

**No. 13625**

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**UNITED STATES OF AMERICA  
and  
CANADA**

**Agreement on air transport preclearance (with annexes).  
Signed at Ottawa on 8 May 1974**

*Authentic texts: English and French.*

*Registered by the United States of America on 4 November 1974.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
CANADA**

**Accord relatif au prédédouanement dans le domaine du  
transport aérien (avec annexes). Signé à Ottawa le  
8 mai 1974**

*Textes authentiques : anglais et français.*

*Enregistré par les États-Unis d'Amérique le 4 novembre 1974.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON AIR TRANSPORT PRECLEARANCE

The Government of the United States of America and the Government of Canada,

Considering that preclearance facilitates air travel between the two countries and that it should be continued (and established) for eligible flights at various locations in Canada and the United States, where the facilities and other conditions are adequate to enable the United States and Canadian inspection agencies to carry out their missions, in respect to the inspection of passengers and their possessions, aircraft crew, baggage and aircraft stores entering the United States and Canada,

Agree as follows:

*Article I.* (a) "Preclearance" refers to the procedure of conducting in the territory of one of the Parties, inspections required for entry/admission into the territory of the other Party.

(b) Flights eligible for preclearance are common carriage flights of large aircraft (as defined in part 298 of the U.S. Civil Aeronautics Board Economic Regulations, or the maximum authorized take-off weight on wheels of 35,000 pounds or more, or 30 seats or more) scheduled or charter, including ferry flights. Air taxi-type operations, private flights, or state aircraft flights are not included.

(c) "Law enforcement officer" may include local peace officers as well as the Royal Canadian Mounted Police and law enforcement officers of federal agencies in the United States.

*Article II.* (a) The Parties agree that preclearance shall be continued at Montreal, Toronto, Winnipeg and Vancouver, and instituted at locations specified in annex A to this Agreement in accordance with the following paragraph. The preclearance program shall be extended to provide service in multiterminal complexes at such locations.

(b) The Parties further agree that preclearance will be instituted by Canada into cities in the United States or by the United States into additional cities in Canada upon the concurrence of both Parties to that effect expressed in writing.

*Article III.* Where preclearance exists in the territory of a Party, that Party shall:

(a) permit inspection agencies of the other Party to carry out preclearance of passengers and their possessions, aircraft, crew, baggage and aircraft stores destined to the territory of the inspecting Party and, in this context, permit such inspection agencies to determine the procedures under which the inspections will be carried out and the utilization of manpower;

<sup>1</sup> Came into force on 8 May 1974 by signature, in accordance with article X.

- (b) provide at each preclearance location facilities acceptable to the other Party's inspection agencies as defined in annexes B or C, as appropriate, to this Agreement;
- (c) permit the installation and operation by the other Party of such communications and other modern inspection aids as it requires;
- (d) provide appropriate law enforcement assistance to the other Party's inspectors including, *inter alia*, upon request of the other Party's inspection officer:
  - (i) search by a law enforcement officer of the territory where inspection takes place of any person and his effects which are subject to preclearance in accordance with this Agreement if, under the law of the country in which preclearance takes place, that law enforcement officer has authority and sufficient grounds to believe that the person to be searched is seeking to carry into the other country merchandise or other articles the possession of which constitutes an offense under the law of the country in which preclearance takes place;
  - (ii) search by a law enforcement officer of any accomplice or abettor of a person searched for reasons and under the conditions specified in paragraph (i) above;
  - (iii) if a search, conducted pursuant to paragraph (d) (i) and (ii) above, discloses merchandise or other articles the possession of which constitutes an offense under the law of the territory in which preclearance takes place, take whatever steps would have ordinarily been taken if the articles or merchandise would have been found under circumstances unrelated to preclearance;
- (e) wherever possible, conduct searches under article III, paragraph (d), in the presence of the other Party's inspection officer. When a person refuses to submit to search, such person shall not be permitted to board a precleared flight.

*Article IV.* The Party conducting preclearance shall:

- (a) provide a sufficient number of inspectors to carry out with reasonable speed and efficiency preclearance of passengers and their possessions, crew, baggage and aircraft stores on eligible flights of carriers to which preclearance has been extended in accordance with article VI;
- (b) have its inspection agencies consult with the airport manager, the appropriate authorities of the other Party and with the air carriers concerned in the implementation of this Agreement;
- (c) have the prerogative to require post-clearance as it deems necessary of any aircraft, passenger or passengers and their possessions on any flight that has been precleared. Any flight that is diverted or required to be post-cleared shall be given preferential treatment for the purposes of post-clearance inspection;
- (d) in any case where required under its law and in particular where there is likely to be commingling of cleared and uncleared passengers or baggage, have the right to deny preclearance.

