


## ▼ Core elements Retirement

### ▼ Must be included

#### ▼ Agreed elements

Trigger event description

 Removal of code element from ISO 3166 list of country names is defined in terms of ISO 3166 standard as:

Code Element: The result of applying a code to an element of a coded set (ISO 3166- part 1 section 3.2) effectively the two ASCII letter code.

List of country names: Part of the Clause 9 list

(Defined in ISO 3166- part 1 section 6, 6.1. In clause 6 of part 1 the content of the list is enumerated in Clause 9.)

#### ▼ Notification/ procedure


##### ▼ Who and how to inform?

IANA Function Operator

ccTLD manager

Admin and Tech Contact

Who is required to inform whom and when?

 From scenario overview

To be addressed in follow-up discussion:

People that are going to need to be informed are the “significant interested parties”, including from the old registry. The government is likely to have disappeared, if the country no longer exist. ccTLD manager’s responsibility to keep it significant interested parties informed, e.g. registrants, residual local administration, etc.


The registry operator, ccTLD manager has the duty to inform all its stakeholders, all interested parties.

The policy should not go into details of how things will happen. A large number of registrants might be affected, that are not necessarily aware.

#### ▼ Group 2


Default actions

If delegations are included, relations

 Sometimes new delegations involved. Interaction between removal process

▼ Group 3

review of policy

 - Policy might need to be reviewed after X amount of time

▼ For discussion

▼ Under discussion: Scope of Applicability of Policy

members vs non-members ccNSO

 Article 10.4

*(j) Subject to Section 10.4(k), ICANN policies shall apply to ccNSO members by virtue of their membership to the extent, and only to the extent, that the policies (i) only address issues that are within scope of the ccNSO according to Section 10.6(a) and Annex C; (ii) have been developed through the ccPDP as described in Section 10.6, and (iii) have been recommended as such by the ccNSO to the Board, and (iv) are adopted by the Board as policies, provided that such policies do not conflict with the law applicable to the ccTLD manager which shall, at all times, remain paramount. In addition, such policies shall apply to ICANN in its activities concerning ccTLDs.*

Relevant Article ICANN Bylaws on whether policy only applies to ccNSO members. Not only relevant in context work on Retirement, also for second part of the PDP on Review Mechanism.

Nigel: Fixed position at this point, post October depends on what comes to table. Policy only applies to ccNSO members by virtue of membership. Subset wider issue: fundamental question. Responsibility of ccNSO and ICANN Board to resolve. Not single use policy.




Nigel: Legal perspective, whatever is in the policy, it can be only forced to ccNSO membership. ICANN is going to have problems.

Naela: Concerns. Applicability of policies. Only to ccNSO members? From practical perspective not considered. For example when making routine changes not looking whether ccTLD is members or non-member of the ccNSO. Impact unclear. Question problematic. Non-consented retirement is real and core issue ( in practical terms)

Eberhard: distinction applies to ccTLD and is binding on ccNSO members, not necessary on non-members. ICANN needs to have a policy that is predictable. Only binding for ccNSO members

## Questions Identified in Panama

 Should be considered by IANA/PTI. Engagement with non ccNSO-members? Wait for feedback from PTI.


IANA team treats all ccTLDs equally, whether they are a ccNSO member or not

Does this only apply to ccNSO Members?

What is scope of policy

▼ Removal from root

## Non-cooperative

 Is the ultimate consequence of the policy the removal of a ccTLD from the root without the acquiescence or approval of the ccTLD manager? In short, is the group prepared to have the delegation of a ccTLD revoked without the manager's consent? This is raised, because a policy with the ultimate final step of non-consented revocation may be quite different than one in which this outcome is not available.

Allan: a policy that allows for non-consented retirements requires a far more elaborate process


Patricio: Principle if not on the list then not in the root. However the transition takes time. How needs to be clarified. Be aware for unreasonable outcomes from policy. Strange if cc remains in the root if removal not consented

▼ Eberhard: Disagree with Allan. Not deciding whether to remove, but how. Under RFC 1591 only if on ISO 3166 eligible for delegation. Consequently if removed from ISO 3166, then should be removed from DNS at one point. WG should focus on "how" of the removal. In addition policy developed through ccNSO PDP is an ICANN policy.

Nenad: 'Involuntary retirement' is not a separate issue from what we're deciding on. From the start I said that it has to be clear: who shuts down ccTLD? If we declare in policy that DNS for domain is shutdown (records deleted) by ccTLD manager, then there can't be 'involuntary deletion'. If we decide in policy that domain records are deleted by ICANN, then there is no need for consent of ccTLD manager in ANY case. So it is important to decide: WHO and HOW retires domain (and by that I think physically)

Eberhard: charter where we start from? Issue: need about consensus about in-voluntary removal, unclear what it means. Assumption: is that it is removed, and then how..

### What if non-cooperative manager?


▼  what if the incumbent manager does not want to help, or if there is no incumbent manager)

Stalling: how to deal with it?

How to ensure adherence to the plan?


Non-existent or non cooperative manager

What if no continued business for incumbent?

