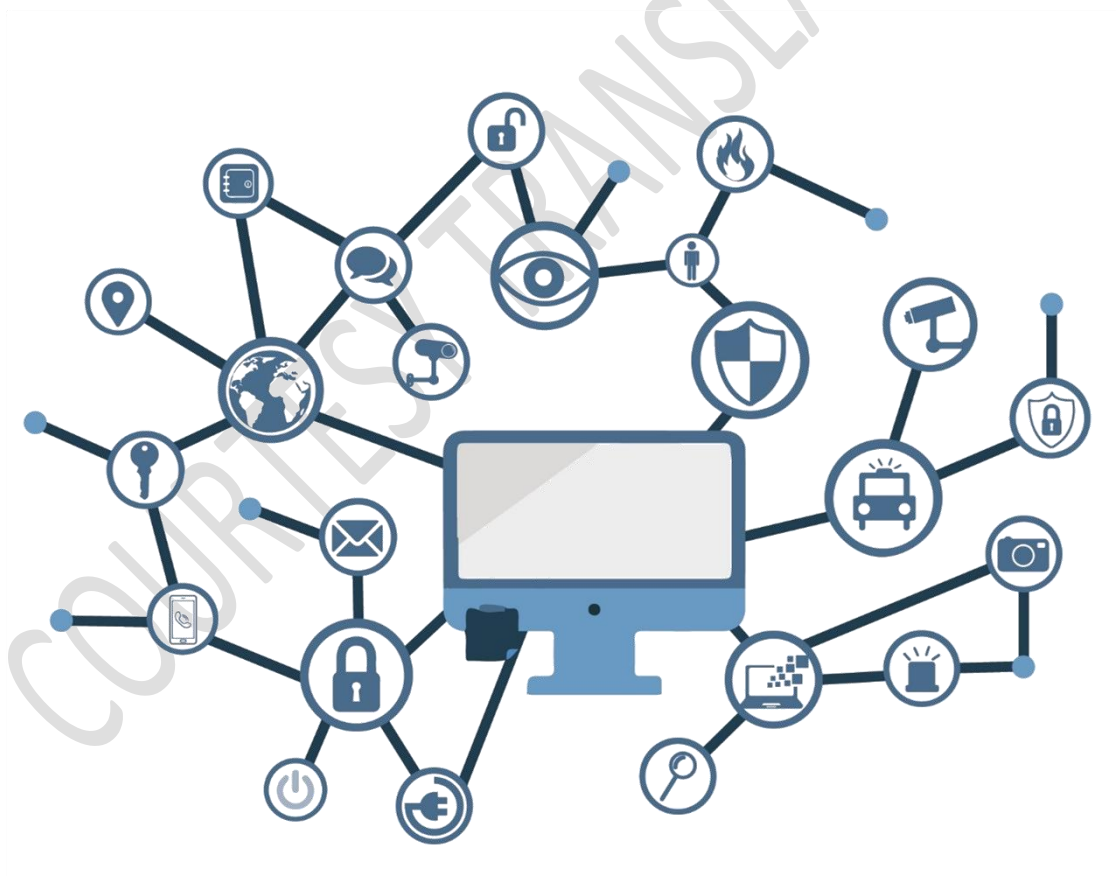


ANCC-PO-05

Handling of complaints



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Version 1

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VERSION CONTROL

Version		Comments
1.0		Initial version

COURTESY TRANSLATION

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1. INTRODUCTION

1. This procedure defines the way in which the National Certification Authority (NCCA) handles complaints related to activities that fall within the context of **Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 concerning ENISA (European Union Agency for Cybersecurity) and to the certification of cybersecurity of information and communication technologies** (hereinafter **CSA**) [CSA] and European cybersecurity certification schemes. It covers all stages of the complaint process, from its initial filing and review to the closing of the procedure and follow-up actions.

