage with the IANA Functions Operator to remedy identified areas of concern. **As such, the CSC and the IANA Functions Operator should work together to identify issues and to initiate timely action.(4)**

The CSC is authorized to undertake remedial action to address performance issues in accordance with the Remedial Action Procedures. (2) The Remedial Action Procedures are to be developed and agreed to by the CSC and the IANA Functions Operator post-transition, once the CSC is formed.

In the event performance issues are not remedied to the satisfaction of the CSC, despite good- faith attempts to do so, the CSC will use the escalation procedure in the manner set out in the RAPs and failing resolution will refer to the RySG and the ccNSO Council (5)

The CSC is not mandated to initiate a change in the IANA Functions Operator via a Special IANA Function Review, but could escalate a failure to correct an identified deficiency to the ccNSO and GNSO **Councils, who (6)** might then decide to take further action using agreed consultation and escalation processes, which may include a Special IANA Function Review.

In the event that there is a change in the IANA Functions Operator, the CSC will remain to ensure continued satisfactory performance of the IANA naming functions by the subsequent operator.

¹ The original Charter is Annex G of the Cross Community Working Group on Naming Related Functions (CWG- Stewardship) Proposal. See <https://www.icann.org/en/system/files/files/iana-stewardship-transition-proposal-10mar16-en.pdf>.

The CSC will be the primary interface between the IANA Functions Operator, currently PTI, and its customers. Should PTI cease to be the IANA Functions Operator, there should be an obligation on successor operators to work with the CSC to ensure satisfactory performance of the IANA naming functions (3)

Scope of Responsibilities

The CSC is authorized to monitor the performance of the IANA naming function against agreed service level **requirements (7)** on a regular basis.

The CSC will analyse reports provided by the IANA Functions Operator on a monthly basis and publish their findings.

The CSC is authorized to undertake remedial action to address **performance issues in accordance with agreed Remedial Action Procedures**. Any necessary remedial action will be discussed by the IANA Functions Operator and CSC and will lead to an agreed plan for resolving the issues (8).

The Remedial Action Procedures should include procedures to escalate issues to the IANA Functions Operator and ICANN management should there be a failure to resolve issues (9).

In the event performance issues are not remedied to the satisfaction of the CSC, despite good-faith attempts to do so, **and following the agreed escalation processes (RAP) (10)**, the CSC is authorized to escalate the performance issues to the ccNSO and GNSO **Councils (10)** for consideration.

The CSC may receive complaints from individual registry operators regarding the performance of the IANA Naming Function; however, the CSC will not become involved in a direct dispute between any registry operator and IANA.

The CSC will review individual complaints with a view to identifying **whether any patterns of poor performance issues exist and if so, may invoke the Remedial Action procedures if necessary (11).**

The CSC will, ~~on an annual basis or~~ **(12)** as needs demand, conduct a consultation with the IANA Functions Operator, the primary customers of the naming services, and the ICANN community about the performance of the IANA Functions Operator.

The CSC, in consultation with registry operators, is authorized to discuss with the IANA

IANA Functions Operator ways to enhance the provision of IANA's operational services to meet changing technological environments; as a means to address performance issues; or other unforeseen circumstances. In the event it is agreed that a material change in IANA naming services or operations would be beneficial, the CSC reserves the right to call for a community consultation and independent validation, to be convened by the IANA Functions Operator, on the proposed change. Any recommended change **that does not require a change to the IANA Naming Function Contract (13)** must be approved by the ccNSO Council (13) and RySG.

The IANA Functions Operator would be responsible for implementing any recommended changes and must ensure that sufficient testing is undertaken to ensure smooth transition and no disruption to service levels.

The CSC will provide a liaison to the **CSC Charter Review Team, the CSC Effectiveness Review Team¹, (16)** IANA Function Review Team and a liaison to any Separation Cross Community Working Group.

