

Section 734.9 Foreign “Direct Product”¹ Rules (FDPR) (as of 8/7/24)

FDP RULE	Input: tech/soft	Plant or ‘major component’ ²	Output: Foreign Product	Destination or “Knowledge” Scope
National Security § 734.9(b)	U.S.-origin tech or soft requires written assurance ³ (NS)		Foreign “direct product” 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 written assurance ³ (NS)	Plant or ‘major component’ is “direct product” 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 “direct product” ¹ of input tech	FDP is 9x515	
“600 Series” § 734.9(d)	U.S.-origin “600 series” soft or tech		FDP is “600 Series” 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’ “direct product” ¹ of input tech	FDP is “600 series” 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	“Knowledge” that: 1. 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 2. 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 “direct product” 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, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, or 5E991

FDP RULE	Input: tech/soft	Plant or 'major component' ²	Output: Foreign Product	Destination or "Knowledge" Scope
EL (FN 4) § 734.9(e)(2)	Tech or soft (certain Cat 3, 4, and 5) ⁵ 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 FN4 entity; OR A FN4 entity is party to transaction
	U.S.-origin 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	
Russia/Belarus /temporarily occupied Crimea region of Ukraine § 734.9(f)	U.S.-origin tech or soft on CCL		FDP is any item on CCL OR in 746 supps <u>6</u> or <u>7</u>	<u>"Knowledge"</u> that the foreign-produced item: <ol style="list-style-type: none"> Is destined to Russia, Belarus, or temporarily occupied Crimea region of Ukraine; OR Will be incorporated into or used in the "production" or "development" of any "part," "component," or "equipment" specified on CCL or in 746 supps <u>6</u> or <u>7</u> and produced in or destined to Russia, Belarus, temporarily occupied Crimea region of Ukraine.
	U.S.-origin tech or soft on CCL	Plant or 'major component' is " <u>direct product</u> " 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 <u>6</u> or <u>7</u>	
Russia/Belarus MEU (FN 3) § 734.9(g)	CCL tech or soft 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 used in the "production" or "development" of any "part," "component," or "equipment" produced, purchased, or ordered by any FN3 entity; OR A FN3 entity is party to transaction
	U.S.-origin tech or soft on CCL	Plant or 'major component' is " <u>direct product</u> " ¹ (made in US or abroad) of input tech/soft	Product of plant/major component	

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

FDP RULE	Input: tech/soft	Plant or 'major component' ²	Output: Foreign Product	Destination or "Knowledge" Scope
Advanced Computing § 734.9(h)	Tech or soft (certain Cat 3, 4, and 5) ⁶ <u>subject to EAR</u>		FDP is: <ul style="list-style-type: none"> • A certain ECCN⁷; OR • An integrated circuit, computer, "electronic assembly," or "component" specified in a certain ECCN⁸ 	<p><u>"Knowledge"</u> that the foreign-produced item is:</p> <ol style="list-style-type: none"> 1. Destined to Country Group D:1, D:4, or D:5, excluding destinations also in A:5/A:6; <p>OR</p> <ol style="list-style-type: none"> 2. Will be incorporated into any "part," "component," "computer," or "equipment" not designated EAR99 that is destined to: <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 <p>OR</p> <ol style="list-style-type: none"> 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.
	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: <ol style="list-style-type: none"> 1. A certain ECCN⁷; OR 2. An integrated circuit, computer, "electronic assembly," or "component" specified in certain ECCN⁸ 	
Supercomputer § 734.9(i)	Tech or soft (certain Cat 3, 4, and 5) ⁹ <u>subject to EAR</u>		FDP is any item	<p><u>"Knowledge"</u> that the foreign-produced item will be:</p> <ol style="list-style-type: none"> 1. Used in the design, "development," "production" operation, installation (including

⁶ 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D090, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, 5E991, 5E002, or 5D002

⁷ 3A090, 3E001 (for 3A090), 4A090, or 4E001 (for 4A090)

⁸ 3A001.z, 4A003.z, 4A004.z, 4A005.z, 5A002.z, 5A004.z, or 5A992.z

⁹ 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D993, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, 5E991, 5D002, or 5E002

FDP RULE	Input: tech/soft	Plant or 'major component' ²	Output: Foreign Product	Destination or "Knowledge" Scope
	U.S.-origin tech or soft (certain Cat 3, 4, and 5) ¹⁰	Plant or ' major component ' is " direct product " ¹ (made in US or abroad) of input tech/soft	Product of plant/major component	<p>on-site installation), maintenance (checking), repair, overhaul, or refurbishing of, a "supercomputer" located in or destined to PRC or Macau;</p> <p>OR</p> <p>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.</p>
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; <p>OR</p> <ul style="list-style-type: none"> • Any ECCN in Cat 3 thru 9 of the CCL 	<p>"Knowledge" that the foreign-produced item:</p> <ol style="list-style-type: none"> 1. Is destined to Iran; <p>OR</p> <ol style="list-style-type: none"> 2. Will be incorporated into or used in the "production" or "development" of any "part," "component," or "equipment," <u>including any modified or designed "components," "parts," "accessories," and "attachments" therefor,</u> 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. <p>OR</p> <ol style="list-style-type: none"> 3. "Knowledge" that the Government of Iran is a party to any transaction involving the foreign-produced item, <i>e.g.</i>, 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 " direct product " 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; <p>OR</p> <ul style="list-style-type: none"> • Any ECCN in Cat 3 thru 9 of the CCL 	

¹⁰ 3D001, 3D991, 3E001, 3E002, 3E003, 3E991, 4D001, 4D994, 4E001, 4E992, 4E993, 5D001, 5D991, 5E001, 5E991, 5D002, or 5E002