



# **Global Code of Business Conduct**

March 31, 2020

## Introduction

At Alphatec Holdings, Inc. (ATEC),<sup>1</sup> our integrity stands as a foundation of our business. As an employee, director, officer, or other representative of ATEC, we expect you to support and promote our commitment to integrity by behaving ethically and lawfully at all times.

This Global Code of Business Conduct (the “Code”) serves as an important guide for ATEC’s ethical values and legal compliance, along with other relevant ATEC policies and procedures.

We consider every employee, affiliate, vendor, and supplier a member of the ATEC family, and we expect everyone in the ATEC family to understand and adhere to our Vision, Mission, and Core Values:

- **Our Vision:** *The Standard Bearer in Spine*
- **Our Mission:** *Revolutionize the Approach to Spine Surgery*
- **Our Core Values:**
  - *Deliver High Performance*
  - *Demonstrate GRIT*
  - *Be Consistently Curious*
  - *Commit to Clinical Distinction*
  - *Be Gracious, Familial and Inspire Others*
  - *Love What You Do - #ATEC Proud*

In addition to taking seriously how important our work and the ATEC family are, we expect you to:

- Comply with the laws, rules, regulations, and guidelines that apply to our business as a global medical device company;
- Conduct all dealings with healthcare providers (HCPs) that are in a position to recommend or use ATEC’s products, customers, suppliers, and competitors fairly and with honesty and integrity;
- Avoid any situation that may create a personal conflict or the appearance of a conflict of interest with ATEC’s interests;
- Refrain from using your position at ATEC or ATEC’s assets or information for improper personal purposes;
- Act with honesty and integrity when dealing with your fellow employees and any vendor, supplier, or customer; and
- Properly use ATEC’s assets, and prevent the improper use or disclosure of ATEC’s proprietary information.

This Code provides guidelines for how to conduct yourself as an ATEC employee or representative. It does not cover every issue that you may encounter, but rather sets forth general principles that you must apply along with your common sense and good judgment. It is your duty to read, understand, and comply with this Code and all other ATEC compliance policies and procedures.

Compliance with this Code and other ATEC policies and procedures encourages ethical behavior, fosters the right values, and instills a culture of integrity and accountability. Compliance protects ATEC, its

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<sup>1</sup> As used in this Code, ATEC or Company refers to ATEC Holdings, Inc. as well as each of its subsidiary companies, as applicable under the circumstances.

employees, third parties, shareholders, and—most importantly—patients. Compliance also builds trust with patients, healthcare professionals, institutions, purchasers, and the government. Building and maintaining a culture of compliance and ethical behavior is not important but is at the core of who we are.

If you have any questions about compliance with this Code or specific policies and procedures, please consult with your manager or the Company's General Counsel.

Thank you for your commitment to knowing and adhering to the principles set forth in this Code and for your contributions to ATEC's culture of integrity, accountability, and compliance.

A handwritten signature in black ink, appearing to read 'Pat Miles', with a stylized, elongated shape above the name.

Pat Miles  
Chairman and Chief Executive Officer

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## Our Vision: The Standard Bearer in Spine

### Code of Ethics

This Code is promulgated by ATEC's Board of Directors (the "Board") and applies to all ATEC employees, officers, directors, and representatives. It is designed to promote honest and ethical conduct, including the ethical handling of actual or apparent conflicts of interest between personal and professional relationships; full, fair, accurate, timely, and understandable disclosure in the periodic reports required to be filed by ATEC and in other public communications; and compliance with all applicable laws, rules, and regulations.

You and every one of our ATEC family must:

- Act with honesty and integrity, ethically handling or avoiding any actual or apparent conflicts of interest in personal and professional relationships. You should recognize that even the appearance of a conflict of interest can damage ATEC. A conflict of interest may exist because of a relationship of yours' or of a family member that is inconsistent with ATEC's best interests or could conflict with your ability to perform your job responsibilities.
- Report to the General Counsel any transaction that reasonably could be expected to give rise to a conflict of interest.
- Produce, or cause to be produced, full, fair, accurate, timely, and understandable disclosure of accurate for purposes of ATEC submissions to regulatory agencies—including but not limited to the Securities and Exchange Commission and the Food and Drug Administration—and in public communications.
- Comply with all applicable laws, rules, and regulations.
- Promptly report any violation of this Code or the law to your supervisor, the General Counsel, or other available avenue for reporting potential violations.
- Proactively promote ethical behavior by other ATEC directors, officers, employees, and representatives involved in financial reporting.

