

5. A civil action in respect of anything that is, or is purported to be, done or omitted to be done within the scope of his/her duties by a preclearance officer may be brought against Canada to the extent Canada is not immune under the Foreign Sovereign Immunities Act. Defences available under U.S. federal and state law, including procedural and substantive defences, remain available to Canada.

#### ARTICLE XI

##### BENEFITS TO PRECLEARANCE OFFICERS

1. Each Party shall provide to the preclearance officers of the other Party at airports in the Host Party territory an employment authorization exclusively for preclearance officers to assist in identifying them as agents of the Inspecting Party and an identification card to preclearance officers and accompanying family dependents. Bearers of this documentation shall be distinguished as employees of the Inspecting Party assigned to duty in the Host Party territory under the terms of this Agreement.
2. Bearer(s) of this documentation in paragraph 1 above, for the duration of their assignment in the Host Party territory, shall be granted tax-free and duty-free benefits with respect to the payment of federal excise duties and taxes, and customs duties on goods for personal consumption, in reasonable quantities brought into the Host Party territory.
3. Family dependents of preclearance officers shall be exempted from employment and education authorization fees.

#### ARTICLE XII

##### CONSULTATIONS

1. Local airport mechanisms shall be used to address local issues. Issues which cannot be resolved at the local level shall be referred to the Preclearance Consultative Group.
2. The Parties shall establish a Preclearance Consultative Group consisting of representatives of the federal governments of both Parties. The Preclearance Consultative Group shall meet on a regular basis, at least annually, to review any issues related to this Agreement.
  - (a) The Preclearance Consultative Group shall conduct a joint review of the intransit preclearance program six months after the entry into force of this Agreement and at least every two years thereafter. This joint review may consider, among other issues, concrete options for addressing the challenges of accommodation, security and sterility, and any problems in implementing the Agreement;
  - (b) Other interested groups, including the air industry, may attend portions of the Preclearance Consultative Group meetings by consensus of the Parties;