Annual Shareholders' Meeting of KWS SAAT SE & Co. KGaA on December 2, 2021

Explanations on the rights of shareholders

The Notice of the Annual Shareholders' Meeting already contains details on the rights of shareholders in accordance with Section 122 (2) of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG), Sections 126 (1) and 127 of the German Stock Corporation Act (AktG), in each case in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG), and Section 131 (1) of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG) in conjunction with Section 1 (2) Sentence 1 No. 3 and (8) Sentence 1 of the German Act Concerning Measures Under the Law of Companies, Cooperative Societies, Associations, Foundations and Commonhold Property to Combat the Effects of the COVID-19 Pandemic (GesRuaCOVBekG) (hereinafter referred to as the "**COVID-19 Act**"). The following comments are intended to explain these regulations further.

1. Requests for additions to the agenda in accordance with Section 122 (2) of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG)

Shareholders whose combined stake constitutes a pro-rata share of the capital stock of 500,000 euros (or 166,667 shares) can request that items be put on the agenda and published (comment: The other alternative stated in the German Stock Corporation Act, namely that "stockholders whose shares of stock, in the aggregate, are at least equivalent to one twentieth of the share capital," – which at KWS SAAT SE & Co. KGaA would be equal to 4,950,000 euros of the capital stock or 1,650,000 shares – is not applied since whichever threshold is lower is authoritative). In accordance with Section 122 (2) Sentence 2 of the German Stock Corporation Act (AktG), reasons or a proposed resolution must be submitted with each new item on the agenda.

Shareholders of KWS SAAT SE & Co. KGaA wishing to request an addition to the agenda must submit proof that they are shareholders along with their motion. In accordance with Section 122 (2) Sentence 1 and (1) Sentence 3 of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG), the shareholders must prove that they have held the shares for at least 90 days before the date on which the request is received and that they hold the shares until a decision on the motion is taken by the personally liable partner. Moreover, the provisions of Section 121 (7) of the German Stock Corporation Act (AktG) apply *mutatis mutandis* in calculating the period of time for which shares are held: The date on which the request is received shall not be included in calculating the period. Rescheduling the Annual Shareholders' Meeting from a Sunday, a Saturday, or a public holiday to a preceding or subsequent business day is not an available option. Sections 187 to 193 of the German Civil Code (BGB) shall not apply *mutatis mutandis*. Certain periods of ownership by a third party shall be attributed to the shareholder in accordance with Section 70 of the German Stock Corporation Act (AktG).

The request must be sent in writing to the personally liable partner of KWS SAAT SE & Co. KGaA, KWS SE, as the Company's representative body and be received by the Company at least 30 days before the Annual Shareholders' Meeting, i.e. by no later than **midnight (CET) on November 1, 2021**. It can be sent to the following address:

KWS SAAT SE & Co. KGaA,
Die persönlich haftende Gesellschafterin
HV-Büro,
Grimsehlstr. 31,
37574 Einbeck, Germany.

Unless they have already been published in the notice convening the Annual Shareholders' Meeting, requests for additions to the agenda that have to be published will be published in the Federal Official Gazette as soon as they are received and will be sent for publication to media of which it can be assumed that they will disseminate the information throughout the European Union. They will also be made available at the Company's Internet site at www.kws.com/shareholders-meeting as soon as they are received by the Company. In addition, notice of the amended agenda shall be given in accordance with Section 125 (1) Sentence 3 of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG).

The provisions of the German Stock Corporation Act (AktG) governing these shareholder rights read as follows:

Section 122 AktG – Convening the general meeting upon a corresponding demand being made by a minority

(1) The general meeting is to be convened wherever stockholders, whose shares of stock, in the aggregate, are at least equivalent to one twentieth of the share capital, demand that it be so convened, doing so in writing and citing the purpose and the reasons therefor; the demand is to be addressed to the management

board. The by-laws may tie the right to demand that the general meeting be convened to a different form and to possession of a lesser portion of the share capital. The petitioners are to submit proof that they have been holders of the shares of stock since at least ninety (90) days prior to the date on which their demand is received, and that they will continue to so hold the shares until the management board takes a decision regarding their petition. Section 121 (7) shall apply *mutatis mutandis*.

