

## **Additional explanations on the rights of shareholders pursuant to §§ 122 para. 2, 126 para. 1, 127, 137 and 131 para. 1 of the German Stock Corporation Act (AktG) and further rights in connection with the virtual Annual General Meeting**

### **1. Virtual general meeting pursuant to section 118a German Stock Corporation Act (AktG) and right to comment and speak at virtual general meetings pursuant to section 130a German Stock Corporation Act (AktG)**

The Annual General Meeting will be held on the basis of Section 26n (1) of the Introductory Act to the German Stock Corporation Act (EgAktG) with the approval of the Supervisory Board as a virtual Annual General Meeting pursuant to Section 118a of the German Stock Corporation Act (AktG).

Physical attendance by shareholders or their proxies (with the exception of the proxies appointed by the Company) is therefore excluded

The Company has set up a password-protected internet service for the Annual General Meeting. Properly registered shareholders can connect electronically to the Annual General Meeting via the internet service and in this way participate in the meeting and exercise shareholder rights as well as follow the entire Annual General Meeting live in picture and sound by means of electronic communication. The internet service will be available from July 11, 2023 at the internet address

<https://www.medigene.com/investors-media/annual-general-meeting/2023>.

Shareholders or their proxies may exercise their voting rights exclusively by electronic postal vote or by granting power of attorney to the proxies appointed by the Company. Shareholders and their proxies who are electronically connected to the meeting will be granted the right to speak and to receive information at the Annual General Meeting by means of video communication, as well as the right to submit motions and nominations. They also have the right to object to resolutions of the Annual General Meeting by means of electronic communication. Shareholders who have duly registered for the Annual General Meeting and their proxies are also granted the right to submit comments by electronic communication before the Annual General Meeting.

Via the password-protected internet service, duly registered shareholders (and, if applicable, their proxies) can, among other things, exercise their shareholder rights in accordance with the procedures provided for this purpose.

The use of the password-protected Internet service by an authorized representative requires that the authorized representative receives the corresponding access data.

The relevant sections of the German Stock Corporation Act for a virtual general meeting are as follows:

#### *Section 118a (1) AktG Virtual general meeting*

- (1) The articles of association may provide or authorise the board to provide that the meeting shall be held without the physical presence of the shareholders or their proxies at the place of the general meeting (virtual general meeting). If a virtual general meeting is held, the following requirements must be met:
1. the entire meeting shall be broadcast by video and audio,
  2. the shareholders' voting rights may be exercised by means of electronic communication, namely by electronic participation or electronic postal voting, as well as by granting proxies,
  3. shareholders who are electronically connected to the meeting shall be granted the right to submit motions and election proposals by means of video communication at the meeting,
  4. shareholders shall be granted a right to information pursuant to § 131 by way of electronic communication,
  5. the shareholders shall be given access to the report of the executive board or its essential content no later than seven days before the meeting, provided that the executive board makes use of the option under section 131, paragraph 1a, sentence 1,

6. the shareholders shall be granted the right to submit comments in accordance with § 130a paras. 1 to 4 by means of electronic communication,
7. shareholders electronically connected to the meeting shall be granted the right to speak at the meeting by means of video communication in accordance with § 130a paragraphs 5 and 6,
8. shareholders connected electronically to the meeting shall be granted the right to object to a resolution of the general meeting by means of electronic communication.

Section 121 (7) shall apply to the calculation of the time limit pursuant to sentence 2 number 5; in the case of listed companies, such access shall be made available via the company's website. Section 118, paragraph 1, sentences 3 and 4 and section 67a, paragraph 2, sentence 1 and paragraph 3 shall apply accordingly.

#### ***Right to submit comments pursuant to Section 130a (1) to (4) AktG***

In accordance with Section 118a (1) sentence 2 no. 6 in conjunction with Section 130a (1) to (4) of the German Stock Corporation Act (AktG), properly registered shareholders or their proxies have the right to submit comments on the agenda items in text form or in video format by electronic means, i.e. by midnight (CEST) on Friday, August 4, 2023, at the latest. For this purpose, they can use the password-protected internet service on the Company's website at the internet address

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

available.

