

## **General Terms and Conditions Spirit Club**

(As of May 2021)

### **1 Scope of application**

The FMTG Services GmbH, located at Walcherstraße 1A, Stiege C2, Top 6.04, 1020 Vienna, offers the following loyalty programs:

- the Advantage Club ("Blue Spirit Club")
- the Loyalty Club ("Gold Spirit Club")
- the Loyalty Club ("Crystal Spirit Club")
- the Loyalty Club ("Diamond Spirit Club")

The subsequent terms and conditions apply to all four loyalty programs.

### **2 Eligibility and Registration**

#### **2.1 Eligibility**

Individuals who have reached the age of 18 and are fully competent to enter into contracts are eligible to participate. Only one participation per person is allowed.

Employees of FMTG Falkensteiner Michaeler Tourism Group AG, its group companies, and those companies with which there is a management contract (Falkensteiner Hotels & Residences) are not eligible to participate.

#### **2.2 Registration for the Blue Spirit Club**

Registration is done via [www.falkensteiner.com/spirit-club](http://www.falkensteiner.com/spirit-club). After filling out the application form, the applicant will receive a confirmation email.

Membership in the Blue Spirit Club is free of charge.

#### **2.3 Invitation to the Gold Spirit Club**

Upon achieving the "Gold Spirit Status", Blue Spirit Club members will be invited to join the Gold Spirit Club. The "Gold Spirit Status" is achieved when the member either has at least 20 overnight stays in participating hotels in two consecutive years (counting each individual night) or generates a turnover of at least EUR 5,000.00 (including VAT) in the participating hotels.

Membership in the Gold Spirit Club is also free of charge.

#### **2.4 Invitation to the Crystal Spirit Club**

When purchasing one of our Residences in Zadar, on Katschberg, or in Jesolo, you automatically become a Crystal Spirit Member.

#### **2.5 Invitation to the Diamond Spirit Club**

With an investment starting from 10,000 Euros (into a campaign) from our crowd investing, you automatically become a Diamond Spirit Member.

## 2.6 Transferability

The membership card or membership cannot be transferred to other individuals.

The benefits of the loyalty programs can be used by the member themselves and a companion, and are valid for up to two rooms.

## 3 Content of the Loyalty Programs

### 3.1 Blue Spirit Club

Members of the Blue Spirit Club receive a 5% discount on direct hotel bookings or bookings made via [www.falkensteiner.com](http://www.falkensteiner.com) on all publicly available rates. No discount is granted for special rates (e.g., group rates, tour operator rates, net rates, corporate rates).

Moreover, there are ongoing special offers, further discounts, news, highlights, events, and sweepstakes. These offers are displayed and continuously updated in the Blue Spirit Club's login area.

### 3.2 Gold Spirit Club

Members of the Gold Spirit Club receive a 10% discount on direct hotel bookings or bookings made via [www.falkensteiner.com](http://www.falkensteiner.com) on all publicly available rates. No discount is granted for special rates (e.g., group rates, tour operator rates, net rates, corporate rates).

Additionally, Gold Spirit Club members receive exclusive services in participating hotels, including a personal welcome gift in the room and a room upgrade, subject to availability. They are also entitled to all benefits and services of the Blue Spirit Club.

### 3.3 Crystal Spirit Club

Members of the Crystal Spirit Club get a discount ranging from 10-25% on direct hotel bookings or bookings via [www.falkensteiner.com](http://www.falkensteiner.com) on all publicly available rates. No discount is provided for special rates (e.g., group rates, tour operator rates, net rates, corporate rates, or specifically marked offers such as Black Friday).

Further, Crystal Spirit Club members in participating hotels receive exclusive services, including a personal welcome gift in the room and a room upgrade, subject to availability. They are also entitled to all benefits and services of the Gold Spirit Club.

### 3.4 Diamond Spirit Club

Members of the Diamond Spirit Club receive a 10% discount on direct hotel bookings or bookings made via [www.falkensteiner.com](http://www.falkensteiner.com) on all publicly available rates. No discount is given for special rates (e.g., group rates, tour operator rates, net rates, corporate rates, or specifically marked offers like Black Friday).

Moreover, Diamond Spirit Club members who have invested at least €10,000 in tranches 1-7 will receive a voucher for one free night per year, available annually from January, valid for one year from collection. It is redeemable at all Falkensteiner Hotels & Residences within one year from the issuance date, valid for two adults in a double room with standard inclusive hotel services (additional persons or higher room categories at an extra cost). Availability upon request, excluding peak seasons, public holidays, and taking into consideration restrictions (e.g., minimum stays). Investors from campaign #8 (June 2022)

receive a one-time Falkensteiner voucher for every investment of €10,000. Detailed information about individual campaigns can be found at [www.fmtg-invest.com](http://www.fmtg-invest.com) and respective country platforms.