(2) In like manner, stockholders whose shares of stock, in the aggregate, are at least equivalent to one twentieth of the share capital, or to a stake of 500 000 euros, may demand that items of business be set out in the agenda and be published by notice. Each item of business to be newly added to the agenda must include the reasons therefor or a proposal for a resolution. The demand in the sense of the first sentence must be received by the company at the latest twenty-four (24) days prior to the general meeting, in the case of companies listed on the stock exchange at the latest thirty (30) days prior to the general meeting; the date of its receipt shall not be included in calculating the period.

(3) Where the demand is not complied with, the court may grant authority to the stockholders who have raised the demand to convene the general meeting or to publish by notice the item of business. Concurrently, the court may determine the chairman of the general meeting. The invitation convening the general meeting or the notice must indicate the authorization by the court. A complaint may permissibly be lodged against the decision taken. The petitioners are to submit proof that they will continue to hold the shares of stock until the court hands down its decision.

(4) The company shall bear the costs of the general meeting and, in the case governed by subsection (3), also the court costs if the court has complied with the petition.

Section 121 – General provisions (*excerpt*)

(7) In the case of periods and deadlines that are counted back from the date of the general meeting, the date of the general meeting itself is not to be counted. Rescheduling the general meeting from a Sunday, a Saturday, or a holiday to a preceding or subsequent business day is not an available option. Sections 187 to 193 of the Civil Code (BGB) shall have no corresponding application. In the case of companies not listed on the stock exchange, the by-laws may provide for a different calculation of the period.

Section 124 – Notice by publication of demands for amendment; guidance regarding resolutions *(excerpt)*

(1) Where the minority pursuant to section 122 (2) has demanded that items of business be set out in the agenda, said items of business are to be published by notice either together with the invitation convening the general meeting or, if that is not the case, without undue delay after the demand has been received. Section 121 (4) shall apply *mutatis mutandis*; moreover, in the case of companies listed on the stock exchange, section 121 (4a) shall apply *mutatis mutandis*. The notice is to be published and forwarded in the same way as the invitation convening the general meeting.

Section 70 – Calculation of the period of possession of the share of stock

Where the exercise of rights attaching to the share of stock is contingent upon the stockholder having been holder of the share of stock for a specified period of time, a claim to transfer of title against a credit institution, a financial services provider, or an enterprise pursuing activities in accordance with section 53 (1), first sentence, or section 53b (1), first sentence, or subsection (7) of the Banking Act (KWG) shall be equivalent to ownership of the share of stock. The period of ownership of a predecessor in title shall be attributed to the stockholder if he has purchased the share of stock in any of the following manners: without monetary consideration, from his trustee, as a universal successor, in the course of a distribution of assets among a community, or as part of a portfolio transfer pursuant to section 13 of the Insurance Supervisory Act (VAG) or section 14 of the Act on Savings and Loan Associations (BauSparkG).

2. Countermotions and nominations in accordance with Sections 126 and 127 of the German Stock Corporation Act (AktG) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG) and Section 1 (1), (2) and (8) Sentence 1 of the COVID-19 Act

Every shareholder has the right to submit countermotions to one or more resolutions proposed by the personally liable partner and/or Supervisory Board on a specific item or several items on the agenda.

Countermotions within the meaning of Section 126 of the German Stock Corporation Act (AktG) on proposals by the personally liable partner and the Supervisory Board relating to a specific item on the agenda, and nominations within the meaning of Section 127 of the German Stock Corporation Act (AktG) will be made available, along with the name

of the shareholder, any accompanying reasons (which are not required for nominations), and any statement by management, at the Company's Internet site at **www.kws.com/shareholders-meeting** if they are received at least 14 days before the Annual Shareholders' Meeting, i.e. by **midnight (CET) on November 17, 2021**, at the address

KWS SAAT SE & Co. KGaA,
c/o C-HV AG
Gewerbepark 10
92289 Ursensollen, Germany
or by fax: +49 96 28 92 99 871
or by e-mail: hauptversammlung@kws.com

and if the other requirements that obligate the Company to make them available in accordance with Sections 126 and 127 of the German Stock Corporation Act (AktG) have been met.

No countermotions or nominations can be submitted during the virtual Annual Shareholders' Meeting. Pursuant to Section 1 (2) Sentence 3 and (8) Sentence 1 of the COVID-19 Act, however, motions or nominations by shareholders that must be made available in accordance with Section 126 or Section 127 of the German Stock Corporation Act (AktG) will be deemed to have been submitted at the meeting if the shareholder submitting the motion or nomination is duly authorized to do so and is registered for the Annual Shareholders' Meeting.

