

Section 734.9 Foreign “Direct Product”¹ Rules (FDPR) (as of 12/17/24)

| FDP RULE | Input: tech/soft | Output | | Destination and/or End user/use |
|---|--|--|--|--|
| | | Plant or ‘major component’ ² | Foreign Product | |
| National Security § 734.9(b) | U.S.-origin tech or soft requires <u>written assurance</u> ³ (NS) | | Foreign “ <u>direct product</u> ” ¹ (FDP) is NS ECCN | Destination is listed in Country Group D:1, E:1, or E:2 of Supp. No. 1 to part 740 |
| | U.S.-origin tech requires <u>written assurance</u> ³ (NS) | Plant or ‘major component’ is “ <u>direct product</u> ” ¹ of input tech | FDP of plant/‘major component’ ² ; and FDP is NS ECCN | |
| 9X515 § 734.9(c) | U.S.-origin 9D515 soft or 9E515 tech | | FDP is 9x515 | Destination is listed in Country Group D:5, E:1, or E:2 of Supp. No. 1 to part 740 |
| | U.S.-origin 9E515 tech | Plant or ‘major component’ is “ <u>direct product</u> ” ¹ of input tech | FDP is 9x515 | |
| “600 Series” § 734.9(d) | U.S.-origin “600 series” soft or tech | | FDP is “ <u>600 Series</u> ” ECCN or 0A919 | Destined to a country listed in Country Group D:1, D:3, D:4, D:5, E:1, or E:2 of Supp. No. 1 to part 740 |
| | U.S.-origin “600 series” tech | Plant or ‘major component’ “ <u>direct product</u> ” ¹ of input tech | FDP is “ <u>600 series</u> ” ECCN | |
| Entity List (EL) Footnote (FN) 1 § 734.9(e)(1) | Tech or soft (certain Cat 3, 4, and 5 Part 1) ⁴ subject to EAR | | FDP is any item | <u>“Knowledge”</u> that: <ol style="list-style-type: none"> The foreign-produced item will be incorporated into, or will be used in the “production” or “development” of any “part,” “component,” or “equipment” produced, purchased, or ordered by any FN1 entity; OR A FN1 entity is party to transaction |
| | U.S.-origin tech or soft (certain Cat 3, 4, and 5 Part 1) ⁴ | Plant or ‘major component’ is “ <u>direct product</u> ” ¹ (made in US or abroad) of input tech/soft | Product of plant/major component | |

¹ **Direct product.** The immediate product (including processes and services) produced directly by the use of technology or software.

² **Major component.** A major component of a plant located outside the United States means “equipment” that is essential to the “production” of an item, including testing “equipment.”

³ See paragraph (o)(3)(i) of supplement no. 2 to part 748 or § 740.6(a)(1)

⁴ 3D001, 3D901, 3D991, 3D992, 3D993, 3D994, 3E001, 3E002, 3E003, 3E901, 3E991, 3E992, 3E993, 3E994, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, or 5E991

| FDP RULE | Input: tech/soft | Output | | Destination and/or End user/use |
|---|---|---|--|---|
| | | Plant or 'major component' ² | Foreign Product | |
| EL (FN 4) § 734.9(e)(2) | Tech or soft (certain Cat 3, 4, and 5) ⁵ <u>subject to EAR</u> | | FDP is any item | <u>"Knowledge"</u> that: 1. The foreign-produced item will be incorporated into the "production" or "development" of any "part," "component," or "equipment" produced, purchased, or ordered by any FN4 entity; OR 2. A FN4 entity is party to transaction |
| | <u>U.S.-origin</u> tech or soft (certain Cat 3, 4, and 5) ⁵ | Plant or ' major component ' is " <u>direct product</u> " ¹ (made in US or abroad) of input tech/soft | Product of plant/major component | |
| EL (FN 5) §734.9(e)(3) | Tech or soft (certain Cat 3) ⁶ <u>subject to the EAR</u> | | Specified Semiconductor Manufacturing Equipment (SME) ⁷ | <u>"Knowledge"</u> that: 1. The FDP will be incorporated into any "part," "component," or "equipment" produced, purchased, or ordered by any FN5 entity; OR 2. A FN5 entity is party to transaction |
| | <u>U.S.-origin</u> tech or soft (certain Cat 3) ⁸ | Plant or ' major component ' is " <u>direct product</u> " ¹ (made in US or abroad) of input tech/soft | 1. Specified SME ⁷ ; OR 2. Specified SME ⁷ that contains any product of plant/major component | |
| Russia/Belarus /temporarily | <u>U.S.-origin</u> tech or soft on CCL | | FDP is any item on CCL OR in 746 supps 6 or 7 | <u>"Knowledge"</u> that the foreign-produced item: 1. Is destined to Russia, Belarus, or temporarily occupied Crimea region of Ukraine; OR |

