Ethics
Speak Up Policy
Introduction

ASML is committed to conducting business based on our company values of fairness and integrity, thereby respecting relevant laws and regulations. In spite of this commitment, you may observe conduct that (possibly) violates a law, regulation, our Code of Conduct, the underlying Business Principles and/or ASML policies/procedures. Speaking Up is essential to sustain our reputation, success and ability to operate – both now and in the future. If you observe or suspect any misconduct, you are encouraged to Speak Up. By doing so, you give ASML the opportunity to deal with the situation proactively.

Remaining silent about suspected misconduct can worsen a situation and decrease trust. ASML truly values and encourages the help of anyone who Speaks Up about potential misconduct. Concerns raised will be treated confidentially (if desired, anonymously). It should also be emphasized that you will not be retaliated against for raising concerns in good faith about suspected misconduct.

ASML has implemented an ethics program supported by our Board of Management. The Ethics Board is a committee assigned by the Board of Management and chaired by our CEO. The Ethics Board supervises and monitors the implementation of our global ethics program. On behalf of the Ethics Board, the Ethics Complaint Committee is responsible for overseeing the proper execution of the Ethics Complaints Investigations Procedure for all reported issues of misconduct. The ASML Corporate Ethics Office and Ethics Liaisons implement our ethics program worldwide (including trainees and contractors). It is also available to any person or party with whom ASML has or has had an involvement or business relationship (such as former employees, business partners, suppliers, shareholders, agents, distributors, representatives, customers and the community in general) and wishes to raise a concern about possible misconduct within ASML.

Who can Speak Up?

This Policy is applicable to all employees and everyone who carries out work for or on behalf of ASML worldwide (including trainees and contractors). It is also available to any person or party with whom ASML has or has had an involvement or business relationship (such as former employees, business partners, suppliers, shareholders, agents, distributors, representatives, customers and the community in general) and wishes to raise a concern about possible misconduct within ASML.

Why a Speak Up Policy?

The purpose of this ASML Speak Up Policy is to explain when, how and where you can raise a concern about suspected misconduct without fear of retaliation. It also describes what you may expect from ASML when you Speak Up and what possible steps will be taken after you raise a concern or file an Ethics Complaint (further explained under How are Ethics Complaints dealt with?).

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What is covered by the Speak Up Policy?

This Policy should be used to raise concerns about suspected misconduct within ASML with respect to: any (possible) violation of laws and regulations, our Code of Conduct, Business Principles and/or ASML policies and procedures.

Examples of concerns that can be raised using this policy are:
- Disclosure of confidential information.
- Violations of ASML’s Gifts and Entertainment Policy.
- Improper use of company resources.
- Violations of ASML’s Insider Trading Policy.
- Suspected irregularities of a financial nature including complaints regarding (questionable) accounting controls and auditing matters.

- Fraud and fraudulent (financial) reporting.
- Discrimination or (sexual) harassment.
- Inadequate financial or non-financial recordkeeping.
- Conflicts of interest.
- Violations of ASML Human Rights Policy.
- Violations of ASML privacy policies.
- Bribery and corruption.
- Environmental, health and safety issues.
- Drug, alcohol or other substance abuse.

This policy should NOT be used:
- with malicious intent (as this may lead to disciplinary measures imposed on you);
- for issues or grievances you may have in relation to HR matters (e.g. your terms of employment or performance related issues);
- for events presenting an immediate threat to life or property;
- to settle personal disputes;
- to make accusations which you know are false or cannot be substantiated; and
- to obtain answers to questions or to provide comments on ASML policies/procedures or interpretation of their applicability.

How does it work?

When to Speak Up?

We encourage you to Speak Up as soon as possible, ideally when the potential misconduct can still be prevented or a situation escalates. If you know about or suspect misconduct, Speak Up with the facts that are known to you. We do not expect you to have all the answers and ask you to never start investigating any concerns on your own. There are various options for support and advice available within our organization (see under How to Speak Up).

1 For HR related matters your direct manager and/or HR contact are the primary points of contact.
2 ASML has a Corporate Crisis Management Plan in place covering crisis situations.
3 You should contact the relevant internal owner for policy/procedure related questions.
It should be noted that no disciplinary measures will be taken against you if your genuine and good faith concern turns out to be unfounded.

**How to Speak Up?**

This Policy allows you to raise concerns about suspected misconduct through a variety of channels. This Policy does not replace ASML’s regular reporting lines. ASML strongly encourages you to raise concerns internally through one of the available channels (as described below and in Annex III). By Speaking Up internally, you enable ASML to carefully look into the matter, take appropriate action if necessary and give you the support needed.

