



# Rules of Procedure

for Violations of CSA Criteria by Certified Senders in  
the Certified Senders Alliance (CSA)

## 1 Parties to the Proceedings

Parties to the proceedings are:

- The certified Sender to which a complaint or information refers,
- The complainant (Internet user or a mailbox or security provider using the Certified IP List),
- eco's Complaints Office (hereinafter "Complaints Office"), which is also responsible for handling complaints or information on violations of the CSA criteria by certified Senders,
- 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 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. A complaint or information from a mailbox or security provider using the Certified IP List that the CSA Criteria have been violated;
- c. Information from other sources (including CSA internal audits) that the CSA Criteria have been violated.

2.3 The Complaints Office carries out a comprehensive audit with respect to compliance with the 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 Feedback on permission

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. In this respect, the certified Sender will be requested to provide feedback regarding permission, insofar as the Complaints Office is in possession of an authorization to investigate on behalf of the complainant. The Complaints Office is not obligated to forward the authorization to the

Sender.<sup>1</sup>

The certified Sender must make its statement within five working days. This deadline can be extended exceptionally and one time only by the Complaints Office, if the certified Sender makes and justifies such a request by email within the five-day deadline.

The statement of the certified Sender must 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.

If the proof of permission has not been submitted by the deadline, a decision shall be made based on the case documentation, which usually results in issuing a notification in accordance with Point 2.6 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 CSA Criteria.

#### 2.6 Notifications to certified Senders

If, in the context of an investigation, the Complaints Office establishes that a violation of the mandatory CSA Criteria (excluding the reputation criteria) has taken place, the certified Sender shall receive a notification (within three months of receiving all information relevant for the assessment from the Sender) with specific information regarding the violation.

#### 2.7 Certified Senders' opportunity to appeal

The certified Sender may file an appeal to the Complaints Office by email against the notification or against the publication according to Point 3.2, stating the grounds for appeal, within a period of two weeks of receipt of the relevant information; the Sender shall bear the risk of the appeal being received. The case shall then be presented to the CCC for a decision.

#### 2.8 The CCC decision-making process

- a. The CCC shall take appropriate measures to clarify the facts of the case.
- b. The CCC requires a three-quarters majority to overrule a decision of the Complaints Office, to impose a (temporary or permanent) suspension, or to terminate a temporary suspension.
- c. The CCC will make its decision within two weeks at the latest (of the case being

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<sup>1</sup> The template of the authorization text is sent to certified Senders for their information, and is also made available to be forwarded to their customers.

received by the CCC), which will be communicated without delay to the Sender in question. In the event of fruitless expiry of the deadline, the decision or recommendation in accordance with Point 3.3 of the Complaints Office will be deemed as confirmed.

- d. In the case that a decision of the CCC relates to a certified Sender that is represented through a member in the CCC, this member of the CCC is not eligible to vote. In this case, the DDV can nominate a replacement member for the vote within three working days after the CCC has been called upon. If no replacement member is nominated, the decision will be taken as a majority by the remaining three members of the CCC.
- 2.9 At any stage of the proceedings prior to the decision being announced, the certified Sender is entitled to make submissions and these must be considered in the decision-making process, if relevant.

### 3 Sanctions

3.1 Any sanctions imposed must be notified immediately to the certified Sender concerned.

3.2 Publication of certified Senders regarding repeated notifications

eco is entitled to publish repeated notifications (Point 2.6 of the Rules of Procedure) on the CSA webpage <https://certified-senders.org>. In principle publication will occur if a Sender has received three notifications within six months and:

- a. These notifications concern the same customer (as determined by the information given in the legal notice/footer) and are based on violating the legal CSA Criteria, or
- b. The notifications are based on violations of the technical CSA Criteria (with the exception of the handling of phishing cases in accordance with Point 2.19 of the CSA Criteria) and if there have been two weeks between notifications being issued, or
- c. The notifications concern phishing cases. If the certified Sender does not immediately deactivate redirect links (see Point 2.19 of the CSA Criteria), eco may also publish the Sender prior to the third notification.

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

3.3 Temporary suspension of the certified Sender

If contractual obligations and the CSA criteria are violated, a certified Sender may be temporarily suspended. The temporary suspension can be applied either to individual IPs or to all IPs of the certified Sender. Restricting the suspension to only the individual IP address(es) concerned can be undertaken if the violations can be attributed exclusively to individual

“brands”<sup>2</sup> (in particular if the legal CSA criteria have been violated and in the case of exceeding the spam marking quota with regard to individual IPs or DKIM domains) and if it is ensured that the identified violation can thereby be completely discontinued.

