

Bank Austria IR Release

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Ad-hoc Release according to § 48d (Austrian) Stock Exchange Act

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UniCredit Bank Austria AG (“Bank Austria”) has joined as a process-guiding intervening party in support of the defendant AKB Privatbank Zürich AG [formerly a subsidiary of Bank Austria and formerly Bank Austria (Schweiz) AG] in a suit relating to alleged claims of Bundesanstalt für vereinigungsbedingte Sonderaufgaben (“BvS”, formerly Treuhandanstalt), the German public body for the new Länder reconstruction.

BvS argues that the former subsidiary should have been aware that their customers, former East German companies, could have been assets belonging to the former socialist party of East Germany “SED” and, thus, account balances of these companies should not have been transferred to their former sole director without prior consent of BvS. Based on these allegations, BvS is requesting that the former account balance of approximately EUR 128 million is paid out again, plus interest dating back to 1992, plus costs.

On June 25, 2008 the Zurich District Court rejected the request of BvS.

On March 25, 2010 the Court of Appeal of Zurich granted the appeal of BvS and ordered Bank Austria’s former subsidiary – which Bank Austria is obliged to indemnify – to pay approximately EUR 245 million (including accrued interest and costs calculated as of today). Bank Austria filed an appeal against that judgment before the Court of Cassation of the Zurich Canton and received a stay of execution.

On 30 November 2011 (decision served on 2 December 2011) the Court of Cassation granted Bank Austria’s appeal, revoked the judgment for the plaintiff issued by the Court of Appeal of Zurich (dated March 25, 2010) and remanded the case back to the Court of Appeal for reconsideration.

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