The provisions of the German Stock Corporation Act (AktG) and COVID-19 Act governing these rights read as follows:

Section 126 AktG – Motions by stockholders

(1) Motions by stockholders are to be made accessible to the beneficiaries set out in section 125 subsections (1) to (3), subject to the pre-requisites listed therein, including the name of the stockholder, the reasons for which the motions are being made, and a statement, if any has been made, by the management regarding its position, provided that the stockholder has sent, at the latest fourteen (14) days prior to the date of the general meeting, a counter-motion opposing a proposal or guidance by the management board and the supervisory board regarding a certain item of business set out in the agenda, specifying the reasons therefor, to the address set out for this purpose in the invitation convening the general meeting. The date on which the counter-motion is received shall not be included in calculating the period. In the case of companies listed on the stock exchange, the counter-motion shall be made accessible via the company's website. Section 125 (3) shall apply *mutatis mutandis*.

(2) A counter-motion and the reasons for which it is being made need not be made accessible:

1. Inasmuch as the management board would be liable to punishment under law, were it to make such proposal accessible;
2. If the counter-motion were to result in the general meeting adopting a resolution that is in violation of the law or of the by-laws;
3. If the reasons make manifestly false or misleading statements regarding essential aspects, or if they are insulting;
4. If a counter-motion made by the stockholder based on the same facts and circumstances has already been made accessible pursuant to section 125 for a general meeting of the company;
5. If the same counter-motion of the stockholder, citing essentially the same reasons, has been made accessible pursuant to section 125 in the past five (5) years to at least two (2) general meetings of the company, and if less than one twentieth of the share capital represented voted for this counter-motion at the general meeting;
6. If the stockholder indicates that he will not attend the general meeting and will not have a proxy represent him;
7. If, in the past two (2) years at two (2) general meetings, the stockholder has failed to propose or to have proposed a counter-motion regarding which he has informed the company.

The reasons need not be made accessible if they amount to more than 5,000 characters in total.

(3) Where several stockholders propose counter-motions regarding one and the same business to be resolved upon, the management board may combine the counter-motions and the reasons specified for them.

Section 127 AktG – Nominations by stockholders *(excerpt)*

Section 126 shall apply *mutatis mutandis* to nominations by stockholders of candidates for the supervisory board or for auditors of the annual accounts.

No reasons need be specified for the nomination. The management board need not make accessible the nomination also in those cases in which the nomination does not include the information pursuant to section 124 (3), fourth sentence, and section 125 (1), fifth sentence. […]

Section 124 AktG – Notice by publication of demands for amendment; guidance regarding resolutions *(excerpt)*

(3) […] The nominations of candidates for the supervisory board or for auditors shall state their names, profession exercised, and places of residence. […]

Section 125 (1) Sentence 5 AktG – Notifications for the stockholders and to members of the supervisory board *(excerpt)*

(1) […] In the case of companies listed on the stock exchange, information on the candidates' membership in other supervisory boards mandated by the law is to be attached to any nomination of candidates for the supervisory board; information on their membership in comparable supervisory committees of business enterprises within Germany and abroad should be attached.

Section 1 (2) Sentence 3 of the COVID-19 Act

Motions or nominations by shareholders that must be made available in accordance with section 126 or section 127 of the Stock Corporation Act shall be deemed to have been submitted at the meeting if the shareholder submitting the motion or nomination is duly authorized to do so and is registered for the general meeting.

3. Right to information (Section 131 (1) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG)) and right to ask questions (Section 1 (2) Sentence 1 No. 3, Sentence 2 and (8) Sentence 1 of the COVID-19 Act)