ATEC reserves the right to determine in its sole judgment when actual or potential conflicts of interest may exist, and any recommended steps to mitigate or eliminate the actual or potential conflict.

You will be held accountable for your adherence to this Code. Your failure to observe the terms of this Code may result in disciplinary action, including immediate termination of your employment.

Any request for a waiver of any provision of this Code must be in writing and addressed to the General Counsel, unless you are a senior financial officer (ATEC's principal executive officer, principal financial officer, principal accounting officer or controller, or persons performing similar functions are "senior financial officers" for purposes of this Code), other executive officer or director, in which case it must be addressed to the Chair of the Board's Audit Committee.

With regard to senior financial officers, other executive officers and directors, the Board shall have sole and absolute discretion, with due consideration of any recommendation made by the Audit Committee, to approve any waiver of this Code's provisions. Any waiver for senior financial officers, other executive officers, or directors with respect to this Code will be disclosed promptly on Form 8-K or any other means that complies with SEC rules or applicable securities exchange listing standards.

## Fair Dealing

ATEC conducts its business with honesty, fairness, and integrity. Among other things, this means that you must not improperly use business courtesies to gain an improper competitive advantage. Offering, giving, soliciting, or receiving any form of bribe or kickback is strictly prohibited.

You must also treat HCPs, customers, suppliers, competitors, fellow employees, and other stakeholders honestly and fairly. Never take unfair advantage of anyone through manipulation, concealment, disclosure of confidential information, or false or misleading statements.

## Company Records

ATEC's records are an important asset and must be protected and maintained in an accurate, professional, and timely manner consistent with all applicable laws and regulations. Financial statements must be prepared in accordance with generally accepted accounting principles and must represent, in all material respects, the financial condition and results of ATEC. You are personally responsible for the integrity of the information, reports, and records under your control. Never make or submit any false or artificial entries or information for any purpose.

As a public company, we are subject to various securities laws, regulations, and reporting obligations. Both federal law and our policies require the disclosure of accurate and complete information regarding ATEC's business, financial condition, and operations. Inaccurate, incomplete, or untimely reporting will not be tolerated and can severely damage ATEC's integrity, financial reports and result in serious legal liabilities.

Our principal financial officers and other employees working in the finance department have a special responsibility to ensure that all of our financial disclosures are full, fair, accurate, timely, and understandable. These employees must understand and strictly comply with all standards, laws, and regulations for accounting and financial reporting of transactions, estimates, and forecasts.

Do not destroy records that are potentially relevant to ATEC's business in accordance with ATEC's document retention policy. From time to time, ATEC may require the preservation of documents and information relating to a potential violation of the law, any litigation, or any pending, threatened, or foreseeable government investigation or proceeding. It is a crime to alter, destroy, modify, or conceal documentation or other objects that are relevant to a government investigation, or to otherwise obstruct, influence, or impede an official proceeding. The law applies equally to all Company records, including formal reports as well as informal data such as e-mail, expense reports, and internal memos.

## Business Courtesies and Gifts

The receipt and provision of gifts or entertainment (including meals) as a normal business courtesy is a common and acceptable practice in many industries. However, the healthcare industry is subject to additional regulations and restrictions, particularly with respect to interactions with HCPs. Accordingly,

- You may offer meals and items of value to HCPs only in accordance with ATEC's compliance policies and procedures.
- You may offer or accept meals or items of value to or from non-HCPs with whom ATEC does business, as long as these activities are consistent with customary business practices and not excessive in value (based on customary business practices).



- Employees, officers, and directors of ATEC may not accept gifts or entertainment that are reasonably likely to affect their judgment or actions in the performance of their official duties and responsibilities.
- Gifts and entertainment should not compromise, or appear to compromise, our ability to make objective and fair business decisions in ATEC's best interests. It is your responsibility to use good judgment in this area.

You are encouraged to seek additional guidance from your manager or the General Counsel as needed.

### Conflicts of Interest

At ATEC, we all share a duty to make decisions and take actions that are in ATEC's best interests. This means that we must avoid actual and potential conflicts of interest. A conflict may exist if your activities or interests, or the activities or interests of your family members, make it difficult for you to perform your job objectively and effectively.

