

Interview with IBGE-Bruxelles Environnement Institute

The face-to-face interview with Rodolphe Paternostre was conducted at the offices of IBGE in Brussels, on 04/05/2012.

What is the role of IBGE in regards with waste management in general? Is it responsible for developing policies regarding waste management?

Yes, IBGE is only active in planning and policy making of waste management. While all the operational aspects are done by Bruxelles-Propreté. That makes things sometimes a bit complicated. I think it could be better if it would be under the same organisation.

But isn't Bruxelles-Propreté (BP) like the executive body? I mean it's more into the technical stuff; it doesn't formulate any policies, right?

Exactly, ideally should be the executive body of waste policies, but the point is that BP is under the responsibility of State Secretary, it's different from IBGE.

So, BP is not under the responsibility of IBGE?

Exactly. Normally they are obliged to do what we say, but the point is that they don't have the same responsible people, they don't have the same perspective and let's say, for them there are a lot of incinerators and for them, if we let the waste going to the incinerators, it's better from an economic perspective. While we (IBGE) are looking at the environmental perspective and say no, it shouldn't be as much as possible to the incinerators, there should be an appropriate treatment.

What is the exact relation between IBGE and BP? Is there any relation??

Yeah, it's a complicated one! Normally, we should decide about the policies and we should consult them and that's what we do, but the relationship is sometimes complicated. BP sometimes lacks transparency, what is exactly happening, what exactly it costs, it's a bit complicated relationship. Ideally it should have been only one agency and that would have been more (3.51).

And this agency would have been IBGE?

IBGE or BP....

What is the exact role of IBGE in WEEE management system?

Brussels and Belgium in general use the tool of extended producer responsibility to fulfil with this European obligation. So the concept is quite simple, we say to the producers, ok, you have the responsibility of results, to reach at least those European targets. So they have this obligation of results. The counterpart of that is that they have a freedom of means and so they can decide how they do it. That is the basic principle. And then they organise themselves into NGO (probably he means non-for profit organisations), which has as object to organise all the producers in order to fulfil with these obligations. And we (IBGE) negotiate with these NGOs an agreement, which organises the modalities and the details of

all the NGOs and the members will fulfil with their obligations. We (IBGE) put a number of barriers, we ask them for transparency of their accounts, to show us the communication process, transparency about the collection, to be sure that all the people who deal with collecting and treatment have the necessary agreements, and we ask them about the recycling process as well...

So, it's like that IBGE sets the legal framework about how the WEEE management system should be operated, right?

Yeah, I think that's a good point, we definitely put the legal frameworks, but within the framework, there is still manoeuvre (7.09) (probably he means monitoring?) about all the moralities and all the tools that should function are still open and we discuss them and then we decide all together, in a partnership it's how it should happen...

So the decisions are taken together, it's not like IBGE decides something and it should be done by Recupel, there is cooperation...

Yeah, we try as much as possible. The point is that we always have as a back up the law. We have a law since 1991 and then on WEEE since 2002 and that already requires certain obligations. So there is already a framework and then indeed we try to discuss it until we reach an agreement. We try of course to get the best results. That is the point, if you ask them an obligation of results, we can see that they need to have a freedom of means and as long as they fulfil with their obligation we agree with that, we are there as observers.

Do you control the means that they are going to use? Do you mostly care about the results? Or do you do a bit of everything?

If they tell us, ok, we have 50% of collection...ok great! But we want to be sure that it's really 50% of collection, so very often when they are giving us results, those results need be accredited (9.25) by certification companies and so we are careful about indeed the results, but the results is not everything, of course they have freedom of means but within....

But these means should not have a negative environmental impact, I guess....

Exactly. For example there are objectives about recycling grade. There are a lot of European directives and implementation of how this should happen. And as well in Brussels we have different things but we try to be as much as possible in conformity with the two other regions, to have a dialogue among the regions.

What is the relation between IBGE and Recupel? If we assume that we have an organisation chart, is IBGE on the top of hierarchy and then comes Recupel? For example, can Recupel proceed with a project without having the authorisation of IBGE?

