

Atotech Beteiligungs und Management GmbH & Co. KG

Policy Statement – The German Act on Corporate Due Diligence Obligations in Supply Chains (*Lieferkettensorgfaltspflichtengesetz*)

Introduction

As a foundational solutions provider to the connected world, MKS Instruments, Inc. and its subsidiaries (collectively, “MKS” or “Company”) recognize the responsibility the Company has to the world around it. The *MKS Code of Business Conduct and Ethics* (“MKS Code of Conduct”) applies to all MKS companies worldwide. It reflects the Company’s corporate values and is intended to promote the conduct of all company business in accordance with high standards of integrity and corporate responsibility and in compliance with all applicable laws and regulations. In particular, this includes the recognition of and respect for human rights and the environment.

MKS has also adopted the *MKS Supplier Code of Conduct* (“Supplier Code of Conduct”), which provides standards and guidelines of conduct for all suppliers doing business with any MKS company worldwide. MKS’ reputation is built on honesty, integrity, quality and trust. The Company therefore expects that its supply chain partners conduct themselves in the same manner, regardless of local business practices or social customs. The Supplier Code of Conduct sets out the minimum standard of business behavior expected so that suppliers act in ways that are ethical, corporately responsible and aims to ensure compliance with applicable laws and regulations.

Policy Statement Scope

MKS’ indirect subsidiary, Atotech Beteiligungs und Management GmbH & Co. KG, falls within the scope of application of the Act on Corporate Due Diligence Obligations in Supply Chains (*Lieferkettensorgfaltspflichtengesetz - LkSG*). For purposes of fulfilling its obligations under the LkSG, Atotech Beteiligungs und Management GmbH & Co. KG’s own business area and suppliers include the business area and suppliers of the following entities, which are subsidiaries over which it exercises decisive influence:

- Atotech Deutschland GmbH & Co. KG;
- Atotech Österreich GmbH; and
- Atotech Slovenija d.d.

Atotech Beteiligungs und Management GmbH & Co. KG. and the foregoing subsidiaries are collectively referred to herein as “Atotech,” “we,” “our,” or “us.”

This Policy Statement has been issued by Atotech to describe how we protect human rights and fulfil our environmental obligations under the LkSG.

Respect for Human Rights and Environmental Protection

Atotech is committed to upholding the human rights of workers and to treating them with dignity and respect, as expressed in the *MKS Human Rights and Labor Standards Policy* and *MKS’ Statement on Human Trafficking and Modern Slavery*, both of which are incorporated as

key components of the MKS Code of Conduct. We are committed to respecting and promoting human rights in accordance with the United Nations Universal Declaration of Human Rights, the United Nations Guiding Principles on Business and Human Rights, the International Labour Organization (ILO) Conventions, and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

We are also committed to operating our business in an environmentally responsible manner and in compliance with all environment-related laws and regulations. We are committed to minimizing adverse effects on the community, environment and natural resources within our operations, while safeguarding the health and safety of the public.

These commitments to human rights and the environment are aligned with the protective positions specified in the LkSG, which we monitor in our own business area and with our suppliers, as described in this policy statement.

Expectations towards our employees and suppliers

The aforementioned principles apply to our own business activities and all our employees. The importance of and our commitment to respecting these principles are reflected in the MKS Code of Conduct, and all employees are expected to adhere to such principles. In addition, we expect our suppliers and other business partners to commit to complying with these principles, as also expressed in our Supplier Code of Conduct, and to implement appropriate processes to respect human rights and the environment. This also includes providing information on how they comply with these principles when requested to do so.

Due Diligence Obligations of the LkSG

- **Governance / Risk Management**

The management board of Atotech is committed to the protection of human rights and the environment and to compliance with the due diligence obligations under the LkSG. A Human Rights Officer has been appointed to monitor the implementation of a risk management system for compliance with these due diligence obligations. The Human Rights Officer reports to the management board at least once a year.

Operational implementation of our human rights and environment-related due diligence processes is coordinated among several functions including Purchasing, Human Resources, Health, Safety & Environment, ESG, and Legal.

- **Risk Analysis**

We carry out risk analyses at regular intervals and on an ad hoc basis, if needed, both in our own business area and our supply chain. With respect to our suppliers, this risk analysis is carried out using a software solution offered by an industry recognized provider. We start with an abstract analysis based on industry-specific and country-related risk factors. If an abstract risk is identified from this analysis, a concrete risk assessment will be conducted. In this context, the respective supplier will be asked to respond to comprehensive questions and provide detailed information on topics such as

anti-bribery/anti-corruption, environmental protection, human rights and labor standards, health and safety, and supply chain responsibility. We evaluate the additional information received, and weigh and prioritize risks for potentially affected holders of rights or the environment according to criteria such as the nature and scope of the business activity and contractual relationship, our ability to exert influence, the probability of occurrence, expected severity of a violation, and the type of contribution to causation.

