PDP-WT Public Comment Review Tool – FINAL (21 September 2011)

To review the comments submitted in full, please see http://forum.icann.org/lists/pdp-final-report/.

General Comments	Who	WG Response	Recommended Action / Change
The RySG suggests that the term 'GNSO' is used in the report instead of 'Council' or 'GNSO Council' to 'reflect the fact that it is the GNSO community as a whole that develops policy'.	RySG	The WT agrees with this comment, but notes that in certain places the term 'GNSO Council' might be appropriate.	**Review report and replace 'GNSO Council' with 'GNSO', where appropriate. If there are instances where it is not clear whether GNSO or GNSO Council is appropriate, further review of the WT to take place.**
Consistent use of either percentage (e.g. 33%) or fraction (1/3) when referring to voting thresholds.	RySG	The WT agrees with this comment and notes that in this regard the Bylaws are not consistent either. The WT expressed a preference to use fraction.	**Update report accordingly.**
The RySG advocates that sufficient flexibility should be foreseen to 'allow for bottom-up vetting of issues' and recommends that the following guidelines are followed: • There should be at least 30 days for consideration of a motion that is made on a report, if such report differs significantly from a previously published version of the same report. • All time related requirements in the new PDP should allow for 'exceptions to provide flexibility for special circumstances'.	RySG	The WT is of the opinion that the proposed timelines and processes allow for sufficient flexibility to allow for flexibility for special circumstances as well as ensuring sufficient time for substantive review and consideration of reports and motions by stakeholder groups	**Review report and determine whether it would be appropriate to include reference to the practice to share draft motions to allow for input and feedback before these are formally made.**

		and constituencies e.g. by incorporating the practice to allow for deferral by one meeting of a motion on the request of a Council member. The WT notes that a recent practice to share draft motions to encourage stakeholder group and constituency feedback and input before these are formally made could be encouraged in the Final Report.	
Draft graphics are developed and made available for public comment, prior to finalization	INTA	The WT notes that ICANN Staff will take on this task once the process is finalized and will consider putting these out for public comment. It should be noted that the graphics are descriptive of the approved process and will not add new elements or steps.	**Clarify in the report, possibly by use of a footnote, that the graphics are intended to be descriptive of the approved process and serve to facilitate understanding of the approved process.**
Will the adoption of the new PDP procedures set forth in the final report increase or decrease' the duration of the overall PDP? It notes that the WT may have overlooked opportunities for streamlining such as a separate drafting and voting process on a WG's Charter.	IPC	The WT notes that the proposed PDP procedures in its view do not structurally increase or decrease the duration of the overall PDP, although they do have the potential to increase (for example mandatory public comment period on the Preliminary Issue Report) or decrease the duration (for	**No change**

		example, no longer requiring a public comment period at the initiation of a PDP), but that it does provide opportunities for streamlining such as for example combining the voting and drafting process on a WG's Charter, which is not forbidden under the new proposed process as the comment seems to suggest.	
What commitments can ICANN make to fully staff and resource the "improved" policy development function' noting that there a number of actions in the new PDP that require staff involvement.	IPC	The WT notes that there are no changes in the proposed process that would dramatically increase staff resources required to complete a PDP. The WT does assume that if/once the Board's approves the new process it also approves the staff resources that are associated with the new process.	**No change**
How will the proposed PDP will become operational, does the PDP Manual need to be approved first by the GNSO Council and what role should the Standing Committee on Improvement Implementation play in producing or reviewing the PDP Manual.	IPC	The WT notes that the PDP Manual will become operational upon Board approval (following approval by the GNSO). The Standing Committee will only be involved in the periodic review of the Manual once approved and implemented.	**No change**
Could the process of developing the proposed new PDP have been	IPC	The WT is very mindful of the	**No change**

