

## LEGAL TERMS AND CONDITIONS OF THE PROMOTION

### "FORMIDABLE ENERGÍA"

#### 1. ORGANISING COMPANIES

ENDESA ENERGÍA, S.A.U., with Tax ID No. A-81948077, and ENDESA X SERVICIOS, S.L.U., with Tax ID No. B-01788041, both with registered office at Calle Ribera del Loira, 60, Post Code 28042, Madrid, (the "*Organisers*"), are organising this promotion, called "Formidable Energía" ("*Promotion*"), which will be governed by these legal terms and conditions ("*Legal Terms and Conditions*"), which will be made available and kept up to date at [www.endesa.com/es/promociones-ganadores](http://www.endesa.com/es/promociones-ganadores) and [www.endesaxstore.com/es/es/información-legal/condiciones-generales-de-contratación-de-cada-producto](http://www.endesaxstore.com/es/es/información-legal/condiciones-generales-de-contratación-de-cada-producto).

#### 2. OBJECTIVES OF THE PROMOTION

1) The main objective of the Promotion is to encourage new contracts with the Organisers, through the granting of basic discounts ("*BASIC Discounts*").

Supply contracts (electricity and/or gas) are formalised with ENDESA ENERGÍA and, in this regard, "*new contracts*" are those that are formalised on supply points from a provider that was not ENDESA ENERGÍA or had no previous supply (e.g.: New construction).

Maintenance service contracts are entered into with ENDESA X SERVICIOS. In this respect, "*new contracts*" are those entered into for addresses whose service was previously provided by a company other than ENDESA X SERVICIOS or which did not previously have a maintenance service contracted.

2) The second objective of the Promotion, which will entail the possible application of additional discounts ("*ADDITIONAL DISCOUNTS*"), is to encourage new contracts to achieve specific joint contracting situations at the same supply address:

- ☒ whether only of both energy supplies (electricity and gas).
- ☒ whether of both energy supplies (electricity and gas) or of only one of them (electricity or gas), together with the corresponding maintenance service (or both services, as the case may be).

#### 3. TARIFFS / SERVICES INCLUDED IN THE PROMOTION

From ENDESA ENERGÍA:

- Electricity: discounts may only be applied to contracts arranged for electricity supply points that have an access tariff of 2.0TD (maximum contracted power of 15kW) and that contract any of the following tariffs:
  - Free
  - One Luz
- Gas: discounts may only be applied to contracts arranged for gas supply points with access tariff RL.1 and RL.2 and with any of the following tariffs:
  - One Gas
  - Gas Endesa

In addition to the provisions of these Terms and Conditions, ENDESA ENERGÍA may offer additional advantageous conditions in the above-mentioned tariffs, linked to the consumer's commitment to a minimum duration. This minimum duration and the application of this advantage will in any case be at the customer's discretion, so they need to review the specific conditions for the tariff.

From ENDESA X SERVICIOS:

- For electricity: Discounts may only be applied to contracts entered into for any of these electricity maintenance services:
  - 360 Plus Protection.
  - Full air conditioning maintenance.
  - OK Luz Business.
  - OK Luz Business Air.
- For gas: Discounts may only be applied to contracts entered into for any of these gas maintenance services:
  - Full gas maintenance.

#### **4. PERIOD OF VALIDITY**

The period of validity of the Promotion ("Period of Validity") shall be from 1 February 2024 to 31 March 2024, both days inclusive. Without prejudice to the prerogative of the Organisers to shorten or extend the Term.

#### **5. REGIONAL SCOPE**

This Promotion will be valid for supply points or addresses located in the Spanish territory, excluding Ceuta and Melilla.

## **6. PARTICIPANTS**

Insofar as the discounts of this Promotion are applicable to contracts validly entered into with the Organisers and which remain in force, the individuals who, at any time, hold the status of holders of such contracts shall be considered Participants.

## **7. BASIC DISCOUNTS**

In the event that other promotions from the same FORMIDABLE ENDESA campaign can be applied to the same energy supply contract (electricity and/or gas), the corresponding BASIC Discount will only be applied once.

### **7.1 Percentage of BASIC Discounts**

By entering into a new contract in accordance with these Legal Terms and Conditions, the following BASIC Discounts will be applied:

- In electricity supply: 20% off the base price of the energy term.
- In gas supply: 20% off the base price of the variable component.
- In electricity maintenance service: 10% off the base price.
- For gas maintenance service: 10% off the base price.

### **7.2 Activation of BASIC Discounts**

Each BASIC Discount will be activated from the entry into force of the new contract.

### **7.3 Duration of BASIC Discounts**

Each BASIC Discount lasts for up to two (2) years from activation.

### **7.4 Loss of BASIC Discounts**

A BASIC Discount will be forfeited if the contract to which it applies ceases to be in effect.

## **8. ADDITIONAL DISCOUNTS**

These are defined as "ADDITIONAL Discounts" because this is a promotion may be compatible with other promotions of the same "FORMIDABLE ENDESA" Campaign, in

compliance with these Legal Terms and Conditions and the relevant terms and conditions that may apply.

