ING CORPORATE COMMUNICATIONS

FACT SHEET

Amsterdam, March 2012

ING's appeal against the European Commission (EC) decision & brief summary of restructuring and state aid:

On 2 March 2012 the EU General Court issued a judgment in the appeal ING against specific elements of the European Commission's 2009 decision which approved the state aid ING received in the context of the financial crisis. ING welcomes the judgment to partially annul the EC decision. The following text is a brief overview of state aid, ING's restructuring plan & progress and our appeal.

STATE AID AND REPAYMENT

- In the context of the financial crisis, ING received support form the Dutch state in 2008 and 2009 in the form of a capital injection and an Illiquid Assets Back-up Facility (IABF).
- In October 2008, ING decided to strengthen its capital base in the form of the issuance of EUR 10 billion of core Tier 1 securities (CT1) to the Dutch State.
- In 2009, ING entered into an agreement with the Dutch State on an IABF, which was basically a full risk transfer to the Dutch State on 80% of ING's portfolio of Alt-A RMBS (Residential mortgage-backed securities) in the US.
- ING repaid EUR 5 billion of the CT1 securities plus premium and interest of around EUR 600 million on 21 December 2009. A further EUR 3 billion (including a EUR 1 billion premium) were repaid in May 2011.
- For the first repayment ING and the Dutch State agreed upon a reduction of the repayment premium. This provided the Dutch State with an early repayment and at an attractive return of 15% after one year. The EC views this reduction as additional State aid of approximately EUR 2 billion. ING considers that this is wrong.

RESTRUCTURING PLAN & PROGRESS

- All Europe-based companies that received support from their governments in the context of the financial crisis over a specific threshold were required to file restructuring plans with the EC to demonstrate their long-term viability and prevent undue distortions of competition.
- As a result, parallel to ING's Back to Basics programme (2009-2010) to reduce the complexity of the Group, ING developed and submitted a restructuring plan to the EC in October 2009.
- The plan entails among other things the separation of Banking and Insurance operations,certain divestments and restrictions regarding pricing behaviour and acquisitions..
- The separation process of ING Bank and ING Insurance/Investment Management (IM) has been a massive undertaking with more than 1,100 projects. Operational separation was achieved on 1 January 2011. Only a small number of projects still have to be carried out in the first quarter of 2012; as well as a couple of larger-size longer term IT projects.
- ING has taken decisive steps to meet the other restructuring demands by divesting ING Direct USA (sale closed in February 2012), the Latin American pensions, life insurance and IM operations (2011) and by making WestlandUtrecht Bank (WUB) commercially independent of ING (November 2010) after which options are being explored to divest WUB. Furthermore, ING has since 2009 taken steps to reduce risk and leverage and reduce the bank balance sheet.

ING'S APPEAL AGAINST THE EC DECISION

Timeline

- In January 2010, ING filed an appeal with the General Court of the European Union.
- In July 2011, oral arguments of the appeal case were heard by the Court.
- The judgment of the General Court was issued on 2 March 2012.
- From 2 March, ING is in the process of carefully assessing the full judgment as well as its consequences. Announcements on any potential further actions will only be made if and when appropriate.
- The judgment of the General Court may, within two months and 10 days after 2 March, i.e. until 12 May 2012, be subject to an appeal, limited to points of law, to the Court of Justice.

Contents of the appeal:
This was an appeal against specific elements of the European Commission's decision of 18 November 2009 which approved the state aid received and ING's restructuring plan.

ING requested the Court to annul the decision of the European Commission insofar:
- as it states that the agreement between ING and the Dutch State concerning a reduction of the repayment premium for the first EUR 5 billion tranche of core Tier 1 securities leads to additional state aid of EUR 2 billion;
- as the Commission has subjected the approval of the state aid to the acceptance of price leadership bans;
- as the Commission has subjected the approval of the state aid to restructuring requirements that go beyond what is proportionate.

ING is contesting the price leadership bans, because:
- we believe it is unnecessary and disproportionate;
- ensuring compliance adds operational complexity and costs to our business;
- we believe that the EC has not provided adequate reasoning for this far-reaching behavioural measure;
- when the price leadership ban commitments were included in the restructuring plan, ING assumed that other banks which received state aid would also need to commit to a similar bans, which is not the case for a number of our competitors which have also received state aid.

ING is contesting the restructuring requirements in general, because:
- we consider the 45% reduction in ING's balance sheet which was imposed to be excessive (compared to other financial institutions which had to restructure), as it was based upon a number of errors made by the Commission;
- it required us to divest strong businesses. We think the EC demands have been disproportionate.

ING was not alone in its appeal:
- The Dutch State joined ING in 2010 in its appeal with the General Court to contest the EC decision insofar as it qualifies the core Tier 1 amendment as additional state aid.
- The Dutch central bank intervened in the proceedings in support of ING's appeal.

ING PROFILE
ING is a global financial institution of Dutch origin, offering banking, investments, life insurance and retirement services to meet the needs of a broad customer base. Going forward, we will concentrate on our position as an international retail, direct and commercial bank, while creating an optimal base for an independent future for our insurance and investment management operations.