

## 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 points stated under II – the company has complied with the recommendations of the German Corporate Governance Code in the version dated June 14, 2007, since the last compliance declaration on October 30, 2007, 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 6, 2008.

II. Clause 5.4.4.: The former Chairman of the Executive Board of KWS SAAT AG, Dr. Dr. h. c. Andreas J. Büchting, has – due to his extensive knowledge and experience in the very specialized sector of plant breeding – been elected Chairman of the Supervisory Board. It accords with the character and the recipe for success of a company with a tradition of family ownership for representatives of the families to be involved in influential positions.

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 Deutsche Börse. Observance of the recommended deadlines of 90 and 45 days respectively is not ensured because of the seasonal course of business.

Einbeck, October 29, 2008

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

For the Executive Board  
Philip von dem Bussche