

RWE
Aktiengesellschaft
Essen

Counter motions by Dipl. Ing. agr. Johann Smid, Pewsum, 31 March 2014

“Counter motions filed with respect to RWE's 2014 Annual General Meeting

I hereby file the following counter motions with respect to RWE AG's Annual General Meeting on 16 April 2014:

Counter motion regarding Item 3:

Approval of the Acts of the Executive Board for fiscal 2014

I hereby file a motion against approving the acts of the Executive Board.

Rationale:

Continued construction of the RWE/Essent coal-fired power station in Eemshaven, Netherlands

On 24 August 2011, the Raad van State (the highest administrative court in the Netherlands) declared the approval issued by the Province of Groningen for the RWE coal-fired power plant in Eemshaven pursuant to nature conservation law illegal and invalid. The court reached this decision because it found that the effects on the Wattenmeer world natural heritage and the East Frisian Islands had not been taken into account sufficiently. However, RWE is continuing its construction work at its own risk and has requested that a new approval process be initiated.

Based on information provided by RWE, its coal-fired power plant will emit approx. 8-10 million metric tons of carbon dioxide, 1,750 metric tons of carbon monoxide, 2,060 metric tons of nitric oxide, 1,454 metric tons of sulphur dioxide, 103 metric tons of fine dust, 17 metric tons of hydrogen fluoride, 95 kilograms of mercury, 3 kilograms of cadmium/thallium and 472 kilograms of other highly toxic substances per year. It will consume approx. 6 million cubic metres of cooling water per day. **RWE's coal-fired power station will destroy our health, the climate, nature, the fishing industry and tourism in our region, the west of East Frisia! Borkum, Juist, Krummhörn (Greetsiel) and Emden as well as the Wattenmeer world natural heritage are particularly affected.**

On 28 March 2011, Peter Terium himself said: Het renedement is niet meer economisch op dit moment; i.e. coal-based electricity generation is not profitable at present. He also said that a coal-fired power station would no longer be built in Eemshaven based on current knowledge (DvhN, 11 February 2012). This is true. Based on Mr. Terium's statement at the 2013 AGM, RWE would need to charge 6 cents per kilowatt in order to cover the running costs. However, an average of only 4–5 cents per kWh were/are being paid on the Amsterdam electricity exchange in 2013/2014, i.e. **RWE Eemshaven will generate a loss of 1–2 cents for every kWh produced!**

The affected German communities Borkum, Krummhörn and Jemgum as well as Dutch and German environmental organisations filed suits against the approval issued by the Province of Groningen under nature conservation law with the Raad von State. The hearing took place on 3 February 2014 in the Hague and we stand a very good chance of having the approval under nature conservation law issued by the Province of Groningen repealed. RWE and the Province of Groningen did not examine the effects of the RWE coal-fired power plant in Eemshaven on Borkum, the nature reserves in East Frisia and the Wattenmeer world natural heritage sufficiently in the second procedure, either, which was exactly why the first approval under nature conservation law was repealed by the Raad von State back in August 2011. This means that the current operating permit for the RWE coal-fired power plant in Eemshaven issued by the Province of Groningen may also be repealed by the Raad von State. The ruling of the Raad von State, the highest administrative court in the Netherlands, is expected to be handed down at the end of April 2014.

It is extremely doubtful whether the power station can be operated profitably, the damage inflicted on Borkum, Krummhörn and all of East Frisia is huge.

Trial runs have been carried out at the RWE coal-fired power plant in Eemshaven since December 2013. On clear days, one can still clearly see the rising column of smoke and steam. This alone deters many vacationers and tourists. Given that Borkum is a spa town for respiratory diseases and Krummhörn also has a large tourism sector thanks to Greetsiel, one can only hope that the operating permit for RWE's coal-fired power station in Eemshaven is revoked!

Counter-motion regarding Item 4 on the Agenda:

Approval of the Acts of the Supervisory Board for fiscal 2013:

I hereby file a motion against the approval of the acts of the Supervisory Board.

Rationale:

The Supervisory Board did not prevent the risky investment of about 3 billion euros in the RWE coal-fired power plant in Eemshaven in 2013, either.

The 3.3 billion euros in impairments recognised by Mr. Terium on 28 January 2014 , of which 2.9 billion were in the field of “conventional electricity generation,” are a step in the right direction.

[signed]

Dipl. Ing. agr. Johann Smid,

Councillor of the Community of Krummhörn

Krummhörn – Pewsum, 31 March 2014”