

Compliance declaration in accordance with Section 161 AktG (German Stock Corporation Act)

The Executive Board and Supervisory Board of KWS SAAT AG declare in compliance with section 161 AktG (German Stock Corporation Act) that – with the exception of the deadlines for publishing the consolidated financial statements and interim reports – the company has complied with the recommendations of the German Corporate Governance Code in the version dated May 26, 2010, since the last compliance declaration in October 2011; that it has complied with the recommendations of the German Corporate Governance Code in the version dated May 15, 2012, since that date; and that it does now comply and will comply in the future with these

latter recommendations. KWS SAAT AG publishes its consolidated financial statements and interim reports within the period of time defined in the regulations for the Prime Standard of the German Stock Exchange. It does not comply with the recommended deadlines of 90 and 45 days respectively in Clause 7.1.2 of the German Corporate Governance Code because of the seasonal course of its business.

Einbeck, October 1, 2012

The Supervisory Board

The Executive Board