COURTESY TRANSLATION

2. CONSIDERATION OF THE COMPLAINT PROCESS AS A PUBLIC ADMINISTRATIVE PROCEDURE

2. The handling of complaints by the **NCCA** is considered a public administrative procedure within the meaning of **Law 39/2015, of 1 October, of the Common Administrative Procedure of Public Administrations [LPAC]**; therefore, all the provisions of that law shall apply.
3. The process will be handled as a “simplified” administrative procedure (Article 96 of the **[LPAC]**), including:
 - a) initiation of the procedure for the receipt of a complaint;
 - b) rectification of the issue, where applicable;
 - c) initial submissions within five working days;
 - d) the procedure for a hearing before the closure of the proceedings, if it is proposed to reject them;
 - e) closure of the procedure.

3. PREPARATORY STEPS

4. The head of the **NCCA** unit (**JAN**) shall publish, on the official website of that authority (**WNCCA**), information and guidance on how to file a complaint by e-mail, including the detailed procedure for its processing.
5. A standard complaint form (or template) with instructions for completing complaints will be made available to potential complainant. The form will specify the mandatory information: identity and contact details of the complainant, and a description of the subject matter or certificate subject to the complaint.
6. The **NCCA** shall ensure that its internal systems and resources are prepared to receive and manage complaints including their registration and follow-up through the **NCCA** Management System (**SGA**). Clear internal procedures shall be defined to ensure that each complaint is recorded, assigned and processed without delay.

4. INITIATION OF THE PROCEDURE

4.1 SUBMISSION OF THE COMPLAINT

7. Any natural or legal person may lodge a complaint with the **NCCA** regarding a European Cybersecurity Certificate or the performance of a **CAB** in the framework of certification processes of a European Cybersecurity Certification Scheme. This includes complaints relating to certificates issued by a **CAB** acting under Article 56(6) of the **[CSA]**. Only those submitted by identified data subjects (e.g. certificate holders, consumers or conformity assessment bodies) will be processed as formal complaints. Anonymous or informal notifications will not be considered formal complaints.
8. The complaint must include at least the following information:
 - Name and surname of the interested party and, where appropriate, of his representative.
 - Email or physical location for notifications.
 - Facts, reasons, and a clear description of the complaint.
 - Place and date.
 - Signature confirming the authenticity and will of the applicant.
 - Body, center or administrative unit to which it is addressed, with its identification code.

4.2 RECEPTION AND REGISTRATION OF COMPLAINTS

9. Complaints should preferably be submitted via email. The head of the **NCCA** unit (**JAN**) will act as an internal focal point to ensure that all complaints received, whatever the channel, are received by the **NCCA**. Once received, each complaint will be registered in the **SGA** and assigned an internal reference. The **JAN** (or delegated staff) will acknowledge receipt to the complainant, confirming that the complaint has been registered and will be processed. The **JAN** will then assign the complaint to a technical staff of **NCCA** (**TA**) for processing.

4.3 HANDLING OF COMPLAINTS

4.3.1 VERIFICATION OF THE COMPLAINTS

10. The designated **TA** will review the complaint to determine its admissibility and completeness. Admissibility involves verifying whether the subject matter of the complaint falls within the competence of the **NCCA** (for example, whether it concerns European certification activities). If the complaint clearly relates to a matter outside the jurisdiction of the **NCCA**, the complainant shall be informed and registered in the **SGA**. Where appropriate, the **JAN** may refer the complaint to the competent authority, notifying the complainant.

11. The **TA** will also verify that the complaint includes all necessary information (such as the identity and contact details of the complainant, and a description of the subject or certificate). If a lack of information is detected or unclear, *Section 4.3.2, "Remediation"* shall apply to allow the complainant to complete or correct the request.

