**Proposed Changes to the RAPs to Reflect the Final Report of the CSC Charter Review Team and the Revised CSC Charter**

The CSC Charter Review Team made the following recommendations regarding the Remedial Action Procedures (RAPs) as reflected in their final report and the amended CSC Charter (see relevant extracts below):

1. RAPs need a change mechanism
2. Need a requirement to inform ccNSO and GNSO when RAPs are invoked
3. Need for a new IANA Functions Operator to agree to the RAPs

Proposed New Wording

Preamble

These Remedial Action Procedures have been developed and agreed to by the Customer Standing Committee (CSC) and PTI in accordance with the provisions of the CSC Charter and the IANA Naming Function Agreement. The CSC and PTI may jointly approve any revisions to these RAPs. The Remedial Action Procedures should be reviewed twelve (12) months after the first initiation of the procedures and every twelve (12) months after a subsequent invocation of the Procedures, with a review occurring no more frequently than once in a twelve (12) month period. Should a new IANA Function Operator be appointed, that new operator would be required to agree to these existing, or revised, RAPs.

Section I. - Finding that a PTI Performance Issue Exists

Where the CSC has decided to undertake a review to determine if a PTI Performance Issue exists, whether as the result of a complaint or for other reasons, the CSC will inform the PTI liaison of its intention and invite the President of PTI to comment within ten (10) business days, or such other time as may be agreed by the parties1, before finalizing the CSC’s review.

Where the CSC has determined that a performance issue exists, it will inform the ccNSO and the GNSO of this event and will keep them regularly apprised of the progress towards resolution of the performance issue.

**Reference**

1. Final Report of the CSC Charter Review Team

**4.11 Remedial Action Procedures**

According to Section 17.1 of the ICANN Bylaws and the Charter, the CSC is authorized to undertake remedial action to address poor performance. The Charter requires that remedial action has to be undertaken in accordance with Remedial Action Procedures (RAPs) developed and agreed by the CSC and the IANA Functions Operator post-transition.

Accordingly, the CSC and PTI have worked together to develop the RAPs.

The RT proposes to amend the Charter to reflect the introduction of agreed RAPs, and as such the reference to the development of the RAPs will be removed from the Charter. The RT agrees that the RAPs are a standalone operational document and should be referenced in the Charter, but not included. Initially, the RT was of the opinion that the provision for a regular review of the RAPs should be included in the Charter. However, following the comments received in particular from the CSC, and taking into account that the RAP has since been agreed by the CSC and the PTI and is now publicly available[[1]](#footnote-1), the RT is now of the view that the requirement for review is adequately addressed in the RAP and there is no longer a need to include a change mechanism in the Charter.

The RT remains of the view that there should be a requirement to agree a new RAP with any new IANA Functions Operator and that this should be specified at the time of appointing a new operator, for example through the recommendations from the Special IANA Naming Function Review Team[[2]](#footnote-2), and could be ensured by the ccNSO and GNSO Councils when appropriate.

1. Revised CSC Charter

“The CSC is authorized to undertake remedial action to address performance issues in accordance with the Remedial Action Procedures (RAP) published on the CSC website. The RAP may be updated from time to time in accordance with the change mechanism foreseen in the RAP.”

1. The CSC and PTI formally agreed on the Remedial Action Procedures at May meeting of the CSC. The RAP is published <https://www.icann.org/en/system/files/files/csc-remedial-action-procedures-03mar18-en.pdf> [↑](#footnote-ref-1)
2. See Section 18.12 ICANN Bylaws [↑](#footnote-ref-2)