Furthermore, members in participating hotels receive exclusive services, including a personal welcome gift in the room and a room upgrade, subject to availability. They are also entitled to all benefits and services of the Gold Spirit Club.

### 3.5 Points

All Spirit Club members receive action points. A Spirit Club member gets points for Spirit Club registration, birthdays, and upgrades to the Gold Spirit Club. No points are credited for stays.

10 Points = €1

Points can be redeemed during a direct hotel booking via email, phone, or the website ([www.falkensteiner.com](http://www.falkensteiner.com)) in conjunction with a hotel stay. No points can be redeemed when booking a special rate (e.g., group rates, tour operator rates, net rates, corporate rates). Points expire after 365 days.

### 3.6 Newsletter

In a regular email newsletter, Spirit Club members are informed about new offers based on their consent. We take the protection of the related personal data very seriously and handle the entrusted data according to current data protection regulations. Members can unsubscribe at any time in individual newsletters (footer) or in their Spirit Club profile.

## 4 Duration of Membership

### 4.1 Blue Spirit Club

The membership is unlimited.

### 4.2 Gold Spirit Club

Membership is generally limited to 2 years.

During this period, at least 20 overnight stays or a turnover of at least EUR 5,000.00 (including VAT) are required to extend the duration by 2 years. If the membership is not renewed, the Gold Spirit Card will lose its validity. However, membership in the Blue Spirit Club remains.

If the member subsequently meets the requirements for participation in the Gold Spirit Club again, the member will receive an email confirmation.

### 4.3 Crystal Spirit Club

Membership and its duration are tied to the ownership of one of the Falkensteiner Residences in Zadar, Katschberg, or Jesolo.

### 4.4 Diamond Spirit Club

Membership is limited to the duration of the respective investment.

## **5 Participating Hotels**

The accessible hotels of the FMTG Falkensteiner Michaeler Tourism Group AG participate in the bonus programs. The listed hotels may change in general.

The current conditions and available benefits and services can be accessed by the member at any time at [www.falkensteiner.com/spirit-club-information](http://www.falkensteiner.com/spirit-club-information).

## **6 Changes to the Terms and Conditions and the Bonus Programs**

FMTG Services GmbH reserves the right to change the General Terms and Conditions, the content of the bonus programs, and the participating hotels at any time.

Members will be notified in writing of changes to these General Terms and Conditions at the last known email address or otherwise made aware in a reasonable manner. The changes are deemed approved if the member does not object in writing to the changes within one month of notification. FMTG Services GmbH will draw the member's attention to the fact of the change in the General Terms and Conditions in the notification and point out that his silence after the expiration of one month from the notification is considered approval of the change.

If the member does not accept the changes, this is considered a termination of membership. FMTG Services GmbH will also specifically point this out to the member when sending the amended General Terms and Conditions.

## **7 Termination of Membership**

### **7.1 Termination by the Member**

Members can cancel their membership at any time without notice and without stating a reason by email at [spiritclub@falkensteiner.com](mailto:spiritclub@falkensteiner.com) or at [+43 \(0\) 50 9911 1000](tel:+4305099111000).

### **7.2 Termination by FMTG Services GmbH**

FMTG Services GmbH is entitled to terminate the membership without notice for important reasons. An important reason exists, among other things, in the following cases:

- Improper or fraudulent use of the program
- Inappropriate behavior in the hotel

### **7.3 Discontinuation of the Bonus Programs**

FMTG Services GmbH reserves the right to end the bonus programs at any time without giving reasons or to replace them with other programs.

A termination or a change of the bonus programs does not entitle the members to claims of any kind.

## **8 Data and Data Protection**

FMTG Services GmbH complies with the data protection regulations (DSGVO, DSAG, TKG) in their current version. Personal data are only collected, used, and passed on if this is legally permitted or if the customer consents to the data collection.

Detailed information on the processing of personal data, processing operations, and data subject rights can be found in the data protection provisions of FMTG Services GmbH. These can be accessed at <https://www.falensteiner.com/datenschutz>.

## **9 Miscellaneous**

If any provision of these General Terms and Conditions is or becomes invalid, this does not affect the validity of the remaining provisions. The ineffective clause is replaced by such a clause that comes closest to the economic intention of the invalid clause. The same applies to any gaps that these General Terms and Conditions may contain.

These General Terms and Conditions are subject in their entirety to Austrian law, excluding collision norms and UN sales law.

For members who are not consumers within the meaning of § 1 KSchG, the exclusive jurisdiction for all disputes arising from and in connection with the bonus programs and the General Terms of Use is the District Court Innere Stadt in Vienna.