Pursuant to Section 131 (1) in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG), the personally liable partner must inform each shareholder at the Annual Shareholder's Meeting, upon such a request being made, about matters pertaining to the Company, including the legal and business relationships of the Company with an affiliated company and the situation of the Group and the companies included in the consolidated financial statements, insofar as this is required in order to appropriately adjudge the item on the agenda and there is no right to refuse to disclose such information. Pursuant to Section 293g (3) and Section 295 in conjunction with Section 278 (3) of the German Stock Corporation Act (AktG), the personally liable partner must also inform each shareholder at the Annual Shareholder's Meeting, upon such a request being made, about all matters pertaining to KWS Landwirtschaft GmbH that are material to the amendment of the Company Agreement proposed under item 8 on the agenda. Since the Annual Shareholders' Meeting on December 2, 2021, will be held as a virtual meeting and shareholders cannot physically attend, shareholders cannot submit any request for information at the venue of the Annual Shareholders' Meeting. The special regulation in Section 1 (2) Sentence 1 No. 3 and Sentence 2 in conjunction with (8) Sentence 1 of the COVID-19 Act will therefore apply at this year's virtual Annual Shareholders' Meeting. Section 1 (2) Sentence 1 No. 3 of the COVID-19 Act stipulates that shareholders must be given the right to ask questions by means of electronic communication. Pursuant to Section 1 (2) Sentence 2 in conjunction with (8) Sentence 1 of the COVID-19 Act, the personally liable partner decides how it responds to questions at its dutiful, free discretion; it may also stipulate that questions must be submitted by means of electronic communication no later than one day prior to the meeting. At this year's meeting, shareholders can submit questions themselves or through an authorized agent if they are duly authorized to do so and are registered for the Annual Shareholders' Meeting. Questions must be submitted by no later than **midnight (CET) on November 30, 2021**, using the Annual Shareholders' Meeting portal, which can be accessed at the Internet address **www.kws.com/shareholders-meeting**, in accordance with the envisaged procedure for that. At this year's meeting, the personally liable partner also reserves the right, with the approval of the Supervisory Board, to enact guidelines on responding to the questions submitted beforehand in accordance with Section 1 (2) Sentence 2 and (6) in conjunction with (8) Sentence 1 of the COVID-19 Act. Questions in languages other than German will not be answered.

The provisions of the German Stock Corporation Act (AktG), the Company's Articles of Association and the COVID-19 Act governing these shareholder rights read as follows:

Section 131 AktG – Stockholder's right to request information *(excerpt)*

(1) The management board is to inform each stockholder at the general meeting, upon a corresponding request being made, concerning matters pertaining to the company insofar as this is required in order to appropriately adjudge the item of business set out in the agenda. The obligation to provide information shall also extend to include the legal and business relations of the company with an affiliated enterprise. Where a company avails itself of the eased requirements pursuant to section 266 (1), third sentence, section 276, or

section 288 of the Commercial Code (HGB), then each stockholder may request that, at the general meeting deliberating on the annual accounts, the annual accounts be made available to him in the form that they would have without these eased requirements. The obligation of the management board of a parent company to provide information (section 290 subsections (1) and (2) of the Commercial Code (HGB)) at the general meeting to which the consolidated financial statements and the consolidated management report are submitted shall also extend to cover the situation of the group and the enterprises included in the consolidated financial statements.

(2) The information provided is to correspond to the principles of conscientious and faithful accounting. The by-laws or the rules of procedure pursuant to section 129 may grant authority to the person chairing the meeting to impose reasonable time limits on the stockholder's right to ask questions and to speak, and may also allow him to make further determinations concerning the details in this regard.

(3) The management board may refuse a request for information:

1. Inasmuch as the provision of the information, when adjudged applying prudent business judgment, is suited to cause a greater than insignificant disadvantage to the company or an affiliated enterprise;
2. Inasmuch as it refers to carrying values for tax purposes or the amount of individual taxes;
3. Regarding the difference between the value at which objects were stated in the annual balance sheet and a higher value of such objects, unless the general meeting approves and establishes the annual accounts;
4. Regarding the accounting and valuation methods insofar as it suffices to cite these methods in the notes in order to accurately represent the company's assets, financial position, and revenue situation in keeping with its actual circumstances in the sense of section 264 (2) of the Commercial Code (HGB); this shall not apply if the general meeting approves and establishes the annual accounts;
5. Inasmuch as the management board would be liable to punishment under law were it to provide the information;
6. Inasmuch as, in the case of a credit institution or financial services provider, no information need be provided regarding the accounting and valuation methods applied, nor regarding the netting performed in the annual accounts, management report, consolidated financial statements, or consolidated management report;
7. Inasmuch as such information is continuously accessible on the company's website for at least seven (7) days prior to commencement of the general meeting, and also in its course. Any refusal to provide information for other than the grounds set out above is not permissible.

