and Russia are accorded enhanced favorable consideration licensing treatment.

(6) The general policy for Cambodia and Laos is to approve license applications when BIS determines, on a case-by-case basis, that the items are for an authorized use in Cambodia or Laos and are not likely to be diverted to another country or use contrary to the national security or foreign policy controls of the United States.

(7) For the People's Republic of China (PRC), there is a general policy of approval for license applications to export, reexport, or transfer items to civil end-uses. There is a presumption of denial for license applications to export, reexport, or transfer items that would make a direct and significant contribution to the PRC's military capabilities such as, but not limited to, the major weapons systems described in Supplement No. 7 to Part 742 of the EAR.

(c) Contract sanctity. Contract sanctity provisions are not available for license applications reviewed under this section.

(d) [Reserved]

§ 742.5 Missile technology.

(a) License requirements. (1) In support of U.S. foreign policy to limit the proliferation of missiles, a license is required to export and reexport items related to the design, development, production, or use of missiles. These items are identified in ECCNs on the CCL as MT Column No. 1 in the Country Chart column of the “License Requirements” section. Licenses for these items are required to all destinations, except Canada, as indicated by MT Column 1 of the Country Chart (see Supplement No. 1 to Part 742 of the EAR).

(2) The term “missiles” is defined as rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) and unmanned air vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least 500 kilograms (kg) payload to a range of at least 300 kilometers (km). See § 746.3 of the EAR for definition of a “ballistic missile” to be exported or reexported to Iraq.

(b) Licensing policy. (1) Applications to export and reexport items identified in ECCNs on the CCL as MT Column No. 1 in the Country Chart column of the “License Requirements” section will be considered on a case-by-case basis to determine whether the export or reexport would make a material contribution to the proliferation of missiles. Applications for exports and reexports of such items contained in Category 7A or described by ECCN 9A101 on the CCL will be considered more favorably if such exports or reexports are determined to be destined to a manned aircraft, satellite, land vehicle, or marine vessel, in quantities appropriate for replacement parts for such applications. When an export or reexport is deemed to make a material contribution to the proliferation of missiles, the license will be denied.

(2) The following factors are among those that will be considered in reviewing individual applications.

(i) The specific nature of the end-use;
(ii) The significance of the export and reexport in terms of its contribution to the design, development, production, or use of missiles;
(iii) The capabilities and objectives of the missile and space programs of the recipient country;
(iv) The nonproliferation credentials of the importing country;
(v) The types of assurances or guarantees against design, development, production, or use of missiles that are given in a particular case; and
(vi) The existence of a preexisting contract.

(3) Controls on other items. BIS will review license applications, in accordance with the licensing policy described in paragraph (b)(1) of this section, for items not described in paragraph (a) of this section:

(i) Require a validated license for reasons other than short supply; and
(ii) Could be destined for the design, development, production, or use of missiles, or for a facility engaged in such activities.

(4) License applications for items described in paragraph (a) of this section,
when destined for the People’s Repub-
lic of China, will be reviewed in accord-
ance with the licensing policies in both
paragraph (b) of this section and
§ 742.4(b)(7).

(c) Contract sanctity. The following
contract sanctity dates have been es-
tablished:

(1) License applications for batch
mixers specified in ECCN 1B117 involv-
ing contracts that were entered into
prior to January 19, 1990, will be con-
sidered on a case-by-case basis.

(2) License applications subject to
ECCN 1B115.b or .c that involve a con-
tract entered into prior to March 7,
1991, will be considered on a case-by-
case basis.

(3) Applicants who wish that a pre-
exisiting contract be considered in re-
viewing their license applications must
submit documentation sufficient to es-
tablish the existence of a contract.

(d) Missile Technology Control Regime.

Missile Technology Control Regime
(MTCR) members are listed in Country
Group A:2 (see Supplement No. 1 to
part 740 of the EAR). Controls on items
identified in paragraph (a) of this sec-
tion are consistent with the list agreed
to in the MTCR and included in the
MTCR Annex.

§ 742.6 Regional stability.

(a) License requirements. The following
controls are maintained in support of
U.S. foreign policy to maintain re-
gional stability:

(1) RS Column 1 License Requirements
in General. As indicated in the CCL and
in RS Column 1 of the Commerce Coun-
try Chart (see Supplement No. 1 to part
740 of the EAR), a license is required to
all destinations, except Canada, for
items described on the CCL under
ECCNs 6A002.a.1, a.2, a.3, .c, or .e;
6A003.b.3, and b.4a; 6A008.b, 6A998.b;
6D001 (only “software” for the “devel-
opment” or “production” of items in
6A002.a.1, a.2, a.3, .c, or .e; 6A003.b.3 or b.4,
or 6A008.b); 6E001 (only “technology” for
“development” of items in 6A002.a.1,
a.2, a.3, .c, or .e; 6A003.b.3 or b.4, or
6A008.b); 6E991 (only “technology” for
the “development,” “production,” or
“use” of equipment controlled by
6A998.b); 6D994; 7A994 (only QRS11-
00100–100/101 and QRS11–0050–443566
Micromachined Angular Rate Sensors);
7D001 (only “software” for “devel-
opment” or “production” of inertial
navigation systems, inertial
equipment, and specially designed com-
ponents therefor for civil aircraft);
7E001 (only “technology” for the “devel-
opment” of inertial navigation sys-
tems, inertial equipment, and specially
designed components therefor for civil
aircraft); 7E101 (only “technology” for
the “use” of inertial navigation sys-
tems, inertial equipment, and specially
designed components for civil aircraft).

(2) Special RS Column 1 license require-
ments applicable to certain thermal imag-
ing cameras.

(i) As indicated in the CCL and in RS
Column 1 of the Commerce Country
Chart, cameras described in 6A003 b.4b
require a license to all destinations other than Canada if such cameras
have a frame rate greater than 60 Hz.

(ii) Except as noted in paragraph
(a)(2)(iii) of this section, as indicated in
the CCL and in RS Column 1 of the
Commerce Country Chart, cameras de-
scribed in 6A003 b.4b require a license
to all destinations other than Canada if
such cameras incorporate a focal plane
array with more than 111,000 elements
and a frame rate of 60 Hz or less, or
cameras described in 6A003 b.4b that
are being exported or reexported to be
embedded in a civil product.

(iii) BIS may issue licenses for cam-
eras subject to the license require-
ment of paragraph (a)(2)(ii) of this section that are fully-packaged for use as con-
sumer-ready civil products that, in ad-
tension to the specific transactions au-
thorized by such license, authorize ex-
ports and reexports of such cameras
without a license to any civil end-user