

5. A Party shall notify the other Party as to whether it requires, for intransit preclearance purposes, advance passenger information from air carriers. If the Inspecting Party requires such information, the Host Party shall take such steps as are necessary so that air carriers are authorized to send advance passenger information as specified in Annex III.

ARTICLE IX

COST OF PRECLEARANCE

1. The cost of preclearance services shall be allocated in accordance with the following principles:
 - (a) Neither Party shall be responsible for additional cost attributable to preclearance facilities;
 - (b) The Inspecting Party shall be responsible for normal cost of its inspection personnel and may charge appropriate inspection user fees.
2. For user fee purposes, third country passengers in transit to the Inspecting Party territory shall be treated as having arrived from the country of the last port of embarkation. They shall therefore be subject to user fees normally applied by the Inspecting Party for the services in the territory of the Inspecting Party.

ARTICLE X

AUTHORITIES AND PROTECTION OF PRECLEARANCE OFFICERS

1. A preclearance officer shall enjoy immunity from the civil and administrative jurisdiction of the Host Party with respect to acts performed or omitted to be performed in the course of his/her official duties.
2. The Host Party may request the removal of a preclearance officer who abuses his/her official position.
3. It shall be a defence to criminal actions brought against a preclearance officer that his/her actions were authorized by this Agreement, based upon reasonable grounds and, where applicable, executed with reasonable force.
4. 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 the United States to the extent the United States is not immune under the State Immunity Act. Defences available under Canadian or provincial law, including procedural and substantive defences, remain available to the United States.