Comments in text form are to be submitted in accordance with the procedure provided for this purpose in the password-protected Internet service as a file in text form in the PDF file format with a recommended file size of no more than 50 MB. Comments in video format shall be submitted in accordance with the procedure provided for this purpose and/or as video in MPEG-4 or MOV file formats; they shall not exceed a maximum file size of 1 GB.

The submission of several statements is possible. Only statements in video format in which the shareholder or his proxy appears himself are permitted. By submitting a statement, the shareholder or his proxy agrees that the statement may be made available on the password-protected internet service under his name.

Comments must be submitted no later than five days before the meeting, i.e. no later than midnight (CEST) on August 4, 2023. Unless it is permissible in exceptional cases to refrain from making them available pursuant to Section 130a (3) sentence 4 AktG, comments submitted on agenda items will be published no later than four days before the Annual General Meeting, i.e. no later than August 5, 2023, 24:00 hours (CEST), in the password-protected internet service accessible only to properly registered shareholders or their proxies with the relevant access data on the Company's website at

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

made accessible.

Motions and election proposals, questions and objections to resolutions of the Annual General Meeting in the context of comments submitted in text form or in video format will not be considered at the Annual General Meeting; the submission of motions or election proposals, the exercise of the right to information and the filing of objections to resolutions of the Annual General Meeting is only possible via the channels described separately in this notice of invitation.

The statement will be made available on the Company's website no later than four days before the meeting, i.e. by midnight (CEST) on August 5, 2023, unless this is permitted to be dispensed with as an exception in accordance with section 130a (3) sentence 4 AktG. By submitting the statement, the shareholder or his proxy declares his consent to such disclosure.

#### ***Right to speak pursuant to § 130a (5) and (6) AktG***

Shareholders or their proxies who are connected electronically to the Annual General Meeting have the right to speak at the meeting via video communication.

As of the beginning of the Annual General Meeting, a password-protected Internet service will be available on the Company's website at

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

A virtual request-to-speak table will be set up at the Annual General Meeting, which shareholders or their proxies can use to register their speeches.

In particular, the right to speak also includes the right to propose motions and nominations in accordance with section 118a (1) sentence 2 no. 3 AktG, and the right to request information in accordance with section 131 (1) AktG.

Pursuant to Art. 17 par. 3 of the Company's Articles of Association, the chairman of the meeting is authorized to impose reasonable time limits on the shareholders' right to speak and ask questions, in particular to impose reasonable time limits on the course of the meeting, the discussion of agenda items and individual speeches or questions, and to make more detailed provisions. In particular, the chairman of the meeting may set speaking and question times for the entire course of the shareholders' meeting, for individual items on the agenda, and for individual speakers at the beginning of or during the course of the shareholders' meeting and, if necessary for the proper conduct of the shareholders' meeting, order the end of the debate. The entire virtual Annual General Meeting, including video communication, is handled in the password-protected Internet service via the BetterMeeting system of Better Orange IR & HV AG. Shareholders or their proxies who wish to register their speech via the virtual registration table require either a non-mobile end device (PC, notebook, laptop) with the Chrome browser installed from version 89, Edge from version 88 or Safari from version 13.1 or a mobile end device (e.g. smartphone or tablet) for the connection of the speech. Mobile end devices with ANDROID operating system require Chrome (from version 89;) as installed browser; mobile end devices with iOS operating system require Safari (from version 13.1.) as installed browser. A camera and microphone that can be accessed from the browser must be available on the end devices for speech contributions. No further installation of software components or apps on the end devices is required. Persons who have registered for a speech via the virtual registration table will be activated for their speech in the password-protected Internet service. The Company reserves the right to check the functionality of the video communication between the shareholder or proxy and the Company during the meeting and before the speech and to reject the speech if the functionality is not ensured.

