

# Supplement to the Declaration of Conformity 2010 dated 31 January 2011

"The changed list of candidates submitted by the Supervisory Board for election to the new Supervisory Board at the Annual General Meeting on 9 February 2011 does not fully meet the specific objectives of the Supervisory Board concerning its future composition (numeral 5.4.1 pp. 2-5 of the German Corporate Governance Code). According to the Corporate Governance Report of the Supervisory Board in the Annual Report 2009/10, its objectives include having four female members on the Supervisory Board. On 13 January 2011, the employee representatives elected two women as future Supervisory Board representatives, as expected. Following the change in the list of candidates as shareholder representatives effected on 21 January 2011, only one additional woman will be proposed for election to the Supervisory Board with Carmen Riu.

The deviation from the specific objective was required in order to facilitate a more constructive relationship between all major shareholder groups and the management on the basis of the changed list of nominees. In the interest of the Company, this objective was given priority over the previously indicated objective concerning the composition of the Supervisory Board."

(The German version of this declaration is legally binding. The Company cannot be held responsible for any misunderstandings or misinterpretation arising from this translation.)