

**General Prohibition No. 3: Direct Product Rule
§ 736.2(b)(3) of the EAR (as modified on 9/14/15)**

(A) Non-“600 series” and non-9Y515 foreign direct products of U.S. technology or software are subject to the EAR and require a license or license exception for export from abroad if all of the following apply:

- (1) The U.S. technology or software requires a written assurance as a supporting document for a license as defined in part 748 Supp. 2 (o)(3)(i), or as a precondition for use of License Exception TSR in § 740.6 or the EAR (Generally, this means the US technology/software is controlled for NS reasons);
- (2) The foreign produced item is subject to national security (NS) controls as designated in the ECCN on the CCL (Supp. No. 1 to part 774 of the EAR); and
- (3) The foreign produced item is destined to a destination listed in Country Group D:1, E:1 or E:2 (Supp. No. 1 to part 740 of the EAR).

(B) “600 series” and 9Y515 foreign direct products of U.S. technology or software are subject to the EAR and require a license or license exception to export from abroad if all of the following apply:

- (1) The foreign-made product is made from “600 series” or 9Y515 U.S. technology or software;
- (2) The foreign-made product is specified under a “600 series” ECCN or 9Y515 of the CCL (Supp. No. 1 to part 774 of the EAR); and
- (3) The foreign-made product is destined to a destination listed in Country Group D:1, D:3, D:4, D:5, E:1 or E:2 (Supp. No. 1 to part 740 of the EAR).

(C) Direct products of a foreign plant or major component of a plant, made from non-“600 series” or non-9Y515 U.S. technology that requires a license or license exception to export from abroad if all of the following apply:

- (1) The plant or component is a direct product of U.S. technology that requires a written assurance as supporting document for a license or as precondition for use of License Exception TSR in § 740.6 of the EAR (Generally, this means the US technology/software is controlled for NS reasons);
- (2) The foreign-made direct products of the plant or component are subject to national security controls as designated in applicable ECCN; and
- (3) The foreign-made item is destined to a destination listed in Country Group D:1, E:1 or E:2 (Supp. No. 1 to part 740 of the EAR).

(D) Direct products of a foreign plant or major component of a plant, made from “600 series” or 9Y515 U.S. technology that requires a license or license exception to export from abroad if all of the following apply:

- (1) The plant or component is a direct product of “600 series” or 9Y515 U.S.-origin technology;
- (2) The foreign-made product is specified under a “600 series” ECCN or 9Y515 of the CCL (Supp. No. 1 to part 774 of the EAR); and
- (3) The foreign-made product is destined to a destination listed in Country Group D:1, D:3, D:4, D:5, E:1 or E:2 (Supp. No. 1 to part 740 of the EAR).

NOTE: “600 series” or 9Y515 foreign-produced direct products of U.S.-origin. technology or software subject to GP3 do not require a license for export from abroad to the new destination unless the new destination would have been prohibited or made subject to a license requirement by part 742, 744, 746, or 764 of the EAR..