

Declaration of compliance

Declaration by the Biotest AG Board of Management and Supervisory Board on the recommendations of the German Corporate Governance Code in accordance with Section 161 of the German Stock Corporation Act (AktG)

Since the last declaration of compliance dated 5 March 2009, which referred to the German Corporate Governance Code of 6 June 2008, Biotest AG has complied with all of the recommendations of the German Corporate Governance Code in that version with one exception.

- Biotest AG has not taken up the recommendation in Section 5.3.3 of the German Corporate Governance Code to set up a Supervisory Board nomination committee. Elections to the Supervisory Board are not due for two years. Biotest AG's Supervisory Board only comprises four shareholder representatives. Biotest AG continues to consider setting up a committee from the small number of shareholder representatives to be unnecessary. The improvement in transparency of the selection procedure at which the recommendation is aimed is also ensured at Biotest AG in full meetings of the Supervisory Board.

The Board of Management and Supervisory Board further declare that all other recommendations of the German Corporate Governance Code in its version from 18 June 2009 are complied with.

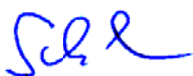
Biotest AG has not adopted the recommendation in Section 3.8 of the German Corporate Governance Code:

The D&O policy taken out by the Company for members of the Board of Management does not include a deductible of 10% of the loss up to at least the amount of one and a half times the fixed annual compensation of the Board of Management member. Biotest AG is of the opinion that a deductible of this size has not been necessary in the past with regard to the responsibility and motivation of the members of the Board of Management in performing their duties. Biotest AG intends to add a deductible of this amount to its D&O policy for members of the Board of Management in implementation of Section 93 (2) (3) of the German Stock Corporation Act (AktG) by 30 June 2010.

With reference to the above, Biotest AG has not yet agreed a corresponding deductible for the D&O policy for members of the Supervisory Board.

Dreieich, Germany, 9 March 2010

For the Board of Management



Prof. Dr. Gregor Schulz



Dr. Michael Ramroth

For the Supervisory Board



Dr. Thorlef Spickschen

In addition to this latest version, earlier versions of the Declaration of compliance can also be consulted on and downloaded from the Biotest website.