*Article V.* Each Party agrees to take all appropriate steps to protect:

- (a) the facilities and premises used by the other Party in preclearance against any intrusion or damage and to prevent any disturbance of the peace on the premises; and
- (b) the official archives and documents maintained by the inspection agencies.

*Article VI.* Preclearance being a facilitation procedure, the Parties agree that each air carrier should have the option to use either preclearance or post-clearance subject to the following conditions:

- (a) If an air carrier applies for preclearance, it shall use the procedures for all of its flights on a given route. Ordinarily, three months' notice to the appropriate inspectional agencies will be sufficient at locations where other routes or carriers are being precleared; however, the inspection agencies may require an additional reasonable delay before compliance in order to obtain or reduce personnel or facilities required by the anticipated changes in service.
- (b) An air carrier desiring to withdraw entirely from preclearance at any location must give twelve months notice to both Parties, but if neither Party objects, it may withdraw sooner. To withdraw from preclearance only in respect to one or more eligible routes, the inspection agencies may require reasonable notice.
- (c) Inspection agencies may decline to conduct preclearance on any carrier until that carrier has filed tariffs acceptable to the appropriate government regulatory agency permitting the carrier to deny carriage to anyone failing to submit to a preclearance inspection and to anyone who, having submitted to such inspection, is found ineligible by inspection agencies to board a precleared flight.

*Article VII.* Except as may be agreed by the Parties and included in annex A, the cost of preclearance shall be allocated in accordance with the following principles:

- (a) Neither the Party in whose territory inspection is conducted nor the airport authorities shall be responsible for additional cost attributable to preclearance facilities and either or both as appropriate shall be compensated for space used for preclearance.
- (b) The inspecting Party shall be responsible for the normal cost of its inspection personnel.
- (c) Any charges upon air carriers related to preclearance shall be based on participation at a particular airport location and shall be assessed in an equitable and non-discriminatory manner.

*Article VIII.* The inspecting Party may extend the application of any of its customs, immigration, agriculture and public health laws and regulations to aircraft, passengers, aircraft crew, baggage, cargo and aircraft stores in the territory of the other Party which are subject to preclearance to the extent consistent with the law of the country in which the inspection takes place.

*Article IX.* Either Party may at any time request in writing consultations concerning the interpretation, application and modification of this Agreement

and of its annexes. Such consultations shall begin within 60 days from the date on which such request is received by the other Party.

*Article X.* This Agreement together with its annexes shall enter into force on the date of signature. Thereafter it shall continue to be in force unless terminated by either Party giving one year's notice in writing to the other Party.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the present Agreement.

DONE in duplicate at Ottawa in the English and French languages, both versions being equally authentic, this 8th day of May 1974.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont signé le présent Accord.

FAIT en double exemplaire à Ottawa en langues anglaise et française, les deux versions faisant également foi, ce 8<sup>e</sup> jour de mai 1974.

[Signed — Signé]<sup>1</sup>

For the Government of the United States of America:

Pour le Gouvernement des Etats-Unis d'Amérique :

[Signed — Signé]<sup>2</sup>

For the Government of Canada:

Pour le Gouvernement du Canada :

<sup>1</sup> Signed by William J. Porter — Signé par William J. Porter.

<sup>2</sup> Signed by J. Marchand — Signé par J. Marchand.

## ANNEX A

## PRECLEARANCE LOCATIONS

1. *In the United States*

Boston	Los Angeles
Chicago	Miami
Cleveland	Newark
Dallas/Ft. Worth	New York
Denver	San Francisco
Honolulu	Tampa
Houston	

2. *In Canada*

Calgary	Quebec
Edmonton	Toronto*
Halifax	Vancouver*
London	Victoria
Montreal*	Winnipeg*
Ottawa	

3. Those points at which preclearance exists are indicated by an asterisk. Facilities meeting the standards of annex D will be placed into operation at Montreal no later than the opening of Mirabel Airport for international traffic. Except as waived by the inspection agencies concerned, facilities meeting standards of annex C will be introduced at all other existing points in accordance with schedules to be agreed upon by the Parties.