In addition, you must disclose to ATEC any interest that could influence or be perceived to influence your job activities or decisions. This includes any of the following interests, either of your own or of a family member:

- A substantial financial interest in an ATEC supplier, competitor, or customer (this does not include ownership of nominal amounts of stock in publicly-traded companies);
- An employment or consulting relationship with an ATEC supplier, competitor, or customer;
- A financial interest or potential benefit in a transaction that ATEC is known to be, or may be, interested in;
- An outside business activity that is or may be competitive with ATEC's business;
- A potential to personally profit from ATEC's corporate opportunities; or
- Receipt of fees, commissions, services, or other compensation from an ATEC supplier, competitor, or customer.

The above list is not exhaustive. Any other actual or potential conflict of interest must be reported to your manager or to the Legal Department. If ATEC determines that a conflict exists, it may take any action that it deems appropriate to resolve the conflict.

### Charitable Contributions

We actively support our local community by volunteering our time, sponsoring charitable organizations and events, and organizing activities such as food drives and blood donation events. We are at all times cognizant of our obligations to our shareholders and laws that, for example, restrict certain interactions with HCPs and government officials. Consequently, any donations must first be approved in accordance with ATEC's charitable contribution procedures initiated through the Legal Department. Sales personnel may not promise or facilitate the making of any charitable donation or engagement involving an HCP.



## Our Mission: Revolutionize the Approach to Spine Surgery

### Research and Development

Ensuring patient safety and product quality are two of ATEC's highest priorities. ATEC is committed to delivering safe, effective, and innovative products that exceed our customer's expectations while meeting all regulatory requirements in the markets we serve. This is a continuous process of improvement and quality excellence and applies to all phases of a product's development. We all share the responsibility of upholding these principles. ATEC never sacrifices quality and safety to meet deadlines or targets. You are encouraged and expected to raise quality or safety concerns with your manager or through other appropriate channels.

ATEC may provide financial support and investigational product for scientific research initiated and conducted by outside investigators. ATEC's funding of such research must comply with all applicable federal regulations and ATEC policies and procedures to avoid any concern that research funding was provided as an improper inducement to prescribe or utilize ATEC products or to encourage an off-label use.

### Educational Grants

ATEC strongly believes that medical education programs can help HCPs improve the health of their patients. Accordingly, ATEC may support a variety of medical education and scientific programs through the provision of educational grants. Sales personnel must have no role or involvement in the final decision to fulfill educational grant requests. Requests for grants to be made on behalf of ATEC should be submitted for evaluation to the Executive Vice President, Clinical Strategies.

### Confidential Information

You are responsible for safeguarding confidential information. This includes confidential information that belongs to ATEC, its suppliers, its customers, and even fellow employees. ATEC's information, products, services, ideas, and concepts are important proprietary assets. Various laws enable us to protect these assets.

Examples of confidential or proprietary information include commercialization plans and strategies, sales data, customer and employee records, research and technical data, manufacturing techniques, pricing information, information pertaining to business development opportunities, and new products and services.

You can help protect ATEC's confidential information by following these principles:

- Be careful when using the telephone, e-mail, fax, and other electronic means of storing and sending information.
- Do not forward confidential or proprietary information to non-ATEC email accounts.
- Delete any sensitive data that you no longer need to perform your job (as long as doing so is consistent with our document retention policies).
- Do not discuss confidential information in public places where others may overhear.
- Never provide confidential information to outsiders without first getting a written confidentiality agreement and approval from the Legal Department.

- Beware of informal telephone or email requests from outsiders seeking information.

In addition, you must not use, disclose to ATEC, or induce ATEC to use any confidential, proprietary, or trade secret information that belongs to any of your prior employers, family members, or any other third party without that party's written consent.

It is important to note that nothing in this Code (or in any other agreement you may have signed with ATEC, despite the language in such agreement) is intended to limit your ability to file a complaint with the Equal Employment Opportunity Commission, the National Labor Relations Board, the Occupational Safety and Health Administration, the Securities and Exchange Commission—or any other federal, state, or local government agency or commission—and does not limit your ability to communicate with or otherwise participate in an investigation or proceeding that may be conducted by a government agency or commission. Specifically, ATEC's policies do not restrict or limit any right you may have to receive a whistleblower award for information provided to the Securities and Exchange Commission.

