

7. The Inspecting Party shall have the right to refuse admission of persons and goods destined to its territory.
8. The Inspecting Party shall be authorized to administer its civil fines and monetary penalties on travellers except when the Host Party institutes penal proceedings with respect to the same act or omission.
9. Goods that are required as evidence of an offence proceeding to a resolution in a court of the Host Party, as well as those which are required by law to be dealt with in accordance with the Host Party law, shall be retained by the Host Party to be dealt with in accordance with its laws and international agreements between the Parties.
10. Nothing in this Agreement affects the rights of the Inspecting Party to enforce its civil and criminal laws in its own territory.
11. The Parties shall establish mutually acceptable standard operating procedures concerning preclearance.
12. Nothing in this Agreement affects the rights and obligations of the Parties under other international agreements.
13. Activities under this Agreement are subject to the availability of appropriated funds.
14. The Parties shall implement this Agreement in a non-discriminatory and transparent manner consistent with the provisions of this Agreement.

### ARTICLE III

#### PRECLEARANCE LOCATIONS

1. United States preclearance shall be continued at airports where preclearance is conducted on the date of entry into force of this Agreement, as indicated in Annex IV. Other U.S. and Canadian preclearance may be established at airports in Annex IV in accordance with the criteria below.
2. Each Party shall take account of the following criteria when considering establishing preclearance, including at multi-terminal complexes:
  - (a) the airport authority requests preclearance;
  - (b) the airport authority attests that funding (consistent with the terms of Article IX Cost of Preclearance) is available for construction, operation and maintenance of the preclearance facility. The facility must be acceptable to the Inspecting Party. The requirements of the Inspecting Party shall be in accordance with its applicable inspection guidelines, unless clear reasons exist for modification. Where the Inspecting Party is the United States, the U.S. Department of Transportation Airport Federal Inspection Facilities Guidelines shall apply. Those facilities used by officers of the Host Party are subject to approval by the Host Party;