



## **Invitation to Annual General Meeting 2021**

**Formycon AG**  
**Munich, Germany**

ISIN: DE000A1EWVY8

German securities code (WKN): A1EWVY

We herewith invite all shareholders of Formycon AG to the Annual General Meeting on

**Monday, September 27, 2021**  
**starting at 11:00 a.m. Central European Summer Time (CEST)**

to be held as a virtual general meeting of shareholders  
without the physical presence of shareholders or authorized representatives thereof.

The entire Annual General Meeting will be streamed via internet, including image and sound, to duly registered shareholders of Formycon AG and authorized representatives thereof via the Company's Annual General Meeting web portal at <https://www.formycon.com/en/investor-relations/annual-general-meeting/>. Shareholder voting rights may only be exercised by means of advance postal voting or electronic voting, or by the granting of proxy voting authority to the Company's designated voting representatives. Physical participation by shareholders and authorized representatives thereof is (with the exception of the Company's designated voting representatives) excluded. The place of the Annual General Meeting within the meaning of the German Stock Corporation Act (*Aktiengesetz*) is the conference center in Haus der Bayerischen Wirtschaft, Max-Joseph-Strasse 5, 80333 Munich, Germany.

More detailed information about this year's Annual General Meeting and about the rights of shareholders and authorized representatives thereof may be found in the voluntary additional information provided by the Company in section B below.

## **A. Agenda**

with proposed shareholder resolutions

### **1. Presentation of the approved annual financial statements of Formycon AG, of the management report and of the report of the Supervisory Board for fiscal year 2020**

The Supervisory Board approved the annual financial statements prepared by the Management Board on April 27, 2021. The annual financial statements have thereby been adopted. In accordance with sections 172 and 173 of the Stock Corporation Act, no resolution is therefore required or planned for this agenda item. The documents cited under this agenda item must, however, be presented to the general meeting.

The aforementioned documents will be accessible via internet at

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

from the time that the virtual general meeting is convened and will remain available for the duration of the meeting.

### **2. Resolution to ratify the acts of the Executive Board during fiscal year 2020**

The ratification of the acts of the Executive Board during fiscal year 2020 will be voted on separately for each individual member of the Executive Board. The Executive Board and Supervisory Board propose:

- a) that the acts of Dr. Carsten Brockmeyer for the term of his office as a member of the Executive Board during fiscal 2020 be ratified;
- b) that the acts of Dr. Nicolas Combé for the term of his office as a member of the Executive Board during fiscal 2020 be ratified; and
- c) that the acts of Dr. Stefan Glombitza for the term of his office as a member of the Executive Board during fiscal 2020 be ratified.

### **3. Resolution to ratify the acts of the Supervisory Board during fiscal year**

The ratification of the acts of the Supervisory Board during fiscal year 2020 will be voted on separately for each individual member of the Supervisory Board. The Executive Board and Supervisory Board propose:

- a) that the acts of Dr. Olaf Stiller for the term of his office as a member of the Supervisory Board during fiscal 2020 be ratified;
- b) that the acts of Peter Wendeln for the term of his office as a member of the Supervisory Board during fiscal 2020 be ratified;
- c) that the acts of Hermann Vogt for the term of his office as a member of the Supervisory Board during fiscal 2020 be ratified; and
- d) that the acts of Klaus Röhrig for the term of his office as a member of the Supervisory Board during fiscal 2020 be ratified.

#### **4. Election of the auditor for fiscal year 2021**

The Supervisory Board proposes that PanTaxAudit GmbH Wirtschaftsprüfungsgesellschaft, Landsberger Strasse 98, 80339 Munich, Germany be elected as the Company's auditor for fiscal year 2021.