The relevant section of the Company's Articles of Association is as follows:

*Section 17 (3) of the Articles of Association of Medigene AG::*

- (3) The person chairing the meeting is authorized to appropriately restrict the time shareholders are permitted to speak and ask questions from the start of the Annual General Meeting and thereafter, in particular for the purpose of appropriately limiting the time frame of the course of the meeting, discussion on items on the Agenda and specific contributions in the form of comments and/or questions.

The relevant sections of the German Stock Corporation Act (AktG) are as follows:

*Section 130a of the German Stock Corporation Act: Right to comment and speak at virtual general meetings*

- (1) In the case of a virtual general meeting, shareholders shall have the right to submit comments on the items on the agenda before the meeting by means of electronic communication using the address provided for this purpose in the notice convening the meeting. The right may be restricted to shareholders duly registered for the meeting. The scope of the comments may be appropriately limited in the convening notice.
- (2) Comments shall be submitted no later than five days before the meeting.
- (3) The submitted statements shall be made available to all shareholders no later than four days before the meeting. The disclosure may be limited to shareholders duly registered for the meeting. In the case of listed companies, such disclosure shall be made on the website of the company; in the case of sentence 2, such disclosure may also be made on the website of a third party. Section 126 (2) sentence 1 number 1, 3 and 6 shall apply accordingly.
- (4) Section 121 subsection (7) shall apply to the calculation of the periods referred to in subsections (2) and (3) sentence 1.
- (5) Shareholders who are electronically connected to the meeting shall be granted the right to speak at the meeting by means of video communication. The form of video communication offered by the company shall be used for the speeches. Motions and election proposals according to § 118a paragraph 1 sentence 2 number 3, the request for information according to § 131 paragraph 1, follow-up questions according to § 131 paragraph 1d as well as further questions according to § 131 paragraph 1e may be part of the speech. § 131 paragraph 2 sentence 2 shall apply accordingly.

- (6) The company may reserve the right in the convening notice to check the functionality of the video communication between shareholder and company in the meeting and before the speech and to reject it if the functionality is not ensured.

## **2. Motions for additions to the agenda at the request of a minority pursuant to Art. 122 par. 2 AktG**

Shareholders whose shares together amount to one-twentieth of the share capital (this corresponds to 1,228,133 shares at the time of convening) or the pro rata amount of EUR 500,000.00 (this corresponds to 500,000 shares) may request that items be placed on the agenda and announced. Each new item must be accompanied by a statement of reasons or a draft resolution. The request must be addressed in writing to the Executive Management Board of Medigene AG and must be received by the Company no later than July 9, 2023, 24:00 hours (CEST) at the following address:

Medigene AG  
Executive Board  
Lochhamer Straße 11  
82152 Planegg/Martinsried  
Germany

Requests for additions and a possible statement by the administration in this regard are published on the Internet at

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

published. Requests for supplements to be published will also be published without delay in the German Federal Gazette (Bundesanzeiger), forwarded for publication to such media as can be expected to disseminate the information throughout the European Union, and communicated to the shareholders.

The relevant sections of the German Stock Corporation Act (AktG) upon which those shareholder rights are based are as follows:

### *Section 122 of the German Stock Corporation Act: Convening a meeting upon the request of a minority*

- (1) A general meeting shall be convened if shareholders whose aggregate holding is not less than one-twentieth of the share capital require such meeting in writing, stating the purpose and grounds; such request shall be addressed to the management board. The articles of association may provide that the right to request a general meeting is to depend on another form and on holding a lower proportion of the share capital. The applicants have to prove that they have been shareholders for at least 90 days prior to the day of the receipt of the demand and that they will continue to hold the shares until the decision of the managing board regarding their request is made. Section 121 para. 7 shall apply correspondingly.
- (2) In the same way shareholders, whose shares amount in aggregate to not less than one-twentieth of the share capital or represent a proportional amount of not less than 500,000 Euro, may request to have items placed on the agenda and published. Every request for a new agenda item must be accompanied by an explanation of the reasons therefor or a proposed resolution. The request in accordance with sentence 1 must be received by the Company at least 24 days, in case of public companies at least 30 days prior to the general meeting; whereby the day of the receipt is not counted.
- (3) If any such request is not complied with, the court may authorize the shareholders who made the request to convene a general meeting or publish such items. At the same time the court may appoint the chairman of the meeting. The notice of the meeting or the publication shall refer to such authorization. An appeal may be made against the decision of the court. The applicants have to prove that they will continue to hold the shares until the decision of the court is made.
- (4) The Company shall bear the costs of the general meeting and, in the case of paragraph (3), also the court costs if the court grants the application.