adapted 'so that more volunteers could have made a more meaningful contribution to its fulfillment, without having to devote considerable time over more than two years to the effort'?			burden on volunteers that the review of the PDP has posed and has struggled itself with lack of participation.	
Recommendation / Section	**Comment**	**Who**	WG Response	**Recommended Action / Change**
#3 Development of a Policy Development Manual The PDP-WT recommends the development of a Policy Development Process Manual, which will constitute an integral part of the GNSO Council Operating Rules, intended to provide guidance and suggestions to the GNSO and ICANN communities on the overall PDP process, including those steps that could assist the community, working group members, and Councillors in gathering evidence and obtaining sufficient information to facilitate an effective and informed policy development process.	Developing a PDP Manual is advisable, but should not hold up policy development efforts. Therefore, an interim working arrangement must be achieved pending adoption of the final PDP Manual.	INTA	The WT would like to clarify that the PDP Manual is an intrinsic part of the Final Report and the proposed new PDP. The PDP Manual is intended to be approved and implemented together with the new PDP process, therefore no delay is anticipated and no interim solution will be needed.	**No change**
#4 Request for an Issue Report Template The PDP-WT recommends that a 'request for an Issue Report' template should be developed including items such as: definition of issue; identification and quantification of problems, to the extent feasible; supporting evidence; economic impact(s); effect(s) on competition and consumer trust and privacy and other	The Template should be limited to defining the issue, identifying problems and providing the rationale for investigating whether policy development is needed. Other items, such as 'supporting evidence' and 'economic impact' may	INTA	The WT would like to clarify that the only required information on the template is the name of the requestor and the definition of the issue; all other elements are optional, which seems to be in line with the comment.	**No change**

rights, and; rationale for policy development. Any request for an Issue Report, either by completing the template included in the PDP Manual or in another form, must include at a minimum: the name of the requestor and the definition of the issue. The submission of any additional information, such as the identification and quantification of problems, and other as outlined for example in the template, is strongly encouraged, but not required.	not be available until the issue is more thoroughly explored.			
# 5 Issue Scoping The PDP-WT recommends adopting the proposed Policy Development Process Manual, to provide guidance and suggestions to those parties raising an issue on which steps could be considered helpful in gathering evidence and obtaining sufficient information to facilitate an effective and informed policy development process.	Developing a PDP Manual is advisable, but should not hold up policy development efforts.	INTA	The WT would like to clarify that the PDP Manual is an intrinsic part of the Final Report and the proposed new PDP. The PDP Manual is intended to be approved and implemented together with the new PDP process, therefore no delay is anticipated and no interim solution will be needed.	**No change**
#6 Creation of an Issue Report The PDP-WT recommends that the currently required elements of an Issue Report1 continue to be required for all future PDPs. However the PDP-WT recommends that only certain of the elements be identified in Annex A of the	The request for the ICANN Staff Manager to express an opinion as to whether the PDP should be initiated may be beyond the responsibilities of ICANN Staff. INTA believes this	INTA	The WT would like to clarify that in the current process the opinion of the staff manager is also required, so no 'extra step' is injected. Also, it should be pointed out that the opinion of the staff manager relates to	**Consider whether the term 'Staff Manager' should be replaced by the term 'Staff' in instances such as in relation to the opinion on whether to initiate a**

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[1] See provision 2 of Annex A of the ICANN Bylaws

Bylaws and others in the PDP Manual. More specifically, the Bylaws should continue to require elements a (the proposed issue raised for consideration), b (the identity of the party submitting the issue) and c (how that party is affected by the issue), while elements d (support for the issue to initiate the PDP) and e (recommendation from the Staff Manager) should be added to the PDP Manual. In addition, the PDP-WT notes that element e (recommendation from the Staff Manager) should be split in two parts; the first part dealing with the question of whether a PDP is considered "in scope" (see recommendation 22 for the definition of "in scope") and the second part addressing whether the PDP should be initiated. Although currently included as one element in the ICANN Bylaws, the reality is that these two elements should be treated separately. Furthermore, the PDP-WT recommends including in the PDP Manual a recommendation for the entity requesting an Issue Report to indicate whether there are any additional items it would like to have addressed in the Issue Report. This in turn which could then be taken into consideration by the Staff Manager and/or Council when reviewing the request for an Issue Report. In	opinion tends to inject an extra step and would tend to prejudge matters before an appropriate policy airing. By what criteria are staff making the determination on scope and recommendation on initiation of a PDP? These criteria should be spelled out and the Staff Manager's recommendation should address each of them. In relation to the opinion of the General Counsel, if the determination is made that a proposed PDP is 'out of scope', does it have the same significance if it is determined out of scope of ICANN or out of scope of the role of the GNSO?	IPC	whether or not a PDP should be initiated, it does not concern policy recommendations or possible solutions. In addition, the WT notes that the opinion of the staff manager is usually formed through internal discussions with relevant staff members, so it might be more appropriate to call it 'Staff's opinion' instead of the 'Staff Manager's opinion' which might lead people to believe that it is just the view of one individual. The WT also notes that 'scope' is defined as within ICANN's mission and GNSO scope, it does not consider 'out of scope of ICANN'.	**PDP or not.**