### **B. Voluntary additional information provided by the Company**

In the case of a company not listed on a stock exchange within the meaning of sec. 3 para. 2 of the Stock Corporation Act, sec. 121 para. 3 of the Act stipulates only that the invitation convening the general meeting must set out the business name of the company, its seat, the time and place of the general meeting, and the agenda. The following additional information is provided voluntarily in order to make it easier for our shareholders to view and follow the Annual General Meeting and to exercise their shareholder rights, in particular voting rights:

#### **I. Company website and posting of meeting documents**

This invitation to the Annual General Meeting and other documents and information pertaining thereto will be made available to shareholders and their authorized representative by way of the Company's website under

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

from the time that the Annual General Meeting is convened and throughout the duration thereof.

Any shareholder motions, shareholder nominations and supplementary agenda items proposed by shareholders which are properly received and subject to publication requirements will likewise be made available by way of this website.

This website will also provide access to the Company's Annual General Meeting web portal, by means of which shareholders who have properly provided evidence of their entitlement may exercise their voting rights before or during the Annual General Meeting as well as view and follow the meeting, which will be streamed in its entirety via internet, including both image and sound.

#### **II. Total number of shares and voting rights as of the time the Annual General Meeting is convened**

As of the time that the Annual General Meeting is convened, the Company will have registered capital (*Grundkapital*) of EUR 11,046,500.00, divided into 11,046,500 bearer shares without par value but with an imputed nominal value of EUR 1.00 per share. Each share entitles the holder to one vote, and thus the total number of voting rights as of the time that the Annual General Meeting is convened will be 11,046,500, none of which is held by the Company as treasury shares.

### III. Virtual general meeting of shareholders without the physical presence of shareholders or authorized representatives thereof

On the basis of Germany's "COVID-19 Act" of December 22, 2020 (specifically meaning the *Gesetz über Maßnahmen im Gesellschafts-, Genossenschafts-, Vereins-, Stiftungs- und Wohnungseigentumsrecht* as modified by article 2 of the *Gesetz zur Abmilderung der Folgen der COVID-19-Pandemie im Zivil-, Insolvenz- und Strafverfahrensrecht* of March 27, 2020, extended by the *Verordnung zur Verlängerung von Maßnahmen im Gesellschafts-, Genossenschafts-, Vereins- und Stiftungsrecht zur Bekämpfung der Auswirkungen der COVID-19-Pandemie* of October 20, 2020, and most recently amended by article 11 of the *Gesetz zur weiteren Verkürzung des Restschuldbefreiungsverfahrens und zur Anpassung pandemiebedingter Vorschriften im Gesellschafts-, Genossenschafts-, Vereins- und Stiftungsrecht sowie im Miet- und Pachtrecht* of December 22, 2020), the Executive Board of Formycon AG has decided, with the concurrence of the Supervisory Board, to conduct the Annual General Meeting 2021 as a virtual general meeting, without the physical presence of shareholders or authorized representatives thereof. Physical participation by shareholders and authorized representatives thereof is (with the exception of the Company's designated voting representatives) thus excluded.

Conducting the Annual General Meeting 2021 as a virtual general meeting in accordance with the COVID-19 Act necessarily means certain modifications to meeting procedures as well as to the specific rights of our shareholders. Shareholders (and authorized representatives thereof) who have properly registered for the Annual General Meeting will be able to use our **Annual General Meeting web portal** to view and follow the proceedings of the Annual General Meeting in their entirety, including both image and sound, as well as exercise their voting rights, grant proxy voting authority, submit questions, or have their objections recorded in the minutes.

Shareholders (and authorized representatives thereof) who have properly registered for the Annual General Meeting may view and follow the streamed Annual General Meeting, exercise their voting rights, grant proxy voting authority, submit questions, and/or record any objections by way of the Annual General Meeting web portal at the following internet address:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

We ask for your understanding that the Annual General Meeting web portal and the audiovisual transmission of the virtual general meeting do not allow "participation" (including electronic or online participation) within the meaning of sec. 118 para. 1 sentence 2 of the Stock Corporation Act. In order to be able to use the Annual General Meeting web portal, you must log in with the personal access code that you received with your voting card. The various options for exercising your shareholder rights will then appear in the form of buttons and menus of the Annual General Meeting web portal's main screen. You will be able to connect to the proceedings of the Annual General Meeting in their entirety, including both sound and image, on September 27, 2021 starting from 11:00 a.m. (CEST) by way of the Annual General Meeting web portal on the Company's website, which may be reached at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

You as a shareholder will receive further details on the Annual General Meeting web portal, including registration information and usage conditions, together with your voting card.