(4) Where information has been provided to a stockholder because of his capacity as such, and this was done outside of the general meeting, it is to be provided to every other stockholder making a corresponding request at the general meeting, even if such information is not required in order to appropriately adjudge the item of business set out in the agenda. The management board may not refuse to provide the information in accordance with subsection (3), first sentence, nos. 1 to 4. The first and second sentences shall not apply if a subsidiary company (section 290 subsections (1) and (2) of the Commercial Code (HGB)), a joint venture (section 310 (1) of the Commercial Code (HGB)) or an associated enterprise (section 311 (1) of the Commercial Code (HGB)) issues the information to a parent company (section 290 subsections (1) and (2) of the Commercial Code (HGB)) for purposes of including the company in the consolidated financial statements of the parent company and the information is required for this purpose.

(5) Where a stockholder's request for information is refused, he may demand that his question and the grounds for refusing to provide the information be included in the minutes of the meeting.

Section 17 of the Articles of Association of KWS SAAT SE & Co. KGaA

The Shareholders' Meetings shall be chaired by the Chairperson of the Supervisory Board or the Deputy Chairperson or a member of the Supervisory Board tasked with standing in for him or her. The Chairperson shall preside over the discussions and shall determine the sequence of the items to be discussed. The Chairperson may restrict the time allotted to shareholders to speak and ask questions to a reasonable extent.

COVID-19 Act (*excerpt*)

Section 1 Stock corporations; public partly limited partnerships; European companies (SEs); mutual insurance companies

*(*1) Decisions concerning the right of shareholders to participate in the general meeting by means of electronic communication in accordance with section 118 (1) sentence 2 of the Stock Corporation Act (*Aktiengesetz*) (electronic participation), to exercise the right to cast their vote by means of electronic communication in

accordance with section 118 (2) of the Stock Corporation Act (postal vote), the participation of members of the supervisory board by means of audio and video transmission in accordance with section 118 (3) sentence 2 of the Stock Corporation Act and provision for the general meeting to be broadcast by means of audio and video transmission in accordance with section 118 (4) of the Stock Corporation Act may be taken by the company's management board even without authority being granted therefor under the by-laws or rules of procedure.

(2) The management board may decide that the general meeting is to be held in the form of a virtual general meeting without the need for shareholders or their authorized representatives to be physically present, provided that

1. the broadcast by means of audio and video transmission encompasses the entire general meeting,
2. provision is made for shareholders to exercise their voting right by means of electronic communication (postal vote or electronic participation) and to grant a power of attorney,
3. shareholders are given the opportunity to ask questions by means of electronic communication,
4. shareholders who exercise their voting right in accordance with no. 2 are afforded the possibility of objecting to a resolution adopted by the general meeting by way of derogation from section 245 no. 1 of the Stock Corporation Act, the need to be physically present at the general meeting thus being waived.

The management board decides at its duty-bound, free discretion how it responds to questions; it may also stipulate that questions must be submitted by means of electronic communication no later than one day prior to the meeting. Motions or nominations by shareholders that must be made available in accordance with section 126 or section 127 of the Stock Corporation Act will be deemed to have been submitted at the meeting if the shareholder submitting the motion or nomination is duly authorized to do so and is registered for the general meeting.

(3) By way of derogation from section 123 (1) sentence 1 and (2) sentence 5 of the Stock Corporation Act, the management board may decide to convene the general meeting no later than the 21st day prior to the day of the general meeting. By way of derogation from section 123 (4) sentence 2 of the Stock Corporation Act, proof of shares held in companies listed on the stock exchange must refer to the start of the 12th day prior to the general meeting and must, in the case of bearer shares of the company, be sent to the address stated in the invitation convening the general meeting to arrive there no later than four days prior to the general meeting, unless the management board makes provision in its invitation convening the general meeting for a shorter period within which the company must be in receipt of that proof; deviating determinations made in the by-laws are irrelevant. Where an invitation convening a general meeting stipulates a shorter period than that set out in sentence 1, the notification referred to in section 125 (1) sentence 1 of the Stock Corporation Act must be made no later than 12 days prior to the general meeting and the notification referred to in section 125 (2) of the Stock Corporation Act must be made to the entity entered in the share register before the start of the 12th day prior to the general meeting. By way of derogation from section 122 (2) of the Stock Corporation Act, the company must, in the aforementioned case, be in receipt of any demands for amendments no later than 14 days prior to the general meeting.

(4) By way of derogation from section 59 (1) of the Stock Corporation Act, the management board may decide, even without being granted authority therefor under the by-laws, to make an interim payment towards the net income to shareholders pursuant to section 59 (2) of the Stock Corporation Act. Sentence 1 applies accordingly to an interim payment towards the payment of compensation (section 304 of the Stock Corporation Act) made to external shareholders under an inter-company agreement.