4.3.2 REMEDIATION

12. If the complaint is incorrect or incomplete, the **TA** shall notify the complainant to rectify the request pursuant to Article 68 of the **[LPAC]**. The complainant will have ten working days to provide the required information. During this period, the processing of the complaint will be suspended. If the complainant does not provide the required information within the established period, the complaint may be considered to be withdrawn due to failure to meet the filing requirements.
13. Once corrected (or if it did not require correction), the **JAN** will formally admit the complaint for further processing. The procedure will continue in accordance with the simplified administrative procedure (as a rule, with the aim of resolving within a maximum of 30 working days of admission). If the complexity of the complaint is high or additional time is required, the **JAN** may apply the time limits of the ordinary procedure, ensuring that the complaint is processed as expeditiously as possible.

4.3.3 INVESTIGATION OF THE COMPLAINT

14. For each admitted complaint, the **JAN** will assign appropriate personnel for the investigation. The assigned technical staff (**TA**) shall investigate thoroughly and in a manner proportionate to the case. This includes reviewing relevant records in the **SGA**, collecting additional evidence or information and, where appropriate, consulting technical or legal experts to fully understand the issue.
15. In accordance with Article 96(c) of the **[LPAC]**, a short period (five working days) for initial submissions at the start of the proceedings shall be granted once the complaint has been admitted. If the result could affect other parties (such as the issuing **CAB** or the holder of the certificate), the **TA** may inform them to submit relevant information or arguments within that period.
16. Where the complaint concerns a certificate issued by a **CAB**, the **NCCA** shall coordinate, as appropriate, with the issuing **CAB** during the investigation. In addition, the **TA** shall coordinate with the issuing **CAB** when necessary. The **TA** may request information, input or clarification from the **CAB** or other parties involved (such as the certificate holder or **ENAC** if there are accreditation issues), in order to ensure that all aspects of the matter are considered. All investigative actions and their findings shall be documented in the **SGA**.
17. Throughout the investigation, the complainant shall be informed of the status of the proceedings, in accordance with the requirements of the **[CSA]** (see Article 63(2)). At a minimum, an acknowledgment of receipt will be provided (as indicated at the receiving stage) and, if the investigation is prolonged, the responsible **TA** may provide

intermediate communications on the progress of the file, in order to ensure that the complainant is aware that his or her complaint is being actively processed. The investigation and processing phase shall be carried out with the utmost diligence, with a view to concluding it within the time limits of the simplified procedure where applicable.

