

No. 21816

**SPAIN
and
UNITED STATES OF AMERICA**

Agreement concerning fisheries off the coasts of the United States (with annexes and agreed minute). Signed at Washington on 29 July 1982

*Authentic texts: Spanish and English.
Registered by Spain on 31 March 1983.*

**ESPAGNE
et
ÉTATS-UNIS D'AMÉRIQUE**

Accord relatif aux pêcheries situées au large des côtes des États-Unis (avec annexes et procès-verbal officiel). Signé à Washington le 29 juillet 1982

*Textes authentiques : espagnol et anglais.
Enregistré par l'Espagne le 31 mars 1983.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE UNITED STATES CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES

The Government of Spain and the Government of the United States,

Considering their common concern for the rational management, conservation and achievement of optimum yield of fish stocks off the coasts of the United States;

Recognizing that the United States has established a fishery conservation zone within 200 nautical miles of its coasts within which the United States exercises exclusive fishery management authority over all fish and that the United States also exercises such authority over the living resources of the continental shelf appertaining to the United States and to anadromous species of fish of United States origin;

Recognizing that Spain has been cooperating for the rational management and conservation of the living resources off the coasts of the United States and that the nationals and vessels of Spain have traditionally been engaging in the development of these resources; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States exercises exclusive fishery management authority,

Have agreed as follows:

Article I. The purpose of this Agreement is to promote effective conservation, rational management and the achievement of optimum yield in the fisheries of mutual interest off the coasts of the United States and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of Spain for the living resources over which the United States exercises exclusive fishery management authority as provided by United States law.

Article II. As used in this Agreement, the term

1. "Living resources over which the United States exercises exclusive fishery management authority" means all fish within the fishery conservation zone of the United States (except highly migratory species), all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters while present in the United States fishery conservation zone and in areas beyond national fisheries jurisdictions recognized by the United States and all living resources of the continental shelf appertaining to the United States;

2. "Fish" means all finfish, molluscs, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds and highly migratory species;

3. "Fishery" means

- a. One or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and
- b. Any fishing for such stocks;

¹ Came into force on 17 January 1983, the date agreed upon by an exchange of notes (effected on 29 July 1982 and 17 January 1983) following the completion of the internal procedures, in accordance with article XVIII (1).

4. "Fishery conservation zone" means a zone contiguous to the territorial sea of the United States, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States is measured;

5. "Fishing" means

- a. The catching, taking or harvesting of fish;
- b. The attempted catching, taking or harvesting of fish;
- c. Any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish;
- d. Any operations at sea, including processing, directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity;

6. "Fishing vessel" means any vessel, boat, ship or other craft that is used for, equipped to be used for, or of a type that is normally used for

- a. Fishing; or
- b. Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing;

7. "Highly migratory species" means species of tuna which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean; and

8. "Marine mammal" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders *Sirenia*, *Pinnipedia*, and *Cetacea*, or primarily inhabits the marine environment such as polar bears.

Article III. 1. The Government of the United States is willing to allow access for foreign fishing vessels to harvest, in accordance with terms and conditions to be established in permits issued under Article VII, that portion of the total allowable catch for a specific fishery that will not be harvested by United States fishing vessels and is determined to be available to foreign fishing vessels in accordance with United States law.

2. The Government of the United States shall determine each year, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks, and in accordance with United States law,

- a. The total allowable catch for each fishery based on optimum yield, taking into account the best available scientific evidence, and social, economic and other relevant factors;
- b. The harvesting capacity of United States fishing vessels in respect of each fishery;
- c. The portion of the total allowable catch for a specific fishery to which access will be provided, on a periodic basis each year, to foreign fishing vessels; and
- d. The allocation of such portion that may be made available to qualifying fishing vessels of Spain.

3. In implementation of paragraph 2.d. of this Article, the United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery in accordance with United States law. Such measures may include, *inter alia*:

- a. Designated areas where, and periods when, fishing shall be permitted, limited, or conducted only by specified types of fishing vessels or with specified types and quantities of fishing gear;
- b. Limitations on the catch of fish based on area, species, size, number, weight, sex, incidental catch, total biomass or other factors;
- c. Limitations on the number and types of fishing vessels that may engage in fishing and/or on the number of days each vessel of the total fleet may engage in a designated area for a specified fishery;
- d. Requirements as to the types of gear that may, or may not, be employed; and
- e. Requirements designed to facilitate enforcement of such conditions and restrictions, including the maintenance of appropriate position-fixing and identification equipment.