### *Section 124 (1) of the German Stock Corporation Act: Publication of requests for supplements; proposals for resolutions*

- (1) If the minority has requested pursuant to Section 122 para. 2 that items shall be added to the agenda, these items shall be published either upon convening the meeting or immediately following receipt of the request. Section 121 para. 4 shall apply analogously; moreover, Section 121 para. 4a shall apply analogously to public companies. Publication and submission shall be made in the same way as applicable for convening the meeting.

*Section 121 (4), (4a), (7) of the German Stock Corporation Act: General provisions*

- (4) The convening of the general meeting shall be published in the company's journals. If the shareholders of the Company are known by name, the shareholders' meeting may be convened by registered letter, unless the articles of association provide otherwise; the day of dispatch shall be considered the day of publication. A notification to those registered in the shareholders' register is sufficient.
- (4a) In case of public companies which have not exclusively issued registered shares or which do not send the convention directly to the shareholders pursuant to para. 4 sentence 2, the notice shall, at the latest on the date of announcement, be furnished to such suitable media as may be expected to disseminate the information throughout the European Union.
- (7) In case of deadlines and dates which are calculated back from the date of the meeting, the day of the meeting itself shall not be included in the calculation. Adjourning the meeting from a Sunday, Saturday or a holiday to a preceding or following working day shall not be an option. Sections 187 to 193 of the German Civil Code (Bürgerliches Gesetzbuch) shall not be applied analogously. In case of unlisted companies, the articles may provide for a different calculation of the deadline.

*Section 70 of the German Stock Corporation Act: Computation of the period of shareholding*

If the exercise of rights arising from the share is dependent on the shareholder having been the holder of the share for a certain period of time, a claim for transfer of ownership against a credit institution, a financial services institution, a securities institution or an enterprise operating pursuant to § 53 paragraph 1 sentence 1 or § 53b paragraph 1 sentence 1 or paragraph 7 of the German Banking Act shall be deemed equivalent to ownership. The period of ownership of a predecessor in title shall be attributed to the shareholder if he acquired the share free of charge, from his trustee, as universal successor, in the event of the dissolution of a community or in the event of a portfolio transfer pursuant to section 13 of the Insurance Supervision Act or section 14 of the Building Savings Bank Act.

*Section 87 (4) of the German Stock Corporation Act: Principles for the remuneration of members of the executive board*

- (4) The general meeting may, upon motion pursuant to section 122, paragraph 2, sentence 1, reduce the maximum remuneration determined pursuant to section 87a, paragraph 1, sentence 2, number 1.

**3. Countermotions pursuant to Section 126 (1) AktG and election proposals pursuant to Section 127 AktG**

In addition, shareholders may submit to the Company countermotions to proposals by the Executive Board and/or Supervisory Board on specific items on the agenda as well as nominations for election. Countermotions (together with any reasons) and election proposals are to be sent exclusively to:

Medigene AG  
c/o Better Orange IR & HV AG  
Haidelweg 48  
81241 Munich  
Germany

Fax: +49 (0)89 889690655

E-mail: [antraege@better-orange.de](mailto:antraege@better-orange.de)

Countermotions and election proposals addressed otherwise will not be considered. Better Orange IR & HV AG is the Company's authorized recipient for countermotions and election proposals.

