

## **ANNEX 4 – Expedited GNSO Policy Development Process Manual**

### **1. GNSO EPDP – Applicability**

These guidelines and processes supplement the requirements for the EPDP described in Annex E of the ICANN Bylaws [include link]. An EPDP may be initiated by the GNSO Council only in the following specific circumstances: (1) to address a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) to provide new or additional policy recommendations on a specific policy issue that had been substantially scoped previously, such that extensive, pertinent background information already exists, e.g. (a) in an Issue Report for a possible PDP that was not initiated; (b) as part of a previous PDP that was not completed; or (c) through other projects such as a GGP. The EPDP should not be used as a tool to reopen a previously explored policy issue only because a constituency or stakeholder group was not satisfied with the outcome of a previously held process on the same policy issue, unless the circumstances have changed and/or new information is available.

For the avoidance of doubt, the following sections of the PDP Manual shall not apply to an EPDP:

Section 2 (Requesting an Issue Report);  
Section 4 (Recommended Format of Issue Report Requests);  
Section 5 (Creation of the Preliminary Issue Report);  
Section 6 (Public Comment on the Preliminary Issue Report); and  
Section 7 (Initiation of the PDP)

Except as otherwise expressly modified or excluded herein, all other provisions of the PDP Manual shall apply in full to an EPDP, including without limitation the publication of an Initial Report for public comments. In the event of a conflict in relation to an EPDP between the provisions of the PDP Manual and the specific provisions in this EPDP Manual, the provisions herein shall prevail.

### **2. Planning for Initiation of an EPDP**

Consistent with ICANN’s commitment to fact-based policy development, the GNSO and staff are encouraged to provide advice in advance of a GNSO Council vote on the initiation of an EPDP, specifying any additional research, discussion, or outreach that should be conducted prior to or immediately following the vote.

The GNSO Council should take into full account the resources available, both volunteers and staff, when making its decision on whether or not to initiate a EPDP.

### **3. Minimum Requirements for a EPDP Initiation Request**

The request to initiate an EPDP, a GNSO Council member must submit a motion accompanied by an EPDP scoping document, to the GNSO Council which is expected to include at a minimum the following information:

- a. Name of Council member / SG / C
- b. Origin of issue (e.g. previously completed PDP)
- c. Scope of the effort (detailed description of the issue or question that the EPDP is expected to

- address);
- d. Description of how this issue meets the criteria for an EPDP, i.e. how the EPDP will address either (1) a narrowly defined policy issue that was identified and scoped after either the adoption of a GNSO policy recommendation by the ICANN Board or the implementation of such an adopted recommendation; or (2) new or additional policy recommendations on a specific GNSO policy issue that had been scoped previously as part of a PDP that was not completed or other similar effort, including relevant supporting information;
  - e. If not provided as part of item d, the opinion of the ICANN General Counsel regarding whether the issue proposed for consideration is properly within the scope of the ICANN's mission, policy process and more specifically the role of the GNSO. In determining whether the issue is properly within the scope of the ICANN policy process, General Counsel's opinion should examine whether the issue:
    - 1) Is within the scope of ICANN's mission statement, and more specifically the role of the GNSO;
    - 2) Is broadly applicable;
    - 3) Is likely to have lasting value or applicability, albeit with the need for occasional updates;
    - 4) Is likely to enable ICANN to carry out its commitments under the Affirmation of Commitments;
    - 5) Will establish a guide or framework for future decision-making;
    - 6) Will implicate or affect an existing ICANN policy.
  - f. If not provided as part of item 4, the opinion of ICANN staff and their rationale as to whether the Council should initiate the EPDP on the issue;
  - g. Proposed EPDP mechanism (e.g. WG, DT, individual volunteers);
  - h. Method of operation, if different from GNSO Working Group Guidelines;
  - i. Decision-making methodology for the proposed EPDP mechanism, if different from GNSO Working Group Guidelines;
  - j. Desired completion date and rationale for this date.

The request for an EPDP may also include a proposed EPDP Team Charter, which the Council may consider at the same time as the EPDP Initiation Request. If no such Charter is provided, or if the proposed Charter is not approved, Section 8 of the PDP Manual, with the exception of the provision on the voting threshold required for adoption of the Charter, will apply to the drafting of the EPDP Team Charter. Adoption of a Charter drafted in accordance with Section 8 of the PDP Manual requires an affirmative Supermajority Vote of the Council.

Any additional information that can facilitate the work on the EPDP, such as information that should be considered and/or other parties that should be consulted, should be provided as well.

#### **4. Initiation of an EPDP**

At the request of any Council member duly and timely submitted and seconded as a motion, the Council may initiate the EPDP by a Supermajority vote of the Council in favor of initiating the EPDP. A motion which fails to carry a Supermajority vote of Council may be resubmitted at the same Council meeting as a motion to initiate a GNSO Guidance Process.

#### **5. EPDP Processes and Outcomes**

Section 9 of the PDP Manual (Outcomes and Processes) shall apply fully to an EPDP, with the exception that in relation to the soliciting of statements from GNSO Stakeholder Groups and Constituencies in the

early stage of an EPDP, the GNSO Council may, either of its own accord or at the request of the EPDP Team, direct that the time period for such statements be less than the 35 days recommended by the PDP Manual. In no event, however, shall such time period be less than [21] days.

## **6. Termination or Suspension of an EPDP Prior to Final Recommendation(s) Report**

The GNSO Council may terminate or suspend an EPDP prior to the publication of a Final Recommendations Report in accordance with Section 15 of the PDP Manual. In addition to the illustrative reasons contained in Section 15, termination or suspension of an EPDP may be considered if events have occurred since the initiation of the EPDP that have rendered the EPDP moot or no longer necessary.

Upon the request of any GNSO Council Member, the GNSO Council will prepare a formal report on the proposed termination or suspension of an EPDP outlining the reasons for the proposed action, current status of the EPDP and expected next steps, if any.

## **7. Miscellaneous**

These provisions for an EPDP, as incorporated into the PDP Manual, may be updated by the GNSO Council from time to time following the same procedures as applicable to amendments to the GNSO Operating Procedures.

In the event of any inconsistencies between the ICANN Bylaws or this Manual, the terms of the ICANN Bylaws shall supersede.

**\*\*END OF ANNEX 4\*\***