**Approval of the GNSO Council’s Clarifying Statement Regarding Select Pending SubPro Recommendations**

Whereas,

1. The GNSO Council [adopted](https://gnso.icann.org/en/council/resolutions/2020-current#202102) the [Final Report](https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf) of the New gTLD Subsequent Procedures (SubPro) PDP on 18 February 2021.
2. On 16 March 2023, the ICANN Board adopted the majority of the SubPro Outputs, as identified in [Section A of the Scorecard](https://www.icann.org/en/system/files/files/scorecard-subpro-pdp-board-action-16mar23-en.pdf), while designating a select set of recommendations as pending, identified in [Section B](https://www.icann.org/en/system/files/files/scorecard-subpro-pdp-board-action-16mar23-en.pdf) of the Scorecard.
3. The GNSO Council established a small team to carefully review the pending SubPro recommendations and identify the best path forward to seek to resolve the issues that were preventing Board adoption of the pending recommendations.
4. The GNSO Council’s small team benefited greatly from the open and frank dialogue with the co-leads of the Board’s Caucus on SubPro.
5. On 22 May 2023, the GNSO Council and ICANN Board discussed the expectation that for certain pending recommendations, a Clarifying Statement from the Council may be sufficient to mitigate the concerns preventing adoption of some of the pending recommendations.
6. At ICANN77, the GNSO Council and ICANN Board reached agreement on the specific set of pending recommendations that may be resolved via a Clarifying Statement from the Council.
7. The GNSO Council’s small team developed a [draft Clarifying Statement](https://gnso.icann.org/sites/default/files/policy/2023/draft/draft-sub-pro-pending-recommendations-10jul23-en.pdf) that was discussed with the Council during its July meeting and was subsequently shared with the ICANN Board for their consideration of whether the Clarifying Statement does indeed address the Board’s concerns.
8. The GNSO Council took into account the feedback from the ICANN Board and finalized the Council’s first [Clarifying Statement](https://gnso.icann.org/sites/default/files/policy/2023/draft/draft-subpro-pending-recommendations-redline-23aug23-en.pdf) by removing the text in the Clarifying Statement relating to the enforceability of PICs and RVCs and holding this over to a future Clarifying Statement, pending further feedback from the ICANN Board.
9. The GNSO Council approved the first [Clarifying Statement](https://gnso.icann.org/sites/default/files/policy/2023/draft/draft-subpro-pending-recommendations-clean-23aug23-en.pdf) durings its August 2023 meeting.
10. The ICANN Board’s SubPro caucus shared feedback on the recommendations relating to the enforceability of PICs and RVCs with the Council’s SubPro Pending Recommendations small team; the small team subsequently finalized the Council’s second Clarifying Statement.
11. As with the first Clarifying Statement, this second Clarifying Statement should also be read as complementary to the relevant pending recommendation(s) and should be considered jointly with the recommendations for the purposes of implementation.

Resolved,

1. The GNSO Council approves the second Clarifying Statement regarding select pending SubPro recommendations and stresses that the statement should be read as complementary to the relevant pending recommendation(s) and should be considered jointly with the recommendations for the purposes of implementation.
2. The GNSO Council requests that the GNSO Secretariat communicate resolved #1 to the ICANN Board and provide the Board with the Clarifying Statement.
3. The GNSO Council extends its thanks to the ICANN Board for its collegial, constructive, and pragmatic approach to addressing select pending recommendations and in particular, extends thanks to the co-leads of the Board’s Caucus on SubPro, Avri Doria and Becky Burr.