



Rules of Procedure

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

1 Parties to the Proceedings

Parties to the proceedings are:

- CSA Senders 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 are nominated by DDV.

2 Course of Procedure

2.1 The Complaints Office works on the basis of these Rules of Procedure and the CSA Admission Criteria, in addition to annexes (if available).

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 checks) that technical admission criteria have been violated.

2.3 The Complaints Office carries out a comprehensive examination 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 Sender should provide its statement within two working days and should 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 permission 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 Sender's request. Once the time period expires, a decision shall be made based on the case documentation, which usually results in issuing a reprimand in accordance with Point 3.2 of the Rules of Procedure.

- 2.5 The Complaints Office may aggregate several complaints into one procedure within the scope of a mailing campaign in accordance with Point 2.1 of the Admission Criteria.
- 2.6 If forwarding to the CCC is not possible due to particular urgency, the Complaints Office may itself also impose a temporary suspension if there is an ongoing risk of unlawful mailing via the IP addresses concerned and insofar as reasonable grounds exist for this. The CSA Sender must be informed immediately regarding the temporary suspension. The CSA Sender 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 Sender does not apply within the time period according to Section 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.
- 2.7 An appeal against decisions made by the Complaints Office that do not come under Point 2.7 may be filed by email within a period of two weeks after notification of the decision, whereby the CSA Sender 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.
- 2.8 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 Sender concerned. If the time period lapses to no effect, the Complaints Office's decision or recommendation pursuant to Point 3.4 shall be deemed confirmed.
- 2.9 At any stage of the proceedings prior to the decision being announced, the CSA Sender 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 of receiving all the information needed for the decision by the CSA Sender.

- 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 reached, 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 Sender 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 Sender 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 Sender.

3.3 Publication of Reprimands

eco is entitled to publish reprimands on the CSA webpage if they are issued repeatedly. In principle publication will occur if a Sender 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 (with the exception of the handling of phishing cases in accordance with Point 2.23 of the CSA Admission Criteria) and if there have been two weeks between reprimands being issued.
- c. The reprimands concern phishing cases. If the CSA Sender does not immediately deactivate tracking links (see Point 2.23), eco may also publish reprimands before the third reprimand is issued.
- d. the third reprimand prior to notification.

The publication of the reprimand ceases no later than three months after the elimination of the above-mentioned conditions for publication of reprimands.

3.4 Temporary Suspension of the CSA Sender

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

- a. Upon presentation of at least five recipient complaints per mailing campaign, in line with

Point 2.1 of the CSA Admission Criteria, the CSA Sender is not able to provide evidence of the lawfulness of the mailing or cannot do so in a timely manner;

- b. Five reprimands have been issued against a CSA Sender 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 (with the exception of the handling of phishing cases in accordance with Point 2.23 (new) of the CSA Admission Criteria) and if there have been two weeks between reprimands being issued;
 - cc) The reprimands concern phishing cases. If the CSA Sender does not immediately deactivate redirect links (see Point 2.23), the delisting may also take place before the fifth reprimand is issued.
- c. The number of reprimands for a CSA Sender 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 Sender being partially or fully blocked due to hard bounces¹ by an ISP, and the CSA Sender concerned cannot demonstrate to the Complaints Office within 24 working-day hours after being informed that 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 that a CSA Sender with (one) mailing domain has hit an above-average number of spam traps and no significant improvement is identifiable despite multiple notifications. Ordinarily, there are 2 weeks between the individual notifications. The CSA Sender is obliged to respond to the notifications and to inform the CSA of the measures taken to rectify the situation.

In the case of temporary suspension, all whitelisted email servers of the CSA Sender are ordinarily removed from the whitelist. Restricting the suspension to only the IP addresses concerned can only be undertaken if it is determined that the identified violation can thus be completely discontinued.

During the period of temporary suspension, the CSA regulations 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 Sender must submit an application and provide credible assurance and justification that there is no longer any risk of mailing contrary to the rules of the CSA

¹ Within the scope of this regulation, hard bounces are primarily understood as indicating permanent address failures on the part of the Sender for intended recipients. See also RFC 3463 on this subject, 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.

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.

3.5 Permanent Suspension of CSA Sender

If a temporary suspension has been imposed on a CSA Sender twice within a period of 12 months, the CCC shall pronounce permanent suspension if this occurs again in future. Furthermore, the CCC may decide in favor of a permanent suspension if the CSA Sender is delisted temporarily for at least three months due to circumstances for which the CSA Sender is responsible. This shall also apply if only individual IP addresses are concerned for this CSA Sender.

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

3.6 Right to Publish in the Event of Suspension of a CSA Sender

eco is entitled to publish the suspension of a CSA Sender according to Points 3.4 and 3.5 of the Rules of Procedure on the CSA webpage. Publication of the suspension ends in case of temporary delisting at the latest 3 months after readmission of the CSA Sender, or at the latest 3 months after the CSA Sender has been permanently suspended.

4 Reservation of Right to Modification

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