To allow the CSC to carry out the work identified above and, in particular, to help develop a cooperative relationship with the IANA Functions Operator, there should be meetings between the CSC and the Board of the IANA Functions Operator as necessary. These meetings should, wherever possible, be held at ICANN meetings and might be at the request of either the IANA Functions Operator Board or the CSC (14)

The CSC will develop with the IANA Function Operator and ICANN a process for timely amendments to the SLE's where such changes are minor and are unlikely to impose additional resource requirements on PTI (15).

Conflict of Interest

The ICANN Bylaws make clear that it must apply policies consistently, neutrally, objectively and fairly, without singling any party out for discriminatory treatment; which would require transparent fairness in its dispute resolution processes. Members of the CSC should accordingly disclose any conflicts of interest with a specific complaint or issue under review.

The CSC may exclude from the discussion of a specific complaint or issue any member deemed by the majority of CSC members and liaisons to have a conflict of interest.

Membership Composition

The CSC should be kept small and comprise representatives with direct experience and knowledge of IANA naming functions. At a minimum the CSC will comprise:

- Representatives from two gTLD Registry Operators.
- Representatives from two ccTLD Registry Operators.
- One additional TLD representative not considered a ccTLD or gTLD registry operator such as the IAB for .ARPA could also be included in the minimum requirements but is not mandatory.
- One liaison from the IANA Functions Operator (PTI).

¹ Additional suggestion

Liaisons can also be appointed from the following organisations; however, providing a Liaison is not mandatory for any group:

- One liaison each from other ICANN SOs and ACs:
 - GNSO (non-registry)
 - ALAC
 - NRO (or ASO)
 - GAC
 - RSSAC
 - SSAC

Liaisons shall not be members of or entitled to vote on the CSC, but otherwise liaisons shall be entitled to participate on equal footing with members of the CSC.

The Chair of the CSC will be elected on an annual basis by the CSC. Ideally the Chair will be a direct customer of the IANA naming function, and cannot be the IANA Functions Operator Liaison.

The CSC and the IANA Functions Operator will nominate primary and secondary points of contact to facilitate formal lines of communication.

The CSC as a whole will decide who will serve as the Liaison to the IANA Function Review Team. Preference should be given to the Liaison being a registry representative given that technical expertise is anticipated to be valuable in the role.

Membership Selection Process

Members and Liaisons to the CSC will be appointed by their respective communities in accordance with internal processes. However, all candidates will be required to submit an Expression of Interest that includes a response addressing the following matters:

- Why they are interested in becoming involved in the CSC.
- What particular skills they would bring to the CSC.
- Their knowledge of the IANA Functions.
- Their understanding of the purpose of the CSC.
- That they understand the time necessary required to participate in the CSC and can commit to this role.

Interested candidates should also include a resume or curriculum vitae or biography in support of their Expression of Interest.

While the ccTLD and gTLD members will be appointed by the ccNSO and RySG respectively and liaisons by their applicable groups, ccTLD or gTLD registry operators that are not members of these groups will be eligible to participate in the CSC as members or liaisons. The ccNSO and RySG should consult prior to finalizing their selections with a view to providing a slate of members and liaisons that has, to the extent possible, diversity in terms of geography and skill set.

A representative for a TLD registry operator not associated with a ccTLD or gTLD registry, will be required to submit an Expression of Interest to either the ccNSO and GNSO Council. The Expression of Interest must include a letter of support from the registry

operator. This provision is intended to ensure orderly formal arrangements, and is not intended to imply those other registries are subordinate to either the ccNSO or the GNSO. The full membership of the CSC must be approved by the ccNSO and the GNSO **Councils**. While it will not be the role of the ccNSO and GNSO to question the validity of any recommended appointments to the CSC they will take into account the overall composition of the proposed CSC in terms of geographic diversity and skill sets.

Terms

CSC appointments, regardless of whether members or liaisons, will be for a two-year period with the option to renew for up to two additional two-year terms. The intention is to stagger appointments to provide for continuity and knowledge retention.

To facilitate this, at least half of the inaugural CSC appointees will be appointed for an initial term of three years. Subsequent terms will be for two years.

