

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

- I. 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 point given below – the company has complied with the recommendations of the German Corporate Governance Code in the version dated June 6, 2008, since the last compliance declaration on October 29, 2008, and has complied, does now comply, and will comply in the future with the recommendations of the German Corporate Governance Code in the version dated June 18, 2009.
- II. Clause 7.1.2.: 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 Frankfurt Stock Exchange. It does not comply with the recommended deadlines of 90 and 45 days respectively in the German Corporate Governance Code because of the seasonal course of its business.

This declaration has also been published on our home page at www.kws.com.

Einbeck, October 28, 2009

For the Supervisory Board
Dr. Dr. h.c. Andreas J. Büchting

For the Executive Board
Philip von dem Bussche