In addition, pursuant to 18 U.S.C. Section 1833(b), you will not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that is made (1) in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney, and solely for the purpose of reporting or investigating a suspected violation of law; or (2) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

You should constantly be aware of your surroundings, especially during conversations or phone calls discussing confidential information in public places like airports, trains, or restaurants. Such conversations should be avoided. This also applies to reviewing reports, papers, or anything else that may contain confidential information, even if it is just on your computer screen. You never know who is sitting next to or across from you. A competitor may get a leg up on ATEC, you may inadvertently provide an investor with inside information, or a reporter may learn a piece of confidential information that ends up on the evening news.

## Intellectual Property

Protecting ATEC's intellectual property is essential to maintaining ATEC's competitive advantage. Our intellectual property includes our patents, trade secrets, trademarks, and copyrights, as well as the scientific and technical knowledge, know-how, and the experience we've collectively developed and continue to develop. You are expected to support the establishment, protection, maintenance, and defense of ATEC's rights in its intellectual property and to use those rights in a responsible way.

In addition to protecting ATEC's intellectual property rights, you must respect the valid intellectual property rights of others. Unauthorized use of the intellectual property rights of others may expose ATEC to civil lawsuits and damages. Theft and misappropriation of intellectual property may result in significant fines and criminal penalties for ATEC and you.

## Core Value: Deliver High Performance

### Advertising and Promotion

Interactions between ATEC sales representatives and HCPs must be conducted in a professional and fair manner with the intent to advance the practice of medicine and benefit patients. ATEC does not approve or permit practices that may be perceived as attempting to improperly induce, influence, or otherwise cause any HCP to exercise his or her professional judgment in a manner detrimental to the patient's needs and interests.

Every aspect of the advertising and promotion of ATEC medical devices in the United States is regulated by the FDA. ATEC is held to the FDA's standards in making safety and efficacy claims about its products. FDA approval or clearance determines what can be included in product labeling, and the specific framework governing ATEC's advertising and promotional statements. All communications must be consistent with approved/cleared product labeling and authorized uses. Consistent with guidance from the FDA, we may respond to unsolicited requests for off-label or pre-approval information as part of an exchange of scientific information that ultimately benefits patients. All such inquiries must be referred to appropriate contacts within ATEC for proper review and approval.

### Adverse Events

Prompt reporting of all product complaints is required under federal, state, and international laws and regulations and ATEC's policies and procedures. A product complaint is any written, electronic, or oral communication that alleges deficiencies related to the identity, quality, durability, reliability, design, safety, effectiveness, or performance of a medical device or human tissue. These reports enable ATEC to monitor and enhance the performance of its products and must be communicated to the product monitoring team in a timely manner to meet regulatory reporting requirements.

## Core Value: Be Gracious and Familial and Inspire Others

### Company Property and Opportunities

In general, you must not use ATEC property or services for your own personal benefit. You also must not seek or use opportunities through your employment or other relationship with ATEC for your own personal benefit.

### Discrimination

ATEC bases employment decisions on business needs, skills, experience, and work performance. We do not discriminate based on race, color, gender, marital status, disability, age, sexual orientation, religion, citizenship, ancestry, nationality, military history, or any other legally protected status.

### Harassment

You are required to treat your colleagues with dignity and respect. Harassment of any kind is prohibited. Harassment can take many forms, including unsolicited and unwelcome comments about race, color, gender, marital status, disability, age, sexual orientation, religion, citizenship, ancestry, nationality, military history, or any other legally protected status. You should report any act of harassment to your manager, Human Resources, or the Legal Department.

### Political Activity

ATEC's funds and other assets, including your work time and ATEC's facilities and equipment, may not be used for or contributed to any political party or candidate, except in accordance with applicable law and after obtaining approval from ATEC's Chief Executive Officer and the General Counsel and, if required pursuant to ATEC policy, the Board.

Political contributions or activities by you on your own behalf and on your own time with your own funds are, of course, permissible. ATEC will not reimburse you directly or indirectly for any political contribution or for the cost of attending any political event, except in accordance with this Code. If you participate in political activities, you should be careful to make it clear that your views and actions are your own and are not made on behalf of ATEC, unless you have received the prior approval required by this Code.