CSC appointees must attend a minimum of nine meetings in a one-year period, and must not be absent for more than two consecutive meetings. Failure to meet this requirement may result in the Chair of the CSC requesting a replacement from the respective organisation.

Changing circumstances of appointed CSC member (19) :

In the event that a member appointed to the CSC by either the ccNSO or RySG has a change in circumstances that may affect the basis upon which the member was appointed to the CSC, they are required to notify their appointing organization of their changing circumstances and, if the member wishes to remain a member of the CSC, seek re-confirmation of their appointment. The appointing organization will be responsible for considering the request in accordance with internal procedures.

The appointing organization will be responsible for notifying the Chair of the CSC of its decision and should also notify the other appointing organisation.

In the event that the appointing organization is not willing to re-confirm the appointment, the member will be required to resign from the CSC and the appointing organization will be required to fill the vacancy as soon as possible. A temporary replacement may be appointed while attempts are made to fill the vacancy.

If a member wishes to resign from the CSC because of a change in circumstances, or for any other reason, they must notify their appointing organization.

Any new appointment will need to be approved by both the ccNSO Council and the RySG, and the GNSO Council should be notified of any new appointment.

Recall of members

Any CSC appointee can be recalled at the discretion of their appointing community.

In the event that a ccTLD or gTLD registry representative is recalled, a temporary

replacement may be appointed by the designating group while attempts are made to fill the vacancy. As the CSC meets on a monthly basis best efforts should be made to fill a vacancy within one month of the recall date.

The CSC may also request the recall of a member of the CSC in the event they have not met the minimum attendance requirements. The appointing community will be responsible for finding a suitable replacement.

Meetings

The CSC shall meet at least once every month via teleconference at a time and date agreed upon members of the CSC.

The CSC will provide regular updates, **at least twice (17)** per year, to the direct customers of the IANA naming function. These updates may be provided to the RySG and the ccNSO during ICANN meetings.

The CSC will also consider requests from other groups to provide updates regarding the IANA Functions Operator's performance.

Record of Proceedings

Minutes of all CSC teleconferences will be made public within five business days of the meeting.

In the event that the CSC invokes the Remedial Action procedures, it will provide regular public updates to the RySG, GNSO and ccNSO Councils of the status of the process (21) .

Information sessions conducted during ICANN meetings will be open and posting of transcripts and presentations will be done in accordance with ICANN's meeting requirements.

Secretariat

ICANN (22) will provide secretariat support for the CSC. The IANA Functions Operator will also be expected to provide and facilitate remote participation in all meetings of the CSC.

Review

The Charter will initially be reviewed by a committee of representatives from the ccNSO and the RySG one year after the first meeting of the CSC. The review is to include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Any recommended changes are to be ratified by the ccNSO and the GNSO.

Thereafter, the Charter will be reviewed at the request of the CSC, ccNSO or GNSO and may also be reviewed in connection with the IANA Function Review.

The effectiveness of the CSC will initially be reviewed two years after the first meeting of the CSC; and then every three years thereafter. The method of review will be determined by the ccNSO and GNSO.

The CSC or the IANA Functions Operator can request a review or change to service level targets. Any proposed changes to service level targets as a result of the review must be

agreed to by the ccNSO and GNSO.

=====

This section to be deleted, pending outcome of discussions around the RAP (24).

Annex B- Terms of Reference CSC Charter Review

Customer Standing Committee (CSC) Charter Review

TERMS OF REFERENCE as adopted by the ccNSO Council and RySG

Version 1.0

Context

The CSC Charter requires that the “... Charter will initially be reviewed by a committee of representatives from the ccNSO and the RySG one year after the first meeting of the CSC. The review is to include the opportunity for input from other ICANN stakeholders, via a Public Comment process. Any recommended changes are to be ratified by the ccNSO and the GNSO.”

The CSC was established in accordance with Article 17.3 (b) of the ICANN Bylaws and conducted its first meeting on 6 October 2016.

