

## Statement

on the duties of the Supervisory Board in connection with the Diesel Emissions Matter

prepared for the Supervisory Board of Mercedes-Benz Group AG

The Supervisory Board of Mercedes-Benz Group AG (“Mercedes-Benz” or the “Company”) has retained Morrison & Foerster LLP (“Morrison Foerster”) as legal expert (Section 111 paragraph 2 sentence 2 German Stock Corporation Act (*Aktiengesetz*; “AktG”)) to assist and advise the Supervisory Board in a comprehensive manner with regard to regulatory, criminal, and civil law proceedings in Germany and in other countries involving diesel exhaust emissions of Mercedes-Benz vehicles (“Diesel Emissions Matter”). This statement summarizes the current state of the measures taken by the Supervisory Board in the context of the Diesel Emissions Matter.

1. The Supervisory Board’s analysis of all facts underlying the Diesel Emissions Matter as well as of the question whether this could invoke a potential liability of Management Board members has been completed. It has concluded that there are no claims against Management Board members.

a) In its analysis, the Supervisory Board was guided by the legal principles developed by the German Federal Court of Justice (*Bundesgerichtshof*) in its “ARAG/Garmenbeck” ruling of 21 April 1997 (case no. II ZR 175/95) regarding the assessment of the existence and the enforcement of damage claims of a company against current or former members of the Management Board. In accordance with these principles, the Supervisory Board commissioned Morrison Foerster to examine the organizational structure of the Company divisions significant for the Diesel Emissions Matter as implemented by the Management Board during the decisive period, to conduct a comprehensive analysis of all facts and legal aspects relevant for determining a potential liability of Management Board members, and to report to the Supervisory Board about the results of the analysis and, as the case may be, on any further relevant appropriate measures. Morrison Foerster was commissioned to conduct the analysis objectively and free from instructions or interference of any kind as well as to investigate all potentially relevant aspects for a potential liability of Management Board members.

b) The Supervisory Board, together with its legal experts, fully examined the facts and assessed them from a legal perspective. Morrison Foerster analyzed the actions of all Management Board members from 2005 onwards with regard to the emission control technologies and software functionalities used in diesel engines, as well as all related circumstances. The analysis covered,

among other regions, Germany, the EU, as well as the U.S. All relevant sources of information were exhausted and the information relevant to the decision was evaluated.

c) The result of the analysis of the Supervisory Board is consistent with the findings of the authorities and courts. In Germany, the Stuttgart public prosecutor's office stated in an official statement in 2021 that no investigations are being conducted against Management Board members or senior executives and that this is not expected in the future either. In the United States, the U.S. Department of Justice concluded its criminal investigation into the conduct of Management Board members and employees without any accusations in 2024. The Stuttgart Higher Regional Court also expressly concluded in the model case declaratory judgment regarding customers' claims for damages that there are no factual indications that Management Board members ordered or approved the use of illegal shutdown devices.

2. In close to all of its meetings, the Supervisory Board dedicates attention to the status of civil and administrative as well as other proceedings. It is provided with all relevant information regarding inquiries by public authorities, actions and proceedings, technological aspects, as well as measures taken by the Company. The Supervisory Board ensures that these proceedings are conducted in the interests of the Company and comply with the strategy that has been jointly approved with the Supervisory Board.

3. In 2020, in lieu of an external monitorship, the Supervisory Board and the Committee for Legal Affairs have assumed the task of supervising Mercedes-Benz' compliance with its obligations under the settlement with the U.S. authorities. They are monitoring if the Company implements the technical, financial, and compliance-related measures as agreed upon under the settlement. In particular, the Supervisory Board has assured itself that the high standards of Mercedes-Benz' technical Compliance Management System ("tCMS") are maintained and advanced in line with the state-of-the-art as well as with changes in the regulatory landscape. The tCMS meets the highest standards. Annually, the Company verifies the robustness of the system with the consent of the Committee for Legal Affairs. In this context, and in line with the German Corporate Governance Codex, the Supervisory Board also evaluates the efficiency and adequacy of the tCMS.

4. In our role as legal expert, we hereby conclude that the Supervisory Board has been in full compliance with its duties under the German Stock Corporation Act.

Berlin, 14 March 2025



Professor Dr Roland Steinmeyer  
Attorney-at-law and Notary emeritus  
(*Rechtsanwalt und Notar a.D.*)