4. In accordance with article II (b) at such time as traffic justifies it and acceptable facilities are available, preclearance will be introduced at other points at the request of either Party. Such agreement shall contain specific provision for cost of construction of facilities. The inspecting Party will make available necessary personnel within 18 months.

## ANNEX B

## CANADIAN INSPECTION AGENCIES GUIDELINES FOR A PRECLEARANCE FACILITY

Preclearance facilities shall meet the following standards:

1. reasonable passenger sterility from inspection control points to aircraft;
2. reasonable baggage sterility from inspection control point to turn over to airlines with prerogative to spot check in the baggage sorting area;
3. office space for officers in charge of inspection agencies which conform to the inspecting Government's standards;
4. common room with locker facilities for inspection agency staff which conform to the inspecting Government's standards;
5. search room facilities to provide inspection agencies with an area in which a more detailed examination can be carried out;
6. sufficient examination space to ensure privacy to the traveller at check in positions, and to provide adequate service to the travelling public;
7. locked drawers provided in working area to store documents, stamps, etc., as well as cash collections: if sufficient volume of collections, space for a centrally located cashier;

8. adequate wash room and communications facilities;
9. parking facilities for staff.

## ANNEX C

### UNITED STATES INSPECTION AGENCIES GUIDELINES FOR A PRECLEARANCE FACILITY

#### INTRODUCTION

When planning a preclearance facility, sufficient space must be provided to allow the Federal Inspectional Agencies (FIA) to conduct their examinations effectively, and ensure the sterility of the precleared passenger to be preserved from the point of examination until boarding the aircraft. Airport planners are urged to work closely with the FIA during all stages of planning and development to ensure maximum utilization of all areas of the facility.

Below are general descriptions of the FIA space and equipment requirements for a preclearance operation.

#### 1. *Inspection area*

The inspection area must have sufficient space for the number of inspection counters required to process passengers in an orderly and expeditious manner. In determining this space, the following dimensions should be kept in mind:

Immigration inspection booths are usually 25 feet square with a 3-foot outside aisle. Customs baggage inspection counters are approximately 25 feet long and 2 feet 8 inches wide. Counters are paired, and form a rectangle with the inspector's work station (which houses the CRT equipment) at one end and the communications printer at the other. There should be 5-foot aisles on both sides of the counters. Specifications and technical drawings for the inspector work station and the baggage inspection counters are available from the inspectional agencies upon request.

To minimize confusion and congestion in the inspection area, it is recommended that a 40-foot queue space be provided for the Immigration inspection booths and that a 30-foot queue space be provided between Immigration inspection booths and Customs baggage inspection counters. (A schematic drawing is attached.)

Under normal conditions, the Immigration Service can process approximately 50 passengers per hour per booth and Customs can process approximately 100-120 passengers per hour through each set of inspection counters.

#### 2. *Sterile area*

A sterile area large enough to accommodate the anticipated per-hour passenger load must be provided contiguous to the FIA passenger inspection area. A minimum of 10 square feet per passenger is recommended.

Public toilet facilities should be provided in the sterile hold room area and must be constructed to maintain the sterility by precluding contact with nonprecleared passengers and the general public.

#### 3. *Baggage*

A very important part of the preclearance operations is the baggage handling following the inspection. Provisions must be made for passengers' "hold baggage" to proceed under sterile conditions from the baggage inspection area directly to a sterile baggage



make-up area. A sterile hold area of sufficient size to accommodate the preexamined baggage must also be provided. With adequate planning, most problems with the baggage handling requirements can be overcome.

#### 4. *Inspector work stations*

Two inspector work stations must be provided for each set of baggage inspection counters. The forward work station must be constructed to house a CRT unit, and the rear work station must accommodate a small ADP printer. The CRT unit and ADP printer are inspectional aids used to expedite the processing of passengers. Specifications and detailed drawings for these stations are available from the United States Customs Service upon request.

#### 5. *Search rooms*

As a part of the inspection process, it is sometimes necessary to require passengers to submit to a more thorough examination than is given to the average traveller. Therefore, search rooms are required in or immediately adjacent to the inspectional area. A minimum of two search rooms is necessary, and locations with heavy passenger traffic may require additional search rooms. Search rooms should contain at least 80 square feet of space and should have a corner bench and a shelf, with coat hooks, permanently affixed to the structure.

