



Rules of Procedure

for Complaints against Mailers Participating
in the Certified Senders Alliance (CSA)

1 Parties to the Proceedings

Parties to the proceedings are:

- CSA mailers with one or more complaints against them;
- The complainant: these may be Internet users as well as ISPs, if they are affected by the alleged spam;
- eco's complaints office (hereinafter "Complaints Office"), which is also responsible for handling CSA complaints;
- The complaints and certification committee (hereinafter "CCC"), consisting of four members, two of which are nominated by eco and two of which by DDV.

2 Course of Procedure

- 2.1 The Complaints Office works on the basis of this Rules of Procedure and the CSA Admission Criteria, in addition to annexes (if available) and guidelines drawn up by the CCC for the decision-making practice for proceedings which cannot be concluded by a reprimand under point 3.2.
- 2.2 The procedure for the Complaints Office starts in particular with the existence of:
 - a. A user complaint (individual complaint);
 - b. At least one indication of spam trap hits;
 - c. At least one indication of exceeding the spam marking quota, or
 - d. Information from other sources (including CSA internal audits) that technical Admission Criteria have been breached.
- 2.3 The Complaints Office carries out a comprehensive audit with respect to compliance with CSA criteria. It is entitled to disregard anonymous, obviously unfounded or abusive complaints without the need to process these further. The retraction of a complaint by the complainant does not automatically lead to it being disregarded.
- 2.4 The Complaints Office shall take necessary steps to establish the facts of the matter. In particular, it shall request more detailed information from those involved in the proceedings. The CSA mailer has two working days to provide its statement and to include information to substantiate the lawfulness of the email delivery. Within the scope of individual complaints, this information should concern:
 - The source of the email addresses at issue in the proceedings;

- The consent and evidence of it and
- Other circumstances that may justify using the email address for advertising purposes.

The Complaints Office may extend the aforementioned time period at the CSA mailer's request. Once the time period expires, a decision shall be made based on the case documentation, which usually results in pronouncing a reprimand in accordance with point 3.2 of the Rules of Procedure.

- 2.5 Several complaints on the same issue may be combined in one case for proceedings.
- 2.6 If complaint proceedings cannot be concluded by dismissal or a reprimand, the Complaints Office shall forward the process on to the CCC.
- 2.7 If forwarding to the CCC is not possible due to particular urgency, the Complaints Office may also impose a temporary suspension itself if there is an ongoing risk of unlawful mailing via the IP addresses concerned and insofar reasonable grounds exist for this. The CSA mailer must be informed immediately regarding the temporary suspension. The CSA mailer may apply for the temporary suspension to be lifted within 72 hours after notification and provide credible assurance and justification that there is no longer risk of unlawful mailing. The application must be made to the Complaints Office. The latter shall make a decision on the application without delay. If the CSA mailer does not apply within the time period according to point 2 or the Complaints Office rejects the application, the decision must be forwarded immediately to the CCC for review resulting in confirmation or dismissal. Point 3.4 shall apply accordingly.
- 2.8 Against the decision of the Complaints Office that do not come under point 2.7, an appeal may be filed by email within a period of two weeks after notification of the decision whereby the CSA mailer shall bear the risk of the appeal being received. If an appeal is submitted in a timely manner against a reprimand and the reasons for the appeal are communicated, then the case shall be presented to the CCC for a decision.
- 2.9 The CCC shall take relevant steps to establish the facts of the matter and shall then make a decision as soon as possible, but no later than two weeks after receipt by the CCC, and this shall be notified immediately to the CSA mailer concerned. If the time period lapses to no effect, the Complaints Office's decision or recommendation according to point 3.4 shall be deemed confirmed pursuant to point 3.4.
- 2.10 At any stage of the proceedings prior to the decision being announced, the CSA mailer is entitled to make submissions and these must be considered in the decision-making process, if relevant.

3 Sanctions

3.1 Decision-making Process

- a) The Complaints Office shall release decisions regarding sanctions within three months after receiving all the information needed for the decision by the CSA mailer.
- b) Sanctions in accordance with this Rules of Procedure require a majority decision if they are imposed by the CCC. If a majority decision cannot be achieved, the chairperson of the committee shall provide the casting vote. The chairperson of the committee shall be appointed by eco every three months from among the committee members in rotation.

If a decision of the CCC concerns a CSA mailer who is represented within the CCC, then the respective member shall not be entitled to vote. In this case, the DDV may appoint a substitute member for the vote within three working days after notification of the committee. If no substitute member is appointed, the decision shall be made by the remaining three members of the CCC.
- c) Any sanctions imposed must be notified immediately to the CSA mailer concerned.