Countermotions and nominations, including the name of the shareholder and the reasons to be made available, received at the above address, fax number or e-mail address with proof of shareholder status up to 14 days before the date of the virtual Annual General Meeting, i.e. by midnight (CEST) on July 26, 2023 at the latest, will be made available to the other shareholders on the internet at

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

provided that the other requirements for publication pursuant to Section 126 AktG are met. Any comments by the management will also be published at the above Internet address.

Countermotions or election proposals by shareholders which are to be made accessible pursuant to Section 126 or Section 127 of the Stock Corporation Act shall be deemed to have been made at the time they are made accessible. The Company allows voting rights on these motions or election proposals to be exercised as soon as

the shareholder making the motion or submitting the election proposal is duly authorized and duly registered for the Annual General Meeting.

Shareholders or their proxies who are connected to the Annual General Meeting also have the right to submit motions and election proposals in the meeting by way of video communication within the scope of their right to speak.

The relevant sections of the German Stock Corporation Act upon which those shareholder rights are based and which also set forth under which preconditions counter-proposals and election proposals do not need to be made available are as follows:

*Section 126 of the German Stock Corporation Act: Propositions by shareholders*

- (1) Information on shareholders propositions, including the respective shareholder's name, as well as the underlying reasons for the proposition and statements, if any, by the Management need only be given to the beneficiaries pursuant to section 125 para. 1 through 3, if the shareholder submits to the company at the address specified his counter-application stating the reasons for it to a proposal of the executive management board and the supervisory board concerning a specific agenda item at the latest 14 days prior to the general meeting. The day of the receipt is not counted. Public companies have to publish the propositions on their webpage. Section 125 para. 3 applies accordingly.
- (2) Information on a counter-application and the reasons therefor need not be given, if:
  1. the executive management board would by reason of giving such information become criminally liable;
  2. the counter-application would result in a resolution of the general meeting which would be unlawful or in breach of the articles;
  3. the grounds contain statements which are manifestly false or misleading in material respects or which are defamatory;
  4. a counter-application of such shareholder based on the same facts has already been communicated to a general meeting of the company pursuant to section 125;
  5. the same counter-application of such shareholder on essentially identical grounds has already been communicated pursuant to section 125 to at least two general meetings of the company within the past five years and at such general meetings less than one-twentieth of the share capital represented voted in favour of such counter-application;
  6. the shareholder indicates that he will neither attend nor be represented at the general meeting; or
  7. within the past two years at two general meetings the shareholder failed to move or cause to be moved on his behalf a counter-application communicated by him.

The statement of grounds need not be communicated if it exceeds 5,000 figures.

- (3) If several shareholder make counter-applications in respect of the same resolution, the management board may combine such counter-applications and their statements of grounds.
- (4) In the case of an virtual general meeting, propositions that are to be made accessible pursuant to paragraphs 1 to 3 shall be deemed to have been made at the time they are made accessible. The company shall enable the voting right on these propositions to be exercised as soon as the shareholders can prove the legal or statutory requirements for exercising the voting right. Unless the shareholder who made the proposal is duly legitimised and, if registration is required, duly registered for the general meeting, the proposal need not be dealt with at the meeting.

*Section 127 sentences 1 to 3 of the German Stock Corporation Act: Nominations by shareholders*

Section 126 shall apply analogously to nomination by a shareholder for election of supervisory board members or auditors. Such nomination need not be supported by statement of grounds. Nor need the executive management board give notice of such nomination if it fails to contain the particulars required by section 124 para. 3 sentence 4 and section 125 para. 1 sentence 5.

*Section 124 (3) sentence 4 of the German Stock Corporation Act: Publication for requests for supplements; proposals for resolutions*

- (3) ...The nomination for the election of supervisory board members or auditors shall state their name, profession and domicile. ...

