Declaration of compliance in accordance with Sec.161 German Stock Corporation Act

Following dutiful assessment, the Executive Board and the Supervisory Board of innogy SE issue the following declaration:

innogy SE complied with the recommendations of the ‘German Corporate Governance Code Commission’ publicised by the German Federal Ministry of Justice and Consumer Protection in the official section of the German Federal Gazette (Bundesanzeiger) dated 24 April 2017 since submitting its last statement of compliance on 11 December 2018, with the subsequent exception.

The recommendation in Section 7.1.2 Sentence 3 of the German Corporate Governance Code was not complied with as a one-off, in that the Group quarterly statement for the third quarter of 2019 was not published within the recommended term of 45 days after the reporting period had ended, but was instead published later on 28 November 2019. This was for the following reason: innogy SE obtained a new majority shareholder in the form of E.ON SE on 18 September 2019, which communicated that publication would be postponed to 29 November 2019 due to the additional work involved in the initial consolidation. In order to mitigate the risk of incidents after the innogy balance sheet date, which would have to be disclosed within the E.ON Group as they could result in inconsistent reporting, innogy SE decided to schedule the publication date of innogy SE as close as possible to the publication date of E.ON SE.

innogy SE updated the statement of compliance dated 11 December 2018 on 10 October 2019 with regard to the aforementioned deviation.

In the future, innogy SE will return to complying with all recommendations of the Code in the version publicised on 24 April 2017.

Essen, December 2019

innogy SE

On behalf of the Supervisory Board

On behalf of the Executive Board

Dr. Johannes Teyssen
Dr. Leonhard Birnbaum
Dr. Christoph Radke