It is also ATEC's policy to comply with all applicable laws and regulations relating to lobbying or attempting to influence government officials. Government officials often need timely, valid information upon which to base their decisions and, at times, ATEC will offer, whether through designated spokespersons, its views on legislation that may affect the interests of its business, employees, or other stakeholders. You may not engage in any such activity on behalf of ATEC, except in accordance with applicable law and after obtaining approval of the Chief Executive Officer and the General Counsel and, if required pursuant to ATEC policy.

### Employee Health and Safety

We are committed to providing each employee with a safe and healthy work environment. In turn, each employee is responsible for maintaining a safe and healthy workplace by following safety and health rules and reporting any unsafe conditions, accidents, and injuries. This includes when you are driving for business purposes. You must never report to work in a state that could impair your ability to work safely and conscientiously (such as under the influence of drugs or alcohol). If you are involved in, or know of, an accident or unsafe situation in the workplace, it is your duty to report it promptly. For more

information, please see the ATEC Illness and Injury Prevention Program and other safety-related programs and policies.

## Core Value: Demonstrate GRIT

At ATEC, we believe that developing and demonstrating strength, courage, character, and resolve—i.e., GRIT—is key to succeeding in a crowded and heavily regulated industry. This means “doing what is right, even when it is difficult.” That is why ATEC is committed to conducting its business activities in accordance with all applicable federal, state, and local laws and regulations. This requires everyone to understand how applicable laws and regulations govern ATEC’s business activities. If you have any questions concerning this issue, you should contact the Legal Department.

### U.S. Healthcare Laws and Regulations

Healthcare in the United States is highly regulated. Numerous federal and state laws and regulations govern how companies and people in our industry must behave. We are committed to preserving the integrity of the U.S. healthcare system through compliance with these laws and regulations.

#### A. The False Claims Act

The federal government, through its healthcare programs, is a large purchaser of medical device products. This has heightened its attention to certain federal laws, including the False Claims Act, to ensure that entities are not submitting false claims to the government for reimbursement.

Importantly, the False Claims Act also applies to anyone who assists someone else in making a false claim to the government. This means that a medical device company that encourages or causes a customer to make a false claim for reimbursement can also be liable for the customer’s false claim. The False Claims Act also applies to claims involving illegal kickbacks (discussed below) and reimbursement for off-label uses of medical devices.

Violating the False Claims Act may result in criminal prosecution and steep fines for each false claim. To avoid violating the False Claims Act, you must ensure that all promotional activities and materials comply with this Code and any other applicable ATEC guidelines.

#### B. Anti-Kickback Laws

Anti-kickback laws broadly apply to a range of ATEC’s interactions with HCPs, including but not limited to, sales and marketing of our products to physicians and medical officials, consulting agreements, product research and grants to HCPs. The federal Anti-Kickback Statute and many corresponding state laws make it a crime to pay or receive anything of value with the intent to induce the purchase or prescription of drugs or devices that are reimbursable under federal or state healthcare programs (e.g., TRICARE, Medicare, or Medicaid). The purpose of these laws is to ensure that money, or anything else of value, does not interfere with an HCP’s independent clinical and formulary decisions. The federal Anti-Kickback Statute is interpreted broadly and prohibits a wide range of activities, such as:

- Providing an educational or research grant to an HCP with the goal of encouraging the HCP to use or recommend ATEC products;
- Providing a fruit basket to a physician’s assistant with the hope that he will encourage his supervising physician to use ATEC products; and



- Paying an HCP a fee above the fair market value for services, such as participating in an ATEC-sponsored advisory board, in order to reward or induce purchases or prescriptions of ATEC products.

Some state laws are broader and apply to all items and services, beyond those reimbursed under a government healthcare program. ATEC treats all HCPs as if they are subject to the anti-kickback laws, even if they do not participate in government healthcare programs. ATEC officers, employees and representatives are subject to civil and criminal penalties for violating the anti-kickback laws, including potential imprisonment and fines. Notably, the federal government has used the False Claims Act to investigate and prosecute medical device companies for providing kickbacks to HCPs.