**Directly to person(s) involved**

If you suspect any misconduct, ASML encourages you to address this directly with the person(s) involved. If this is not possible or you do not feel comfortable in doing so, please feel free to raise questions and concerns through any of the Speak Up channels as described below.

**Your (direct) manager, HR contact or ASML contact person**

The first person for ASML employees to approach when raising a concern is your direct manager. If this is not possible or you do not feel comfortable doing so, please feel free to raise questions and concerns to your HR contact person (in case of HR-related matters), or to any of the available ethics channels described below.

**Ethics Liaisons**

It is also possible to directly contact your local Ethics Liaison. ASML employees can find an overview of the Ethics Liaisons within ASML in their region/location on the ASML intranet pages. ASML has appointed local Ethics Liaisons as a trusted point of contact for you to ask for advice, or raise questions or concerns about suspected misconduct, in cases when Speaking Up to the person(s) involved, your direct manager or HR contact is not preferred by you. You can discuss your concerns in confidence with your local Ethics Liaison, who can advise and support you on any next steps, such as assisting you in filing an Ethics Complaint.

**Corporate Ethics Office**

It is also possible to raise your concern relating to suspected misconduct to the Corporate Ethics Office directly by email, by phone or send a letter. ASML employees can find the relevant contact details of the above Speak Up channels. Only if this is not reasonably possible, reporting directly to a law or regulatory enforcement authority or thereto founded (semi) public authority could be an option.

**Speak Up Service**

In case you suspect misconduct and genuinely believe that the matter cannot be dealt with through any of the above channels, you can use the Speak Up Service. This gives you the opportunity to raise concerns confidentially, and if necessary anonymously, and in your own language. The Speak Up Service is run by an independent service provider and is available 24/7. The Corporate Ethics Office receives a (translated) transcript and will be able to further confidentially communicate with you via this Speak Up Service channel.

**How are Ethics Complaints dealt with?**

If you raise a concern, the ASML Ethics Complaints Committee will determine if the concern qualifies as a formal Ethics Complaint. If this is the case, the ASML Ethics Complaints Investigations Procedure will apply.

A concern qualifies as an Ethics Complaint if one of the following conditions is met:

- the concern must constitute suspected misconduct directly related to the ASML Code of Conduct and corresponding Business Principles AND which you are unable to resolve with the person(s) involved and/or your own management;
- the concern constitutes suspected misconduct that could form a direct threat to ASML’s integrity and reputation.

**Reporting externally**

Anyone raising a concern related to suspected misconduct should first report internally to any of the above Speak Up channels. Only if this is not reasonably possible, reporting directly to a law or regulatory enforcement authority or thereto founded (semi) public authority could be an option.

**Non ASML employees**

If you are not an ASML employee (i.e. supplier, customer etc.), you can contact your ASML contact person. If this is not possible or you do not feel comfortable doing so, you can also contact the ASML Corporate Ethics Office directly or use the Speak Up Service.

**An Ethics Complaint can only be followed up if it contains sufficient information and there is a reasonable possibility of obtaining further information.**

You can always ask your local Ethics Liaison or the Corporate Ethics Office to support you with submitting your Ethics Complaint on the Corporate Ethics intranet site, useful information and templates can be found, which can help you.

All Ethics Complaints will be thoroughly investigated. Where there has been a violation of the Code of Conduct or the law, appropriate action will be taken.

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4 In the Netherlands, complaints concerning reasonable Suspicions of wrongdoing involving the public interest (in Dutch: “misdaden met een maatschappelijk belang”) can also be filed externally, with the so-called Institute for Whistleblowers (in Dutch: “Huis voor de Klokkenluiders”).

Such complaint will only be admissible if it has been dealt with in a timely and adequate manner in accordance with the company’s internal whistleblower/reporting procedure, such as this Policy, unless you cannot reasonably be expected to first submit an internal report or an internal report was not adequately followed-up by ASML. More information on external reporting can be given by our Corporate Ethics Office, via the Ethics intranet site or via https://www.advisiepuntklokkenluiders.nl.

5 In the Netherlands, the Ethics Liaisons are also qualified as so-called “Trusted Representative” (in Dutch: “vertrouwenspersoon”) and appointed as such by the Works Council of ASML, Netherlands B.V.

6 For the Netherlands this could be the department of Investigation of the Netherlands Advice Centre for Whistleblowers, if you have reasonable grounds to suspect misconduct at work and the suspected misconduct affects the public interest and is connected to the Netherlands.
Ethics Complaints Committee
The Ethics Complaints Committee is responsible for the Ethics Complaints process and has an oversight responsibility for making sure that Ethics Complaints are dealt with independently and in an impartial and unbiased manner.