The Complaints Office shall decide on the temporary suspension of individual IPs of a certified Sender. The certified Sender may file an appeal to the Complaints Office by email against the notification within 5 working, stating the grounds for appeal. The appeal must be addressed to the Complaints Office, which will immediately forward the appeal to the CCC for a decision (confirmation or lifting of the suspension).

The CCC shall decide on the temporary suspension of all IPs of a certified Sender on the recommendation of the Complaints Office.

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 Criteria, the Sender is not able to provide evidence of the lawfulness of the mailing or cannot do so in a timely manner;
- b. Five notifications have been issued against a Sender within six months and
  - aa) These notifications concern the same customer (as determined by the information given in the legal notice/footer) and are based on violations of the legal CSA Criteria, or
  - bb) The notifications are based on violations of the technical criteria (with the exception of the handling of phishing cases in accordance with Point 2.19 of the CSA Criteria) and if there have been two weeks between notifications being issued,
  - cc) The notifications concern phishing cases. If the Sender does not immediately deactivate redirect links (see Point 2.19 of the CSA Criteria), the delisting may also take place before the fifth notification is issued.
- c. The allowable spam click rate of 0.3 percent within the period of seven days (one week) per mail server (IP address), per DKIM domain, or per Sender has been exceeded at a mailbox provider using the Certified IP List.
- d. The permitted hard bounce<sup>3</sup> rate of 1.0 percent was exceeded within the period of seven days (one week) at a mailbox provider and the Sender has therefore been fully or partially “blocked” by an ISP and is unable to demonstrate to the Complaints Office

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<sup>2</sup> Depending on the type of violation, this is either the certified sender’s customer named in the imprint (especially in the case of legal violations) or the certified sender’s customer to whom the IPs or DKIM-domains are exclusively allocated (esp. for violations of the reputation criteria).

<sup>3</sup> 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.

within 24 working-day hours after notification 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.

- e. There is evidence from a CSA participating mailbox or security provider that a Sender has unacceptable reputation problems (IP- and/or DKIM-based) (e.g. based on spamtrap hits, content scanners or high spam rates).

For the duration of the temporary suspension, the CSA regulations shall continue to apply unreservedly - with the exception of the provision that, in accordance with Point 2.1 of the CSA Criteria, in principle, all IPs are listed on the Certified IP List.

The temporary suspension will be terminated after the end of the imposed suspension period, provided the Sender can credibly demonstrate to the Complaints Office that there is no longer any risk of mailing contrary to the rules of the CSA and/or that suitable measures have been taken in coordination with the CCC to deliver sustained quality improvements. If the Complaints Office is able to independently assess compliance with the CSA Criteria on the basis of the information provided, it may terminate the suspension without having to consult with the CCC. If consultation with the CCC is necessary to review the measure taken, the CCC shall make a decision without delay on the termination or continuation of the temporary suspension.

If the Sender concerned requests early termination of the temporary suspension before the end of the imposed suspension period, it must request this from the Complaints Office via an informal email, and credibly demonstrate that there is no longer any risk of mailing contrary to the rules of the CSA and/or that suitable measures have been taken in coordination with the CCC to deliver sustained quality improvements. The CCC shall decide on the premature termination of the temporary suspension.

If, in the aforementioned cases, forwarding to the CCC is not possible as the case is particularly urgent, the Complaints Office may, in exceptional cases, also impose a temporary suspension on all of the Sender's IPs as long as the risk of unlawful sending via the IP addresses concerned persists. The Sender must be informed of this immediately. Within 72 hours of notification of the suspension, the Sender may file an application for revocation in which it credibly assures and justifies that the risk of unlawful sending no longer exists. The application must be submitted to the Complaints Office, which immediately forwards the application to the CCC for a decision (confirmation or lifting of the suspension).

#### 3.4 Permanent suspension of the certified Sender

If a temporary suspension has been imposed on a Sender three times within a period of 24 months, in accordance with Point 3.3 of the Rules of Procedure, the CCC shall pronounce a permanent suspension. Furthermore, the CCC may decide in favor of a permanent suspension if the certified Sender is suspended temporarily for at least three months due to circumstances for which the Sender is responsible. This shall also apply if only individual IP addresses are

concerned for this Sender.

The 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 Sender provides evidence that it has exercised due care and can prove that the suspensions are solely attributed to the customer.

### 3.5 Right to publish in the event of suspension of a certified Sender

eco is entitled to publish the suspension of a certified Sender on the CSA webpage in accordance with Points 3.4 and 3.5 of the Rules of Procedure. Publication of the suspension ends in case of temporary suspension at the latest 3 months after readmission of the Sender, or at the latest 3 months after the 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 certified Sender shall have the right of extraordinary termination.