4.3.4 CLOSURE OF THE PROCEDURE

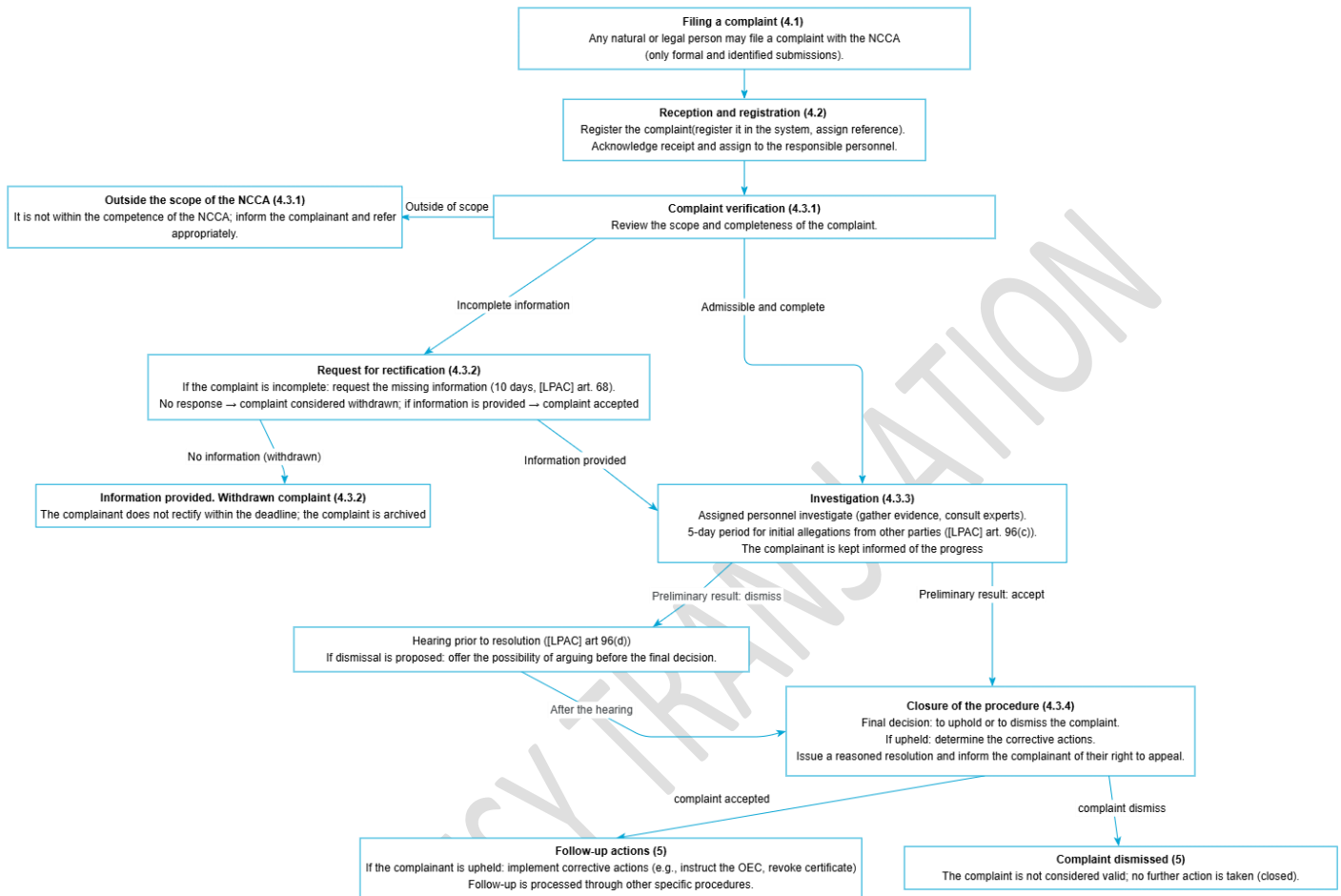
18. Once the investigation is completed, the **JAN** will evaluate the results and decide on the complaint. If the preliminary intention is to dismiss it, the complainant shall be offered the possibility of making submissions (hearing procedure) under Article 96(d) of the **[LPAC]** before making the final decision. The complaint may be assessed in whole or in part (for example, if the complainant's concern is well founded) or dismissed if it is unfounded or outside the jurisdiction of the **NCCA**. Where the complaint is substantiated, the **NCCA** shall determine the appropriate remedial action or follow-up action (e.g. initiating a procedure for suspension or revocation of a certificate, or giving instructions to a **CAB**). These proceedings will be complementary to the decision of the complaint and will be handled in accordance with the specific procedures applicable but will be initiated as a result of the outcome of the complaint.
19. The **TA** assigned to the file will issue a proposal for a formal decision on the complaint, which will be reviewed by the **JAN**, who will submit for approval, and where appropriate signature, by the Secretary of State Director of the **CCN (SED)**. The decision will be communicated in writing to the email or physical location for notifications that the complainant has included in the initial application. This decision shall be made in accordance with the requirements laid down in the **[LPAC]** for administrative acts, in particular as regards their content and reasons (such as the requirements of Article 26), and shall indicate the outcome of the complaint and the reasons for the decision. If the complaint is dismissed in whole or in part, the decision shall state the reasons for the dismissal; if it is upheld, it shall describe the actions taken or to be taken by the **NCCA** to address the complaint, as well as information on the remedies available.
20. In the notification, the complainant shall also be informed of his right to an effective judicial rectification against the decision, in accordance with Articles 63(2) and 64 of the **[CSA]**. In the Spanish legal system, this is concretized, in general, in the possibility of lodging a contentious-administrative appeal, since the decision of the complaint exhausts the administrative rectification.

