

A decorative graphic of numerous thin, light blue lines that originate from the left side of the page and curve towards the right, creating a sense of motion and depth. These lines are layered and overlap, with some appearing more prominent than others.

# ASML Competition Law Compliance Policy

Public

# Commitment

ASML's core values – challenge, collaborate, care – and the reputation of the entire ASML organization are reflected by our daily behavior. ASML is committed to the principles of fair competition and fairness in dealing with its business partners, including suppliers, co-developers, customers and other industry peers. As such, ASML does not condone any form of conduct that is prohibited under applicable competition laws. This Competition Law Compliance Policy (**Policy**) demonstrates ASML's ongoing commitment to conduct fair business and to ensure compliance with applicable competition laws and with [ASML's Code of Conduct and Business Principles](#) (**Code of Conduct**).

This Policy is designed as an umbrella policy for other ASML policies and procedures which incorporate (in whole or in part) the topic of competition law compliance within our company and aims to ensure consistent mitigation of any possible competition law risks.

ASML employees, which include any person on ASML's payroll or any temporary worker who is under ASML's supervision or control including officers and directors (**Employees**), and business partners who interact with or on behalf of ASML are expected to comply with the ASML Code of Conduct and this Policy. Where local laws or regulations are stricter than the Code of Conduct or this Policy, such local laws or regulations prevail.

Employees, business partners and/or any third party are encouraged to report any issue, violation or concern related to this Policy by contacting ASML Corporate Legal ([legal@asml.com](mailto:legal@asml.com)), the Ethics Office ([ethicsoffice@asml.com](mailto:ethicsoffice@asml.com)) or the [ASML Speak Up Service](#). The ASML Speak Up Service is a secure reporting system operated by an independent third-party service provider, which allows for anonymous reporting and is available 24 hours per day.

## What is competition law and why is it important?

Competition law (also known as 'antitrust law') protects effective competition in order to ensure the optimal functioning of the market. Competition law impacts many areas of ASML's day-to-day business. It affects our dealings and interactions with customers, suppliers, co-developers and other business partners. Since prohibitions on anticompetitive activity are similar across the world, and national authorities often work together, our global operations must be taken into account when conducting business, even if the level of activity in a given country is not significant in relation to our overall business.

In general, competition law prohibits any type of behavior that restricts competition on the market, such as price-fixing agreements, output reduction agreements, and customer allocation. The rules apply not only to formal agreements, but also to informal or unwritten agreements and tacit understandings.

Competition law also imposes a special responsibility on companies with considerable market power (so-called 'dominant' companies). If a company is considered dominant, it is subject to certain additional rules that prevent the dominant company from abusing its market power. High market shares are an important indicator of dominance, but other factors, such as the availability of alternative technologies or strong customers with significant countervailing buyer-power, are also relevant.

Being committed to the principles of fair competition and fairness in dealing with our business partners, ASML considers compliance with competition law an essential part of its business. Compliance with competition law is the responsibility of every employee.

Noncompliance, on the other hand, can lead to very serious adverse consequences for our company and our Employees:

- Competition law infringements are subject to heavy sanctions by competition law authorities, which may in turn lead to damage claims by private parties.
- Anticompetitive behavior may also lead to serious reputational damage.
- Investigations into competition law infringements are very intrusive and disruptive, distracting focus, manpower and resources away from our daily business.
- In certain countries, employees may be held personally and criminally liable for competition law infringements.

To defend our core values and prevent the serious adverse consequences of competition law infringements, we must maintain constant vigilance regarding our global activities. Misconduct by one single employee is enough to expose the liability of the entire company.

## Key principles

As ASML is committed to the principles of fair competition and fairness in dealing with its business partners, including suppliers, co-developers, customers and other industry peers, we strictly prohibit any type of ant-competitive conduct. This means that ASML adheres to the following key principles, among others:

- We compete fairly and on the merits. We will not enter into anticompetitive agreements or any other type of concerted practice with competitors, including agreements aimed at fixing prices or output or at allocating customers or territories.
- We treat our business partners fairly. This is reflected in our commercial dealings with customers, suppliers, co-developers and other business partners, in which we apply strictly objective criteria that are based on fair, cost-related and commercial reasons.
- We do not exchange any type of commercially sensitive information with third parties. When engaging with industry peers in legitimate co-development projects or at trade associations and industry events, Employees are required to strictly follow the guidance provided by the Corporate Legal department.

Competition law is a complex legal matter that often requires a case-by-case analysis. Employees are required to familiarize themselves with the content of this Policy as well as related policies and procedures, and they are encouraged to raise any questions or issues with the Corporate Legal department.

## Organizational measures

ASML has general and specific control measures in place to prevent, detect and disclose potential competition law issues. These measures are grouped in the following categories, including but not limited to:

### **Policy review and competition law compliance risk assessment**

ASML reviews this Policy periodically. The Policy review is a result of a risk assessment of relevant

competition law focus areas. This assessment identifies and takes into account risks that may be present from a competition law perspective, which controls have been put into place, what the remaining risks are, and which measures will be taken in order to mitigate any remaining risks.

### **Training and awareness**

ASML has embedded competition law training in its compliance and ethics training program. Training sessions are tailored to relevant functions and possible risks. ASML's competition law training program consists of a combination of different methods, computer-based training sessions and in-person training sessions. Awareness of relevant topics and issues relating to competition law is also promoted by periodic communications through, for example, presentations and articles on ASML's intranet or by email communications.

### **Contacts with business partners**

ASML expects its business partners (such as customers, suppliers, consultants, contractors, intermediaries, etc.) to demonstrate high standards of ethical behavior that are consistent with our own. ASML will not engage in business or cooperate with business partners who resort to anticompetitive behavior or suggest entering into illegal conduct. ASML firmly condemns any anticompetitive behavior by its business partners.

ASML expects its Employees to carefully select business partners who interact with or on behalf of ASML. In order to assess the standards our business partners implement in their own businesses, ASML may conduct risk-based business partner assessments. Determining whether to perform an assessment and the comprehensiveness of such an assessment depends on the type and risk of a business partner.

### **Reporting and resolving an issue, violation or complaint**

Any act of an Employee or business partner contrary to this Policy will be considered a significant breach of ASML's Code of Conduct. Consequently, this may lead to appropriate disciplinary measures, including dismissal.

ASML will support Employees and business partners who refuse to enter into anticompetitive conduct or who discover such type of conduct within the company, as clearly stated in our Speak Up Policy. ASML does not tolerate any form of retaliation or other form of adverse consequences against Employees who practice strict adherence to competition law rules or against those who Speak Up, even if ASML loses business as a result.

Employees, business partners and/or any third party are encouraged to report any issue, violation or concern related to this Policy by contacting ASML Corporate Legal ([legal@asml.com](mailto:legal@asml.com)), the Ethics Office ([ethicsoffice@asml.com](mailto:ethicsoffice@asml.com)) or the [ASML Speak Up Service](#).

Any issue or potential issue related to competition law raised in internal and/or external audit reports will be adequately investigated and remediated.

### **Document processing and retention**

ASML has robust document processing and record retention policies in place to ensure that ASML maintains and retains accurate records which properly and fairly document its conduct on the market and its dealings with business partners.