#### 6. *Cashier's office*

The need for a cashier's office at a particular preclearance facility will depend upon the number of dutiable declarations filed at the location. When a cashier's office is required, it should have at least 80 square feet and should be constructed of a material that will deter unlawful entry.

#### 7. *Office space*

The FIA will require adequate office space for supervisory and clerical support personnel as follows. The officers-in-charge of the Customs, the Immigration and the Agriculture Services will each require offices of 350 square feet, which will also accommodate their clerical support staffs. In addition, the Customs floor supervisory officer on duty requires an office of 120-150 feet located in the inspection area, where he will provide direct supervision of the operation. At least three Immigration interview rooms, approximately 120 square feet each, located in the immediate vicinity of the inspection area are required and the Agriculture Service will require a work office of approximately 150 square feet for laboratory and scientific study and analysis.

#### 8. *Federal Inspectional Agency employee facilities*

Each preclearance facility must include, as a minimum, the following employee amenities:

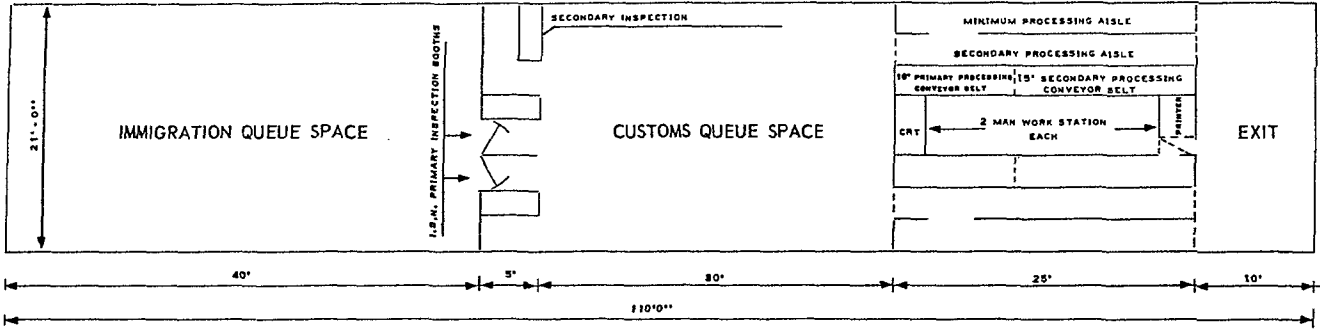
- (a) Separate toilet facilities for male and female inspectional personnel. Each toilet facility should have an adjacent locker room whose size and number of showers will depend on the number of inspectional personnel assigned.
- (b) A combination employee lounge and lunch room large enough to accommodate the FIA personnel assigned to duty at that location.
- (c) Parking facilities for staff.

#### 9. *General*

Each preclearance facility should provide for passenger convenience such items as: (a) central climatic control devices for heating and air conditioning; (b) adequate seating to accommodate the precleared passenger; and (c) maintenance and janitorial services in the preclearance area to ensure public acceptance.

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### TYPICAL INSPECTION MODULE



THE MODULE SET OUT ABOVE WILL PROCESS BETWEEN 100 AND 120 PASSENGERS PER HOUR  
 DEPENDING UPON THE TYPE OF TRAFFIC.

## ANNEX D

## SPECIFIC REQUIREMENTS FOR DORVAL

In redeveloping the Montreal International Airport (DORVAL), when the international air carriers have been relocated in MIRABEL, the following requirements will be included in a revised U.S. Federal Inspection Agencies (FIA) area.

1. A one-stop FIA centralized processing area with preservation of the respective airline independent check in.
  2. Provision of mechanized baggage transfer of tagged baggage from airline counters to the vicinity of the FIA location; claim and transfer to the inspection position to be done by the passenger. Processed baggage shall then be transferred secure for sorting and makeup.
  3. Accommodation in the FIA centralized area will be to U.S. Government standards including: customs inspection counters, queuing space, search rooms, supervisory offices, cashier accommodations, immigration inspection booths, public toilets.
  4. The accommodation shall be such as to permit the secure use of electronic aids with appropriate provision for any necessary equipment rooms.
  5. Processed passengers will be afforded the necessary conveniences in accommodations so as to protect the sterility requirements and preclude the need for secondary examination prior to boarding.
  6. Associated facilities shall be provided including clerical support accommodation, lunch rooms, locker rooms, vehicle parking, staff toilets and lounges.
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