

MKS' 2023 Statement on Combatting Human Trafficking and Slavery in Our Business and Supply Chains

For fiscal year ended December 31, 2022

The California Transparency in Supply Chain Act of 2010 (Cal. Civil Code Section 1714.43) and the United Kingdom Modern Slavery Act of 2015 require MKS Instruments, Inc. and its subsidiaries (collectively, "MKS") to disclose certain information regarding its efforts to address the issues of slavery and human trafficking in its business and its supply chain. Similarly, the Federal Acquisition Regulation ("FAR") 52.222-50 ("Combating Trafficking in Persons") and the FAR provision 52.222.56 ("Certification Regarding Trafficking in Persons Compliance Plan") are actions taken by the U.S. Government to eradicate slavery and human trafficking from the U.S. Federal Government contracting supply chain. Under these FAR clauses, in connection with the sale of products and services to the U.S. Government as a prime contractor or a subcontractor, MKS is required to inform employees, agents and subcontractors of the U.S. Government's policy prohibiting trafficking in persons and the actions that will be taken against employees, agents and subcontractors for violations of these FAR clauses.

This Statement on Combatting Human Trafficking and Slavery in our Business and Supply Chains is responsive to the California Transparency in Supply Chain Act of 2010, the United Kingdom Modern Slavery Act of 2015, and the applicable provisions of the FAR clauses described above, and reflects MKS' efforts to combat the conduct prohibited by these rules and regulations.

MKS' Commitment and Internal Accountability

MKS is committed to maintaining and improving its systems and processes to ensure it complies with all national and international rules and regulations regarding human trafficking and any type of forced labor. MKS is committed to conducting business in an ethical and responsible manner and like the United States Government, MKS has a zero-tolerance policy relating to human trafficking and forced labor. MKS has taken certain steps to mitigate the risk of human trafficking and forced labor in its own operations and supply chains, including, adopting and maintaining codes of business conduct and certain other related policies.

The MKS Code of Business Conduct and Ethics (the "MKS Code of Conduct") reflects MKS' commitment to conducting business in an ethical and responsible manner. Further, the MKS Code of Conduct expressly states that MKS has adopted a zero-tolerance policy related to human trafficking and forced labor in any form for its employees, contractors, suppliers and agents. This policy prohibits certain actions, such as, engaging in trafficking of persons, using forced labor, tampering or denying access to identification and immigration records, and fraudulent or otherwise illegal recruiting practices. Employees have a duty to report any violation of the MKS Code of Conduct or any violation of law, including labor laws, to their managers, their Human Resources representatives, MKS' Legal Department or MKS' Compliance Hotline, which is operated by an independent third party. Employees who fail to comply with the standards set forth in the MKS Code of Conduct face disciplinary action, including, but not limited

to, termination of employment. All MKS employees certify annually that they are in compliance with the MKS Code of Conduct.

In addition, the MKS Employee Handbook specifically states that “MKS has adopted a zero-tolerance policy related to human trafficking and forced labor in any form for its employees, contractors, suppliers and agents. The policy prohibits engaging in trafficking in persons, using forced labor, tampering with or denying access to identification and immigration records, and fraudulent or otherwise illegal recruiting practices.”

Supply Chain Responsibility

When working with suppliers, MKS will not compromise its commitment to integrity. For this reason, MKS has adopted the industry standard Responsible Business Alliance (“RBA”) Code of Conduct (formerly known as the Electronic Industry Citizenship Coalition (“EICC”) Code of Conduct) as its Supplier Code of Conduct¹. Included in the Supplier Codes of Conduct is a specific prohibition on using forced, imprisoned, or indentured labor, or workers subject to any form of compulsion or coercion. A supplier commitment to compliance with the Supplier Codes of Conduct is the foundation of a mutually beneficial business relationship with MKS. The Supplier Codes of Conduct obligate suppliers to comply with all applicable laws, including those related to human trafficking and forced labor, in every market in which MKS does business with them. Suppliers agree to comply with the Supplier Codes of Conduct in the terms and conditions included in each MKS purchase order.

Each MKS supplier is expected to promptly inform MKS of any Supplier Code of Conduct concern involving or affecting MKS, whether or not the concern involves the supplier, as soon as the supplier has knowledge of such concern. An MKS supplier may do this by informing an MKS manager directly or by calling the MKS Compliance Hotline and such concern will be reviewed and investigated. Each MKS supplier is expected to take such steps as MKS may reasonably request to assist MKS in the investigation of any concern involving MKS and the supplier. MKS will take appropriate action against any supplier whose actions are found to violate the MKS Supplier Code of Conduct. Such actions may include, but are not limited to, termination of contract.

Verification and Audits

MKS verifies certain new suppliers by providing these suppliers with a questionnaire, which includes questions related to human trafficking and forced labor. Further, MKS may complete an audit of these new suppliers. Periodically, MKS will audit certain key suppliers. These audits assess performance against certain aspects of the Supplier Codes of Conduct, along with such supplier’s compliance with the applicable human trafficking rules and regulations referenced in this Statement. These audits may include a questionnaire, on-site audits, and/or review of supplier documentation. MKS will continue to evaluate its verification and audit processes to identify, evaluate and address risks of human trafficking and forced labor in our supply chains.

¹ As of the date of this Statement, MKS’ subsidiary Atotech, which was acquired by MKS in 2022, has its own Supplier Code of Conduct that is based on the values of the RBA Code of Conduct.

Training

As part of MKS' commitment to conducting business in an ethical manner and in compliance with laws, all MKS employees receive training on the MKS Code of Conduct annually. After the training is complete, all MKS employees certify their compliance with the MKS Code of Conduct. MKS employees who fail to comply with the standards set forth in the MKS Code of Conduct face disciplinary action, including, but not limited to, termination of employment.

Approved by the Board of Directors of MKS Instruments, Inc. on May 16, 2023.

A handwritten signature in black ink, appearing to read "John T.C. Lee", written over a horizontal line.

John T.C. Lee, President, CEO & Director
MKS Instruments, Inc.

5/16/2023
Date