*Section 125 (1) sentence 5 of the German Stock Corporation Act: Communications to shareholders and Members of the Supervisory Board*

- (1) ...In case of listed companies details on the membership in other supervisory boards to be established pursuant to statutory provisions must be added to any nomination for the election of supervisory board members; details on their membership in comparable domestic and foreign controlling bodies of enterprises shall be added.

*Section 137 of the German Stock Corporation Act: Voting on nomination made by shareholders*

If a shareholder has made a nomination for the election of members of the supervisory board pursuant to section 127 and proposes at the general meeting the election of the person nominated by him, such proposal shall be resolved upon prior to consideration of the proposal of the supervisory board if a minority of shareholders whose aggregate holding is at least one-tenth of the share capital represented at the meeting so requests.

#### **4. Shareholders' right to information pursuant to Section 131 (1) AktG**

At the Annual General Meeting, each shareholder or shareholder representative may, after registering in good time in accordance with § 131 (1) AktG, request information from the Executive Board on the Company's affairs, the Company's legal and business relations with affiliated companies, and the situation of the Group and the companies included in the consolidated financial statements, insofar as the information is required to make a proper assessment of an item on the agenda. In addition, pursuant to Art. 131 par. 1d Stock Corporation Act (AktG), there is a right of inquiry at the Annual General Meeting with regard to all answers given by the Executive Board.

It is envisaged that the chairman of the meeting will stipulate that the right to information pursuant to Section 131 AktG may be exercised at the Annual General Meeting exclusively by way of video communication, i.e. as part of the exercise of the right to speak.

Section 131 (4) sentence 1 AktG stipulates that if a shareholder has been provided with information outside the Annual General Meeting due to his capacity as a shareholder, this information must be provided to any other shareholder or his proxy at his request in the Annual General Meeting, even if it is not necessary for the proper assessment of the item on the agenda.

In addition, section 131 (5) sentence 1 AktG stipulates that if a shareholder is refused information, he may request that his question and the reason for which the information was refused be recorded in the minutes of the meeting.

Within the framework of the virtual Annual General Meeting, it is ensured that shareholders or their proxies who are electronically connected to the Annual General Meeting can submit their requests in accordance with section 131 (4) sentence 1 AktG and their requests in accordance with section 131 (5) sentence 1 AktG not only by means of video communication, i.e. within the framework of the right to speak and the procedure provided for this purpose, but also by means of electronic communication via the password-protected Internet service on the Company's website at

<https://www.medigene.com/investors-media/annual-general-meeting/2023>

in accordance with the procedure provided for this purpose with the corresponding access data at the Annual General Meeting.

The relevant sections of the German Stock Corporation Act upon which those shareholder rights are based and which also set forth under which preconditions the Executive Management Board can refuse to answer are as follows:

*Section 131 of the German Stock Corporation Act: Shareholders right to information*

- (1) Each shareholder shall upon request be provided with information at a general meeting by the executive management board regarding the company's affairs, to the extent that such information is necessary to permit a proper evaluation of the relevant item on the agenda. The duty to provide information shall also extend to the company's legal and business relations with any connected enterprise. If a company makes use of the simplified procedure pursuant to section 266 para. 1 sentence 3, section 276 or section 288 of the German Commercial Code, each shareholder may request that the annual financial statements be presented to him at the general meeting on such annual financial statements in the form which would have been used if such provisions on simplified procedure were not applied. The disclosure obligation of the executive management board of the parent company (section 290 para. 1 sentence 2 of the German Commercial Code) in the general meeting, to which the consolidated financial statements and the consolidated management report is

presented, also extends to the situation of the consolidated group of companies and of the enterprises included in the consolidated financial statements.