⁵ 3D001, 3D901, 3D991, 3D992, 3D993, 3D994, 3E001, 3E002, 3E003, 3E901, 3E991, 3E992, 3E993, 3E994, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D002, 5D991, 5E001, 5E002, or 5E991

⁶ 3D001 (for 3B commodities), 3D901(for 3B903), 3D991 (for 3B991 and 3B992), 3D993, 3D994, 3E001 (for 3B commodities), 3E901 (for 3B903), 3E991 (for 3B991 and 3B992), 3E993, or 3E994

⁷ 3B001 (except 3B001.a.4, c, d, f.1, f.5, g, h, k to n, p.2, p.4, r), 3B002 (except 3B002.c), 3B903, 3B991 (except 3B991.b.2.a or 3B991.b.2.b), 3B992, 3B993, or 3B994

⁸ 3D001 (for 3B commodities), 3D901, 3D991 (for 3B991 and 3B992), 3D992, 3D993, 3D994, 3E001 (for 3B commodities), 3E901 (for 3B903), 3E991 (for 3B991 and 3B992), 3E992, 3E993, or 3E994 of the CCL

| FDP RULE | Input: tech/soft | Output | | Destination and/or End user/use |
|--|--|---|--|---|
| | | Plant or 'major component' ² | Foreign Product | |
| occupied Crimea region of Ukraine § 734.9(f) | U.S.-origin tech or soft on CCL | Plant or 'major component' is " direct product " ¹ (made in US or abroad) of input tech/soft | Product of plant/major component AND is any item on CCL or in 746 supps 6 or 7 | 2. Will be incorporated into or used in the "production" or "development" of any "part," "component," or "equipment" specified on CCL or in 746 supps 6 or 7 and produced in or destined to Russia, Belarus, temporarily occupied Crimea region of Ukraine. |
| Russia/Belarus MEU (FN 3) § 734.9(g) | CCL tech or soft subject to EAR | | FDP is any item | "Knowledge" that: 1. The foreign-produced item will be incorporated into, or used in the "production" or "development" of any "part," "component," or "equipment" produced, purchased, or ordered by any FN3 entity ; OR 2. A FN3 entity is party to transaction |
| | U.S.-origin tech or soft on CCL | Plant or 'major component' is " direct product " ¹ (made in US or abroad) of input tech/soft | Product of plant/major component | |
| Advanced Computing § 734.9(h) | Tech or soft (certain Cat 3, 4, and 5) ⁹ subject to EAR | | FDP is: <ul style="list-style-type: none"> • A certain ECCN¹⁰; OR • An integrated circuit, computer, "electronic assembly," or "component" specified in a certain ECCN¹¹ | "Knowledge" that the foreign-produced item is: 1. Destined to Country Group D:1, D:4, or D:5, excluding destinations also in A:5/A:6; OR 2. Will be incorporated into any "part," "component," "computer," or "equipment" not designated EAR99 that is destined to: |

⁹ 3D001, 3D901, 3D991, 3D992, 3D993, 3D994, 3E001, 3E002, 3E003, 3E901, 3E991, 3E992, 3E993, 3E994, 4D001, 4D090, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D002, 5D991, 5E001, 5E991, or 5E002

¹⁰ 3A090, 3E001 (for 3A090), 4A090, or 4E001 (for 4A090)