**8.1 Percentage of ADDITIONAL Discounts**

The following table ("*ADDITIONAL Discounts Reference Table*") shows the ADDITIONAL Discounts that apply depending on the joint contracting status achieved with the new contract(s):

ADDITIONAL Discounts Reference Table			
JOINT CONTRACTING SITUATION ACHIEVED		% ADDITIONAL Discounts	
TYPE	Contracts	On the energy term of the new electricity supply contract	On the variable component of the new gas supply contract
A	Electricity + Gas	3% for joint contracting with gas supply	3% for joint contracting with electricity supply
B	Electricity + Electricity maintenance	3% for joint contracting that includes electricity maintenance	
C	Gas + Gas maintenance service		3% for joint contracting that includes gas maintenance
D	Electricity + Gas + Electricity maintenance	3% for joint contracting with gas supply + 3% for joint contracting that includes electricity maintenance	3% for joint contracting with electricity supply
E	Electricity + Gas + Gas maintenance service	3% for joint contracting with gas supply	3% for joint contracting with electricity supply + 3% for joint contracting that includes gas maintenance
F	Electricity + Gas + Electricity maintenance + Gas maintenance service	3% for joint contracting with gas supply + 3% for joint contracting that includes electricity maintenance	3% for joint contracting with electricity supply + 3% for joint contracting that includes gas maintenance

## 8.2 How it works in the case of previous energy supply contract(s).

If, upon achieving one of the joint contracting situations shown in the ADDITIONAL Discounts Reference Table, any of the energy supply contracts (electricity and/or gas) had already been previously formalised with ENDESA ENERGÍA, no ADDITIONAL Discount will be applied to said contract as it is not a new contract, and only the ADDITIONAL Discounts corresponding to those contracts that are new will be applied.

For example, if the electricity supply contract was previously formalised with ENDESA ENERGÍA and the new contract includes the gas supply contract with ENDESA ENERGÍA and the gas maintenance contract with ENDESA X SERVICIOS, the situation of joint contracting type (E) in the ADDITIONAL Discounts Reference Table is achieved, but applying only the ADDITIONAL Discounts on the variable component of the new gas supply contract of 3% for joint contracting with electricity supply and 3% for joint contracting with gas maintenance, not applying the ADDITIONAL Discount on the energy term of the electricity supply contract, as this is not a new contract:

JOINT CONTRACTING SITUATION ACHIEVED		% ADDITIONAL Discounts	
TYPE	Contracts	On the energy term of the electricity supply contract	On the variable component of the new gas supply contract
E	Electricity (EXISTING)	<del>3% for joint contracting with gas supply</del>	
	+ Gas		3% for joint contracting with electricity supply
	+ Gas maintenance service		+ 3% for joint contracting that includes gas maintenance

### 8.3 How it works in the case of existing maintenance service contract(s).

If, when one of the joint contracting situations shown in the ADDITIONAL Discounts Reference Table is achieved, and any of the maintenance contracts (for electricity and/or gas) were previously formalised with ENDESA X SERVICIOS, the ADDITIONAL Discounts are not applied to the energy supply contract(s) formalised with ENDESA ENERGÍA.

For example, if the electricity maintenance contract was previously formalised with ENDESA X SERVICIOS and the new contract is the electricity contract with ENDESA ENERGÍA, although the situation of joint contracting type (B) of the Reference Table of ADDITIONAL Discounts is achieved, the ADDITIONAL Discount on the energy term of the

electricity supply contract is not applied, as the electricity maintenance contract is not a new contract.

JOINT CONTRACTING SITUATION ACHIEVED		% ADDITIONAL Discounts	
TYPE	Contracts	On the energy term of the electricity supply contract	On the variable component of the new gas supply contract
B	Electricity + Electricity maintenance (EXISTING)	<del>3% for joint contracting that includes electricity maintenance</del>	

#### 8.4 Activation of ADDITIONAL Discounts

The ADDITIONAL Discounts will be activated as soon as all contracts, through which the joint contracting status entitling participants to the corresponding ADDITIONAL Discounts has been achieved, are in force at the same time.

#### 8.5 Duration of ADDITIONAL Discounts

ADDITIONAL Discounts are valid for two (2) years from the time they are activated, unless there is a cause for their early termination.

#### 8.6 Loss of ADDITIONAL Discounts

In the event of termination of the joint contracting situation achieved, whatever the reason, the ADDITIONAL Discounts that were being applied under this Promotion will be forfeited.

### 9. MARKETING CAMPAIGN, EXAMPLES OF POSSIBLE SAVINGS.

The content of the messages of the marketing and advertising communication campaign of the Promotion express savings in euros; these are only examples of possible savings and are in no way a commitment by the Organisers of the Promotion to guarantee a specific amount of savings.