5. RESULTS AND DERIVED ACTIONS

21. When a complaint is upheld (in whole or in part), the **JAN** will initiate follow-up actions, including:
 - a) Instruct the relevant **CAB** to apply corrective measures.
 - b) Initiate procedures to suspend or revoke an affected certificate and notify the **CAB** that issued the certificate.
 - c) Take other appropriate actions in accordance with applicable procedures.
22. If the complaint is unsubstantiated, no further action will be taken beyond the communication of the decision to the complainant. In these cases, the complaint will be considered closed after the decision has been issued.
23. All results of complaints shall be recorded in the **SGA**. **NCCA** will not disclose individual complaint information, to protect confidentiality and personal data. However, **NCCA** may include anonymized or aggregated information in its internal reports or in the fulfillment of its obligations under **[CSA]**.

6. PROCESS DIAGRAM

Figure 1 - complaints management workflow



7. REFERENCES

ACCCB	Accreditation of certification bodies for EUCC (https://certification.enisa.europa.eu/publications/accreditation-cbs-eucc_en)
ACCITSEF	Accreditation of ITSEF for EUCC (https://certification.enisa.europa.eu/publications/accreditation-itsefs-eucc_en)
AUTH	Authorisation of certification bodies and ITSEF for the EUCC scheme (https://certification.enisa.europa.eu/publications/eucc-guidelines-authorisation-cabs_en)
CSA	Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (European Union Agency for Cybersecurity) and certification of cybersecurity of information and communication technologies, and repealing Regulation (EU) No 526/2013 (http://data.europa.eu/eli/reg/2019/881/oj)
CSA-E1	Regulation (EU) 2025/37 of the European Parliament and of the Council of 19 December 2024 amending Regulation (EU) 2019/881 as regards managed security services (http://data.europa.eu/eli/reg/2025/37/oj)
EUCC	Implementing Regulation (EU) 2024/482 of the 31 January 2024 Commission laying down detailed rules for the implementation of Regulation (EU) 2019/881 of the European Parliament and of the Council as regards the adoption of the European criteria-based cybersecurity certification scheme common (http://data.europa.eu/eli/reg_impl/2024/482/oj)
LPAC	Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations (https://www.boe.es/eli/es/l/2015/10/01/39/con)
NOTIF	Commission Implementing Regulation (EU) 2024/3143 of 18 December 2024 laying down the circumstances, formats and procedures for notification in accordance with Article 61(5) of Regulation (EU) 2019/881 of the European Parliament and of the Council on ENISA (European Union Agency for Cybersecurity) and certification of cybersecurity of information and communication technologies (http://data.europa.eu/eli/reg_impl/2024/3143/oj)
VULMD	Guidelines on Vulnerability Management and Disclosure (https://certification.enisa.europa.eu/publications/eucc-guidelines-vulnerability-management-and-disclosure-and-eccg-opinion_en)

8. ACRONYMS

NCCA	National Cybersecurity Certification Authority
CCN	National Cryptologic Center
EC	European Commission
CSIRT	Computer Security Incident Response Teams
ENAC	National Accreditation Body
ENISA	European Union Agency for Cybersecurity
EUCC	European cybersecurity certification scheme based on common criteria
ECCG	European Cybersecurity Certification Group
ITSEF	Information Technology Security Evaluation Facility
JAN	Head of the NCCA unit
CB	Certification Body
CAB	Conformity assessment body
CSA	Cybersecurity Regulations
SED	Secretary of State Director of the CCN
SGA	Information System of the National Cybersecurity Certification Authority
TA	Technical staff attached to the NCCA
ICT	Information and Communication Technologies
EU	European Union
VPA	Voluntary periodic audits
WNCCA	Website of the National Cybersecurity Certification Authority