addition, the PDP Manual should allow for ICANN Staff or the Council to request additional research, discussion, or outreach to be conducted as part of the development of the Issue Report.				
#23 Mode of operation for a PDP The PDP-WT recommends that even though a Working Group currently forms the basic mode of operation for a PDP, there should be flexibility to accommodate different working methods if deemed appropriate by the GNSO Council, in accordance with the GNSO Operating Rules. For example, in the past use has been made of "Task Forces" as well as a "Committee of the Whole". Any such new working methods must contain each of the mandatory elements set forth in the ICANN Bylaws and PDP Manual.	Other examples should be provided instead of 'Task Force' and 'Committee of the whole' which are not considered consistent with the working group model. Instead examples such as 'drafting teams' or 'review teams' should be added.	RySG	The WT noted that 'Task Force' and 'Committee of the whole' were only included as examples not necessarily endorsed. The WT proposed to clarify the language to make this clear.	**In the last sentence, remove 'such' and add 'or groups' after methods so that the last sentence reads: 'Any new working methods or groups must contain each of the mandatory elements set forth in the ICANN Bylaws and PDP Manual'.**
#14 No fast-track procedure The PDP-WT discussed the notion of a fast-track procedure extensively but did not come to agreement on whether such a process is truly needed, and if so, what such a fast-track procedure might look like. The PDP-WT recommends that the GNSO Council re-evaluates the need for a fast-track procedure in due time as part of the review of the new PDP, as it is of the view that the new PDP will offer additional flexibility and would allow for	The WT should clarify what recommendations will enable the PDP process to move more quickly. The development of a fast-track process now (rather than waiting for the GNSO to assess whether to create one later) would ensure greater efficiency and timelier decision-making.	INTA AG	The WT notes that the objective of the new PDP is not necessarily to make it faster, but to make it more effective. As pointed out above, the WG is of the view that the proposed PDP procedures in its view do not structurally increase or decrease the duration of the overall PDP, although they do have the potential to increase (for example mandatory public	**No Change**

'faster' PDPs provided that the necessary resources are available without the need for a formal 'fast track' process.	The concept of monitoring outcomes needs to have an accompanying method to make corrections to a policy if a policy is not working as originally intended, without having to go through the full PDP process. Once the new PDP is implemented, the GNSO Council should charter a small group to propose such a change. This should not wait until a full review of the PDP process takes place.		comment period on the Preliminary Issue Report) or decrease the duration (for example, no longer requiring a public comment period at the initiation of a PDP). The WT also notes that if there would be a way to fast-track a PDP, it would be done for all PDPs. In the WT's view, ensuring that more data gathering and scoping is done upfront will result in a narrow focused PDP, which will be more efficient (and hopefully faster) than some of the historic PDPs that have taken a lot of time to complete. In relation to monitoring outcomes and correcting policies, the WT notes that a process does exist to make changes before a policy is adopted by the Board. The WT, however, acknowledges that no such mechanism exists after adoption by the Board and in the proposed PDP the only way to make changes would be a new PDP. The WT did point out that if such a change would be universally supported,	

