

# Guideline: ccNSO Procedure for the Exercise of the Empowered Community's Rights to Approve Specified Actions

Draft Version #9

Last Date of review # 9: March 2019

Date of adoption by the ccNSO Council:

## 1 Introduction and Background

According to the ICANN Bylaws, the Empowered Community has the right to approve the following (each, an "Approval Action"):

1. Fundamental Bylaw Amendments, as contemplated by Section 25.2 of the Bylaws;
2. Articles Amendments, as contemplated by Section 25.2 of the Bylaws; and
3. Asset Sales, as contemplated by Section 26 of the Bylaws.

As a Decisional Participant, the ccNSO has to exercise its rights as an associate of the Empowered Community and interacts with other Decisional Participants, the Empowered Community Administration, and ICANN<sup>1</sup>.

## 2 Purpose of the Guideline

The purpose of this Guideline is to describe the roles and procedures for the ccNSO in its capacity as a Decisional Participant with respect to Approval Actions.

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<sup>1</sup> **Applicability of the rules of the ccNSO.** According to the rules of the ccNSO, a Council decision comes into effect 7 days after publication. In general, decisions of the Council are subject to a members vote if 10% of the members notify the Chair of the ccNSO of their objection. If the 10% threshold is met, a membership vote must be held to ratify or veto the decision of the Council. A vote of the members may commence 5 days after the notification, and the voting period stays open for at least 14 days. The member's vote is subject to a quorum rule: At least 50% of the members have to cast their vote in order to have a valid vote.

The Rules of the ccNSO are internal rules of the ccNSO in accordance with Article 10, section 3.k and Article 10 section 4.b of the ICANN Bylaws. These rules have to be consistent with the ICANN Bylaws. Therefore the timelines prescribed in the relevant section of Annex D of the ICANN Bylaws are paramount. For this reason, only the ultimate decision of the Council with respect to a Rejection Action is subject to the Rules of the ccNSO.

## **3 General Provisions**

### **3.1 Representation of the ccNSO**

The ccNSO interacts with other Decisional Participants, the Empowered Community Administration, and ICANN through the ccNSO Council.

The ccNSO Council in turn is represented by the Approval Action Manager. The term Approval Action Manager will be used exclusively within this guideline, with the understanding that it means the ccNSO Council Chair or other person appointed as the Approval Action Manager.

The ccNSO representative to the Empowered Community Administration shall not serve as an Approval Action Manager.

Following the receipt of the Approval Action Board Notice, the Approval Action Manager has principal responsibility for handling communications between the ccNSO Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, and the ICANN Corporate Secretary with respect to matters relating to the Approval Action Board Notice.

For purposes of this Guideline and when communicating with other members of the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN (Staff), or the ICANN Corporate Secretary, individual ccNSO Council members shall act in their individual capacity and not as members of the ccNSO Council.

### **3.2 Appointment of the Approval Action Manager**

The Council will appoint a ccNSO Councillor to serve as the Approval Action Manager for any Approval Action requests that might arise. If the Approval Action Manager is not available to manage a specific Approval Action Board Notice, the ccNSO Chair may either act as the Approval Action Manager, or designate another Councillor to act accordingly. The term of appointment will be for one year, and the Approval Manager may be re-appointed. When an Approval Action Manager is appointed by the ccNSO Council or the Chair, all other Decisional Participants, the Empowered Community Administration, the ccTLD Community and the ICANN Corporate Secretary will be informed.

#### **3.2.1 Obligations of the Approval Action Manager**

The Approval Action Manager shall:

- Attend a conference call with the Decisional Participants regarding an Approval Action Board Notice if the Empowered Community Administration decides to request that ICANN arrange a publically-available conference call prior to the Approval Action Community Forum.
- Attend the Approval Action Community Forum.
- Attend additional Approval Action Community Forums if either the ICANN Board or the Empowered Community Administration elects to hold them.
- Provide prompt and accurate accounts of developments relating to the Approval Action Board Notice to the ccNSO Council and the ccNSO Community.

### **3.3 Communication**

The preferred method of communication between the Approval Action Manager and the ccTLD Community, other Decisional Participants, the Empowered Community Administration and ICANN, including but not limited to ICANN's Corporate Secretary, is email.

## **4 ccNSO Procedures Relating to Approval Action**

### **4.1 Anticipated Approval Action**

Prior to receipt of the Approval Action Board Notice, it is anticipated there will be strong indications that an Approval Action is forthcoming; for example, ICANN has initiated a public comment on a change of a Fundamental Bylaw. If this is the case, the Approval Action Manager or the Chair of the ccNSO Council will alert the ccTLD community, the Secretariat will create dedicated web- and / or wiki pages and publish a tentative timeline.