4. The Government of the United States shall notify the Government of Spain of the determinations provided for by this Article on a timely basis.

Article IV. In determining the portion of the surplus that may be made available to vessels of each country, including Spain, the Government of the United States will decide on the basis of the factors identified in United States law including:

1. Whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;
2. Whether, and to what extent such nations are cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;
3. Whether, and to what extent, such nations and the fishing fleets of such nations have cooperated with the United States in the enforcement of United States fishing regulations;
4. Whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;
5. Whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;
6. Whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;
7. Whether, and to what extent, such nations are cooperating with the United States in, and making substantial contributions to, fishery research and the identification of fishery resources; and
8. Such other matters as the United States deems appropriate.

Article V. The Government of Spain shall cooperate with and assist the United States in the development of the United States fishing industry and the increase of United States fishery exports by taking such measures as reducing or removing impediments, if any, within the framework of Spanish foreign trade regulations, to the importation and sale of United States fishery products, providing information concerning technical and administrative requirements for access of United States

fishery products into Spain, providing economic data, sharing expertise, facilitating the transfer of harvesting or processing technology to the United States fishing industry, facilitating appropriate joint venture and other arrangements, informing its industry of trade and joint venture opportunities with the United States, and taking such other actions as may be appropriate.

Article VI. The Government of Spain shall take all necessary measures to insure:

1. That nationals and vessels of Spain refrain from fishing for living resources over which the United States exercises exclusive fishery management authority except as authorized pursuant to this Agreement;
2. That all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and
3. That the total allocation referred to in Article III, paragraph 2.d. of this Agreement is not exceeded for any fishery.

Article VII. The Government of Spain may submit an application to the Government of the United States for a permit for each fishing vessel of Spain that wishes to engage in fishing in the fishery conservation zone pursuant to this Agreement. Such application shall be prepared and processed in accordance with Annex I, which constitutes an integral part of this Agreement. The Government of the United States may require the payment of fees for such permits and for fishing in the United States fisheries zone.

Article VIII. The Government of Spain shall insure that nationals and vessels of Spain refrain from harassing, hunting, capturing or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the United States fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the Government of the United States.

Article IX. The Government of Spain shall insure that in the conduct of the fisheries under this Agreement:

1. The authorizing permit for each vessel of Spain is prominently displayed in the wheelhouse of such vessel;
2. Appropriate position-fixing and identification equipment, as determined by the Government of the United States, is installed and maintained in working order on each vessel;
3. Designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be accorded the courtesies and accommodations provided to ship's officers while aboard such vessel, and owners, operators and crews of such vessel shall cooperate with observers in the conduct of their official duties, and, further, the Government of the United States shall be reimbursed for the costs incurred in the utilization of observers;
4. Agents are appointed and maintained within the United States possessing the authority to receive and respond to any legal process issued in the United States with respect to an owner or operator of a vessel of Spain for any cause arising out of the conduct of fishing activities for the living resources over which the United States exercises exclusive fishery management authority; and

5. All necessary measures are taken to minimize fishing gear conflicts and to insure the prompt and adequate compensation of United States citizens for any loss, or damage to, their fishing vessels, fishing gear or catch, and resultant economic loss, that is caused by any fishing vessel of Spain as determined by applicable United States procedures.

Article X. In order to facilitate the prompt and adequate compensation of the citizens of one country for any loss of, or damage to, their fishing vessels, fishing gear or catch which is approximately caused by any fishing vessel or fishing gear of the other country, both Governments agree to the continuation of the American-Spanish Fisheries Board described in Annex II.

Article XI. The Government of the United States undertakes to authorize Spanish fishing vessels allowed to fish pursuant to this Agreement to enter United States ports in accordance with United States laws, for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or for such other purposes as may be authorized.

Article XII. The Government of Spain shall take all appropriate measures to assist the United States in the enforcement of its laws pertaining to fishing in the fishery conservation zone and to insure that each vessel of Spain that engages in fishing for living resources subject to the exclusive fishery management authority of the United States shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement officer of the United States and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

Article XIII. 1. The Government of the United States will impose appropriate penalties, in accordance with the laws of the United States, on vessels of Spain or their owners or operators, that violate the requirements of this Agreement or of any permit issued hereunder.

