

Items on the agenda for the 2010 Annual General Meeting that do not require resolution

Item 1 on the agenda (Presentation of the Financial Statements of BASF SE and the BASF Group for the financial year 2009; presentation of the Management's Analyses of BASF SE and the BASF Group for the financial year 2009 including the explanatory reports on the data according to Section 289 (4) and Section 315 (4) of the German Commercial Code; presentation of the Report of the Supervisory Board)

The annual financial statements of BASF SE for the year 2009 presented by the Executive Board were approved by the Supervisory Board on 4 March 2010. The annual financial statements have thus been approved in accordance with Section 172 AktG (German Stock Corporation Act). None of the exceptional cases in which the annual financial statements are to be approved by the Annual General Meeting therefore applies. The Annual General Meeting will therefore not pass a resolution on the annual financial statements. The consolidated financial statements of the BASF Group were also approved by the Supervisory Board on 4 March 2010. Pursuant to Section 173 (1) sentence 2 AktG, the Annual General Meeting therefore does not need to pass a resolution in this context.