Again, your connection to the Annual General Meeting web portal via online access with your personal access code and the functionality thereunder, including your access to the streamed proceedings of the Annual General Meeting 2021, (hereinafter “**Virtual Connection**”) do not permit “participation” in the Annual General Meeting within the meaning of sec. 118 para. 1 sentence 2 of the Stock Corporation Act. Shareholders and authorized representatives thereof may only exercise their voting rights by advance postal voting or by electronic voting, or by granting proxy voting authority to the Company’s designated voting representatives.

#### **IV. Required advance registration for Virtual Connection to the Annual General Meeting and for the exercise of voting and other shareholder rights**

In order to follow the streamed proceedings of the virtual Annual General Meeting 2021 and to exercise voting and other shareholder rights, you as a shareholder of Formycon AG must register for the Annual General Meeting **by the end of Monday, September 20, 2021 (before 12:00 midnight CEST)** by contacting the Company at the following address:

Formycon AG  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 Munich, Germany  
or via e-mail to: [inhaberaktien@linkmarketservices.de](mailto:inhaberaktien@linkmarketservices.de)

Proof of entitlement to participate in the Annual General Meeting and to exercise voting rights must be provided. A proof of shareholding for this purpose issued in text form by a custodian bank or other financial intermediary in conformity with sec. 67c para. 3 of the Stock Corporation Act shall be accepted as such proof of entitlement. The proof of shareholding must specify the **record date**, which is the beginning of the 21st day before the Annual General Meeting, i.e. that the shares are held **as of the start of September 6, 2021 (at 0:00 CEST)**. The proof of shareholding must be in German or English and must be received by the Company at the above address **no later than Monday, September 20, 2021, at 12:00 midnight (CEST)**.

Should there be any doubts about the correctness or authenticity of the proof of shareholding provided, the Company shall have the right to request additional evidence sufficient to demonstrate such proof of entitlement. If the shareholder fails to provide sufficient evidence, or does not provide it in an appropriate form, the Company may exclude the shareholder from Virtual Connection to the Annual General Meeting and from exercising voting rights.

The entitlement of each shareholder to access the Annual General Meeting web portal, to follow the proceedings thereof, and to exercise voting rights and other shareholder rights shall be based solely upon the shares held by the shareholder as of the record date as documented by the proof of shareholding submitted.

After your registration including proof of your shareholding as of the record date has been

received and validated by the Company, a voting card will be sent to you including a personal access code so that you (or the authorized representative who you have designated) may access and use the Annual General Meeting web portal. In order to ensure timely receipt of your voting card, we urge you to register for the Annual General Meeting 2021 and to send correct proof of your shareholding as early as possible.

## **V. Procedure for proxy voting by delegation to the Company's designated voting representatives**

The Company offers its shareholders who have properly registered for the virtual Annual General Meeting the option of authorizing voting representatives (proxies) appointed by the Company who are bound by the respective shareholders' instructions as to how their voting rights are to be exercised. The proxies are legally obligated to vote as instructed and may not exercise the delegated voting rights at their own discretion. Please note that the proxies may only exercise such delegated voting rights for those agenda items for which the respective shareholder has given clear instructions and that the proxies cannot accept instructions on procedural motions either in advance of or during the Annual General Meeting. Likewise, the proxies cannot accept instructions on requests to speak, on the recording of objections to resolutions of the Annual General Meeting, or on the submission of questions, shareholder motions or shareholder nominations. If you wish to do so, you as a shareholder may provide your proxy voting authority with your voting instructions to the Company's designated voting representatives using the proxy authority and voting instruction form which you will receive together with your voting card for the Annual General Meeting. This form may also be downloaded from the Company's website at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

Should you wish to revoke such proxy voting authority which you have previously provided, a form is also available for this purpose.