¹¹ 3A001.z, 4A003.z, 4A004.z, 4A005.z, 5A002.z, 5A004.z, or 5A992.z

| FDP RULE | Input: tech/soft | Output | | Destination and/or End user/use |
|---------------------------------|---|---|---|--|
| | | Plant or 'major component' ² | Foreign Product | |
| | U.S.-origin tech or soft (certain Cat 3, 4, and 5) ⁶ | Plant or 'major component' is "direct product" ¹ (made in US or abroad) of input tech/soft | FDP is: 1. A certain ECCN ⁷ ; OR 2. An integrated circuit, computer, "electronic assembly," or "component" specified in certain ECCN ⁸ | <ul style="list-style-type: none"> Country Group D:1/D:4/D:5 excluding A:5/A:6; OR Worldwide to an entity headquartered in, or whose ultimate parent company is headquartered in Macau or Country Group D:5 OR 3. "Technology" "developed" by an entity headquartered in, or whose ultimate parent is headquartered in Macau or Country Group D:5 for the "production" of a mask or an integrated circuit wafer or die. |
| Supercomputer § 734.9(i) | Tech or soft (certain Cat 3, 4, and 5) ¹² subject to EAR | | FDP is any item | <u>"Knowledge"</u> that the foreign-produced item will be: 1. Used in the design, "development," "production" operation, installation (including on-site installation), maintenance (checking), repair, overhaul, or refurbishing of, a "supercomputer" located in or destined to PRC or Macau; OR 2. Incorporated into, or used in the "development," or "production" of any "part," "component," or "equipment" that will be used in a "supercomputer" located in or destined to PRC or Macau. |
| | U.S.-origin tech or soft (certain Cat 3, 4, and 5) ¹³ | Plant or 'major component' is "direct product" ¹ (made in US or abroad) of input tech/soft | Product of plant/major component | |

¹² 3D001, 3D901, 3D991, 3D992, 3D993, 3D994, 3E001, 3E002, 3E003, 3E901, 3E991, 3E992, 3E993, 3E994, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D002, 5D991, 5E001, 5E002, or 5E991

¹³ 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, 5E991, 5D002, or 5E002

| FDP RULE | Input: tech/soft | Output | | Destination and/or End user/use |
|------------------------------------|--|--|---|--|
| | | Plant or 'major component' ² | Foreign Product | |
| Iran § 734.9(j) | U.S.-origin tech or soft in any ECCN in Cat 3 thru 9 of CCL | | FDP is either identified in: <ul style="list-style-type: none"> • Supp 7 to part 746; OR <ul style="list-style-type: none"> • Any ECCN in Cat 3 thru 9 of the CCL | <u>"Knowledge"</u> that the foreign-produced item: <ol style="list-style-type: none"> 1. Is destined to Iran; OR <ol style="list-style-type: none"> 2. Will be incorporated into or used in the "production" or "development" of any "part," "component," or "equipment," including any modified or designed "components," "parts," "accessories," and "attachments" therefor, identified in supplement no. 7 to part 746 of the EAR or specified in any ECCN in Cat 3 thru 9 of the CCL, and located in or destined to Iran. OR <ol style="list-style-type: none"> 3. <u>"Knowledge"</u> that the Government of Iran is a party to any transaction involving the foreign-produced item, e.g., as a "purchaser," "intermediate consignee," "ultimate consignee," or "end-user." |
| | U.S.-origin tech or soft in any ECCN in Cat 3 thru 9 of CCL | Plant or 'major component' is <u>"direct product"</u> ¹ (made in US or abroad) of input tech/soft | FDP is either identified in: <ul style="list-style-type: none"> • Supp 7 to part 746; OR <ul style="list-style-type: none"> • Any ECCN in Cat 3 thru 9 of the CCL | |
| SME §734.9(k) | Tech or software subject to the <u>EAR</u> in 3D992 or 3E992 | | FDP is 3B001.a.4, c, d, f.1, f.5, k to n, p.2, p.4, r, or 3B002.c | <u>"Knowledge"</u> that the FDP is destined to Macau or a destination in Country Group D:5 of supplement no. 1 to part 740 of the EAR |
| | U.S.-origin tech or soft (Certain Cat 3) ¹⁴ | Plant or 'major component' is <u>"direct product"</u> ¹ (made in US or abroad) of input tech/soft | <ol style="list-style-type: none"> 1. 3B001.a.4, c, d, f.1, f.5, k to n, p.2, p.4, r, or 3B002.c; OR 2. 3B001.a.4, c, d, f.1, f.5, k to n, p.2, p.4, r, or 3B002.c AND contains any product of plant/major component. | |

¹⁴ 3D001 (for 3B commodities), 3D901, 3D991 (for 3B991 and 3B992), 3D992, 3D993, 3D994, 3E001 (for 3B commodities), 3E901 (for 3B903), 3E991 (for 3B991 or 3B992), 3E992, 3E993, or 3E994