



EUROPEAN COMMISSION
Information Society and Media Directorate-General

The Deputy Director-General

Brussels, **17 III 2006**
DG INFSO D(2006) 705406

Dear Mr Cerf,

Thank you for your reply dated 17 January to my earlier letter of 16 September concerning the procedure followed for the proposed new gTLD “.xxx”.

I take note of, and acknowledge, the commitment of ICANN to ensure all decisions are properly documented and applied “neutrally and objectively, with integrity and fairness”. I am sure you will also appreciate that as a public administration participating in the GAC, our questions have been tabled with the same objective in mind. The publication of the evaluation report prior to the Vancouver meeting was most welcome in this respect.

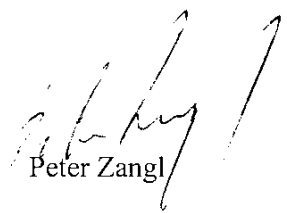
I also recognise the right and the responsibility of the ICANN Board to take the final decision regarding the introduction of a new generic Top Level Domain, and to reserve the right to ask for additional information from applicants in the event that the independent review process concluded that certain selection criteria had not been met. This is not in dispute.

I would emphasise however that the request for additional information made by the GAC in Vancouver results from the conclusion of the evaluation team that a number of applications, including .xxx “*do not meet all the selection criteria*” and that, moreover, their “*deficiencies cannot be remedied within the applicant’s proposed framework*”. Importantly, the evaluators “*recommend that ICANN not consider these applications further*”.

Mr. V. Cerf
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In order to carry out our duties effectively in the GAC therefore, you will understand why it would be useful to know why the Board decided to proceed with the application, in particular given such explicit advice from the evaluators. I note and appreciate the extensive information you have provided in your letter about the Board's deliberations, but I do not feel that this specific question is sufficiently addressed. I would be grateful therefore if there is additional information that you, on behalf of the Board, can share with us on these issues.

Yours sincerely,



Peter Zangl