			presumably a PDP would require minimal time. The WT also noted that a WG Charter could foresee for the WG to review the results of the implementation of the policy and propose changes, if deemed appropriate. However, it would probably need to be determined on a case by case basis whether a new PDP would need to be conducted in order make changes to an already adopted and implemented policy.	
#15 Timeframes for Initiation of a PDP The PDP-WT recommends modifying the timeframes currently included in clause 3 of Annex A – "Initiation of a PDP" to reflect current practice and experience. In addition, it proposed to add language to codify the current practice that any voting2 Council members may request the deferral of the consideration of an initiation of a PDP for one Council meeting.	INTA remains concerned that codifying this practice may result in additional delays. Discretion should be limited in terms of allowing for these delays. This recommendation allows any 'voting Council' member to request deferral, excluding the non-voting Nominating Committee appointee to the GNSO Council. Since	INTA AG	The WT notes that discretion is limited as a deferral can only be invoked for one GNSO Council meeting. The WT agrees with the comment and proposes to remove the term 'voting' from the text (note: liaisons are not considered Council members under the definition in the Bylaws).	**Remove 'voting' from the proposed text (and check other occurrences of the word 'voting' in this context). Remove 'written' from the language in the PDP manual, as such a request can also be made orally.**

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[2] The term "voting Council Member" is intentionally used by the PDP-WT to refer to only those persons serving on the GNSO Council that have a vote as opposed to liaisons and others that do not.

	the deferral is a request to not only defer voting, but to defer discussion, it is reasonable that this NCA, whose only tool is discussion, be able to make a deferral request to allow him or her to further study the issue.			
#20 Input from SOs and ACs The PDP-WT recommends that further explanation on how to involve Advisory Committees or Supporting Organisations in a PDP be included as part of the PDP Manual. Much of this will involve the codification of existing practice. It is the belief of the PDP-WT that input from other SOs and ACs must be sought and treated with the same due diligence as other comments and input processes. In addition, comments from ACs and SOs should receive a response from the WG. This may include, for example, direct reference in the applicable Report or embedded in other responsive documentation or a direct response. The PDP WG is expected to detail in its report how input was sought from ACs and SOs and how, if input was received, such input has been considered.	Request that additional language be added explaining how to best involve the ACs and SOs in a PDP. In addition to explaining how input should be sought, details should be included for the manner and timeframe in which the WG should respond to AC and SO comments.	INTA	The WT agrees in general with the sentiment of this comment, but considers this an evolving process and doesn't consider it necessary to write in more details as this might limit flexibility in engaging ACs and SOs.	**No Change**
#23 Mode of operation for a PDP The PDP-WT recommends that even	The recommendation should clarify who may, or	INTA	The WT notes that specific language is provided in the	**No Change**

though a Working Group currently forms the basic mode of operation for a PDP, there should be flexibility to accommodate different working methods if deemed appropriate by the GNSO Council, in accordance with the GNSO Operating Rules. For example, in the past use has been made of "Task Forces" as well as a "Committee of the Whole". Any such new working methods must contain each of the mandatory elements set forth in the ICANN Bylaws and PDP Manual.	who is responsible for, suggesting and developing such alternate processes, as well as the approvals required. Relying on GNSO Council discretion is insufficient to address the concerns raised.		manual on who (GNSO Council) and what ('The GNSO Council should not select another model for conducting PDPs unless the GNSO Council first identifies the specific rules and procedures to guide the PDP Team's deliberations which should at a minimum include those set forth in the ICANN Bylaws and PDP Manual. The PDP Team is required to review and become familiar with the GNSO Working Group Guidelines, which also apply to PDP Working Groups') is required for suggesting and developing alternate processes.	
#28 Summary and Analysis of Public Comments The PDP-WT recommends modifying clause 9 of Annex A of the ICANN Bylaws to reflect the current practice that a summary and analysis of the public comments received is to be provided by the staff manager to the Working Group. Such a summary and analysis of the public comments should be provided at the latest 30 days after the closing of the public comment period, absent exigent circumstances. The Working Group shall review and take into consideration the	Delays should be avoided by defining and limiting 'exigent circumstances'.	INTA	The WT agrees that, where possible, delays should be avoided, but disagrees that further specificity needs to be provided with regard to what 'exigent circumstances' includes as that would limit flexibility and be too prescriptive.	**No Change**

public comments received.