Insofar as your proxy authority and voting instructions are not electronically submitted during the virtual Annual General Meeting by means of the Annual General Meeting web portal, we must receive your proxy authority and voting instructions – in written form and with clear and unambiguous instructions as to how you wish to vote on each agenda item – **no later than Sunday, September 26, 2021, at 12:00 midnight (CEST)** at the following address:

Formycon AG  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 München  
or via e-mail to: [inhaberaktien@linkmarketservices.de](mailto:inhaberaktien@linkmarketservices.de)

You as a shareholder have the right to electronically exercise your voting rights through such proxy voting, before as well as during the Annual General Meeting, by means of the Company's Annual General Meeting web portal at the following internet address:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

Such delegation of proxy voting authority by means of the Annual General Meeting web portal is possible until the start of voting during the virtual Annual General Meeting, using the button “Vollmacht und Weisungen.” You may also use the Annual General Meeting web portal to change or revoke any previously granted proxy voting authority and voting instructions, likewise until the start of voting start of voting during the virtual Annual General Meeting.

Proxy voting for motions and nominations by means of the Company’s designated voting representatives is only possible where such motions or nominations are published with this invitation or as provided under sec. 122 para. 2 or sections 126 and 127 of the Stock Corporation Act.

The delegation of proxy voting authority to the Company’s designated voting representatives is limited to the exercise of voting rights for announced agenda items in accordance with the shareholder’s clear voting instructions. The Company’s designated voting representatives cannot accept instructions as to the exercise of other shareholder rights, in particular for the submission of questions, shareholder motions, or shareholder nominations, or for the recording of objections.

## **VI. Procedure for direct voting through advance postal voting or electronic voting**

Shareholders who have properly registered for the virtual Annual General Meeting may directly cast their votes by advance postal voting, which must be in writing, or through electronic voting by means of the Company’s Annual General Meeting web portal.

If you as a shareholder wish to submit your vote in advance of the Annual General Meeting, you may use the postal voting form sent to you with your voting card. The postal voting form may also be downloaded from the Company’s website at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

Should you wish to vote by means of the postal voting form, which you may send by post or alternatively as an attachment to an e-mail, please ensure that we receive it **no later than Sunday, September 26, 2021, at 12:00 midnight (CEST)** by sending it to us to the following address:

Formycon AG  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 Munich, Germany  
or via e-mail to: [inhaberaktien@linkmarketservices.de](mailto:inhaberaktien@linkmarketservices.de)

Please understand that we cannot consider postal voting forms received which we are unable to clearly and unambiguously assign to a shareholding which has been properly registered for the Annual General Meeting.



Before as well as during the Annual General Meeting up until the time that voting begins, you may also cast your vote electronically by means of the Company's Annual General Meeting web portal, which may be accessed at the following internet address:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

using the button "Briefwahl" within the portal provided for this purpose. Please note that electronic voting by means of the Company's Annual General Meeting web portal will no longer be possible following the start of voting on the day of the Annual General Meeting. You may likewise use the Annual General Meeting web portal to change or revoke a vote which you previously submitted by advance postal or electronic voting, which likewise must be before the start of voting during the Annual General Meeting. Further information on through advance postal or electronic voting may be found on the voting card sent to all shareholders who have properly registered for the Annual General Meeting

Advance postal or electronic voting for motions and nominations is only possible where such motions or nominations are published with this invitation or as provided under sec. 122 para. 2 or sections 126 and 127 of the Stock Corporation Act.