2. In cases of seizure and arrest of a vessel of Spain by the authorities of the Government of the United States, notification shall be given promptly through diplomatic channels informing the Government of Spain of the action taken and of any penalties subsequently imposed.

3. Arrested vessels and their crews shall be promptly released, subject to such reasonable bond or other security as may be determined by the court.

4. The representatives of the United States will generally recommend to the court in any case arising out of fishing activities under this Agreement that the penalty for violation of fishery regulations not include imprisonment.

Article XIV. 1. The Governments of Spain and the United States undertake to cooperate in the conduct of scientific research required for the purpose of managing and conserving living resources subject to the exclusive fishery management authority of the United States, including the compilation of the best available scientific information for management and conservation of stocks of mutual interest.

2. The competent agencies of the two Governments shall cooperate in the development of research plans on stocks of mutual concern through correspondence or meetings as appropriate, and may modify them from time to time by agreement. Such research plans may include, but are not limited to, the exchange of information

and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress, and jointly conducted research projects.

3. The conduct of agreed research during regular commercial fishing operations on board a fishing vessel of Spain in the United States fishery conservation zone shall not be deemed to change the character of the vessel's activities from fishing to scientific research. Therefore, it will still be necessary to obtain a permit for the vessel in accordance with Article VII.

4. The Government of Spain shall cooperate with the Government of the United States in the implementation of procedures for collecting and reporting biostatistical information and fisheries data, including catch and effort statistics, in accordance with procedures which will be stipulated by the United States.

Article XV. The Government of Spain and the Government of the United States shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

Article XVI. Should the Government of the United States indicate to the Government of Spain that nationals and vessels of the United States wish to engage in fishing in the fishery conservation zone of Spain or its equivalent, the Government of Spain will allow such fishing on the basis of reciprocity and on terms not more restrictive than those established in accordance with this Agreement.

Article XVII. Nothing contained in the present Agreement shall prejudice the views of either Government with respect to the existing territorial or other jurisdiction of the coastal State for all purposes other than the conservation and management of fisheries.

Article XVIII. 1. This Agreement shall enter into force on a date to be agreed upon by exchange of notes, following the completion of internal procedures of both Governments, and remain in force until July 1, 1987, unless extended by exchange of notes between the Parties. Notwithstanding the foregoing, either Party may terminate this Agreement after giving written notice of such termination to the other Party one year in advance. Prior to such termination the Parties shall consult.

2. This Agreement shall be subject to review by the two Governments two years after its entry into force at the request of either or upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

IN WITNESS WHEREOF, the undersigned, being duly authorized for this purpose, have signed this Agreement.

DONE at Washington, July 29, 1982, in the English and Spanish languages, both texts being equally authentic.

For the Government
of Spain:

[Signed — Signé]¹

For the Government
of the United States of America:

[Signed — Signé]²

¹ Signed by José Llado — Signé par José Llado.

² Signed by James L. Malone — Signé par James L. Malone.

A N N E X I

APPLICATION AND PERMIT PROCEDURES

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of Spain to engage in fishing for living resources over which the United States exercises exclusive fishery management authority:

1. The Government of Spain may submit an application to the competent authorities of the United States for each fishing vessel of Spain that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the Government of the United States for that purpose.

2. Any such application shall specify

- a. The name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner and operator thereof;
- b. The tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information relating to the fishing characteristics of the vessel as may be requested;
- c. A specification of each fishery in which each vessel wishes to fish;
- d. The amount of fish or tonnage of catch by species contemplated for each vessel during the time such permit is in force;
- e. The ocean area in which, and the season or period during which, such fishing would be conducted; and
- f. Such other relevant information as may be requested, including desired transshipping areas.

3. The Government of the United States shall review each application, shall determine what conditions and restrictions may be needed, and what fee will be required, and shall inform the Government of Spain of such determinations. The Government of the United States reserves the right not to approve applications.

4. The Government of Spain shall thereupon notify the Government of the United States of its acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of its objections thereto.

5. Upon acceptance of the conditions and restrictions by the Government of Spain and the payment of any fees, the Government of the United States shall approve the application and issue a permit for each Spanish fishing vessel, which fishing vessel shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event the Government of Spain notifies the Government of the United States of its objections to specific conditions and restrictions, the two sides may consult with respect thereto and the Government of Spain may thereupon submit a revised application.

