

12. "Host Party Officer" means any person authorized by the Host Party's law to conduct a search;
13. "Law enforcement officer" means, for the Government of Canada, Canadian peace officers who are authorized to carry weapons and make arrests as well as members of the Royal Canadian Mounted Police; and, for the Government of the United States, U.S. federal, state and local law enforcement officers;
14. "Eligible flight" means a commercial flight of any size aircraft, scheduled or passenger charter, including ferry flights. Private aircraft flights, air taxi-type operations and state aircraft flights are not included;
15. "Post-clearance" means clearance of passengers and goods in the territory of the Inspecting Party.

## ARTICLE II

### PRECLEARANCE AREA AND THE LAWS APPLICABLE

1. The Host Party, before designating a preclearance area, shall consult with the participating air industry in order to seek their recommendations on the precise location of preclearance and intransit preclearance areas.
2. The Host Party shall consult with the Inspecting Party with respect to the designation of the preclearance area.
3. In view of the fact that the law of the Host Party applies in the preclearance area and that preclearance officers of the Inspecting Party must also administer the Inspecting Party's laws, referred to in paragraph 6, preclearance shall be carried out in a manner consistent with the laws and constitutions of both Parties.
4. Only persons who are travellers en route to the Inspecting Party's territory or any person or category of persons designated or authorized by the Host Party in consultation with the Inspecting Party shall enter a preclearance area.
5. Every traveller who enters a preclearance area shall be required to report to a preclearance officer without delay, to report goods in his/her possession or goods that form part of their baggage and to present these goods as required.
6. The Inspecting Party may conduct preclearance operations/activities at preclearance areas in the airports of the Host Party in order to assure that persons and goods entering the territory of the Inspecting Party conform to its laws concerning customs, immigration, public health, food inspection and plant and animal health as these laws apply to preclearance to the extent they are not considered criminal.