#### **Approval Action Board Notice**

Upon receipt of an Approval Action Board Notice by the ccNSO Council, the Approval Action Manager will instruct the ccNSO Secretariat to publish on the ccNSO website and the relevant email lists that the ccNSO has received an Approval Action Board Notice and other related relevant information, such as the timelines and milestones.

### **4.2 Approval Action Community Forum**

Following the ICANN announcement of convening the Approval Action Community Forum, the Approval Action Manager will inform the ccTLD community on the details of the Community Forum.

### **4.3 Community Feedback**

The Approval Action Manager will request the ccTLD community to provide input and / or feed-back from the ccTLD community on the Approval Action under consideration to inform the Approval Action Community Forum. How the input and feed-back from the community will be requested and provided to the Empowered Community Administration will be determined by the ccNSO Council prior to requesting the ccTLD community to provide their feed-back and input. For example, the ccNSO Council could decide that the most appropriate manner will be a ccNSO Statement according to the ccNSO Statement procedure.

To determine the most appropriate course of action the ccNSO Council will take into account and will be guided by the matter for approval, the anticipated timelines, the importance of the matter under consideration for the ccTLD community and other factors deemed relevant by the ccNSO Council.

### **4.4 ccNSO Council decision to support, object to or abstain from the Approval Action**

#### **4.5.1 Consultation Mechanism**

Following the Approval Action Community Forum and prior to taking a decision, the ccNSO Council is advised to consult the ccTLD community. If such a consultation is scheduled it will be announced on the ccNSO Website and the relevant email lists at least two weeks before the scheduled date of the consultation.

#### **4.5.2 ccNSO Council Decision**

Within fourteen (14) days after the conclusion of the Approval Action Community Forum Period, the ccNSO Council will take a decision whether to support, object to or abstain from the Approval Action.

The procedures given in “Guideline: ccNSO Council Practices” (<https://ccnso.icann.org/about/guidelines-council-practices-09feb17-en.pdf>) will apply with respect to how the ccNSO Council takes a decision regarding the Approval Action.

In taking its decision the ccNSO Council shall consider: the feed-back, views and input received from the ccNSO community; the results of the Community Forum; the importance of the matter for the ccTLD community and other factors deemed relevant by the Council. The ccNSO Council decision shall be published directly after it has been taken and the ccTLD community will be informed of the decision.

### **4.5.3 Informing the ECA**

Seven (7) days after the ccNSO Council decision has become effective, the decision of the ccNSO Council shall be conveyed to the Empowered Community Administration and the ICANN Corporate Secretary by the Approval Action Manager in writing, and shall be published on the relevant ccNSO and ccTLD mailing lists, as well as the ccNSO website. If the Empowered Community Administration is not informed in time by the Approval Action Manager, the ccNSO shall be deemed to have abstained.

## **5 Miscellaneous**

### **5.1 Archive**

All ccNSO information and communication with respect to a specific Approval Action will be archived separately. For each Approval Action the ccNSO Secretariat will create a separate Archive and preserve there:

1. All emails related to the specific Approval Action.
2. Any other communication between the Approval Action Manager with either the ccTLD Community, other Decisional Participants, the Empowered Community Administration, ICANN Staff, or the ICANN Corporate Secretary. If necessary the communication first must be documented in writing.

A link to the Archive will be published on the ccNSO website.

### **5.2 ccNSO Internal Guideline**

This Guideline is an internal rule of the ccNSO in accordance with Article 10 section 3.11 and Article 10 section 4.2 of the ICANN Bylaws.

### **5.3 Omission in or Unreasonable Impact of the Guideline**

In the event the Guideline does not provide guidance and/or the impact is unreasonable to conduct the business of the ccNSO or the ccNSO Council, the Chair of the ccNSO Council will decide.

### **5.4 Publication and Review of the Guideline**

The Guideline will be published as part of the rules and guidelines of the ccNSO after adoption

by the ccNSO Council.

The Guideline will be reviewed every 2 years at the time of review of the annual Work plan, or adjusted when considered necessary. To become effective, the updated Guideline must be adopted by the ccNSO Council and published on the ccNSO website.

Before publishing the updated Guideline, the Secretariat will adjust the version number and insert the date the Guideline was reviewed and adopted by the ccNSO Council