The federal Anti-Kickback Statute is so broad that, if read literally, it could restrict many otherwise legitimate marketing activities and even some non-promotional activities. As a result, the U.S. Department of Health and Human Services has defined certain “safe harbors”—activities that do not violate the Anti-Kickback Statute. A number of safe harbors are relevant to our business activities, but three are especially important:

- The Discount Safe Harbor allows ATEC to discount the price of a product to make it competitive with other products, provided that the discount is properly reported to the government and complies with other specific safe harbor requirements.
- The Managed Care Safe Harbor permits ATEC to provide an array of discounted items or services to certain eligible managed care organizations under specified circumstances.
- The Personal Services Safe Harbor protects legitimate service arrangements with HCPs, such as consulting or speaker agreements. Compliance with this safe harbor requires, among other things, a written agreement and compensation that is determined in advance and based on fair market value.

For all safe harbors, ATEC must satisfy each requirement in order to qualify. ATEC has therefore developed policies and procedures to ensure compliance with these safe harbors, and you are responsible for knowing and complying with these policies and procedures.

#### C. Food and Drug Administration Regulations

The U.S. Food and Drug Administration (FDA) is the federal agency responsible for overseeing the safety of pharmaceuticals, biologics, medical devices, and other products. The FDA regulates almost every aspect of ATEC’s business, including the research, development, manufacturing, distribution, marketing, and promotion of our products. Among other things, FDA regulations require all materials and messaging used to promote our products to be truthful and consistent with FDA approved labeling. To ensure compliance with FDA regulations, you must understand and adhere to all ATEC policies and procedures related to promotional activities.

#### D. Physician Payments Sunshine Act

The Physician Payments Sunshine Act (Sunshine Act) requires disclosure to the federal government of certain transfers of value (e.g. gifts, payments, meals) to certain HCPs and teaching hospitals in the United States during the preceding calendar year. You must comply with all ATEC policies and procedures designed to ensure compliance with the Sunshine Act, including those related to expense reports and other record maintenance.



## E. State Reporting and Marketing Laws

Some state laws limit or restrict the way that medical device companies interact with HCPs, especially with respect to sales-oriented marketing practices and providing items of value to HCPs. Several states have adopted regulations that are more restrictive than federal standards and voluntary industry codes of conduct. It is important that you understand all applicable state laws and not just the ones in the state(s) where you work because several state laws apply regardless of where an activity occurs. Activities that violate state laws may result in criminal and civil penalties.

## Industry Standards

In addition to adhering to applicable laws and regulations, ATEC's Code also reflects principles, standards, and guidance provided to our industry by organizations such as the American Medical Association and the Medical Device Manufacturers Association (MDMA). For example, the MDMA has adopted a Revised Code of Conduct on Interactions with HCPs (MDMA Code) ([available here](#)), to ensure that collaborative relationships between HCPs and medical device companies meet high ethical standards and are conducted with transparency and in compliance with applicable laws, regulations, and government guidance. The MDMA Code provides examples of proper and improper practices regarding medical device companies' interactions with HCPs. Compliance with the MDMA Code substantially reduces the risk of violating the Anti-Kickback Statute, and the best practices identified in the MDMA Code have been adopted by ATEC as standards for our relationships with HCPs.

## Privacy Laws

In the course of conducting certain aspects of its business, ATEC may collect, retain, and process various types of personal information. You may also have incidental or inadvertent contact with a patient's personal information in the course of your activities with ATEC. Regardless of the source, ATEC safeguards the confidentiality of personal information in accordance with federal and state privacy laws and regulations. The intent of all privacy laws is that individuals should know when companies are using their personal information, how the personal information is being used, and how the personal information is protected. Personal information may include medical histories or records and personal identifiers such as names, birth dates, and Social Security numbers.

The most important privacy law that affects the healthcare industry in the United States is the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA aims to protect the privacy of individually identifiable health information of patients and research subjects. Because HIPAA directly applies to HCPs, health plans, and healthcare clearinghouses, ATEC is committed to helping HCPs in their compliance in addition to ATEC's own commitment to protect private and sensitive information.

ATEC must also comply with the European Union General Data Protection Regulation (EU) 2016/679 (GDPR). The GDPR aims to protect the personal data of EU citizens (EU Personal Data) and regulates how ATEC may collect, transfer, and use such data. Additionally, the GDPR defines the rights of EU citizens regarding their personal data, including: the right to be informed, the right to access, the right to rectification, the right to erasure, the right to restrict processing, the right to data portability, the right to object to processing, and rights in relation to automated decision making and profiling. The GDPR applies any time ATEC collects, transfers, or uses the personal data of an EU citizen.

