



## Information for the Participants of the Shareholders' Meeting on June 4, 2009

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### Amended proposal of the management for the resolution on agenda item 2 of the Annual Shareholders' Meeting

#### Distribution of the net income

In the (revised) invitation to the shareholders' meeting published in the electronic Federal Gazette (*elektronischer Bundesanzeiger*) the Executive Board and the Supervisory Board proposed to use the distributable net income of EURO 1,899,900,657.51 for a distribution of a dividend to the preference shareholders in the aggregate amount of EURO 2.140.688,74 and for a balance to be carried forward to the new accounting period in the aggregate amount of EURO 1.897.759.968,77.

As the number of treasury stock has increased again until today's shareholders' meeting in the course of the ongoing share buy back program, this proposal – as already indicated for this event in the invitation to the shareholders' meeting – had to be amended before today's shareholders' meeting. The new proposal on the distribution of net income now also considers the 3,273,337 own preference shares of the company without right to dividend which have been acquired between the publication of the invitation to the shareholders' meeting in the electronic Federal Gazette on April 22, 2009 and the day of today's shareholders' meeting.

Against this background, the amended proposal of the Executive Board and the Supervisory Board is the following:

The Executive Board and the Supervisory Board propose that the distributable net income for the fiscal year 2008 of EUR 1,899,900,657.51 be used as follows:

Distribution of a dividend of EUR 0.02

per bearer preference share entitled to dividend:

EUR 2,075,222.00

Balance to be carried forward to the new accounting period

EUR 1,897,825,435.51

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EUR 1,899,900,657.51

Pursuant to Sec. 71b of the German Stock Corporation Act, treasury shares which are, directly or indirectly, held by the Company are not entitled to dividend distributions. The above resolution on the use of distributable net income takes into consideration 5,637.500 treasury shares of preferred stock held by the Company at the date of announcement of convocation of the shareholders' meeting.