Proposal for a draft Mandate and Terms of Reference for intersessional work on the development of provisions on fishing and aquaculture gear to be included in the future legally binding instrument on plastic pollution.

Preamble [if needed]
The Intergovernmental Negotiating Committee on Plastic Pollution

Reaffirming the shared commitment of UNEA Resolution 5/14 to end plastic pollution and our call for the establishment of an ambitious and effective legally binding instrument to protect human health and the environment from plastic pollution based on a comprehensive approach that addresses the full life cycle of plastics;

Reiterating the urgent need to (strengthen global coordination, cooperation and governance to) take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them;

Noting that many member states at INC-2 called for measures on fishing gear and that this point was taken up under provision 9.b in the zero draft of the legally binding instrument

Inviting the Committee to focus its efforts during the intersessional period on those activities required to prepare a further draft of the legally binding instrument for consideration at INC-4, (based on discussions at INC-3), including the development of an approach to tackle the problem of pollution caused by fishing gear across its whole lifecycle.

Deciding to establish an open-ended working group to review the existing regulatory framework, identify gaps, consider text proposals from INC-3, and develop text proposals for the treaty text, to be considered at INC-4 and to adopt Terms of References.

Possible Decision text:

The Chair will convene a working group of interested member states, observer organisations, and other relevant international and regional organisations, to further consider provisions to be included in the international legally binding instrument, on the prevention of plastic pollution from fishing and aquaculture gear. The group should review the existing regulatory framework, identify gaps, consider text proposals from INC-3, and develop text proposals for the treaty text, to be considered at INC-4. The working group will produce and publish a draft report on which Members states and observers may make submissions. The working group, taking those submissions into account, will produce its final report to the fourth session of the Intergovernmental Negotiating Committee. The work of the group will not prejudge the obligations or structure of the legally binding instrument.

Terms of reference for the open-ended working group on fishing and aquaculture gear:

1. Mandate
The working group on fishing and aquaculture gear is a working group established by the Intergovernmental Negotiating Committee on Plastic Pollution to prepare and present proposals for provisions to address plastic pollution from fishing and aquaculture gear to be included in the international legally binding instrument on plastic pollution, including in the marine environment, for discussion at INC-4. The work of the group will build on the Zero Draft of the treaty text and the discussions at INC-3.
2. **Considerations to guide work**

The working group shall:
1. Review existing international and regional regulatory measures relevant to the prevention, reduction and elimination of plastic pollution from fishing and aquaculture gear.
2. Identify gaps in this regulatory regime.
3. Review the relevant text proposals for provisions on prevention, reduction and elimination of plastic pollution from fishing and aquaculture gear from INC-3.
4. Produce a discussion paper (Paper 1) capturing the outcomes of the work at points 1-3.
5. Convene a discussion on this paper for the purpose of identifying proposals for provisions to address plastic pollution from fishing and aquaculture gear and the location of these provisions within the draft treaty text.
6. Produce a draft report recording the outcomes of that discussion.
7. Publish the draft report and invite member states and observers to make submissions.
8. Taking these submissions into account, produce proposals for provisions to address plastic pollution from fishing and aquaculture gear and the location of these provisions within the draft treaty text. These proposals will be submitted to the fourth session of the Intergovernmental Negotiating Committee.

3. **Participation**

The working group should be open to representatives from Member States and observer organisations. The group should be open to relevant regional and international bodies, such as the International Maritime Organization, the Food and Agriculture Organization, Regional Fisheries Management Organisations and Regional Seas Conventions.

4. **Meetings**

The following meetings are envisaged:
(a) First virtual meeting to discuss Paper 1 for the purpose of identifying proposals for provisions to address plastic pollution from fishing and aquaculture gear and the location of these provisions within the draft treaty text.
(b) Second virtual meeting, following consultation on the draft report, for the purpose of discussing the content of the final report.

5. **Officers**

The Intergovernmental Negotiating Committee shall identify two co-Chairs of the working group.

6. **Secretariat**

[The secretariat of the INC on Plastic Pollution] will provide the secretariat for the Working Group.

7. **Administrative and procedural matters**

The working group shall apply, mutatis mutandis, the rules of procedure of the Intergovernmental Negotiating Committee except as otherwise provided in these terms of reference.

8. **Agenda**

The Secretariat, in consultation with the officers of the open-ended working group, shall prepare a provisional agenda for each meeting of the Group. The provisional agenda shall be communicated to all participants of the open-ended working group and all interested parties at least four weeks before the start of the meeting, except for the first meeting.

9. **Languages**
English shall be the working language of the open-ended working group. All documents adopted by the working group are classified as Information Documents for consideration at INC-4 and are provided in English only.

10. Outputs

(a) The working group shall deliver a final report containing proposals for provisions to address plastic pollution from fishing and aquaculture gear and the location of these provisions within the draft treaty text.

(b) The final report shall be shared with the Secretariat six weeks prior to the fourth INC session for posting online.

(c) In accordance with its mandate, the open-ended working group shall make every effort to reach agreement by consensus among participating parties on recommendations to be submitted to the Intergovernmental Negotiating Committee. If consensus cannot be reached, all proposals by participating parties shall be reflected in a report to be submitted to the Intergovernmental Negotiating Committee.