

## **Declaration of Conformity in terms of the German Corporate Governance Code**

In accordance with § 161 Aktiengesetz (German Stock Corporations Act), the Managing Board and Supervisory Board of SMA Solar Technology AG declare:

Since the last Declaration of Conformity dated February 19, 2009 SMA Solar Technology AG has complied with the recommendations of the "Regierungskommission Deutscher Corporate Governance Kodex" (Government Commission German Corporate Governance Code) in the version dated June 6, 2008, published in the electronic Federal Gazette (Bundesanzeiger) on the August 8, 2008 until the new version of the Code came into force on the August 5, 2009, with the following exception:

- In the suggestion for the new election of members of the Supervisory Board a deviation from the Rules of Procedure of the Supervisory Board in terms of the recommended maximum age of 70 years occurred on the Annual General Meeting on the June 10, 2009. Due to his broad experience in the solar business and due to the fact that he is founder and one of the major shareholders of SMA Solar Technology AG, Prof. (em) Dr.-Ing. Werner Kleinkauf was nominated for election and newly elected as member of the Supervisory Board (Code article 5.4.1 sentence 2) even though the maximum age was exceeded.

SMA Solar Technology has complied and will continue to comply with the recommendations of the "Regierungskommission Deutscher Corporate Governance Kodex" (Government Commission German Corporate Governance Code) in the version dated June 18, 2009 since the publication in the electronic Federal Gazette (Bundesanzeiger) on the August 5, 2009.

Niestetal, November 26, 2009

The Managing Board

The Supervisory Board