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Motions and nominations by shareholders pursuant to secs. 126(1), 127 of Germany's Stock Corporation Act (AktG)

Motion on item 2. Appropriation of the balance-sheet profit for the 2012 financial year

**Proposed amendment:**

2. Appropriation of the balance-sheet profit for the 2012 financial year

Proposal to the Annual General Meeting (AGM) that part, viz. €296,242,459.13, of the balance-sheet profit totalling €294,366,080.00, as stated in the annual financial statements, be used to pay a dividend of €0.64 on each no-par value registered share, ie a total of €294,366,080.00. It is proposed that the remaining balance-sheet profit of €1,876,379.13 be allocated to Other Revenue Reserves.

**Reasons:**

The proposal of the Executive Board and the Supervisory Board that the stated balance-sheet profit amounting to €296,242,459.13 be allocated in full to Other Revenue Reserves is rejected. A provision marks a serious change in business policy and is not in the interest of the shareholders. In past years, the stated balance-sheet profit has always, and without exception, been used to pay a dividend. No reason is given for a provision.

Particulars of the shareholder:

Name: Ulf Meyer  
Profession: Dipl. Ing. für Bauwesen, Prokurist (graduate building engineer, holder of a power of procuration)  
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Shareholder number: 8915938