

European Commission

Comments on the fourth draft report of the ITU Secretary General on the Fifth World Telecommunications and ICT Policy Forum (WTPF)

Section 2.2 second bullet add the text "The OECD Principles for Internet Policy Making are important reference points to be included in order to ensure that the right framework conditions are in place to assure a well-functioning Internet economy and the full realisation of its potential benefits. The OECD principles are among others, encouraging a multi-stakeholder approach and ensuring transparency and full accountability." (insert footnote)

Footnote:

See "OECD Council Recommendation on Principles for Internet Policy Making", 13 December 2011 at <http://www.oecd.org/sti/interneteconomy/49258588.pdf>

Section 2.3.2.3: para (b) footnote 52: add:

European Commission communication "Internet governance: the next steps" 18/06/2009 at:

http://ec.europa.eu/information_society/policy/internet_gov/docs/communication/comm2009_277_fin_en.pdf

Section 2.3.3. paragraph c, insertion at the end: "A detailed analysis of many of these issues has recently been made by regulators in the European Union" (insert footnote)

Footnote:

See: "Differentiation practices and related competition issues in the scope of net neutrality", produced by the Body of European Regulators for Electronic Communications (BEREC), November 2012, at: http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/?doc=1094

Section 2.3.4.1 (f) add new text after first sentence: It is important to note that ICANN's own Governmental Advisory Committee raised concerns on the launch of the new gTLD programme. See the GAC Communiqué from the ICANN meeting in Singapore of June 2011: "*The GAC appreciates the potentially beneficial opportunities provided by new gTLDs. However, the GAC is concerned that several elements of its advice on important public policy issues, including issues set out in the GAC's letter to the Board on 18th June (annexed), were not followed by the Board prior to the approval of the gTLD programme*" (full text at https://gacweb.icann.org/download/attachments/1540134/Singapore+Communique+-+23+June+2011_2.pdf?version=1&modificationDate=1312392506000).

Section 2.3.4.1 (g): The footnote 154 refers only to the letter from NTIA to ICANN; however, the European Commission also wrote to ICANN with similar concerns. Please add in the footnote the letter from the European Commission to ICANN available at: <http://www.icann.org/en/correspondence/eu-to-icann-17jun11-en.pdf>;

2.3.4.2 (b): correction required in the second sentence: The GAC principles actually say: " Most of the ccTLD policy issues are local in nature and should therefore be addressed **by the local Internet Community**, according to national law".

2.3.6 : first sentence: The ICANN Bylaws actually state that "*the Governmental Advisory Committee should consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements **or where they may affect public policy issues***".

2.3.6 (a): add footnote: In addition, according to ICANN Bylaws, " *The Governmental Advisory Committee and the ICANN Board will then try, in good faith and in a timely and efficient manner, to find a mutually acceptable solution*". Only "*If no such solution can be found, the ICANN Board will state in its final decision the reasons why the Governmental Advisory Committee advice was not followed, and such statement will be without prejudice to the rights or obligations of Governmental Advisory Committee members with regard to public policy issues falling within their responsibilities*".

2.3.6 (b): Actually, the current version of the GAC Operating Principles (as amended by the GAC at its Dakar meeting in October 2011) states that "*Members of the GAC shall be national governments, multinational governmental organisations and treaty organisations, and public authorities*" (Principle 14); and that "*membership is open to all national governments. Membership is also open to distinct economies as recognized in International fora*".