To ensure compliance with federal, state, and international privacy laws, ATEC has adopted policies and procedures governing the handling of personal information. You are required to know and comply with these policies and procedures.

### Fair Competition

Fair competition laws are designed to prohibit activities that reduce market competition and harm consumers. ATEC strives to outperform its competition in a fair, honest, and legal manner.

You should never attempt to improperly obtain proprietary information, including trade secret information, from another company. In addition, you should not obtain trade secret information from past or present employees of other companies. Further, we require that, in the course of your employment with us, you not use or disclose to us any confidential information, including trade secrets, of any former employer or other person to whom you have an obligation of confidentiality. Rather, you will be expected to use only that information that is generally known and used by persons with training and experience comparable to your own and that is common knowledge in the industry or otherwise legally in the public domain or that otherwise is provided to or developed by ATEC. You must not bring onto our premises any documents or property belonging to any former employer or other person to whom you have an obligation of confidentiality.

ATEC is committed to conducting all of its business dealings in compliance with applicable antitrust laws. Violations of antitrust laws may result in severe penalties against ATEC and you personally, including fines and criminal sanctions. You are expected to maintain basic familiarity with the antitrust principles described below and to contact the General Counsel with any questions you may have concerning compliance with these laws.

Antitrust laws generally prohibit agreements, formal or informal, that restrict competition through practices such as price fixing, limiting supply, allocation of business (i.e., agreements to divide markets, territories, or customers), boycotting, product tying or bundling, and price discrimination or any conduct that tends to create a monopoly. You must avoid conduct that violates or appears to violate these laws. In all cases where there is question or doubt about a particular activity or practice, you should contact the General Counsel before taking any action that may fall within the scope of these laws.

You should always be fair in your dealings with clients, customers, suppliers, competitors, and other third-parties. You may not engage in the practice of manipulation, concealment, abuse of privileged information, misrepresentation, or any other unfair-dealing practice.

### Export and Trade Laws

The United States and other countries have laws that restrict or prohibit even ordinary sales, research, manufacturing, and other commercial relationships with certain countries or parties. Even the simple act of carrying laboratory equipment from the United States to a European facility may constitute an export and be subject to applicable trade laws and controls. In addition, disclosing (including oral or visual disclosures) or transferring controlled data to a non-U.S. person, even if the disclosure or transfer occurs within the United States, could be deemed an export to the home country or countries of the non-U.S. person and could require a license or other authorization. You are encouraged to contact your manager or the Legal Department when interacting with any person or entity with a presence outside the United States to ensure that your actions comply with these trade laws.

## Anti-Bribery and Corruption

You must comply with the letter and spirit of the U.S. Foreign Corrupt Practices Act (FCPA) and all other applicable anticorruption statutes and regulations. This means that you must not, either directly or indirectly, make, authorize, or attempt to pay any bribes or corrupt payments on behalf of ATEC. Bribes not only take the form of money, but also favors, entertainment, promises to pay, and anything else that involves things of value. Violations of anti-corruption laws can subject ATEC and its representatives to criminal and civil penalties. Because HCPs of foreign countries often are employed by government-owned hospitals or other institutions, interactions with HCPs from foreign countries typically are subject to FCPA requirements applicable to interactions with “government officials” as defined under the FCPA. At a minimum, when conducting business with foreign HCPs or related institutions, you are required to comply with ATEC’s policies covering interactions with HCPs and transfers of value, in addition to any other local laws or rules applicable in such foreign jurisdictions.

## Insider Trading

It is against federal law and ATEC policy to engage in insider trading. Simply put, this means you cannot use information gained through your employment or association with ATEC, before this information is made public, to buy or sell ATEC stock (NASDAQ: ATEC) or other securities or to provide a “tip” to others who might trade in such securities. Insider trading is taken very seriously by the federal government and is punishable by fine and/or imprisonment. ATEC has adopted separate policies related to insider trading, which you are responsible for understanding and following. If you are uncertain whether a particular purchase, sale or transfer of securities is appropriate, consult the Legal Department before taking action.

## Expectations of Third-Parties

Our commitment to ethical conduct and responsible business practices extends to third-parties, including agents, distributors, vendors, and suppliers, who act on our behalf or for our benefit—regardless of where they are located worldwide. It is important that we conduct reasonable and periodic due diligence to ensure that these third-parties adhere to the standards in this Code and to the various laws, rules, and regulations in the countries in which we do business.