## **VII. Procedure for voting through your own authorized representative**

Shareholders may exercise their voting rights in the virtual Annual General Meeting by granting proxy voting authority to an authorized representative such as a bank or financial intermediary, a shareholders' association, a voting rights advisor or commercial proxy service, or other equivalent person or entity in accordance with sec. 135 para. 8 of the Stock Corporation Act, or to another third party chosen by the shareholder. In order exercise voting rights by means of an authorized representative, the shareholder must register for the virtual Annual General Meeting prior to the registration deadline, as described above, and must provide proof of entitlement as of the record date, as described above.

If the authorized representative is not a bank or financial intermediary, a shareholders' association, a voting rights advisor or commercial proxy service, or other equivalent person or entity in accordance with sec. 135 para. 8 of the Stock Corporation Act, the shareholder must provide an appropriate power of attorney to the Company in written form granting proxy voting authority to the chosen representative, who must likewise present written proof of holding such authority. The revocation of such authority must likewise be in writing.

If the authorized representative is a bank or financial intermediary, a shareholders' association, a voting rights advisor or commercial proxy service, or other equivalent person or entity in conformity with sec. 135 para. 8 of the Stock Corporation Act, there is no specific requirement for the proxy voting authority to be provided in written form, but the authorized representative must be able to prove such proxy voting authority upon request. The proxy voting authority must, in addition, be complete and contain only declarations related to the exercise of voting rights. Should you as a shareholder wish to grant proxy voting authority to a bank or financial intermediary, a shareholders' association, a voting rights advisor or commercial proxy service, or other equivalent person or entity in accordance with sec. 135 para. 8 of the Stock Corporation Act, we kindly ask you to make direct arrangements with the intermediary on the required form of proxy voting authority.



Should a shareholder provide duplicate voting authorities to more than one authorized voting representative, the Company may reject one or more of these.

If you as a shareholder who would like to submit a power of attorney to the Company granting proxy voting authority to an authorized representative, you are kindly asked to use the form provided by the Company, which will be sent to you together with the voting card upon your proper registration for the virtual Annual General Meeting. This form may also be downloaded from the Company's website at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

Should you wish to send us a power of attorney granting proxy voting authority to your representative, please ensure that we receive it **no later than Sunday, September 26, 2021, at 12:00 midnight (CEST)** by sending it to us to the following address:

Formycon AG  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 Munich, Germany  
or via e-mail to: [inhaberaktien@linkmarketservices.de](mailto:inhaberaktien@linkmarketservices.de)

Like shareholders, authorized representatives cannot physically participate in the virtual Annual General Meeting but rather are limited to the exercise of voting rights delegated to them by means of the proxy voting authority, as described in sections V and VI above. Authorized representatives may thus exercise the proxy voting rights delegated to them by advance postal or electronic voting, or by providing proxy authority and voting instructions to the Company's designated voting representatives. In order to access the Annual General Meeting web portal, to view and follow the virtual Annual General Meeting, and to use the portal's other functions, please note that the authorized representative will require the voting card sent to the shareholder; an additional voting card will not be sent to the authorized representative. With regard to the rights of shareholders to submit questions (as described in section IX (3) below) and to have objections recorded in the minutes (as described in section IX (4) below), these rights apply equally to representatives duly authorized by shareholders.

#### **VIII. Additional information on voting rights and procedures**

The scheduled votes under agenda items 2 to 4 are legally binding, in accordance with Table 3 of the Annex to Commission Implementing Regulation (EU) 2018/1212. For each item, votes may be cast as yes (approval), no (rejection), or abstention.

In the case of voting rights exercised by means of electronic voting, the Company shall provide electronic confirmation to the voting shareholder in accordance with sec. 118 para. 2 sentence 2 and para. 1 sentences 3 to 5 of the Stock Corporation Act in conjunction with article 7 para. 1 and article 9 para. 5 sub-para. 1 of Implementing Regulation (EU) 2018/1212.

