

4 March 2022

## Status Update EPDP Phase 2 & Review of ODA

To: Mr. Maarten Botterman, Chair, ICANN Board

Dear Maarten,

Thank you for your letter of [24 January](#) and the subsequent dialogue between the ICANN Board and GNSO Council on 27 January.

I wanted to take this opportunity to provide you and the ICANN Board with an update on the activities of the GNSO Council to consider the findings of the Operational Design Assessment (ODA) as well as the concerns expressed by the ICANN Board in its [letter](#), in advance of our joint meeting during ICANN73.

In order to analyze the ODA as well as the Board concerns, the GNSO Council formed a small team of interested Council members as well as EPDP Phase 2 members. [This small team](#) also includes representatives from the different Advisory Committees who participated in the EPDP Phase 2 as well as the ICANN Board liaison to this effort (Becky Burr). The small team has been requested to provide the GNSO Council with input on the following:

- Whether the ODA has correctly interpreted the intent of the SSAD recommendations in the proposed implementation;
- Whether the ODA has overlooked any key aspects of the SSAD recommendations that should be factored in by the ICANN Board when it considers the recommendations;
- Its view on the concerns identified by the ICANN Board and potential options that could be considered, either in the form of changes to the proposed implementation or the policy recommendations themselves, to address these concerns (note, these are expected to be high level suggestions at this stage);
- Any other aspects that help inform the Council's deliberations and consultation with the ICANN Board.

The small team has been working diligently on this assignment, led by Council Vice-Chair Sebastien Ducos, but as there is a lot of information to digest, it has not completed its review yet.

In the interest of transparency and dialogue, we do expect to be able to share a high-level summary of initial findings of the small team during our joint session during ICANN73. However, it will be important to note that the Council will not have had an opportunity to deliberate on these findings yet nor will it have taken a formal position yet on proposed next steps. We do anticipate being able to provide the ICANN Board with a formal response at the latest shortly after the GNSO Council May meeting (19 May).

As we've discussed, we would like to keep the channels of communication open. The small team has suggested that further informal interactions with a sub-set of the Board, for example, the GDPR Board Caucus, may be beneficial to promote mutual understanding of concerns and possible solutions. Of course, it would be well understood that this is informal interaction – any formal decisions or positions will be communicated in due time by the GNSO Council and/or ICANN Board. We can discuss further during our interaction at ICANN73 whether the Board is open to this approach. We look forward to further discussions to come to a mutually agreeable approach on the next steps in this important process.

Thank you,

Philippe Fouquart  
GNSO Chair