Further, ATEC is committed to protecting human rights in all our operations. Third-parties shall not engage in any form of forced, indentured, slave, or child labor nor should they treat employees harshly or inhumanely. We are committed to preventing these practices in our operations and supply chain. Similarly, we follow applicable practices and laws regarding the disclosure of conflict minerals.

## Government Requests and Investigations

It is ATEC policy to cooperate with all government agencies with respect to any request for information or facility visits in connection with a government investigation. You should never provide false or misleading statements to any government official, or fail to disclose or take efforts to conceal any information pertinent to an investigation.

If you are contacted by any government agency, you should immediately notify your manager and the Legal Department and follow all directions.

At times, we may be involved in litigation and, because we are in a heavily regulated business, we may be subject to government audits and reviews. As a result, you or ATEC may receive summons, subpoenas, and requests for production of documents. Only an ATEC officer is authorized to accept service of process

on behalf of ATEC. Accordingly, do not accept service of process or sign any summons. Instead, contact the Legal Department and follow all directions.

### Internal Audits and Investigations

As part of this Code, from time to time, an audit of our compliance with internal policies, as well as laws and regulations, may be initiated. You are required to cooperate with all audits and to be truthful and accurate when responding to audit requests.

In addition, ATEC promptly investigates all reports of misconduct. As with audits, you must cooperate with such investigations and provide truthful and accurate information if you are questioned in the course of an investigation. You must not mislead an investigator, alter or destroy any relevant documents, or otherwise impede or interfere with the investigation in any way. In addition, you must keep the investigation confidential by not discussing it with your colleagues.

### Policies and Procedures

In addition to this Code, ATEC has adopted other policies and procedures that govern many aspects of our business. Policies provide detailed legal and compliance standards, and procedures set forth specific processes to follow.

While some policies and procedures apply to all ATEC directors, officers, employees, and representatives, other policies and procedures are tailored to specific job functions. You will be notified if your responsibilities require adherence to specific policies and procedures, and whether you must know and comply with all policies and procedures that apply to you.

### Training

ATEC recognizes that comprehensive and frequent training is critical to ensuring that you know and understand all of the policies and procedures that apply to your conduct. Thorough and engaging training programs will ensure that you are equipped with the knowledge to define, explain, and apply the rules of the regulated environment in which we operate to help ensure patient safety and the quality of ATEC products. You must attend, complete, and comply with all training that you receive.

### Seeking Guidance

If you are unsure whether particular conduct is consistent with an ATEC policy or procedure, you should consult your manager or the Legal Department before engaging in the conduct.

### Reporting Potential Compliance Concerns and Violations

ATEC is committed to complying with applicable local, state, and federal laws, rules, and regulations, and its own policies and procedures. You are required to immediately report concerns about any business practice or individual conduct that you believe is unethical, illegal, or in violation of ATEC's policies and procedures. ATEC has numerous resources for you to turn to when reporting a concern, including:

- Your supervisor or manager,
- The People & Culture Department,
- The General Counsel or another attorney in the ATEC Legal Department,
- An appropriate executive, such as a member of the Senior Leadership Team,
- ATEC's anonymous and confidential compliance hotline at 866-352-2788 or <https://www.whistleblowerservices.com/atec/>.

ATEC prohibits retaliation against any employee or director of ATEC who, in good faith, seeks help, reports known or suspected violations, or participates in the investigation of such a report. Raising a concern in “good faith” means that you have made a genuine attempt to provide honest and accurate information even if you are later proven to be mistaken. If you believe that you have been retaliated against for reporting a concern in good faith, you should report this behavior to your manager, the People & Culture Department, or the Legal Department. We take allegations of retaliation very seriously and will review all complaints of threatened, attempted, or actual retaliatory action. Any reprisal or retaliation against an employee because the employee, in good faith, sought help, submitted a report, or participated in an investigation of such a report will be subject to disciplinary action, including potential termination of employment.

### Disciplinary Action

If, after investigating a report of an alleged prohibited action by any other person, ATEC confirms that non-compliant conduct has occurred, we will take appropriate actions to discipline the individuals involved and to implement any needed corrective measures. Disciplinary action may include dismissal when appropriate.