Under sec. 129 para. 5 of the Stock Corporation Act in conjunction with art. 7 para. 2 and art. 9 para. 5 subpara. 2 of Implementing Regulation (EU) 2018/1212, you have the right to request

confirmation of whether and how your vote was counted within one month following the day of the Annual General Meeting. This confirmation may be requested subsequent to the close of the Annual General Meeting by means of the Annual General Meeting web portal using the personal access code printed on your voting card.

**IX. Rights of shareholders under sec. 122 para. 2, sec. 126 para. 1 and sec. 127 of the Stock Corporation Act in conjunction with sec. 1 para. 2 sentence 1 no. 3 and sentence 2 of the COVID-19 Act**

**1. Right of shareholders to propose additions to the meeting agenda in accordance with sec. 122 para. 2 of the Stock Corporation Act**

Any shareholder or group of shareholders whose combined shares rounded up to the next higher full number of shares constitute at least one twentieth of the share capital, or represent registered capital of at least EUR 500,000.00, may request that additional items of business be placed on the agenda and announced. The basis for this calculation is the nominal amount of registered capital (*Grundkapital*) entered in the Company's commercial register at the time of the request. Each such proposed new agenda item must be accompanied by a rationale or proposed resolution text. In addition, reference is made to the requirements of sec. 122 para. 2 of the Stock Corporation Act in conjunction with para. 1 thereof as well as sec. 142 para. 2 sentence 2 and sec. 80 of the Act. The proposing shareholder(s) must further prove that the shares have been held for at least 90 days prior to the date of receipt of the request and must continue to hold the shares until the Executive Board has reached a determination as to the proposed agenda item.

Confirmation of such shareholding from the respective shareholder's custodian bank shall be considered sufficient proof.

Any such request must be delivered in writing to the Company's Executive Board and must be received by the company at least 24 days prior to the Annual General Meeting, not counting the day upon which the request is received. Thus, any such request must be received by **no later than Thursday, September 2, 2021, at 12:00 midnight (CEST)**. Requests received subsequent to this deadline will not be considered. The request must be signed by all shareholders whose shares together make up one twentieth of the share capital or by their duly appointed representatives.

The request must be in writing and delivered to:

Formycon AG  
Executive Board  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 Munich, Germany

Unless already included in the Annual General Meeting invitation and published agenda, any additions to the agenda will be announced in the German Federal Gazette (*Bundesanzeiger*) promptly following receipt of the qualifying request and will, in addition, be published on the Company's website at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

**2. Right of shareholders to propose motions and nominations  
in accordance with sec. 126 para. 1 and sec. 127 of the Stock Corporation Act**

Shareholders have the right to submit shareholder motions as countermotions to proposals by the Executive Board and Supervisory Board on certain agenda items, as well as to submit shareholder nominations for election to the Supervisory Board members or for election as the Company's auditor, provided that such elections are on the meeting agenda. Any such shareholder motions or nominations must be sent to the following address:

Formycon AG  
c/o Link Market Services GmbH  
Landshuter Allee 10  
80637 Munich, Germany

or via e-mail to: [antraege@linkmarketservices.de](mailto:antraege@linkmarketservices.de)

Any such shareholder motions or nominations must be received at the above address **no later than Sunday, September 12, 2021, at 12:00 midnight (CEST)** and will, following proper receipt and validation, be promptly posted to the Company's website at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

including, in accordance with sections 126 and 127 of the Stock Corporation Act, the name of the proposing shareholder and, in the case of shareholder motions, any rationale therefor which was submitted. Any statements of position by the Company's management will likewise be posted to the Annual General Meeting web portal at the above internet address subsequent to September 12, 2021.

Any such shareholder motion or nomination to be announced in accordance with sections 126 and 127 of the Stock Corporation Act shall be deemed to have been properly submitted for inclusion in the virtual Annual General Meeting if the shareholder submitting the shareholder motion or shareholder nomination has properly provided evidence of fulfillment of the requirements therefor. It is not possible for shareholder motions or nominations to be submitted during the virtual Annual General Meeting.

