

(convenience translation)

**Declaration by the Board of Management and the Supervisory Board
of Bayerische Motoren Werke Aktiengesellschaft
regarding the Recommendations of the
German Government Corporate Governance Code Commission
in accordance with Paragraph 161 German Stock Corporation Act**

The Board of Management and the Supervisory Board of Bayerische Motoren Werke Aktiengesellschaft ("BMW AG") declare the following regarding the recommendations of the German Government Corporate Governance Code Commission:

1. During the period since filing the last declaration of December 2008 up until 5 August 2009 BMW AG complied with all of the recommendations published on 8 August 2008 in the electronic Federal Gazette (Code version of 6 June 2008), except for the divergence from section 4.2.2 paragraph 1 German Corporate Governance Code already declared and explained in December 2008. That divergence ceased to apply on 5 August 2009 because, with effect from that date, the full Supervisory Board became responsible for the adoption of resolutions relating to the Board of Management remuneration system and for the regular review of the remuneration system in accordance with the new legal situation.
2. BMW AG will in future comply with all of the recommendations published on 5 August 2009 in the electronic Federal Gazette (Code version of 18 June 2009) except for only one deviation from the recommendation under section 3.8 paragraph 3 German Corporate Governance Code: In view of the differing financial circumstances and incomes within the Supervisory Board we consider it proper to differentiate between the amount of excess under a D&O liability insurance policy for the members of the Board of Management on the one hand and the members of the Supervisory Board on the other hand and we consider the excess agreed to date for the members of the Supervisory Board to still be appropriate.

Munich, December 2009

Bayerische Motoren Werke Aktiengesellschaft

On behalf of the Supervisory Board

On behalf of the Board of Management

Prof. Dr.-Ing. Joachim Milberg
Chairman

Dr.-Ing. Norbert Reithofer
Chairman