

# SPEAKUP PROCEDURE

## MESSAGE FROM THE CEO

As a leading supplier of semiconductor wafer processing equipment and process solutions, it is good to notice that our innovation power comes directly from all of us, our people. Our ability to think creatively in collaborations, interactions, and innovative ideas to develop equipment and technology of the highest quality is what shapes us and keeps us ahead of what is next.

Our culture of trust, transparency and taking accountability gives our people the opportunity to develop their very best versions of themselves. At ASM, you are exposed to complex and demanding business situations to meet our ever-evolving customer needs and pushing all of you to take ownership. All of this is important for our success. At the same time, we need to bear in mind that the way in which we work and how we interact with our society is equally important. By conducting our business responsibly and role modelling our behaviors in society, we ensure that our success remains sustainable.

ASM's Code of Business Conduct reflects how we, as individuals, demonstrate ethical behavior in everyday interactions in accordance to the values of ASM and at the same time, how we as a company operate in all the countries we are present, as a socially responsible citizen. In today's increasingly complex world, I realize it may not always be as clear and easy how to act and react in each situation. The Code provides you with our rules and values and serves as a guide in your day-to-day behavior. As there will always be dilemma's, we should all assure that we can discuss these and come to the best solution.

We strongly encourage you to speak up in case you notice anything outside the ordinary course of business, something which you suspect violates our Code of Business Conduct. Such speaking up can help us improve our company, day after day. And rest assured: we protect all reporting in good faith, based on our non-retaliation approach.

We are committed to operating in a sustainable way. I believe that conducting our business in accordance with the ASM values and Code of Business Conduct and sharing concerns and reporting your suspicions in accordance with this SpeakUp Procedure will ensure continued growth for the benefit of all our employees and other stakeholders, and the well-being of the communities in which we live and work.

Benjamin Loh  
CEO

## **1. GENERAL**

### **1.1 WHY ARE YOU ENCOURAGED TO SPEAK UP?**

ASM encourages a culture of openness in which we all help to improve our daily operations. A culture in which we all feel comfortable raising questions and concerns related in any way to our Code of Business Conduct.

If you believe that a situation may be in violation of our Code of Business Conduct, the law, inconsistent with our values or if it simply does not feel right, please do not keep it to yourself. When you tell us about any concerns you may have, you enable us to take action and correct the situation. Before it is too late.

Although some of you may be nervous about raising such concerns, we encourage you to speak up as soon as something worries you. If you remain silent about a possible violation of our Code of Business Conduct, this can only make the situation worse.

### **1.2 WHO MAY USE THIS SPEAK UP PROCEDURE?**

We invite all employees as well as other stakeholders with a valid business interest in improving ASM's business (e.g. suppliers, contractors, seconded personnel) to raise concerns in an appropriate manner. The aim should always be to improve ASM and to ensure we all work responsibly, based on ASM's values and Code of Business Conduct.

## **2. NO RETALIATION**

### **2.1 HOW DO WE PREVENT NEGATIVE EFFECTS ON YOU?**

ASM will not tolerate negative effects when you raise a concern and/or (subsequently) decide to file a formal report ("Report") in good faith. The concept of 'good faith' is explained in the next paragraph. If you feel you have been or are being punished or treated unfairly by anyone, please inform us via the same channels which you used to file your Report. In case of retaliation against you, the appropriate management level will be instructed by the Ethics Committee to ensure that disciplinary measures are taken against the offender(s).

It may be that you wish to report a possible violation of our Code in which you personally participated. When dealing with a Report of this kind - and in deciding on possible disciplinary actions - ASM will take into account as a mitigating factor that you were the person who brought the matter to light.

### **2.2 GOOD FAITH OR BAD FAITH?**

Those who raise a concern in good faith will not be put at a disadvantage as a result of speaking up. In this context good faith means that a person in similar circumstances would reasonably believe or suspect that our Code of Business Conduct was violated and that it is reasonable to raise a concern and/or file a Report in that case. If upon investigation no violation of our Code of Business Conduct is discovered, no action will be taken against you - unless you raised your concern in bad faith.

Reporting in bad faith means you know that what you are reporting is substantially not true, and (a) that you are abusing the reporting procedure because you have personal grievances, or (b) for your personal benefit only. Filing a Report in bad faith will result in disciplinary consequences for you.

### **3. CONFIDENTIALITY**

#### **3.1 HOW DO WE PROTECT YOUR IDENTITY?**

All Reports will be handled in a confidential manner. You can help us protect your identity by being discreet and by limiting the circle of people with whom you share your concerns. If you file a Report in person, the recipient will know your identity. That person is not allowed to communicate your identity to others (except the investigators) without your permission. But it could be unavoidable that due to the nature of the report, interviewees can 'guess' your identity. Sometimes keeping your identity confidential can hinder, complicate or prevent an investigation. In such instances, you will be asked for permission to share your identity.