Ethics Complaints investigation
If you submit a concern that you believe qualifies as an Ethics Complaint, you will receive a confirmation of receipt within five working days. Your Ethics Complaint will undergo an initial review to determine if it qualifies as an Ethics Complaint and if all the necessary (initial) information in order to initiate an investigation is available.

Ultimately two weeks after confirmation of receipt we will inform you on the admissibility of the complaint.

If you do not agree with the admissibility decision concerning the qualification of your concern as Ethics Complaint as taken by the Ethics Complaints Committee please report this directly to the Corporate Ethics Officer. If this is not possible or inappropriate, the chairperson of the Ethics Board can be contacted.

What's next?
If your concern qualifies as an Ethics Complaint and depending on its complexity (further) fact finding and an investigation may be required. The investigation will focus on an objective, factual analysis of the case. Depending on the nature, urgency and potential impact of the Ethics Complaint, the Ethics Complaints Committee will appoint a suitable investigations team and inform you about this. Any appointed external or internal investigator(s) always work under strict confidentiality and under the supervision and instruction of the Ethics Complaints Committee.

On average, closure of the matter can be expected within two months after admissibility of the Ethics Complaint. You will be informed on the status of your Ethics Complaint and of the overall findings, i.e. whether or not the Ethics Complaints Committee has established that misconduct or unethical behavior has taken place. Please note that we may not always be able to give you full details of the outcome of a case (or related actions taken) for reasons of confidentiality, privacy and the legal rights of all parties concerned.

All concerns and Ethics Complaints that are received by ASML are logged into a case management system. The investigation of an Ethics Complaint will be conducted in an independent, fair and unbiased manner with respect to all parties involved and in accordance with relevant laws and principles. Details of the Ethics Complaint, your identity and the identity of anyone else mentioned in the Ethics Complaint, are kept confidential throughout and after the investigation and are only shared on a need-to-know basis with ASML officers, specialized staff and/or employees and/or external investigators involved with (the closure of) the investigation. The disclosure of your identity will always be discussed with you prior to any further internal and/or external reporting, unless there is a severe interest at stake.

If you become involved in an investigation, you are required to fully cooperate and answer all questions completely and honestly. All parties involved, including the accused, are entitled to confidentiality. Therefore, if you participate in or learn about an investigation, you must keep the matter confidential.

As said, in case of an Ethics Complaint, the ASML Ethics Investigations Procedure will be followed. For more information please refer to the ASML Ethics Complaints Investigations Procedure or contact the Corporate Ethics Office in case of questions.

Decision making
Once the investigation is finalized, the Ethics Complaints Committee shall determine if an Ethics Complaint is fully or partially valid and shall provide an advice to the relevant (senior) management on measures to be taken, if applicable. The measures will be in accordance with applicable laws and regulations, the ASML Corrective Actions (Sanctions) Policy and related (local) procedures. Measures could be dismissal, demotion, termination of employment or termination of the business relationship. In case an Ethics Complaint can potentially seriously harm (the reputation of) ASML the final decision will be taken directly by the Ethics Board.

What if I believe that my Ethics Complaint is not handled appropriately?
If you believe that your Ethics Complaint is not handled in line with this Policy please report this directly to the Corporate Ethics Officer. If this is not possible or inappropriate, the chairperson of the Ethics Board can be contacted.

What if my concern directly involves a member of the Ethics Complaints Committee, the Board of Management, a member of the Executive Committee or a member of the Supervisory Board?
If your concern directly involves a member of the Ethics Complaints Committee, the Board of Management, the Executive Committee or a member of the Supervisory Board, the chairperson of the Supervisory Board can be contacted directly at SBspeakup@asml.com and will be responsible for the coordination of the Ethics Complaints investigation.

What if my concern relates to suspected irregularities of a financial nature and/or fraud?
Concerns related to suspected irregularities of a financial nature and/or fraud fall within the scope of this Policy. In addition, reporting of concerns related to suspected irregularities of a financial nature can also be reported directly to the Audit Committee of ASML’s Supervisory Board at ACspeakup@asml.com. More information can also be found in the ASML Anti-Fraud Policy.

Confidentiality and anonymity
All concerns of potential misconduct and Ethics Complaints are treated confidentially. This means that your information will only be shared with your consent and with a limited number of people on a strict need-to-know basis, under full confidentiality and based on a proper mandate by the Ethics Complaints Committee. Information will only be disclosed outside this group if we are required to do so by law or an important public interest is at stake. In principle, we are obliged to inform the implicated person(s) that an Ethics Complaint has been filed against him/her, but your identity will not be disclosed.

You can help us protect confidentiality by being discrete about the matter and not discussing your Ethics Complaint with your colleagues or anyone else (besides of course persons such as your (direct) manager, the local Ethics Liaison, or the Corporate Ethics Office).

