

The JFTC Opens Secondary Review Concerning a Proposed Acquisition of Shares of Cymer Inc.
by ASML US Inc. and Solicits Comments from Third Parties

February 28, 2013
Japan Fair Trade Commission

The Japan Fair Trade Commission (JFTC) received a notification pursuant to the provision of the Antimonopoly Act (AMA) from a U.S.-based ASML US Inc. (ASML) concerning the proposed acquisition of shares of Cymer Inc. (Cymer), also headquartered in the United States, and has reviewed possible impacts on competition from the proposed acquisition of shares. With the knowledge that a more in-depth review is necessary, the JFTC requested ASML to submit further reports, information or materials, pursuant to the provision of Article 10(9) of the AMA. The JFTC also starts seeking comments from third parties concerning possible impacts on competition that would arise through the proposed acquisition of shares in the manner shown below.

The request by the JFTC for reports, etc. does not mean that the proposed acquisition of shares could pose any concerns with respect to the AMA.

1. Submission of comments

Comments on the proposed acquisition of shares are to be received until April 1, 2013. Detailed description on possible impacts on competition that you consider the proposed acquisition of shares could raise is invited.

(1) Procedures for submission:

Please identify your name, affiliation, address and contact information (e-mail address, facsimile number and telephone number), and send your comment by postal mail, e-mail or facsimile.

(2) Submission address:

Mergers and Acquisitions Division, Economic Affairs Bureau,
Japan Fair Trade Commission
1-1-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8987
FAX: +81-3-3581-5771
E-mail: asml-cymer @jftc.go.jp

2. Privacy policy

Comments received would be used only for the review of the proposed acquisition of shares, and would not be disclosed to others including the parties in the form of containing any identifiable information. Please note that the JFTC will not make individual responses to the comments.

The JFTC asks for your identification and contact information, for communication purpose where any clarifications may be needed on your comments. The information provided will not be used for any other purposes.

(Reference)

The main business of ASML, inclusive of all other companies which belong to the group of combined companies to which ASML belongs, is manufacturing and selling lithography systems used in the front-end process of semiconductor manufacturing.

The main business of Cymer, including its subsidiaries, is manufacturing and selling light sources composing a part of the lithography system.

(Foot Note)

The JFTC has been authorized to conduct reviews on whether business combination plans may be substantially to restrain competition in particular fields of trade by following procedures prescribed in the AMA. When a notifying corporation submits the notification form to the JFTC and the JFTC receives it, the notifying corporation is prohibited from effecting share acquisition, etc. in question until the expiration of the 30-day waiting period from the date of receipt of the said notification. During the waiting period, concerning the business combination in question, the JFTC will normally either; (1) judge that the said business combination is not problematic in light of the AMA, or; (2) judge that more detailed review is necessary and request submission of the necessary reports, information or materials.

In the case of (1) above, to improve transparency of the review of business combination, the JFTC shall give notification to the effect that it will not issue a cease and desist order.

In the case of (2) above, the period when the JFTC may give notice prior to cease and desist order shall be extended until 120 days after the date of receipt of the notification or 90 days after the date of receipt of all reports etc., whichever is later. In case the JFTC judges in this extended period that the business combination plan in question is not problematic in light of the AMA, it shall give notification to the effect that it will not issue a cease and desist order, same as the case of (1).