3.2 Reprimand

If it is determined within the scope of proceedings that emails have been mailed contrary to CSA regulations, a reprimand shall be issued against the CSA mailer.

3.3 Publication of Reprimands

eco is entitled to publish reprimands on the CSA webpage for a period of six months if they are issued repeatedly. Usually, publication will occur if a mailer has received three reprimands within six months and:

- a) These reprimands concern the same customer (information in the legal notice is crucial) and are based on violating the legal Admission criteria, or
- b) The reprimands are based on violating the technical Admission Criteria and if there have been two weeks between reprimands being issued.

3.4 Temporary Suspension of the CSA Mailer

The CCC may impose temporary suspension of a CSA mailer based on the Complaints Office's recommendation if contractual obligations and certification criteria are violated. In particular, temporary suspension must usually result if:

- a. Upon presentation of at least five recipient complaints per email campaign, the mailer is not able to provide evidence of the lawfulness of the mailing or not in a timely manner;
- b. Five reprimands have been issued against a mailer within six months and
 - aa) These reprimands concern the same customer (information in the legal notice is crucial)

and are based on violating the legal Admission Criteria, or

- bb) The reprimands are based on violating the technical Admission Criteria and if there have been two weeks between reprimands being issued;
- c. The number of reprimands for a CSA mailer have been published more than twice within 24 months;
- d. There are findings regarding a spam marking quota per mail server (IP address) and/or per ESP of more than 0.3% for an ISP within a week;
- e. There are findings regarding a CSA mailer being partially or fully blocked due to hard bounces¹ by an ISP and the CSA mailer concerned cannot demonstrate to the Complaints Office within 24 hours after being informed what measures have been introduced to resolve the issue and that evidence of consent has been obtained at least in random samples to support authorization for the mailing.
- f. There are findings regarding a CSA mailer having repeatedly hit spam traps. A qualified spam trap within the scope of this regulation means that the email address concerned was never assigned to a recipient according to assurances from the sending ISP and therefore no permission can have been produced.

In the case of temporary suspension, all whitelisted email servers of the CSA mailer are usually removed from the whitelist. Restricting the suspension to only the IP addresses concerned may be undertaken if assurance is given that the identified violation can be completely discontinued.

During the period of temporary suspension, the CSA rules shall continue to apply unreservedly with the exception of point 2.1 of the admission criteria.

To be included in the list again, the CSA mailer must submit an application and provide credible assurance and justification that there is no longer any risk of unlawful mailing and/or that suitable measures have been taken in coordination with the CCC to deliver sustained quality improvements.

The CCC must make a decision on the application without delay. The CSA mailer is not permitted to publish or have published any references to project participation during the suspension.

3.5 Permanent Suspension of CSA Mailer

If a temporary suspension has been imposed on a CSA mailer twice within a period of 12 months, the CCC shall pronounce permanent exclusion if this occurs again in future. Furthermore, the CCC may decide in favor of a permanent suspension if the CSA mailer is

¹ Within the scope of this regulation, hard bounces are primarily understood as indicating permanent address failures on the part of the mailer for intended recipients. See also RFC 3463 about this, in particular "5.XXX.XXX Permanent Failure" in connection with "X.1.XXX Addressing Status". Discrepancies to RFC 3463 for ISPs shall be interpreted by the Complaints Office under this regulation.

delisted temporarily for at least three months due to circumstances for which the CSA mailer is responsible. This shall also apply if only individual IP addresses are concerned for this CSA mailer.

The CSA mailer concerned may only make a new application six months after the suspension to participate in the CSA that must be handled like an application from a non-participant. Any earlier application shall only be possible if the CSA mailer provides evidence that it has exercised due care and can prove that the suspensions are solely attributed to the customer.

3.6 General Exclusion of CSA Mailer Customers

The CCC may vote to exclude individual customers of the CSA mailer from mailing via the outbound email server specified in accordance with point 2.1 of the Admission Criteria. Such a decision shall only be taken in exceptional cases where the CSA mailer's customers have already become conspicuous on repeated occasions due to numerous unlawful mailing campaigns and this is based on facts in the public domain. The CCC decision must be unanimous to take effect and shall be notified immediately to all CSA mailers.

3.7 Right to Publish in the Event of Suspension of a CSA Mailer

eco is entitled to publish the suspension of a CSA mailer according to points 3.4 and 3.5 of the Code of Procedure on the CSA webpage for a period of 12 months.

4 Reservation of Right to Modification

eco reserves the right to modify the Code of Procedure giving a notice period of six weeks. In this case, the CSA mailer shall have the right of extraordinary termination. In the event of termination, any contributions paid shall be refunded on a pro rata basis.