### **4. SCOPE OF THIS SPEAK UP PROCEDURE**

#### **4.1 WHAT KIND OF ISSUES CAN BE RAISED?**

Employees and stakeholders are encouraged to raise a concern and/or file a Report if they believe an issue is in violation of the law, or not entirely in line with ASM's values or with our Code of Business Conduct. This Speak Up Procedure is not intended to channel complaints about terms of employment, annual appraisals or similar HR-related matters.

#### **4.2 WHAT KIND OF ISSUES MUST BE RAISED?**

Certain issues present risks to employees and to the future of our Company which are so high, that you cannot allow them to be ignored.

This is the case for circumstances which

- Health & Safety matters which are already reported in the Safety Incident Reporting (SIR) system, but are handled in a way that is unethical or inadequate for the circumstances; or
- seem to be in violation of a law for which a person could go to jail or for which ASM could end up paying a substantial fine (like fraud, theft, bribery and/or anti-competitive behavior), or suffer major reputation damage.

Where you suspect such circumstances, you must file a Report immediately.

#### **4.3 WHAT IF YOU DO NOT HAVE ALL THE FACTS?**

Please raise your concern and/or file a Report, even if you do not have all the facts. Remember that the aim is to improve ASM and to ensure that we all follow our Code of Business Conduct. Please do not start an investigation yourself.

#### **4.4 WHAT IF YOU ONLY NEED ADVICE OR SUPPORT?**

If you are uncertain whether a particular situation is or is not a violation of our Code of Business Conduct, or if you are looking for support in filing a Report, you are encouraged to first raise your concern on a confidential basis with your direct manager, or the other channels described in section 5. As indicated above, they cannot disclose your identity without your permission.

### **5. REPORTING CHANNELS AND PROCEDURES**

#### **5.1A WHICH CHANNELS CAN YOU USE TO FILE A REPORT?**

We hope that you feel sufficiently comfortable in your work environment to raise your concerns and/or file a Report with your direct manager (or his/her manager). This method is encouraged because it is the fastest way to clear up any misunderstandings and to ensure an open, trusted working environment throughout the organization.

Therefore, the preferred channel for raising your concerns or filing a Report is your direct manager (or his/her manager).

If you feel uncomfortable discussing a concern or filing a Report with your direct manager, if it is not possible to do so, or if you are dissatisfied with the outcome, you may choose to raise your concern or file your Report through the following local channels:

- the HR Business Partner;
- an in-house legal counsel.

### **5.1B ANONYMOUS REPORTING**

If access is difficult or if you feel uncomfortable approaching any of the people above (for example because you fear retaliation) you can raise your concerns by sending an (anonymous) email to the ASM Global Compliance Officer ([ComplianceOfficer@asm.com](mailto:ComplianceOfficer@asm.com)).

If you do not feel comfortable using any of the above reporting channels you can also contact our independent external reporting line: the Speak Up line - available on a 24/7 basis. This system is operated by an independent third-party provider and the reporting data is stored outside our company. The system allows you to report your suspicions in complete anonymity (if allowed under local law), without the need to reveal your identity - unless you choose to do so. You can file your report by telephone to a local tollfree number or online (webservice) in your native language. See Annex 1 for details of this service.

### **5.2 WHAT TO PUT IN A REPORT AND WHAT TO EXPECT?**

When filing a Report please provide any information you have available and think could be relevant or may be useful (without conducting an investigation yourself; we leave that to appointed investigators). The information received will only be shared with others within or outside the company if and to the extent this is required to appropriately deal with the Report and the issues raised in it.

If your identity and contact details are known, receipt of your Report will be acknowledged within 10 working days. If you use the external Speak Up line, a written Report made by the external supplier of the Speak Up line will be sent to the Ethics Committee.

ASM cannot guarantee the outcome expected or desired by you as reporter. However, ASM is committed to dealing with your genuine concerns in a fair and appropriate manner.

### **5.3 WHAT HAPPENS AFTER YOU FILE A REPORT?**

Reported cases are handled by the Ethics Committee.

## **6. PRIVACY**

### **6.1 HOW DO WE USE YOUR PERSONAL INFORMATION?**

At ASM, we are committed to protecting the privacy of everyone involved in the investigation in accordance with applicable laws. Any personal data obtained as part of any investigation set out in this procedure will only be used for the purposes described in this document. Such data will only be given to those persons who need to know.