- (1a) In the case of a virtual general meeting, paragraph 1 sentence 1 shall apply with the proviso that the executive board may stipulate that shareholders' questions must be submitted by electronic communication no later than three days before the meeting. For the calculation of the deadline, § 121 paragraph 7 shall apply. Questions not submitted in due time need not be considered.
- (1b) The scope of the submission of questions may be reasonably limited in the convening notice. The right to submit questions may be restricted to shareholders duly registered for the meeting.
- (1c) The company shall make duly submitted questions available to all shareholders before the meeting and answer them no later than one day before the meeting; § 121 paragraph 7 shall apply to the calculation of the time limit. In the case of listed companies, the questions shall be made available and answered via the company's website. Section 126 subsection 2 sentence 1 number 1, 3 and 6 shall apply mutatis mutandis to the making available of the questions. If the answers are continuously accessible one day before the beginning and at the meeting, the executive board may refuse to provide information on these questions at the meeting.
- (1d) Each shareholder who is electronically connected to the meeting shall be granted the right to ask questions at the meeting by means of electronic communication regarding all answers given by the executive board before and at the meeting. Paragraph 2 sentence 2 shall also apply to the right to ask questions.
- (1e) In addition, every shareholder who is electronically connected to the meeting shall be granted the right at the meeting by means of electronic communication to ask questions on matters that have only arisen after the expiry of the period pursuant to paragraph 1a sentence 1. Paragraph 2 sentence 2 shall also apply to this right to ask questions.
- (1f) The chairman of the meeting may determine that the right to information pursuant to paragraph 1, the right to ask questions pursuant to paragraph 1d and the right to ask questions pursuant to paragraph 1e may be exercised in the general meeting exclusively by means of video communication.
- (2) The information provided shall comply with the principles of conscientious and accurate accounting. The articles of association or the by-laws according to section 129 can authorize the chairperson to set appropriate time limits in regards to shareholders' right to ask questions and speak and to make other determinations in this matter.
- (3) The executive management board may refuse to provide information:
  1. to the extent that providing such information is, according to sound business judgement, likely to cause not insignificant damage to the company or a connected enterprise;
  2. to the extent that such information relates to tax valuations or the amount of individual taxes;
  3. on the difference between the value at which items are shown in the annual balance sheet and the higher value of such items, unless the general meeting is to determine the annual financial statements;
  4. on methods of arriving at balances and valuation, if disclosure of such methods in the notes suffices to provide a factually accurate picture of the condition of the company's assets, financial position and profitability within the meaning of section 264 para. 2 of the German Commercial Code; this shall not apply if the general meeting is to determine the annual financial statements;
  5. insofar as provision of the information would render the executive management board criminally liable;
  6. insofar as, in the case of a bank or a financial services institution, information on methods adopted of arriving at balances, valuation and does not require to be given in the annual financial statements, management report, consolidated financial statements or consolidated management report;
  7. insofar as such information is available on the webpage of the company at least for a period of seven days prior to the general meeting and throughout the general meeting.

Provision of information may not be refused for other reasons.

- (4) If information has been provided to a shareholder, by reason of his status as a shareholder, outside the general meeting, such information shall upon request be provided to any other shareholder at the general meeting, even if such information is not necessary to permit a proper evaluation of an item on the agenda. In the case of a virtual general meeting, it shall be ensured that each shareholder who is electronically connected to the meeting can submit his request pursuant to sentence 1 by means of electronic communication. The executive management board may not refuse to provide such information on the



grounds of paragraph (3) sentence 1 nos. 1 to 4. Sentences 1 to 3 shall not apply if a subsidiary enterprise (section 290 paragraphs (1) and (2) of the German Commercial Code) an enterprise with common management (section 310 paragraph (1) of the German Commercial Code) or an associated enterprise (section 311 paragraph (1) of the German Commercial Code) discloses the information to a parent enterprise (section 290 paragraphs (1) and (2) of the German Commercial Code) for the purposes of inclusion of the information in the consolidated financial statements of the parent enterprise and the information is necessary for that purpose.

- (5) A shareholder who has been denied information may request that his question, and the reason for which the information was denied, be recorded in the minutes of the meeting. In the case of a virtual general meeting, it shall be ensured that each shareholder who is electronically connected to the meeting can submit his request pursuant to sentence 1 by means of electronic communication.

Planegg, Martinsried district, July 2023

The Board