

endesa



CUSTOMER PROTECTION REGULATIONS

ENDESA, S.A.

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I. GENERAL PROVISIONS

ARTICLE 1. PURPOSE

These regulations seek to define the status of the Endesa Customer Ombudsman. The position of Customer Ombudsman was created under a resolution of the Board of Directors at its Meeting on 12 September 2001. His main function is to defend and protect the rights of customers arising from their relations with the company in the electricity distribution and retailing areas and, in general, in connection with Endesa's relationships and services with its customers.

ARTICLE 2. PRINCIPLES GOVERNING CONDUCT

The Customer Ombudsman, who shall be governed by the principles of independence and equity in his work, shall encourage dialogue between the company and its customers, foster relationships between the parties built on good faith and mutual trust, and contribute to improving service quality.

II.- SCOPE OF APPLICATION

ARTICLE 3. PERSONS WITH RESPECT TO WHOM THE OMBUDSMAN CAN ACT

The Ombudsman shall hear relevant issues that affect relationships in Spain between Endesa and any individual or legal entity with customer status, whether individually or through mediators representing them, consumer associations, municipal intermediation organizations, professional organizations, chambers of commerce, etc.

ARTICLE 4. ISSUES ON WHICH THE OMBUDSMAN CAN ACT

The Customer Ombudsman shall hear matters relating to the supply of electricity and the provision of water and gas services to customers such as, for instance, the formalization of supply contracts, connection charges, consumption metering, supply billings and collections, applications for indemnity payments, etc.

III.- THE OMBUDSMAN

ARTICLE 5. APPOINTMENT AND TERM OF OFFICE

The Customer Ombudsman shall be appointed by the Board of Directors, following a proposal from its Chairman, from among persons who are independent and have renowned professional prestige. The contractual relationship between the company and the Customer Ombudsman shall, under no circumstances, be a labor relationship. The Customer Ombudsman shall discharge his duties for five years and his appointment may be renewed for an equal term.

ARTICLE 6. VACATION OF OFFICE

The Customer Ombudsman shall cease to discharge his duties if he becomes subject to one of the following situations:— Expiration of the term of his appointment — Resignation tendered to the Board of Directors of Endesa, S.A. — Supervening incapacity — A conviction of disqualification from holding public office — A resolution passed by the Board of Directors, following a proposal from the Chairman, based on manifestly negligent acts in the — discharge of his duties.

ARTICLE 7. INCOMPATIBILITIES

The Customer Ombudsman shall be subject to the following restrictions both at the time of his appointment and in the discharge of his duties) He may not hold office or discharge duties of representation, management or counselling at competing companies or at companies that exert a form of control at competitors' companies. b) He may not hold office or discharge duties of representation, management or counselling or have any relationship whatsoever, even through an interposed person, with entities which are habitual customers or providers of goods and services to Endesa if this status could give rise to a conflict of interest with the company. Financial institutions, as providers of financial services to the company, are excluded. c) Specifically in connection with his conduct in securities markets, the Customer Ombudsman must abide by the provisions of the Code of Conduct in Securities Markets approved by the Board of Directors of Endesa on 24 July 2001.

IV.- FUNCTIONS AND EXCLUDED MATTERS

ARTICLE 8. DUTIES OF THE CUSTOMER OMBUDSMAN

The Customer Ombudsman shall be entrusted with the following duties:

- a) Resolving customer complaints in the event of disagreement with the company. The Customer Ombudsman shall act in the last resort when a customer complaint has been rejected by the customer care services established by the company.
- b) Dealing with external mediators with a view to forestalling the emergence or worsening of disputes and differences.
- c) Mediating in litigation or disputes between the company and external mediators
- d) Proposing the adoption of measures to improve service quality and meet customer expectations.

ARTICLE 9. EXCLUDED MATTERS

The Customer Ombudsman cannot deal with the following matters:

- a) Matters raised by external mediators with regard to their relationships with offices situated or activities engaged in outside Spain.
- b) Matters concerning the relationship between the company and its shareholders as such.
- c) Matters concerning labor relations between the company and its employees.
- d) Issues that are at the discretion of the company.
- e) Matters that are subject to the decision of a judicial authority, or a public authority or agency reporting to that authority with enforcement (regulatory) power, or an arbitrator or arbitration panel, in matters concerning electricity supply or retailing.
- f) Matters that seek to impede, hamper or delay the exercise of any right the company has with its customers.
- g) Matters where the amount of the customer request or complaint exceeds Euro 60,200.

V.- PROCEDURES FOR AND PROCESSING OF COMPLAINTS

ARTICLE 10. LAST RESORT APPEAL

The Ombudsman may not act until the written complaint has been dealt with through the company's customer care services, either under an express resolution by the competent body or if two months have passed since its submission and the complaint has not yet been resolved.