 The ccTLD Manager might drop of. That is why the group called it an end-of-life plan.


Include in glossary?

Cooperative manager


 Given the discussion of 28-08 2018, on "unconsented" removal, other scenario consented removal? If so, how should consent look like? Use definition included in FoI?

In this utline referred to as cooperative and non-cooperative.

Include long-stop date?


 Long-stop-date. Has to be dependent on the potentiality of ISO to reassign the code. Currently 50 years. 50 years is an exception to the exception. Do not build on the 50 years.

End-of life plan reference or How to remove a ccTLD?

▼  - (how that plan will be developed, with incumbent manager and what if the incumbent manager does not want to help, or if there is no incumbent manager)


To be included in policy?

What does plan need to contain?

 From Group 3


▼ For the incumbent manager to come up with a plan. What is the actual structure? The policy might contain as an appendix, the elements a good plan should contain. The plan does not need formal approval to come into effect. It is up to the ccTLD manager to come up with a plan. (this is different to Group 1&2)

Checklist

 Plan for retirement needs to contain predefined elements  
What needs to be included?

regarding the end of life plan.

## Removal or Sunset

 How strictly does this need to be defined in the policy? Only empty zonefiles to be deleted? New registrations to be blocked?


See relation with Applicability of policy, in particular around removal from the root, non-cooperative

From Group 2 Determination of a timeframe. This should be a process, rather than having a fixed value.

From Group 3


Must be included in the plan: a hard-coded long-stop-date on when the retirement would become effective.

## Procedures


 - Procedures of the actual retirement of a ccTLD

### ▼ Oversight removal process


#### Governance roles

 How to ensure the policy is adhered to? How to ensure transparency and accountability?

#### What about the PTI Board?

 However, 3 members are ICANN staff. What should they handle? What should they not deal with?


#### Planning process oversight

▼  - (how that plan will be developed, with incumbent manager and what if the incumbent manager does not want to help, or if there is no incumbent manager)


#### Board approval of plan

#### Oversight of execution

#### Who to provide oversight?

 PTI ? Community? No answer to that. Controversial ideas in this group. Historically, ccNSO has not do that

## Predefined role EC

 Language re the empowered community on how the plan is to be executed

### ▼ Not to be included

#### ▼ Group 1

Reasons for code change

Past cases

#### ▼ Group 2

Making policy on the fly

Interfere with registry policy

Risk: process may be stalled

#### ▼ Group 3

No pressure on ISO MA and their internal processes and procedures.

### ▼ Maybe included

#### Group 1


#### ▼ Group 2

Process between new and old operator

#### Group 3

### ▼ Questions & Discussions

#### Group 1


 What is the Board involvement?

Kim: Board has not approved delegations/transfers since 2012 (no substantive decisions)


- ▼ - What about the PTI Board? However, 3 members are ICANN staff. What should they handle? What should they not deal with?

What kind of decision is being talked about? Due diligence checks? Or rather substantive decisions?

What about the PTI Board?


 However, 3 members are ICANN staff. What should they handle? What should they not deal with?

What is decision?

 Due diligence checks? Or rather substantive decisions?




## Group 2

 How to ensure adherence to the plan? This will be a thorny issue


- Identify what the sunset process is
- Reach of this policy. Does this only apply to ccNSO Members?
- Policy change in 2012, but reports are still being published. The board's role was limited in 2012. Was this reconfirmed in the current set of contracts? (footnote to include assumption this group is working on)

Contractual arrangements that we should be aware of? We should not go down a track that is not allowed.


Policy change in 2012 re role of Board

 Policy change in 2012, but reports are still being published. The board's role was limited in 2012. Was this reconfirmed in the current set of contracts? (footnote to include assumption this group is working on)

Contractual arrangements

 Contractual arrangements that we should be aware of? We should not go down a track that is not allowed.


## Group 3

 Did you consider the case where the manager is non-existent, or not cooperating? No.

- Would scope of the policy apply retroactively? No
- Long-stop-date. Has to be dependent on the potentiality of ISO to reassign the code. Currently 50 years. 50 years is an exception to the exception. Do not build on the 50 years.
- Agreement that there should be no stalling of the process
- What if the ccTLD is retired without any continuing business? The ccTLD Manager might drop of. That is why the group called it an end-of-life plan.
- Role/responsibility of IANA, and how it relates to providing informal guidance.
- Does this apply to non-ccNSO members? Should be considered by IANA/PTI. Engagement with non ccNSO-members? Wait for feedback from PTI.
- ICANN board approval vs ICANN audited decision making: sounds very different, but ultimately it is the same.
- IANA team treats all ccTLDs equally, whether they are a ccNSO member or not
- ICANN policies - developed by


Does policy apply retroactively?

Role and Resp. IFO

 how does it relate to providing informal guidance.

▼ Agreed questions and discussions all


What is Board involvement?

 Kim: Board has not approved delegations/transfers since 2012 (no substantive decisions)

Board decision

 ICANN board approval vs ICANN audited decision making: sounds very different, but ultimately it is the same.

Review Mechanism

 This will be part of the second track of this PDP: developing review mechanism.