

Document on agenda item 5b: Amendment of Article 16 of the Articles of Incorporation (Annual General Meeting – Virtual participation of the members of the Supervisory Board in the Annual General Meeting in certain cases)

Current version of Article 16 of the Articles of Incorporation	Proposal to revise Article 16 of the Articles of Incorporation
<p>Article 16 (Attendance, Voting Rights)</p> <p>(1) The right to participate in and vote at the Shareholders' Meeting is extended to all shareholders having registered in due time whose shares are registered in the share ledger. The Corporation must receive the registration at the address indicated in the notice of convocation no less than six days prior to the Shareholders' Meeting, whereby the date on which the registration is received is not included in these six days. Registration must be submitted in writing, by fax or in any other manner as stipulated by the Corporation in the notice of convocation of the Shareholders' Meeting.</p> <p>(2) Each no-par value share shall entitle the holder thereof to cast one vote at a Shareholders' Meeting.</p> <p>(3) Voting rights may be exercised by proxy. Power of attorneys must be granted in textform, unless a less stringent form is stipulated by law.</p> <p>(4) The Executive Board is authorized to provide that shareholders are able to participate in the Annual General Meeting in absentia and without</p>	<p>Article 16 (Attendance, Voting Rights)</p> <p>(1) The right to participate in and vote at the Shareholders' Meeting is extended to all shareholders having registered in due time whose shares are registered in the share ledger. The Corporation must receive the registration at the address indicated in the notice of convocation no less than six days prior to the Shareholders' Meeting, whereby the date on which the registration is received is not included in these six days. Registration must be submitted in writing, by fax or in any other manner as stipulated by the Corporation in the notice of convocation of the Shareholders' Meeting.</p> <p>(2) Each no-par value share shall entitle the holder thereof to cast one vote at a Shareholders' Meeting.</p> <p>(3) Voting rights may be exercised by proxy. Power of attorneys must be granted in textform, unless a less stringent form is stipulated by law.</p> <p>(4) The Executive Board is authorized to provide that shareholders are able to participate in the Annual General Meeting in absentia and without</p>

appointing a proxy, and to exercise all or some of their rights, in part or in full, via electronic means of communication. The Executive Board is also authorized to stipulate in further detail the conditions of participating in the Annual General Meeting and exercising rights in accordance with sentence 1. Such conditions shall be communicated at the time the Annual General Meeting is convened.

(5) The Executive Board is authorized to provide that shareholders are able to exercise their right to vote at the Annual General Meeting in absentia, either in writing or via electronic means of communication (postal ballot). The Executive Board is also authorized to stipulate in further detail the conditions of voting by postal ballot in accordance with sentence 1. Such conditions shall be communicated at the time the Annual General Meeting is convened.

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(5) The Executive Board is authorized to provide that shareholders are able to exercise their right to vote at the Annual General Meeting in absentia, either in writing or via electronic means of communication (postal ballot). The Executive Board is also authorized to stipulate in further detail the conditions of voting by postal ballot in accordance with sentence 1. Such conditions shall be communicated at the time the Annual General Meeting is convened.

(6) Subject to consultation with the Chairman of the Supervisory Board, Supervisory Board members shall be permitted to participate in the Annual General Meeting by way of audio/video transmission in those cases where, because they reside abroad or because their presence is required at another location, physical attendance at the venue of the Annual General Meeting would not be possible or would be possible only with considerable effort or where the meeting is being held as a virtual general meeting without the physical presence of the shareholders or the proxies at the venue of the Annual General Meeting.

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