Well, it depends from action to action, sometimes actions are submitted to simple advice from IBGE and then it comes up with a project, we give our insights and we say ok, according to us this should be this or this better, but then it's a simple advice and they can run away from our message. But in the agreement we try to define which actions are submitted to advice and which one for approval.

Recupel told me that they have to send to IBGE the waste report every year, is this a sort of power that IBGE has on Recupel?

Indeed, that's one of the obligations they have, it's about reporting and they indeed need to send every year a report with a certain list of information that we are asking them. And indeed if they are not fulfilling some obligations, we can first come to them and say, what's happening, but we can also prosecute them I guess...

Does IBGE have the power to "punish" them?

More like administration sanctions? I guess so...I assume that it exists...the development of EPR it was not really straight forward and the concept didn't develop in a clear way and I think not all the legal questions have been settled yet. For instance, in France we use "obligation de reprise" very often instead of EPR, which is way larger the concept than "obligation de reprise". So we try now to put a very much clear legal content. And one of the questions is the responsibility of the organisation. I think now what happens is that the organisation is not really responsible for the actions of their members. And so, if we want to sue the organisation, there is no one responsible, we should sue all the members.

For me it's still not very clear, IBGE is on the top and Recupel follows, is it like that?

I would say that for me it's more a partnership...

But this partnership is coordinated by whom? Because, if you have a partnership somebody plays the role of coordinator...

I would say that the organisation coordinates, and we are a kind of watchdogs. But the point is that, what's behind of the rationale of market's mechanisms. Market actors believe that they would regulate better if they do it themselves. For me and for us, in the case of waste management that's not a problem and we say ok, let's do it like that, we give you the framework and then you have certain freedom within this framework. I would say that the organisation is coordinating and we are the watchdogs of the system. It's a complicated network. It's difficult to say who is above the other. Of course we still have to supervise and we consider that we are above them. It's normal that we verify that they are acting properly. We don't trust that much the market actors.

What kind of benefits does IBGE have deriving from how the WEEE management system is? In general, regional authorities deal with waste management, but when it comes to WEEE management, it's the producers, so what kind of benefits does the regional authority (IBGE) have from this system? For example, they don't have any financial burdens, or they don't have to deal with any administrative stuff...

That's definitely part of the answer, that's actually the end goal of EPR, the producer is paying for the collection and recycling of the waste. And clearly the fact that they organise themselves and we are the supervisors, that's much easier than if we were obliged to organise everything by ourselves.

Do you see any kind of disadvantages? Like not caring that much about the environmental aspects of WEEE management for example?

Yeah, that is definitely part of it, even if they say they do, that's why we need to be there. For example they had a communication campaign (Recupel) and there was this part which was saying, you should have a clean electronic equipment and so you should have the nicest one and that's very good for the nature and so you should as well take the old one back to the retailers. If you think about it, the message behind that is consume! Which from an environmental perspective is not very logical. Once somebody from BMW told me that if you want to have the best environmental performance for your car, you don't change one, you use it till the very end and then you take another one which is better, but you don't change after 5 years saying ok this one is better, ok, but all the environmental impacts and consequences this...this kind of green washing, can be a negative impact.

So IBGE has the role of supervising how green their actions are, right?

Yeah

So it mostly focuses on the environmental aspect...is that correct?

Yes, there is another important aspect, which is the financial aspect of course. The point is that-probably Recupel didn't tell you that-there is the Recupel fee (Recupel contribution) and it was overestimated. They started putting this fee in equipment that will only be returned in ten years and so there were a lot of contributions for equipment put on the market than the amount collected. As a result of that, those organisations gathered a huge amount of provisions.

Yeah, they told me that that they have increased revenue from that, that's why now they try to diminish the fee...

We need to be pretty sure that if those organisations are active in the operational aspects, but they are not making money out of this...

Because they are supposed to be a non-for-profit organisation, so...

Exactly, I mean you can make a link here with the Commission's position about collecting, recycling, that the organisations are taking part at the operations.

I have some questions about how was the system set up in 2001. Recupel says on the website that they took the initiative to set up the system because they had to comply with the take back obligation, but, was there a take-back obligation in 2001? How was the legal framework for WEEE?

I don't know!

For example, I also talked with Recupel about this and they told me that it was a more like a pressure coming from the political part...