#29 Guidance on Public Comment Periods The PDP-WT recommends providing further guidance in the PDP Manual on how to conduct public comment periods and review public comments received. Such guidance should include the expectation that public comments are carefully considered and analyzed by the WG; encouraging WGs to explain their rationale for agreeing or disagreeing with the different comments received and, if appropriate, how these will be addressed in the report of the WG, and; other means to solicit input than the traditional public comment forums such as surveys.	In cases where few comments are received, it may be realistic for the WG to respond to every public comment, but when there are large numbers it would be time consuming and not realistic to expect the WG to respond to every single comment. Suggest changing the recommendation to read: 'encouraging WGs to explain their rationale for agreeing or disagreeing with ~~different comments~~ the main themes of comments received'.	RySG	The WT agrees with the sentiment of the comment and proposes to remove 'different' from the last sentence to take away the impression that each and every comment will be responded to.	**Remove 'different' from the last sentence.**
#37 Timing of consideration of Final Report The PDP-WT recommends modifying clause 10 – "Council Deliberations of Annex A" of the ICANN Bylaws to reflect current practice and requirements in the rules of procedure to consider a report if it is received at least eight (8) days in advance of a Council meeting, otherwise the report shall be considered at the next Council meeting. In addition, the PDP-WT recommends adding language to codify the current practice that any voting	Allowing as late as 8 days before a Council Meeting for considering a Final Report is completely unworkable.	RySG	The WT notes that the 8-day rule is part of the GNSO Operating Procedures, not the proposed PDP, but also notes that the practice of allowing deferral for one meeting in its view already allows for additional time for consideration of a Final Report. The WT also notes that the 8 day rule is a minimum and other measures might be considered to encourage submission of	**No Change**

Council member can request the deferral of the consideration of a final report for one Council meeting.			motions / Final Report earlier. The WT notes that a practice of sharing draft motions before these are formally made has emerged at recent Council meetings, which is another way of allowing additional time for consideration by SGs and constituencies.	
	Deferral should only apply to the consideration of the Final Report, and any deferral relating to the initiation of a PDP should require a 'second'.	INTA	The WT disagrees with the comment. The WT acknowledges that it might add delay, but notes that reasoned consideration is needed before a vote is conducted.	
#38 Consideration of Working Group Recommendations The PDP-WT recommends providing additional guidance to GNSO Council in the PDP Manual on how to treat Working Group recommendations, especially those that have not received full consensus and the expected / desired approach to adoption of some, but not all, or rejection of recommendations. PDP WGs should be encouraged to indicate which, if any, recommendations are interdependent so the GNSO Council can take this into account as part of their deliberations. The Council should be strongly discouraged from separating	The following two changes are recommended: - Add a sentence before the last sentence noting that 'the Council, in its policy process management role, should cautiously handle any reconsideration of WG recommendations to ensure that the WG does not get the impression that their work was in vain. If the Council thinks that a	RySG	The WT agrees with the sentiment of the comment, but is of the view that it is sufficiently covered in the current recommendation. However, to strengthen the current language, the WT proposes to incorporate the word 'cautiously' into the recommendation.	**Incorporate the word 'cautiously' into the recommendation.**

recommendations that the PDP WT has identified as interdependent. The PDP-WT would like to express its concern about the GNSO Council 'picking and choosing' or modifying recommendations, but recognizes that this is the Council's prerogative. The PDP-WT would like to encourage the GNSO Council that where it does have concerns or would propose changes to recommendations, it passes these concerns and/or recommendations for changes back to the respective PDP Working Group for their input.	particular recommendation does not have support from any particular group, it should determine whether that group's input was reflected in the final recommendation' - Change the word 'encourage' to require' in the last sentence. It would be helpful for the Council to develop standards and definitions to gauge the level of assent along these lines (Strong Consensus, Rough Consensus, No Consensus).			
		INTA	The WT notes that the intent is correct, but perhaps this is a case where the Chair of the WG be asked whether it needs to be referred back or not.	
#40 Voting Thresholds The PDP-WT discussed whether the voting thresholds currently in place might need to be reviewed (see also overarching issues) but agrees that this issue should be covered as part of the next overall review of the GNSO. The WT does note that it has proposed two new voting thresholds in relation to the adoption of the WG Charter (see recommendation 18),as well as a new voting threshold for the termination of a	There should not be any delay in determining fair voting thresholds. The fairness of the processes is directly tied to the voting thresholds and, as such, whether or not the voting thresholds should be revised should not wait for the next GNSO review. Instead the GNSO Council should remand this topic	INTA	The WT points out that it did review and discuss the voting thresholds extensively, but also noted that these are the result of significant debate and compromise as part of the restructuring of the GNSO and did not consider it part of its mandate to propose changes to these agreed upon voting thresholds. The WT does agree that a review of the voting	**Change 'should be covered as part of the next overall review of the GNSO' to 'should be addressed by the GNSO when deemed appropriate and/or necessary'.**

