

## **MKS' 2024 Statement on Combatting Human Trafficking and Modern Slavery in Our Business and Supply Chains**

### **For fiscal year ended December 31, 2023**

Many jurisdictions have entered into Human Trafficking and Modern Slavery laws, including, the California Transparency in Supply Chain Act of 2010 (Cal. Civil Code Section 1714.43), the United Kingdom Modern Slavery Act of 2015, and the Fighting Against Forced Labour and Child Labour in Supply Chains Act (Canada). Several such laws require MKS Instruments, Inc. and its subsidiaries ("MKS") to disclose certain information regarding its efforts to address the issues of modern slavery (forced labor), child labor 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 modern 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 Modern Slavery in our Business and Supply Chains is responsive to such laws and particularly, the California Transparency in Supply Chain Act of 2010, the United Kingdom Modern Slavery Act of 2015, Canada's Fighting Against Forced Labour and Child Labour in Supply Chains Act, 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 has a zero-tolerance policy relating to human trafficking, child labor 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 as its Supplier Code of Conduct. Included in the Supplier Code 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 Code of Conduct is the foundation of a mutually beneficial business relationship with MKS. The Supplier Code of Conduct obligates 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 Code 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. Additionally, MKS engaged third parties to assist with the surveying of our supply chain on their sustainability maturity, including compliance with human trafficking and forced labor laws. Further, MKS may complete an audit of new or existing suppliers. These audits assess performance against certain aspects of the Supplier Code 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.

## 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.

## Additional Information

MKS Instruments enables technologies that transform our world. We deliver foundational technology solutions to leading edge semiconductor manufacturing, electronics and packaging, and specialty industrial applications. We apply our broad science and engineering capabilities to create instruments, subsystems, systems, process control solutions and specialty chemicals technology that improve process performance, optimize productivity and enable unique innovations for many of the world's leading technology and industrial companies. Our solutions are critical to addressing the challenges of miniaturization and complexity in advanced device manufacturing by enabling increased power, speed, feature enhancement, and optimized connectivity. Our solutions are also critical to addressing ever-increasing performance requirements across a wide array of specialty industrial applications. MKS has three reportable segments: the Vacuum Solutions Division, the Photonics Solutions Division and the Materials Solutions Division and files reports, proxy statement and other documents with the Securities and Exchange Commission ("SEC"). Additional information on MKS' structure, activities and supply chains is available in our public disclosures and website.

Except as noted in this Statement or in the public disclosures, at this time, we are not aware of any part of MKS' business or supply chains that carry a significant risk of forced labor or child labor. Accordingly, to date, we have not taken any steps to assess and manage such risk, or any measures to remediate any forced labor or child labor (or to remediate any loss of income), other than as noted herein or in the public disclosures.

Approved by the Board of Directors of MKS Instruments, Inc. on May 7, 2024.

I attest that I have reviewed the information contained in the report for the entity or entities listed above. Based on my knowledge, and having exercised reasonable diligence, I attest that the information in this report is true, accurate and complete in all material respects, for the reporting year 2023.



John T.C. Lee, President, CEO & Director

MKS Instruments, Inc.

May 7, 2024

Date