In order to meet the timeline for the first review of the CSC Charter, the ccNSO and RySG have each appointed two representatives to conduct the review (CSC Review Team).

Intent of the Review

The first review of the CSC Charter is intended to consider whether the Charter is adequate and provides a sound basis for the CSC to perform their responsibilities as envisioned in the development of the IANA Transition Proposal.

Scope of review

The Charter will be reviewed to determine whether:

- the Charter enables the CSC to fulfil its role and responsibilities as envisioned
- there are any aspects of the Charter that are ambiguous that require amendment
- there are any typographical errors in the Charter that require amendment
- there are any elements of the work of the CSC that should be captured in the Charter that were not captured at the time the Charter was originally drafted

Out of Scope of the review

The Charter provides for the effectiveness of the CSC to be reviewed two years after the first meeting of the CSC. Therefore, the effectiveness of the CSC is out of scope of this review.

The first IANA Naming Function Review shall be convened no later than 1 October 2018. This will include a review of the performance of the CSC (and the Empowered Community as it relates to oversight of PTI). Therefore, the performance of the CSC is out of scope of this review.

If, in the process of the review, the CSC Review Team is made aware of issues that are out of scope of the CSC Charter Review, but considered relevant for the proper functioning of the CSC, it will inform the ccNSO and RySG accordingly.

CSC Review Team

In accordance with internal processes, the ccNSO has appointed two members to the CSC Review Team, namely: Martin Boyle and Abdalla Omari

In accordance with internal processes, the RySG has appointed two members to the CSC Review Team, namely: Donna Austin and Keith Drazek

The CSC has appointed Elaine Pruis as their Liaison to the Review Team.

Proposed Review Process

The role of the CSC Review Team is to:

1. Conduct a review of the CSC Charter in accordance with the elements identified above that are considered to be within the scope of the review. The review will also include:
 - a. an analysis of clarifying documents developed during the implementation phase of the CSC and drafting of ICANN's bylaws
 - b. consideration of whether the Charter should contain the Remedial Action Procedures.
 - c. a review of the Charter and Article 17 of the ICANN Bylaws and PTI-Agreement to ensure consistent language.
2. Conduct interviews with the CSC and the PTI to determine whether the CSC Charter is fit for purpose and whether the Charter would benefit from amendments or enhancements.
3. Prepare a consultation document seeking wider community input
4. Conduct a public session at ICANN 60 (November 2017) that is intended to provide an opportunity for the community to provide input to the process.
5. Produce an initial report on the outcome of the review. This report should also include suggested changes to CSC charter, if any.
6. In the event that changes are proposed to the CSC Charter, conduct a Public comment period on the initial report

7. Prepare a Final Report that includes a Revised CSC Charter to the ccNSO and GNSO Councils for adoption post ICANN 61 (to take into account suggested changes, if any from the ICANN 61 consultation).

Proposed Review Schedule

Adoption Terms of Reference (August 2017)

- June – July 2017: Propose terms of reference for review to RySG and ccNSO
- July- August 2017: agreement/adoption terms of reference review

Preparatory consultation with CSC and PTI & preparation of draft consultation document (September – October 2017)

- Informal consultations September 2017
- Draft and finalize consultation document October 2017.

Consultation and review (October 2017- November 2017)

- 1 October 2017 kick-off review
- Public Consultation with PTI at ICANN 60
- Consultation with direct customers (ccTLD, gTLD operators, others) at ICANN 60
- Public Consultation with CSC at ICANN 60
- Public consultation (open session) at ICANN 60.

Report on findings & suggested changes (December 2017 – March 2018)

- Preparation draft report, including proposed changes charter, if any December 2017 – early January 2018
- Public comment January – March 2018, including a consultation with ccNSO and RySG at ICANN 61

Finalization and closure (March – April 2018)

- Update the report as required, and submit to ccNSO and GNSO Councils for adoption by their own rules and procedures (March 2018).
- Following the adoption of the report (and of any changes to the charter) by the ccNSO and GNSO, the review team mandate ends.