**3. Right of shareholders to submit questions in accordance with  
sec. 1 para. 2 sentence 1 no. 3 and sentence 2 of the COVID-19 Act**

In accordance with the provisions of the COVID-19 Act, shareholders do not have the usual rights during the virtual Annual General Meeting to request information as set forth in sec. 131 of the Stock Corporation Act but do have the right to submit questions to be answered during the meeting.

Shareholders properly registered for the Annual General Meeting (and authorized representatives thereof) have the right to submit advance questions by electronic means in accordance with sec. 1 para. 2 sentence 1 no. 3 of the COVID-19 Act. Such questions must be submitted at least one

day before the Annual General Meeting, i.e. they must be received **no later than Saturday, September 25, 2021, at 12:00 midnight CEST**, and exclusively by electronic means as provided by the Company's Annual General Meeting web portal which may be accessed at:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

A "submit question" feature may be readily found within the portal. The Company is not able to accept questions submitted by other means or received after the deadline. It is not possible to ask questions during the virtual Annual General Meeting.

In accordance with sec. 1 para. 2 sentence 2 of the COVID-19 Act, the Executive Board shall, in its own best judgement, determine how such questions are to be answered and may, in particular, summarize or consolidate questions. The Executive Board may refrain from answering certain questions for any of the reasons stated in sec. 131 para. 3 of the Stock Corporation Act. Questions submitted in a language other than German cannot be considered.

Unless the shareholder submitting the question has specifically asked not to be identified in the Annual General Meeting, the Company may do so.

#### **4. Right of shareholders to have objections recorded in minutes in accordance with sec. 1 para. 2 sentence 1 no. 4 of the COVID-19 Act**

Shareholders properly registered for the Annual General Meeting who have exercised their voting rights (and authorized representatives thereof) have the right to express their objections to resolutions of the Annual General Meeting at any time during and before the end of the virtual meeting and to have these objections recorded in the notarial minutes of the Annual General Meeting. Such objection may only be made electronically by way of the Company's Annual General Meeting web portal, which may be accessed at the following internet address:

<https://www.formycon.com/en/investor-relations/annual-general-meeting/>

and must be received following the beginning and before the end of the virtual Annual General Meeting. The Company is not able to accept shareholder objections submitted by other means.

#### **X. Shareholder hotline**

Should you as a shareholder or intermediary have any questions regarding the virtual Annual General Meeting or the use of the Company's Annual General Meeting web portal, you may speak to a Company representative by calling our shareholder hotline at +49 (89) 21027-220 from Monday to Friday (excluding public holidays) between the hours of 9:00 a.m. and 5:00 p.m. (CEST).

#### **XI. Time information**

Unless expressly stated otherwise, all times in this invitation to the Annual General Meeting of Formycon AG are expressed in local Munich time, which is Central European Summer Time (CEST). Coordinated Universal Time (UTC) may be calculated by subtracting two hours from CEST.

## **XII. Information on shareholder data protection**

Formycon AG processes and stores the personal data of shareholders (and authorized representatives thereof), specifically including name, postal address, e-mail address, number of shares, class of shares, type of share ownership and voting card issuance number, on the basis of all applicable data protection laws, in order to ensure that our shareholders are able to register for and to view and follow the virtual Annual General Meeting and to exercise their voting and other shareholder rights.

In order to allow you as a shareholder to register for and view the virtual Annual General Meeting and to exercise your voting and other shareholder rights, we must necessarily record and rely upon your personal data. Data which is obtained in connection with the general meeting is deleted once the retention thereof is no longer necessary to document the proper conduct of the Annual General Meeting (including procedures in advance of and subsequent to the meeting), or is retained on a restricted basis where such retention is required by law.

In addition, certain personal data will be made available to other shareholders (and authorized representatives thereof) in connection with the Annual General Meeting as provided by German law, namely in the form of a list of meeting participants as well as the identification of shareholders (or shareholder representatives) having submitted questions in advance of the meeting, along with shareholder motions, shareholder nominations, or proposed shareholder additions to the meeting agenda (in accordance with sec. 1 para. 2 sentence 1 no. 3 and sentence 2 of the COVID-19 Act).