PDP (see recommendation 36), and the definition of "Supermajority Vote" (see recommendation 47) .	for further consideration by the PDP-WT with a short timeframe for a recommendation.		thresholds does not necessarily need to wait until the next review of the GNSO, but is of the view that it is up to the GNSO Council to initiate such action.	
#44 GNSO Council Review of the PDP Working Group The PDP Work Team notes that several documents, including the PPSC-WG WT and the WG Guidelines, reference a "Working Group Self-Assessment," which all WGs are encouraged to conduct. The Work Team believes that this could be a valuable exercise, and encourages PDP WGs to complete a candid and objective self-assessment at the conclusion of their work. However, the Work Team also notes that there are no ICANN guidelines and recommends that the GNSO Council develops such guidelines after some experience is gained in WG self-assessments.	Basic standards could and should be adopted now as a helpful tool subject to amendment after there is more experience with the new PDP process. This issue should not have to wait for referral to the Standing Committee or additional experience with the PDP process.	INTA	The WT notes that such a self-assessment would apply to all GNSO Working Groups, not only PDP WGs and it would therefore not be appropriate for the PDP-WT to develop such rules. In addition, the WT notes that the development of such rules are not on the critical path to the adoption of the new PDP and might take substantial time to develop.	**No change**
Section 3 – Overarching Issues	If all the overarching issues are included in the proposed PDP Manual it should say so, if not, it would be helpful to identify which ones are not included and why not.	RySG	The WT agrees with the comment.	**Update section to clarify if overarching issues are covered in the Bylaws, PDP Manual or neither.**

Section 3 - Consideration of Final Issue Report by GNSO Council	Allowing as late as 8 days before a Council Meeting for considering a Final Issue Report is completely unworkable.	RySG	See earlier comment on page12-13 in relation to the 8 day timeframe.	**No change**
Section 3 – Approval of WG Charter	Allowing as late as 8 days before a Council Meeting for considering a WG Charter is too short.	RySG	See earlier comment on page12-13 in relation to the 8 day timeframe.	**No change**
Section 3 – Consideration of Final Report by GNSO Counil	Allowing as late as 8 days before a Council Meeting for considering a Final Report is too short.	RySG	See earlier comment on page12-13 in relation to the 8 day timeframe.	**No change**
Section 3 – Consideration by the Board	The recommendation does not take into account Board requirements and needs. Item should be reworded to say 'The Board shall consider the Recommendations Report as soon as possible according to its requirements but not later than the second meeting ~~at the Board's next meeting~~ after receipt…'	RySG	The WT notes that the actual language that has been proposed in the Bylaws does leave sufficient flexibility ('as soon as feasible after receipt of the Board Report'), but agrees that encouraging a certain timeframe might be appropriate.	**Update proposed language for the Bylaws to 'as soon as feasible, but preferably not later than the second meeting after receipt of the Board Report'. Update section 3 to reflect proposed language.**
Section 3 – PDP Document Translation	Recommend changing the recommendation to 'public comments should be received in other languages ~~and~~ where feasible, **and**	RySG	The WT agrees with the comment.	**Make change as proposed.**

	when that occurs these comments should also be translated back into **English**'.			
Section 3 – Voting Thresholds	The organization of this section is confusion and could be clearer if all items relating to a Vote of Council would be grouped together under one heading. In the last sentence of 5c, it should be sufficient to say 'the GNSO Supermajority vote threshold will have to be met or exceeded', as the clause 'with respect to any contracting party affected by such contract provision' seems to be irrelevant. Regarding Board Vote, the GNSO recommended Board voting threshold should be consistent with those in the Bylaws. In relation to item 6b, it is recommended to change the timing to at least thirty days for the Council to review the Board Statement.	RySG	In relation to the comment on the last sentence of 5c, the WT agrees with the proposed change. The WT agrees to review this section and determine whether there is a better way to organize it. In relation to the comment on 6b, the WT notes that the proposed language for the new Annex A leaves flexibility ('as soon as feasible').	**Update 5c as proposed. Review section and determine whether there is a better way to organize it.**
Section 3 – PDP-WT Conclusion	Recommendation to number instead of	RySG	The WT agrees to number the different sections instead of	**Number the different sections instead of**

