



**Counter-motion for the Annual General Meeting
on 3 March 2010 in Hamburg**

We have received the following counter-motion from our shareholder, Mr Kurt Otto Horzella, to the following item on the agenda for our Annual General Meeting:

AURUBIS AGM

Re: Amendment to the Articles of Association - counter-motion

Ladies and Gentlemen,

I herewith move that the following amendment be made to the Articles of Association:
TOP 9 § 12,5 should have the following content:

Supervisory Board members shall not receive attendance fees. If they miss a meeting for reasons for which they are responsible, €500 shall be deducted from their compensation.

Reason: Supervisory Board members receive reasonable compensation for their activities on the Supervisory Board.

Meetings are an indispensable part of these activities and thus covered by the compensation.

Comment on the counter-motion of our shareholder:

Management will as required comment on the counter-motion at the Annual General Meeting.

**Aurubis AG
The Executive Board**