You can share your concerns anonymously where allowed by the laws or regulations of your country. We do however encourage you to reveal your identity as it is more difficult, and in some circumstances even impossible, for us to adequately investigate Ethics Complaints that are made anonymously or to continue the dialogue with the reporting party.

Protection of personal data
ASML is committed to protecting the privacy of everyone involved in the Speak Up process. We will do everything reasonable to safeguard personal data from unauthorized access and processing. Any personal data obtained as part of this Speak Up policy will be processed in line with the ASML privacy policies and
only be used for the purposes explained in this policy or to comply with the law or an important public interest.

Any personal data involved shall be processed confidentially and secured from other (employee) information systems or employee files in a separate case management system. Concerns and Ethics Complaints that have been found unsubstantiated shall be removed as soon as possible. Personal data relating to Ethics Complaints about substantiated claims will be removed within two months after the verification work of the investigators is completed, unless disciplinary measures are taken or court proceedings can be expected or if reporting of the Ethics Complaint was filed in bad faith, in which event the data will be removed within two months after the disciplinary measures or the court proceedings (in highest instance) have been completed. Recordings of any disciplinary measures against an employee, as a result of an Ethics Complaint shall be done in compliance with the ASML Data Retention Policy.

For more information please read the ASML privacy policies or contact the ASML Chief Privacy Officer (privacyoffice@asml.com).

Non-retaliation
Speaking Up is encouraged and any person Speaking Up is protected. Please feel confident that you will not suffer for raising concerns in good faith about suspected misconduct. Any form of threat or retaliation for speaking up will not be tolerated. Please directly contact the Corporate Ethics Office if you feel that your report may or has led to any negative personal consequences. This allows us to investigate this and take appropriate measures if necessary.

Management reporting on Ethics Complaints
The Ethics Complaint Committee provides an annual management report to the Ethics Board and the Audit Committee. This report shall contain the following information:
- the number and type of concerns and Ethics Complaints reported (specifying the number of Ethics Complaints the Ethics Complaints Committee has found justified); and
- the number of concerns that have not been investigated by the Complaints Committee.

Annex I
ASML employees (including flex employees) can use the following contact details for using the Speak Up Service (available in your local language)

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<th>Country</th>
<th>Free phone Number</th>
<th>Webservice URL</th>
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<td>Belgium</td>
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<tr>
<td>France</td>
<td>0800-908810</td>
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<td>Germany</td>
<td>0800-1801733</td>
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Annex II
Non-ASML employees can use the following contact details for using the Speak Up Service (available in your local language)

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- the number of concerns that have not been investigated by the Complaints Committee.

For the Netherlands, the Corporate Ethics Office on behalf of the Ethics Board will provide the final report with The Netherlands Works Council.

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I want to raise a concern. Where do I go?

Do you feel comfortable speaking up yourself to the person(s) involved?

- Yes: Discuss with the person(s) involved.
- No: Discuss with your direct manager or HR contact person, who will discuss with the person(s) involved.

Do you feel comfortable discussing the issue with your direct manager or your HR contact person?

- Yes: Discuss with the person(s) involved.
- No: Use our Speak Up Service, managed by an independent, outside service company.

Do you want to remain anonymous?

- Yes: Use our Speak Up Service, managed by an independent, outside service company.
- No: Issue will be handled (anonymously) by the Corporate Ethics Office.

Contact Local Ethics Liaison or ASML Corporate Ethics Office

Corporate Ethics Office decides if issue needs to be investigated by Ethics Complaints Committee or if another procedure applies.

Do you need assistance, confidential advice or support when speaking up?

Contact your local Ethics Liaison.

Administrative Information

Contact: ASML Corporate Ethics Office
De Run 6501, 5504 DR Veldhoven, The Netherlands

Effective date: October 2016
Version: 1.0

Replaces
This Speak Up Policy replaces the ASML Reporting Procedure.

Related documents
ASML Code of Conduct and Business Principles, ASML Ethics Complaints Investigations Procedure, ASML Ethics Charter and ASML Corporate Policies (such as Anti-Fraud Policy, the Privacy Codes, Anti-Bribery and Corruption Policy).

Note
This Speak Up Policy serves as our company’s Whistleblowing Policy. ASML refers to each company that is majority owned and controlled, directly or indirectly by ASML N.V. This Policy has a complementary character: any applicable local laws or regulations remain valid. This Policy may not conflict with any local laws or regulations and if such would be the case the law or regulation would prevail. Where the terms of this Policy are stricter than the applicable legislation or provide additional safeguards, rights or remedies, the terms of this Policy will prevail.
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