
**CHANGES ARE MARKED AS FOLLOWS:
AMENDMENTS ARE UNDERLINED
DELETIONS ARE CROSSED OUT**

[...]

Second Part
General Provisions for the Inclusion of Securities (Open Market)

§ 9 Inclusion of securities in the Open Market

- (1) Securities which are neither admitted nor included in the Regulated Market of FWB may be included in the Open Market.
- (2) On application of a Participant (§ 2 Paragraph 3), DBAG shall decide upon the inclusion. A claim of the Participant of the inclusion of particular securities does not even exist if the inclusion prerequisites (Paragraph 1, §§ 11 to 13) are fulfilled.
- (3) DBAG determines whether the securities included in the Open Market are traded in the electronic trading system and/or in floor trading and defines the trading currency.
- (4) The inclusion of shares in open domestic and foreign investment assets which are formed by way of investment funds or investment stock corporations (fund shares) may exclusively be applied for according to § 20 by specialists who are commissioned with assumption of the specialists' duties for fund shares. In trading of fund shares, the price determination shall exclusively take place in the electronic trading system in the specialist model of Continuous Auction.
- (5) In deviation to § 38 Paragraph 2 Exchange Act, securities issued for public subscription may be included in the Open Market before termination of assignment to the subscribers already.
- (6) The application of inclusion of securities may be refused also if the inclusion prerequisites (Paragraph 1, §§ 11 to 13) are fulfilled, in particular if, in DBAG's view, the prerequisites for an orderly trade or for orderly business transaction are not fulfilled or if the inclusion results in an overreaching of the public or a severe damage of general interests.
- (7) Inclusions shall be published pursuant to § 5.

[...]

Frankfurt/Main, ~~63 July-August 2009~~

Deutsche Börse AG

[...]