

## TEMPLATE SECOND CSC EFFECTIVENESS REVIEW

Version 1

Adopted by the ccNSO Council: 3 August 2021

Adopted by the GNSO Council:

### 1. Context

Section 17.3 (b) of the ICANN Bylaws and the Charter of the Customer Standing Committee (hereafter: CSC) require that 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 was established in October 2016 and conducted its first meeting on 6 October 2016.

In October 2018 the first review of the CSC Effectiveness Review was kicked-off, and was concluded in March 2019, with adoption of the Final CSC Effectiveness Review Report by the ccNSO and GNSO Councils.

### 2. Intent of the Review

The CSC Effectiveness Review is intended to consider the Effectiveness of the CSC in carrying out its mission as defined in its charter.

### 3. Measures of CSC Effectiveness

- a. According to Section 17.3 (b) of the ICANN Bylaws and the CSC Charter *“...the method of review will be determined by the ccNSO and GNSO.”* Neither the relevant section of the Bylaws nor the Charter specify what is meant by, or how to measure, “effectiveness.”
- b. The mission of the CSC is defined in the relevant section of the ICANN Bylaws and Charter as:
  - i. to ensure the continued satisfactory performance of the IANA function for the direct customers of the naming services; and that this:
  - ii. 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.
- c. The Scope of Responsibilities in the Charter identifies how the CSC should work:

- i. The CSC is authorized to monitor the performance of the IANA naming function against agreed service level targets on a regular basis.
- ii. The CSC will analyse reports provided by the IANA Functions Operator on a monthly basis and publish their findings.
- iii. Where performance issues have been identified, the CSC will work with the IANA Functions Operator to understand the reasons for the failure and agree a plan for resolution.
- iv. Either the CSC or the IANA Functions Operator can request a review or change to service level/s, including the removal of existing service levels or the inclusion of new service levels. The procedures will have to be commensurate with the type of the service level change being proposed. Informing the registry operators about proposed changes shall always be required; however, the type of service level change will determine whether it is necessary to conduct a community-wide consultation.
- v. The CSC is authorized to undertake remedial action to address poor performance in accordance with the Remedial Action Procedures, which have been developed and agreed by the CSC and the IANA Functions Operator.
- vi. 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.
- vii. 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.
- viii. The CSC will review individual complaints with a view to identifying 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.
- ix. The CSC will, on an annual basis or 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.
- x. 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 the IANA Functions Operator, on the proposed change. Any recommended change must be approved by the ccNSO and RySG.

- xi. 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.
- xii. The CSC will provide a liaison to the IANA Function Review Team and a liaison to any Separation Cross Community Working Group.

#### **4. Effectiveness can also be measured against these requirements.**

- a. the Charter places certain requirements on members of, and liaisons to, the CSC and sets requirements for reporting to the community:
  - i. The CSC should be kept small and comprise representatives with direct experience and knowledge of IANA naming functions;
  - ii. Minimum membership and openness to liaisons;
  - iii. Election of the Chair;
  - iv. primary and secondary points of contact to facilitate formal lines of communication between the CSC and the IANA Functions Operator;
  - v. Meeting frequency and publication of meeting record;
  - vi. Regular CSC updates to the direct customers of the IANA naming function.
- b. In working as a committee, the CSC has needed to define its working methods and in particular to assess how to work with the IFO. This includes defining with the IFO the framework for remedial action and amending Service Level Expectations, and establishing a framework for regular reporting to the community.

#### **5. Method of assessing effectiveness**

- a. In its nearly five years of operation, the CSC has regularly monitored the performance of IANA and informed the community of its findings. These monthly reports of the CSC together with the related monthly reports from PTI, provide a useful framework for assessing the effectiveness of the CSC in developing its relationship with PTI, keeping the direct customers informed of PTI performance and in ensuring that the wider community is also aware of how the PTI is meeting its obligations.
- b. In March 2019 the first CSC Effectiveness was concluded. This review resulted in a set of recommendations. In assessing the effectiveness of the CSC in performing its role(s), the Review Team shall assess if and to what extent the recommendations have been implemented and whether the issue identified in the first review has been addressed. The Review Team should develop and use relevant performance indicators and related metrics to measure whether

the recommendations from the first Effectiveness have been implemented and the issues the recommendations should address have been addressed.