In this regard, the actual savings of this Promotion will be determined by:

- (i) The applicable discounts, as explained in these Terms and Conditions: whether there is a single new contract, a joint procurement situation, a joint

procurement situation with one of the contracts being a previous contract, etc.

- (ii) The price and taxes applicable to each item.
- (iii) The annual consumption made in the energy supply contract(s), if applicable.

To clarify, in the examples of the marketing and advertising campaign of the Promotion, the following hypothetical cases shown in the following tables have been used, always pertaining to new contracts and assuming as a hypothesis that the same energy price is maintained for two years:



**Peninsula and Balearic Islands:**

JOINT CONTRACTING SITUATION ACHIEVED		ENERGY CONSUMPTION AND PRICES				MONTHLY MAINTENANCE SERVICE PRICE		SAVINGS IN TWO YEARS BY APPLYING BASIC AND ADDITIONAL DISCOUNTS (€)
TYPE	Contracts (all new contracts)	Annual electricity consumption (kWh/year)	Price of the electricity energy term (€/kWh), including 10% IVA and 2.5% Electricity tax	Annual gas consumption (kWh/year)	Price of the variable gas term (€/kWh), including VAT at 10%.	For electricity, 21% VAT included	For gas, 21% VAT included	
(A)	Electricity	3,252	0.19					560
	+Gas			6,060	0.10			
(B)	Electricity	3,215	0.19					290
	+Electricity Maintenance					5.50		
(C)	Gas			5,921	0.10			300
	+Gas Maintenance						11.00	
(D)	Electricity	3,255	0.19					610
	+Gas			6,060	0.10			
	+Electricity Maintenance					5.50		
(E)	Electricity	3,252	0.19					620
	+Gas			6,004	0.10			
	+Gas Maintenance						11.00	
(F)	Electricity	3,252	0.19					670
	+Gas			6,004	0.091			
	+Electricity Maintenance					5.50		
	+Gas Maintenance						11.00	

## Canary Islands:

JOINT CONTRACTING SITUATION ACHIEVED		ENERGY CONSUMPTION AND PRICES				MONTHLY MAINTENANCE SERVICE PRICE		SAVINGS IN TWO YEARS BY APPLYING BASIC AND ADDITIONAL DISCOUNTS (€)
TYPE	Contracts (all new contracts)	Annual electricity consumption (kWh/year)	Price of the electricity energy term (€/kWh), including 0% IGIC and 2.5% Electricity tax	Annual gas consumption (kWh/year)	price of the variable gas component (€/kWh)	For electricity, 7% IGIC included	For gas, 7% IGIC included	
(B)	Electricity +Electricity Maintenance	3,556	0.17			4.86		290

## 10. PUBLICATION AND ACCEPTANCE OF THE LEGAL TERMS AND CONDITIONS

These Legal Terms and Conditions will be published and accessible to all Participants and the general public on the following web pages: <https://www.endesa.com/en/promotions-and-winners> and [www.endesaxstore.com/es/es/informacion-legal/condiciones-generales-de-contratacion-de-cada-producto](http://www.endesaxstore.com/es/es/informacion-legal/condiciones-generales-de-contratacion-de-cada-producto)

By participating in the Promotion, Participants agree to these Terms and Conditions. The Participants accept that the Organisers may postpone, shorten, extend, modify, cancel or suspend the Promotion if necessary, without this implying any liability for the Organisers, who will communicate this as soon as possible at the following web addresses: <https://www.endesa.com/en/promotions-and-winners> and [www.endesaxstore.com/es/es/informacion-legal/condiciones-generales-de-contratacion-de-cada-producto](http://www.endesaxstore.com/es/es/informacion-legal/condiciones-generales-de-contratacion-de-cada-producto)

The Organisers are entitled to resolve any contingency not provided for in these Terms and Conditions, as well as to interpret them, without prejudice to the provisions of these Terms and Conditions in the event of a dispute.

## 11. APPLICABLE LAW AND JURISDICTION

These Terms and Conditions are governed by Spanish law and both the Participants and the Organisers expressly submit to the jurisdiction and competence of the Courts of the capital city of Madrid for the resolution of any dispute that may arise regarding the interpretation and/or application of these Terms and Conditions, notwithstanding any other jurisdiction to which they may be entitled by law.

## **12. TAX ISSUES**

The prices applied in bills will be subject to the tax regulations currently in force and applicable at the time they accrue.

## **13. PERSONAL DATA PROCESSING**

Bearing in mind that in order to benefit from the Promotion described in these Legal Terms and Conditions, the interested parties must arrange a joint contract: (i) a new electricity and/or gas supply contract with Endesa Energía, S.A. at one of the tariffs indicated and, (ii) an electricity and/or gas maintenance service from Endesa X Servicios, S.L. (or, failing this, if a tariff or service has already been contracted, to contract another tariff or service in accordance with the provisions of these Legal Terms and Conditions), Participants' personal data will be processed in accordance with the provisions of the data protection clause of the general terms and conditions of the respective contracts entered into.