ARTICLE 11. DIRECT OR INDIRECT COMPLAINTS

The Ombudsman shall have authority to deal with a direct complaint from the customer in question or an indirect complaint made by organizations or external mediators of a representative nature, such as consumer associations.

ARTICLE 12. CONFIDENTIALITY OF INFORMATION

The information in case files shall be confidential and only the parties concerned shall have the right to apprise themselves of the content.

ARTICLE 13. METHOD, DEADLINES AND REQUIREMENTS FOR SUBMITTING COMPLAINTS

- a) Complaints submitted to the Customer Ombudsman must be in writing and must contain:
 - The name and surname of the complainant and, if appropriate, those of their representative.
 - The facts, reasons and request on which the disagreement is specifically based.
 - The documentation supporting the complaint.
 - Signature of complainant along with the date and place the complaint is submitted
- b) The Ombudsman's Office shall acknowledge receipt of complaints received and record the date they are submitted
- c) Complaints must be submitted to the Customer Ombudsman no more than one year after the occurrence of the facts
- d) In any case, as an unavoidable requirement for the Ombudsman to be able to resolve a complaint, the company must have been previously apprised of the complaint and must have been able to make such submissions as it saw fit within no more than 15 days.

VI.- RESOLUTIONS BY THE CUSTOMER OMBUDSMAN

ARTICLE 14. TERMINATION OF PROCEDURE

The Customer Ombudsman complaints procedure shall be deemed to have come to an end with a reasoned resolution, discontinuance by the parties, a waiver of the right on which the complaint was founded, a declaration that the complaint has lapsed, or an agreed settlement for that purpose. The deadline for resolving matters submitted for the consideration of the Customer Ombudsman shall be two months. If the Ombudsman does not receive a reply from the company, it may be deemed that the company admits the version of the facts according to the customer in question, and the Ombudsman may hand down a resolution consequently. If it is the customer that fails to reply, the Ombudsman may deem his involvement in the matter to have ended and shall notify the customer thereof immediately. Any recommendations made by the Ombudsman shall be notified to the parties concerned.

ARTICLE 15. EFFECT OF RESOLUTIONS

Acceptance of a resolution by the Ombudsman shall be voluntary for the complainant, who must give written notice of his acceptance within not more than 30 days. Otherwise, after the 30-day period has elapsed, the Ombudsman shall assume that the resolution has not been accepted. The resolutions of the Customer Ombudsman shall be binding on the company, which must carry them out by the deadline indicated in the resolution or, otherwise, within 30 days after express written acceptance by the complainant of the terms of the resolution.

ARTICLE 16. RESOLUTIONS

Resolutions by the Customer Ombudsman shall be based on the principles of conciliation, justice and equity.

VII.- RIGHTS AND OBLIGATIONS

ARTICLE 17. THE COMPANY'S OBLIGATIONS TO THE CUSTOMER OMBUDSMAN

The company shall enter into the following commitments to the Customer Ombudsman:

- Allocate each year a budget for expenses necessary for the discharge of his duties.
- Cooperate in furnishing all the information requested by the Ombudsman for the proper discharge of his responsibilities.
- Publicize the position of Customer Ombudsman as well as the provisions of these regulations.
- Require all executives, employees and corporate bodies to cooperate with the Customer Ombudsman whenever he so requires.

ARTICLE 18. CALCULATION OF BUDGET

The Ombudsman shall submit calculations for the budget in each fiscal year as well as a reasoned projection for the next fiscal year. The calculations may be accompanied by such financial or organizational proposal as the Customer Ombudsman may deem necessary for the better discharge of his duties.

ARTICLE 19. DUTY OF INFORMATION

The Customer Ombudsman may approach all the executives, employees and corporate bodies, notifying the Chief Executive Officer or whoever the Chief Executive Officer may appoint, in order to request all such information as he may deem necessary and of interest for the proper discharge of his duties. The Ombudsman may submit to the company reports, recommendations, questions or proposals on general or specific aspects of interest for the protection of the rights of customers and other external mediators and which may constitute an enhancement of the good relations and mutual trust between the company and the latter.

VIII.- REPORT AND ANNUAL INFORMATION

ARTICLE 20. INFORMATION FOR THE BOARD OF DIRECTORS

In the first quarter of each year, the Ombudsman shall submit to the Board of Directors a summary of the activities and proposals resulting from his work in the previous year.

ARTICLE 21. REPORT

Each year the Customer Ombudsman shall submit a report explaining his work to the Board of Directors and to the organizations representing external mediators, particularly consumer associations and municipal intermediation organizations. This report may also be viewed by customers on the Ombudsman website created for the purpose.

IX.- FINAL PROVISIONS

ARTICLE 22. ENTRY INTO FORCE

These regulations shall come into force on the day after the date of their approval.

ARTICLE 23. PUBLICITY

Endesa shall publish these regulations on its website and on the company intranet so that its customers and employees may be apprised of them.