- c. In assessing the effectiveness of the CSC in performing its role(s), the First Review Team has developed and used relevant performance indicators and related metrics reflecting the measures of effectiveness listed in section 3 above. These performance indicators and related metrics should be used again by the Second Review Team to ensure a consistent approach and allow comparison of the effectiveness of the CSC over time. The performance indicators and related metrics are included in Annex A: Overview Metrics, Assessment and Outcome. Where needed the Review Team may draw on the recently concluded IANA Naming Function Review.
- d. Given the above, the proposed way for carrying out the Effectiveness Review is to use Section 3 and 4 to identify how to assess the obligations on the CSC. Assessment of publicly available documents and CSC reports should allow the review to assess how effectively the CSC has performed since the first review.
- e. The Review Team is expected to consider whether and how to consult with the direct customers on whose behalf the CSC is monitoring the performance of the PTI in performing the IANA Naming Functions, other communities which have nominated liaisons to the CSC about their awareness of the CSC's work and effectiveness.

## **6. Issue which are Out of Scope of the review**

If, in the process of the review, the CSC Effectiveness Review Team becomes aware of issues that are out of scope of this 2<sup>nd</sup> CSC Effectiveness Review, but are considered relevant for the proper functioning of the CSC, it will inform both the ccNSO and GNSO Councils accordingly.

## **7. CSC Effectiveness Review Team**

The ccNSO and GNSO will each appoint two members to CSC Review Team, in accordance with their internal processes. At least one member appointed by the ccNSO Council and one member appointed by the GNSO Council should be related to or associated with a TLD Operator (direct customer of the IANA Naming Function). The CSC is requested to appoint a Liaison to the Review Team. The PTI is requested to appoint a Liaison to the Review team.

The Review team is expected to appoint a spokesperson who will, when needed, represent the Review Team and speak on behalf of the Review Team.

In developing its output – working method, work plan or any reports or papers - the full Review Team (members and liaisons) shall seek to act by consensus (Full Consensus - a position where no minority disagrees; identified by an absence of objection or Consensus – a position where a small minority disagrees, but most agree)

In the absence of Full Consensus, the Review Team should allow for the submission of minority viewpoint(s) and these, along with the consensus view, shall be included in the report, paper or other relevant deliverable.

In rare cases, the Review Team may decide to use of a poll to assess the level of support for a deliverable. However, care should be taken in using polls: they should not become votes, as there are often disagreements about the meanings of the poll questions or of the poll results. Such a poll shall be limited to the members appointed by the ccNSO and GNSO Councils and the polling should be recorded and included in the deliverable.

## **8. Proposed Review Process**

The role of the CSC Effectiveness Review Team is to:

1. Conduct a review of the CSC Effectiveness in accordance with the elements identified above. The review will include an analysis of clarifying documents developed during the implementation phase of the CSC, drafting of ICANN's bylaws only if considered to be relevant by the Review Team.
2. Conduct interviews with the CSC and the PTI to determine whether the CSC is fit for purpose and effective and whether measures should be taken to enhance the effectiveness of the CSC from their perspective.
3. Conduct a public session at or around ICANN72 (October 2021) that is intended to provide an opportunity for the community to provide input to the process.
4. Produce a Report on the outcome of the review. This report should also include suggested recommendations, if any, to improve the effectiveness of the CSC. The Report will be submitted to the ccNSO and GNSO Councils for discussion and adoption at the time foreseen in section 9, Review Schedule.

## **9. Review Schedule**

*September 2021- Adoption Template for review and appointment Review team*

- By 30 September 2021 the ccNSO and GNSO Councils are expected to have adopted template for review of the effectiveness of the CSC and as a result have determined the method of the CSC Effectiveness Review. Each of the Councils is expected to have appointed their members by 30 September 2021.