From this analysis, we rank suppliers as High, Medium or Low risk. We prioritize our due diligence measures for those suppliers ranked as High risk and, to a lesser extent, Medium risk.

- **Preventive Measures**

We incorporate the results of our risk analyses into relevant business processes, in particular into our supplier management system. Our screening process for the qualification and onboarding of new suppliers helps in mitigating the risk of violation of human rights or environmental protection standards. Other preventive measures with suppliers include the implementation of our ethical values and standards related to human rights and the environment through applicable policies and guidelines, such as the Supplier Code of Conduct. We communicate these expectations to our suppliers and request their commitments to the same. This includes requiring suppliers to acknowledge our Supplier Code of Conduct and respond to assessments and requests for information and certifications, and the use of appropriate contractual clauses in our purchasing terms and conditions and contracts.

Preventive measures implemented in our own business area include implementation of our ethical values and standards through the MKS Code of Conduct (including the policies and statements incorporated therein) and other employee and operational policies, procedures and processes. We conduct employee training and require employees to acknowledge the MKS Code of Conduct and other policies and procedures, where applicable. We also maintain a compliance hotline, as discussed under Complaint Procedure below, and encourage all employees to report suspected violations of the MKS Code of Conduct, other company policies or applicable laws, and to express concerns regarding any unethical or improper conduct.

In addition, by implementing strict occupational health and safety standards at all our locations, we continually work to ensure a safe working environment. Safety risk assessments and inspections are conducted on a regular basis, with the goal to identify and address any shortcomings, thus continuously improving and strengthening our preventive actions. Furthermore, our employees regularly participate in training to promote awareness and foster safety-conscious behaviour. On a case-by-case basis, additional preventive measures may be taken, subject to the nature and severity of the identified risk.

- **Remedial Measures**

If we determine that a violation of human rights or environmental obligations has occurred or is imminent in our own business area, we will take prompt corrective actions

that are appropriate to prevent, terminate or minimize the extent of the violation. Remedial measures may include the establishment or amendment of applicable policies, processes, procedures, and guidelines and their implementation, as well as appropriate training of employees. We may also take disciplinary actions where appropriate.

If we become aware of actual or possible imminent violations of human rights or environmental obligations as protected under the LkSG by a direct supplier, we will take prompt appropriate action in cooperation with such supplier to prevent, terminate or minimize the extent of the violation, and monitor the implementation of the agreed upon remedial measures. Depending on the nature and severity of the violation or in case identified remedial measures are not taken by the supplier, we reserve the right to terminate the business relationship.

In the case of indirect suppliers, where we have no direct contractual relationship, we will endeavour, in cooperation with our direct supplier, to define measures and actions to be implemented with the indirect supplier to prevent, terminate or minimize the extent of the violation.

- **Complaints Procedure**

We have established an internal complaint procedure that enables employees and any external persons to report human rights and environmental risks or violations of human rights or environmental obligations resulting from business activities in our own business area or in our supply chain.

We offer employees and other persons multiple ways to submit reports through the MKS Compliance Hotline, as follows:

- Online: mksinst.ethicspoint.com
- Mobile: mksinstmobile.ethicspoint.com
- Phone: **855-874-1532**

Dialing instructions (including local access codes) when calling from outside of the U.S. are available at mksinst.ethicspoint.com. Select applicable country to view dialing instructions.

Employees may also submit reports in person or in writing directly to their supervisor, the Human Resources Department or the Legal Department.

We encourage reporters to identify themselves so that we may follow up with them, as necessary, for additional information and may adequately investigate and address the matter. However, reporters may submit reports anonymously if they wish. We may be prevented from investigating and/or addressing matters raised in reports made anonymously, if contrary to the local laws of a particular country.

The procedures for receipt and processing of reports submitted by employees are described in the MKS Code of Conduct and related employee policies, procedures and communications. The [Rules of Procedure](#) for receipt and processing of reports by third parties related to human rights and environmental risks or violations under the LkSG are published on the home page of our Supplier Portal on our website at www.atotech.com/supplier-portal.

- **Documentation and Reporting**

We are documenting the fulfilment of our due diligence obligations and comply with the annual reporting requirements under the LkSG. Our Human Rights Officer reports periodically and as needed on an ad hoc basis to the management board on compliance with human rights and the environmental obligations. The annual report in accordance with the requirements of the LkSG will be published on our website at www.atotech.com/sustainability.