Formycon AG is the responsible entity ("controller") for the processing of such personal data within the meaning of article 4 no. 7 of the General Data Protection Regulation (GDPR). The legal basis for such processing is article 6 para. 1 item c of the GDPR.

Link Market Services GmbH (Landshuter Allee 10, 80637 Munich, Germany) is a service provider to Formycon AG which has been commissioned for the purpose of hosting the Annual General Meeting and, in this role, receives the aforementioned personal data from Formycon AG as necessary for the execution of the services commissioned and is obligated, under a formal written agreement for contract data processing, to process and handle such personal data strictly as instructed by Formycon AG.

You as a shareholder have various legal rights under the GDPR to information about your personal data held by Formycon AG, to the correction or deletion of such personal data, to the restriction of or objection to the processing thereof, and to request the transfer thereof. You also have the right, under article 77 of the GDPR, to lodge a complaint with the responsible data protection supervisory authority.

Should you wish to contact our Data Protection Officer, please direct your inquiry to:  
Formycon AG, Data Protection Officer, Fraunhoferstr.15, 82152 Martinsried/Planegg, Germany  
or via e-mail to: [datenschutz@formycom.com](mailto:datenschutz@formycom.com).

Shareholders who authorize a meeting representative are kindly asked to ensure that the representative receives and understands this important information about the protection of their personal data.

### **XIII. Technical information regarding the virtual Annual General Meeting**

In order to follow the virtual Annual General Meeting, to use the Annual General Meeting web portal, and to exercise your shareholder rights electronically, you will need an internet connection and an internet-enabled device. Furthermore, a stable internet connection with sufficient downloading speed is recommended for optimal image and sound quality of the streamed meeting. Should you use a personal computer to follow the virtual general meeting and to receive the streamed proceedings, you will need a customary internet browser as well as either a loudspeaker or headphones.

To access the Annual General Meeting web portal, you need your voting card, which you will automatically receive following your successful registration for the Annual General Meeting. On this voting card you will find your individual access data, which you may then use to log into the Annual General Meeting web portal at the internet address provided.

In order to avoid the risk of your shareholder rights being impaired due to unavoidable technical problems which could arise during the virtual Annual General Meeting, we recommend that all shareholders – to the extent possible – exercise their shareholder rights (especially voting rights) **in advance of the Annual General Meeting.**

Shareholders will receive further details on the AGM portal and the registration and usage conditions together with their voting card.

### **XIV. Other important information regarding streaming of the Annual General Meeting**

Shareholders of Formycon AG who have properly registered for the Annual General Meeting, and authorized representatives thereof, may follow the virtual Annual General Meeting, which will be streamed in its entirety, including sound and image, by way of the Company's Annual General Meeting web portal. Given the current state of internet and streaming technology, the technical quality of the image and sound transmission as well as the availability of the web portal itself may be subject to variability or interruptions due to factors upon which the Company has no influence, such as interruptions or degraded performance in telecommunications network services or internet services from third-party providers. The Company can therefore not assume liability or provide any guarantees relating to the functionality and uninterrupted availability of such third-party internet services and network services, and thus of the image and sound transmission of the meeting or of access to or availability of the Annual General Meeting web portal. The Company, moreover, disclaims any responsibility for failures of hardware and software used for such online services (including those of third-party service providers) unless the result of our own intentional act. For this reason, the Company recommends that shareholders make use of the above-described options for exercising their rights, in particular voting rights, in advance of the Annual General Meeting. Should such extraordinary action be deemed unavoidable on the

grounds of data protection or other technical or security considerations, the chair of the general meeting reserves the right to interrupt the virtual Annual General Meeting or, if necessary, to suspend it entirely.

Martinsried/Planegg, Germany, August 2021

**The Executive Board of Formycon AG**