*October 2021 – November 2021 Consultation with CSC and PTI*

- Informal consultations if considered necessary by the RT
- Virtual Public Consultation (open session) & Interview CSC and PTI
- Virtual Public consultation direct customers and other interested parties (ccTLD, gTLD operators, others) post ICANN72,

*December 2021 – (13) January 2022 Draft Report on findings & recommendations*

- Preparation draft initial report, including recommendations, if any. Include findings, report on identified issues, if any, and recommendations to resolve issues.

(14) January 2022- (28) February 2022. Public comment period Findings report

- Virtual meeting to alert and introduce on findings prior to or during first week of Public comment period.
- Public comment period 40 days

*March 2022 - Finalization Report and submission to ccNSO and GNSO Councils*

- Publication and submission Final Report to ccNSO and GNSO Councils for adoption according to their own rules and procedures.
- Following the adoption of the report by the ccNSO and GNSO Councils, the review team closes.
- ccNSO and GNSO Councils inform CSC and ICANN of result.

## **10. Omission in or unreasonable impact of the Template**

If this Template does not provide sufficient guidance and/or the impact of the Template is found to be unreasonable for conducting the business of the Review, the review Team has the authority to determine a proper course of action to mitigate the issue. Such action may, for example, consist of proposing a modification to the Template to address the omission or its unreasonable impact. The proposed modification shall only be effective after adoption by the ccNSO and GNSO Councils and after publication of the amended Template. The review Team shall exercise reasonable discretion with respect to question as to whether this Template does not provide guidance and/or the impact of the Template is unworkable with respect to the conduct of business of the Review Team.

## **11. References**

- Charter Customer Standing Committee - <https://www.icann.org/en/system/files/files/csc-charter-amended-27jun18-en.pdf>
- CSC Charter review team - <https://community.icann.org/display/CRT/CSC+Review+Team+Home>
- First CSC Effectiveness Review - <https://community.icann.org/display/ER>

## Annex A: Overview Metrics, Assessment and Outcome

### Leganda:

- Metric – Brief description of objective
- Assessment - Summary of the Findings of the Review team with respect to specific Metric
- Outcome -The metric is:
  - Achieved
  - Not Achieved
  - Not Applicable (N/A)
- New Metric: Additional Metric to assess implementation of recommendations 1<sup>st</sup> Effectiveness Review.

	Metric	Assessment	Outcome
1.	CSC monitors the performance of the IANA naming function against agreed service level targets on a regular basis		
2.	CSC analyses monthly reports provided by PTI and publishes their findings		
3.	CSC follows up where required on any performance issues identified and agrees on a plan for resolution with PTI and ICANN		
4.	Where appropriate, the CSC requests a review or change of a service level agreement.		
5.	Where appropriate the CSC undertakes remedial action to address poor performance in accordance with the Remedial Action Procedures		
6.	When appropriate remedial action by the CSC has not resolved the poor performance, CSC is authorised to escalate the performance issues to the ccNSO and GNSO for consideration		
7.	CSC has an effective process for tracking complaints that have been		

	Metric	Assessment	Outcome
	escalated to PTI Management (Escalations), and CSC Members can be directly informed of individual complaints by email.		
8.	CSC will at least annually conduct a consultation with PTI and ICANN, the primary customers of the naming services and the ICANN community about the performance of PTI		
9.	CSC, in consultation with the registry operators, is authorised to discuss with ICANN and PTI ways to enhance the provision of IANA's operational services		
10.	Where ICANN and PTI have been responsible for implementing recommended changes to operational services or the Service Level Agreements, the CSC is confident that has been completed appropriately		
11.	CSC is providing a liaison to the IANA Functions Review Team		
12.	CSC is providing a liaison to a Separation Cross Community Working Group		
13.	Meeting attendance of CSC members		
14.	Meeting attendance of CSC liaisons excluding PTI Liaison		
15.	NEW METRIC Implementation 1 <sup>st</sup> Effectiveness Review Recommendations		
16.	NEW METRIC Is Issue identified 1 <sup>st</sup> Review been addressed?		