	bulleting the different items in this section. Regarding second bullet on page 38, to ensure flexibility, proposed change to 'a certain timeframe should be included (e.g. **the** Board shall within x days submit the board statement to the GNSO Council with guidance on how to cure the identified deficiencies, **with an option to extend if necessary**'). Regarding third bullet on page 38, as late as eight days before a Council Meeting for considering a Board statement is too short. Regarding the fourth bullet on page 38, suggestion to add 'If the Board is considering separating recommendations, it should discuss this with the GNSO Council beforehand'. Regarding the first bullet on page 39, if clarification was received by Legal as suggested in this bullet, the		bulleting. With regard to the comment on the second page on page 38, the WT notes that the proposed language for the new Annex A has sufficient flexibility, as it does not include a certain timeframe. With regard to the third bullet on page 38, this has been addressed in the WT's response on page 12-13. In relation to the fourth bullet on page 38, the WT notes that it does not consider it in its remit to prescribe what the Board must or should do (as such, this comment of the WT has not been 'translated' into language in the Manual or Bylaws). However, the WT notes that the GNSO Council might consider including a message of this nature when it submits its report to the Board. Regarding the first bullet on page 39, the WT agrees that this section needs to be updated that no clarification was received by Legal and it is no longer considered relevant as the provision is not included in the proposed new PDP.	**bulleting. Clarify that this section reflects deliberations of the WT, which did not necessarily translate into recommendations for the Manual or Bylaws. Update first bullet on page 39 to note that no clarification was received from Legal and this is no longer considered relevant as the provision in question is not included in the proposed new PDP.**

	paragraph should be updated to reflect that, if not, clarification should be obtained.			
Annex A – Section 1 Required Elements of a PDP	Because of the importance of the recommendations, it might be useful to require that the recommendations be provided as a separate document from the full report or that they be concisely provided as a distinct section of the report after the Executive Summary.	RySG	The WT agrees with this suggestion.	**Create a separate Annex, which only contains the recommendations. This Annex will be made available as a separate download from the report.**
Annex A – Section 3 Creation of an Issue Report	Recommendation to change 'and more specifically the role of the GNSO as set forth in the PDP Manual' to 'and more specifically the role of the GNSO as set forth in the Bylaws' as the Bylaws are authoritative, not the Manual.	RySG	The WT agrees with suggestion.	**Update accordingly.**
Annex A – Section 4 Initiation of the PDP	Recommendation to change the sentence on the Board Request as follows: '**Except in cases where the Board believes that a PDP is urgently**	RySG	The WT does not consider it appropriate for the Board to micromanage the GNSO by making it provide information on community and staff resources, as well as projects	**Update section 3 (Request for an Issue Report) with the following sentence: 'In the event the Board makes a request for an**

	needed, before requesting a PDP, the Board should request the GNSO to provide information regarding the availability of community and staff resources as well as what GNSO activities may have to be delayed to add a new PDP. If the Board requested an Issue Report **for what they consider an urgent need**, the Council, within the timeframe set forth in the PDP Manual, shall initiate a PDP **unless resources are not available.** No vote is required for such action. **If the Board requested a PDP for a matter that is not considered urgent, they should provide guidance regarding what other GNSO activities may be delayed if necessary and make suggestions with regard to how additional resources may be found'.**		underway. The WT does agree that it would be appropriate to encourage or enable discussions between the GNSO Council and ICANN Board once the Board has submitted a request for an Issue Report. As such, the WT proposes to add to section 3 (Request for an Issue Report) the following language: 'In the event the Board makes a request for an Issue Report, the Board should provide a mechanism by which the GNSO Council can consult with the Board to provide information on the scope, timing, and priority of the request for an Issue Report'.	**Issue Report, the Board should provide a mechanism by which the GNSO Council can consult with the Board to provide information on the scope, timing, and priority of the request for an Issue Report'.**