(5) The management board may decide, by way of derogation from section 175 (1) sentence 2 of the Stock Corporation Act, that the general meeting is to be held in the course of the financial year.

(6) The decisions of the management board as referred to in subsections (1) to (5) require the consent of the supervisory board. By way of derogation from section 108 (4) of the Stock Corporation Act, the supervisory board may pass resolutions pertaining to its consent in writing, by telephone or by other comparable forms, regardless of the rules set out in the by-laws or rules of procedure and without the need for its members to be physically present.

(7) Notwithstanding the rule set out in section 243 (3) no. 1 of the Stock Corporation Act, an action for avoidance of a resolution adopted by the general meeting may also not rely on breaches of section 118 (1) sentences 3 to 5, (2) sentence 2 or (4) of the Stock Corporation Act, on a breach of formal requirements in respect of notifications in accordance with section 125 of the Stock Corporation Act nor on a breach of subsection (2), unless the company can be proven to have acted with intent.

(8) Subsections (1) to (7) apply accordingly to companies established in the form of a public partly limited partnership (*Kommanditgesellschaft auf Aktien*). Subsections (1) to (7), with the exception of subsection (5), apply accordingly to European companies within the meaning of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (OJ L 294, 10.11.2001, p. 1), as last amended

by Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p. 1). The decisions referred to in subsections (1) to (4) are taken by the administrative board in the case of a company established in accordance with section 20 of the Act Implementing Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European Company (SE) (*SE-Ausführungsgesetz*) of 22 December 2004 (Federal Law Gazette I, p. 3675), as last amended by Article 9 of the Act of 12 December 2019 (Federal Law Gazette I, p. 2637), (company with a one-tier system); subsection (6) does not apply to such companies.

(9) Subsections (1) and (2), subsection (3) sentences 1 and 3, and subsections (4) to (7) apply accordingly to mutual insurance companies within the meaning of section 171 of the Insurance Supervision Act (*Versicherungsaufsichtsgesetz*).

[…]

Section 7 Provisions on application

(1) Section 1 applies to general meetings held and interim payments towards the net income made in 2020 and 2021.

[…]

Section 8 Authorization to issue statutory instruments

The Federal Ministry of Justice and Consumer Protection is authorized, by way of statutory instrument not requiring the approval of the Bundesrat, to extend the period of application of sections 1 to 5 pursuant to section 7 until no later than 31 December 2021 if this appears necessary on account of the continued impact of the COVID-19 pandemic in the Federal Republic of Germany.

Ordinance on the Extension of Measures Under the Law of Companies, Cooperative Societies, Associations and Foundations to Combat the Effects of the COVID-19 Pandemic (GesRGenRCOVMVV) dated 20 October 2020 (including the amendments that came into effect on 28 February 2021)

Pursuant to section 8 of the Act Concerning Measures Under the Law of Companies, Cooperative Societies, Associations, Foundations and Commonhold Property to Combat the Effects of the COVID-19 Pandemic dated 27 March 2020 (Federal Law Gazette I, p. 569 and 570), the Federal Ministry of Justice and Consumer Protection decrees:

Section 1 Extension of the measures

The application of section 4 pursuant to section 7 (4) of the Act Concerning Measures Under the Law of Companies, Cooperative Societies, Associations, Foundations and Commonhold Property to Combat the Effects of the COVID-19 Pandemic shall be extended until 31 December 2021.

Section 2 Date the ordinance comes into and ceases to be in effect

This ordinance shall come into effect on the day after it is promulgated. It shall cease to be in effect at midnight on 31 December 2021.

The provisions of the German Stock Corporation Act (AktG) reproduced under Section 1 to 3 above shall apply *mutatis mutandis* to partnerships limited by shares (or public partly limited partnerships in the act's wording) pursuant to the referral in Section 278 (3) of the German Stock Corporation Act (AktG). Section 278 (3) of the German Stock Corporation Act (AktG) reads as follows:

Section 278 AktG – Nature of the public partly limited partnership (*excerpt*)

(3) In all other cases, the regulation of Book 1 relating to the stock corporation shall apply *mutatis mutandis* to the public partly limited partnership unless anything to the contrary is stipulated in the regulations set out below or results from the lack of a management board.

Einbeck, October 2021
KWS SAAT SE & Co. KGaA
The personally liable partner