7. The procedures in this Annex may be amended by agreement through an exchange of notes between the two Governments.

A N N E X II

AMERICAN-SPANISH FISHERIES BOARD

Section I. ESTABLISHMENT OF THE BOARD

1. There is hereby established an American-Spanish Fisheries Board (hereinafter called the Board).

2. The Board shall consist of four members, two appointed by the Government of Spain and two appointed by the Government of the United States of America. At least one of the two

members appointed by each Government shall have knowledge of the general principles of international law, particularly those relating to fisheries matters. Each Government shall inform the other of the names of the persons it appoints to the Board. Each Government-appointed member shall serve at the pleasure of the appointing Government. It is the responsibility of each Government to maintain its full complement of members.

3. Each Government may appoint one non-voting technical adviser to the Board for each matter heard.

4. All decisions of the Board shall be undertaken unanimously by those members present and voting, so long as at least one member appointed by each Government is present.

5. Taking into account the location of the fisheries off the United States coast, the Board shall normally sit in Washington, D.C. Insofar as is necessary considering the location of the Parties and the availability of evidence, the Board may sit in Madrid or elsewhere.

6. English and Spanish shall be the official working languages of the Board. The Government shall assist the Board in arranging for necessary translations and interpretations.

7. As used in this Agreement, the term "national" refers to any vessel or person, natural or juridical, including but not limited to a government entity.

Section II. CONCILIATION FUNCTIONS

1. The Board shall consider claims advanced by a national of either State against a national of the other State regarding financial loss resulting from damage to or loss of the national's fishing vessel or fishing gear.

2. No claim may be brought more than two years after the occurrence of the relevant incident, unless the Board decides unanimously to make an exception for a specific incident.

Section III. CONCILIATION PROCEDURES

1. The Board shall establish its procedures in accordance with this Annex.

2. A claim, as referred to in Section II above, shall be brought before the Board by a written request. The request shall be in the form of a sworn statement which shall include, *inter alia*, a detailed account of the incident from which the claim arises, the identity of all persons and vessels involved, the remedy sought (damages claimed), and a list of potential witnesses knowledgeable about the incident. All appropriate documentary evidence supporting the claim shall be forwarded with the claim to the Board.

3. Upon receipt of a claim, the Board shall, as soon as practicable, commence an inquiry into the incident, and inform both Governments. Each Government shall immediately notify any of its nationals against whom a claim is made. Its nationals may in turn file with the Board a sworn statement responding to the claim. The response may contain a counterclaim insofar as the counterclaim arises from the same incident upon which the claim is based. A counterclaim shall be in the same form and contain the same information as a claim. The Board may join claims that arise from the same incident, without prejudice to the right of each party to present evidence with or without counsel.

4. The Board may request further information and documents from the parties to the dispute or from appropriate governmental agencies. All statements, reports, or other documents presented to the Board shall be duly sworn and attested as to their authenticity, insofar as reasonably possible. Official Government reports and documents need not be so authenticated.

5. If either the claimant or the respondent requests a hearing, or if the Board deems it desirable to hold a hearing, the Board shall convene a hearing regarding the incident. The claimant and respondent may appear at the hearing personally or through a representative, with or without counsel, and may present witnesses. The Board may invite as a witness any person, organization, corporation or other entity which has a direct interest in or knowledge of the

matter. The claimant and respondent shall be permitted to question all persons testifying at the hearing, provided that no person shall be required to respond to any question.

6. The Governments will facilitate the work of the Board.

Section IV. CONCILIATION REPORT

1. The Board shall prepare a report containing its findings as to:

- (a) The facts giving rise to the claim;
- (b) The extent of damage or loss;
- (c) The degree of respondent's or claimant's responsibility, if any; and
- (d) The amount, if any, which should be paid by respondent or claimant as compensation for losses arising from the incident.

2. If the Board does not unanimously adopt the findings, this shall be stated in the report, and the report shall contain separate statements of each Board member's opinion.

3. The Board shall transmit its report to the claimant, to the respondent, and to each of the two Governments no later than sixty days after the completion of the procedures under Section III.

4. Within thirty days after receipt of the Board's report, either the claimant or the respondent may request in writing that the Board reconsider its report. The request shall set forth the reasons for the request and material substantiating the request. The Board may decide to reconsider its report and, if it deems appropriate, receive new evidence or convene a rehearing, or both. Section III procedures will be applicable to the reconsideration.

5. The two Governments undertake to encourage settlement of claims in accordance with the findings of the Board.

6. Within sixty days of receipt of the Board's report each Government shall inform the Board in writing of the actions taken by its nationals pursuant to the Board's findings.

