

Investor Relations News

December 8, 2011

French Competition Authorities imposes fines

Henkel determined to appeal decision of French Competition Authority

- **Henkel disagrees with fine and legal conclusions**
- **Henkel's extensive cooperation not appreciated by Competition Authority**
- **Case in France was already covered by EU decision**
- **No impact on full year guidance 2011 & financial targets 2012**

Paris, France/Düsseldorf, Germany – Henkel notes the decision today by the French Competition Authority to impose fines on several international detergent manufacturers on grounds of cartel infringements in France relating to a period from 1997 to 2004. Henkel does not agree with either the fine or the legal conclusions. The company does not expect any impact on the full year guidance 2011 or on the financial targets 2012. Henkel is determined to appeal the decision for several reasons.

1. Henkel has cooperated extensively with the Competition Authorities throughout the process. On discovering the infringement in 2008, Henkel immediately notified the authorities. It also provided significant information to the authorities through its own internal investigation which helped to establish the relevant facts of the infringement in France. In addition, Henkel was the first company to disclose the European dimension of the case. Despite this extensive and truthful cooperation, and against the principles of leniency enshrined in French and European Competition Law, Henkel was significantly fined and it does not agree with this decision.

2. Henkel believes that the French case is directly linked with the cartel infringements sanctioned by the European Commission on April 13, 2011, for which Henkel received full immunity from fines. At that time the European Commission prosecuted cartel infringements in heavy-duty detergents that took place in several Western European countries, including France, but let the French Competition Authority prosecute certain anticompetitive practices implemented in France. Henkel believes that these practices cannot be distinguished from the rest of the practices and therefore considers that the decision issued today does not draw the right legal conclusions.

“In 2008, we had to acknowledge concrete evidence of misconduct by employees in several Western European countries. For us, living Corporate Compliance means actively dealing with this issue. This is why we have intensively investigated internally and have made our findings available to the authorities promptly and in an unrestricted manner. This is our obligation to our employees, customers and shareholders”, says Dirk-Stephan Koedijk, Chief Compliance Officer at Henkel.

With the change from a decentralized Compliance organization to a central one in 2007 and the establishment of the position of a globally responsible Chief Compliance Officer who directly reports to the CEO, Henkel has taken effective measures in order to avoid future misconduct.

This document contains forward-looking statements which are based on the current estimates and assumptions made by the corporate management of Henkel AG & Co. KGaA. Forward-looking statements are characterized by the use of words such as expect, intend, plan, predict, assume, believe, estimate, anticipate, forecast and similar formulations. Such statements are not to be understood as in any way guaranteeing that those expectations will turn out to be accurate. Future performance and the results actually achieved by Henkel AG & Co. KGaA and its affiliated companies depend on a number of risks and uncertainties and may therefore differ materially from the forward-looking statements. Many of these factors are outside Henkel's control and cannot be accurately estimated in advance, such as the future economic environment and the actions of competitors and others involved in the marketplace. Henkel neither plans nor undertakes to update forward-looking statements.

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