7. If one of the parties to a conciliation proceeding refuses to settle in accordance with the findings of the Board, the Board shall encourage the parties to submit their dispute to binding arbitration.

8. The Board's report and the information provided by each Government shall be published in the form agreed by the Board.

Section V. USE OF THE BOARD

The two Governments shall encourage their nationals to use, where appropriate, the Board to settle claims resulting from damage to or loss of fishing gear and vessels. The Governments shall give information about the Board to interested persons.

Section VI. APPLICABLE LAW

In all proceedings under this Annex the Board shall apply:

- (a) International conventions, whether general or particular, establishing rules expressly recognized by the two Governments, including bilateral and multilateral agreements between the two Governments dealing with fisheries and maritime matters generally;
- (b) International custom, as evidence of a general practice accepted as law;
- (c) The general principles of law recognized by nations;
- (d) Judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Section VII. OTHER REMEDIES

1. Nothing in this Annex shall preempt, prejudice, or in any other way affect judicial proceedings, or the right to institute such proceedings, or in any way prejudice or affect the

substantive or procedural rights of any person, whether or not such person appears before or participates in the proceedings of the Board.

2. No claim shall be brought the substance of which has been or is being adjudicated or arbitrated between the parties. The Board may refuse to consider a claim on the grounds that it should be joined to an existing judicial proceeding involving substantially the same issues and in which the law applicable to such judicial proceeding appears to permit such joinder.

3. The Board shall immediately suspend conciliation proceedings regarding a claim in respect to which judicial proceedings are instituted, unless the court before which the proceedings are pending determines, in the exercise of its lawful authority, that the parties may continue to proceed before the Board.

4. The Board shall immediately terminate conciliation proceedings regarding a claim in respect to which there is a binding agreement to arbitrate.

Section VIII. FUNDING

Each Government shall pay all expenses, including compensation, of the members it appoints to the Board and of any technical advisers it appoints. The two Governments will share equally all the administrative and operational costs of the Board. Such costs do not include expenses related to the presentation or production of evidence or the appearance of witnesses.

Section IX. REVIEW

At the request of either Government, representatives of the two Governments shall meet to review the operation of this Annex, in which case the Annex shall terminate sixty days from the date of the notification, provided that the effect of the Annex shall in any event continue until the conclusion of conciliation proceedings and arbitrations instituted prior to its termination, unless otherwise agreed by the two Governments.

Section X. TERMINATION

At any time either Government may give written notice to the other Government of its intention to denounce this Annex, in which case the Annex shall terminate sixty days from the date of the notification, provided that the effect of the Annex shall in any event continue until the conclusion of conciliation proceedings and arbitrations instituted prior to its termination, unless otherwise agreed by the two Governments.

AGREED MINUTE

1. The representatives of the Government of Spain and the Government of the United States expressed their understanding that the phrase in Article V, "reducing or removing impediments, if any, within the framework of Spanish foreign trade regulations, to the importation and sale of U.S. fishery products," would include, *inter alia*, the prompt delivery of all Spanish import licenses requested for U.S. fishery products in conformity with Spanish law.

2. The representative of the Spanish Government stated that the fishery policy of his Government relates the access of foreign fish products into the Spanish market to the access of its fishing fleet to the fishing grounds of foreign countries.

3. In periodically evaluating the criteria for allocations under Article IV and Spanish efforts to cooperate and assist in the increase of United States fishery exports under Article V, the representative of the Government of the United States stated that his Government would take all substantial economic factors into account, including those which might prevent an increase, at each time of allocation evaluation.

4. The representative of the Government of Spain stated that, in the submission of applications referred to in Article VII the Government of Spain intends to

continue to keep the number of applications to the minimum required, in order to aid in the efficient administration of the permit program.

5. The Government of the United States noted that the commitment in Article XIII (4) to recommend that imprisonment not be imposed as a penalty for violation of fishery regulations does not apply in the case of enforcement related offenses such as assault on an enforcement officer or refusal to permit boarding and inspection.

6. The representatives of the Governments of Spain and the United States noted that, in addition to the bilateral cooperation referred to in Article XIV, their Governments would continue to cooperate in fisheries science and research through international organizations as appropriate.

7. Both Parties understood changes to their respective laws subsequent to the date of signature of the GIFA might necessitate its renegotiation.