Probably, what happened is that they kind of anticipated it. I see here (he had the Environmental policy agreement in front of him) that the WEEE obligation exists since 2002 and I assume that the legal acts are the basis of the EPR in Brussels it starts from 2002. So I guess what happened was that indeed the actors kind of anticipated that, they said, ok, we are going to face this problem, so maybe it's better if we start thinking about it and thinking about how we could be organised and propose a solution that would satisfy everybody.

So apart from the legal obligation, which do you think was the real reason that made the industry to set up the system?

I think that the object is always the same, the economic actors try to make it (...) (29.13) you could call it more efficient...I believe partnerships is a good way to handle with the environmental issues, as long as the political authorities act as a watchdog and verify that the results which need to be reached are actually reached.

What is the history behind how was the system set up, who took the initiative, was it political part, the industry, who was the first one to initiate the discussions...

(he is not aware of the history because he has only been working there the last two months but he proposes to talk with one of his colleagues)

But it wouldn't surprise me it, if it was the economic actors. I would say that the consultation for the Directive started in 2000 already...

Recupel told me that the discussions have already started in 1996...

So it's a long process and the economic actors are involved in these discussions and the regional actors as well, so i guess it's a two-sided story...

Do you maybe know how was WEEE managed before the system was set up? Was there any recycling, or everything was sent to the landfills?

That, i don't know...

Do you think that the current WEEE management system in Brussels is respectful towards the environment?

To be honest, I just started two months ago and I am responsible for 4 different types of waste, so it's quite early for me to assess the system, it's quite complicated...

Do you think that Recupel gives more importance to the economic aspects of WEEE management than the environmental aspect?

I don't know actually. I would say that it's not because it's done by economic actors that cannot be properly done. Ok, i don't trust fully all the economic actors, but you need to trust them and I am sure, I am convinced that they can make good job. For example BEBAT, it's the organisation of collection and recycling of batteries and it's organised by economic actors. So I would say that it's not because is done by economic actors that they are looking more for profit. Of course it does take an important dimension. And I would say that it's

particular problematic when the waste has a negative value. Because I know that all the amount which is declared as recycled needs to be accredited and that could be complicated when you are sending waste to a treatment facility in China. But we do certify that it's properly done, otherwise we don't count it. So we are trying to really have sticks to punish in the case of...

Which aspect do you think that comes first for Recupel? Is it environment?

No, those are private actors...

But Recupel is supposed to be a not-for-profit organisation...

Indeed, but it's an NGO created by private actors, so they consider themselves as more private actors as well...

In the same question Recupel answered that of course is the environment but driven by economic perspective...

You have your answer!!! I mean it's environment but not involving excessive cost, kind of loose formulation. I think that often they do agree that there is a responsibility for the producers. I think that they do understand if they will do it together it will be easier for them, cheaper. So they do see the advantage in this solution and of course that's also a better way to have better environmental results...

You talked before about prevention, how important is WEEE prevention for IBGE?

Well, we have a motto...best waste is the one that doesn't exist. I would say that that's not exactly what the economic actors want...so this is sometimes in contradiction, I gave you the example of the (commercial) clips. It's quite complicated, if you take the definition of prevention....

It's to prevent that the product becomes waste...

Yeah, this is very broad definition, prevention could be...improve the middle quality of the product and say, if the product is using less damaging components that's already prevention. And let's say for batteries what is prevention is say to the consumers that they can use reusable batteries...there is another way to make this product work. To give the sellers of the producers this responsibility for me is pointless because they will never shoot themselves a bullet to their feet (French expression).

For IBGE what is the most important, prevention or a WEEE management system that does not have a bad environmental impact?

Well, I would say if we could have both together, I mean, as I said, the best waste is the one that doesn't exist, but it exists you should treat it with the most appropriate way.

Are there any actions done regarding WEEE prevention from IBGE's side?

I think there is, it's in another section of IBGE, we are responsible for EPR and waste management, but prevention is in another department of IBGE and they are really dealing

with prevention and really saying things that producers doesn't like, saying for example, should you really need a new product, if the old one still functions, so i think there are quite some actions about that...

But you are not sure if they are specific for WEEE....

I don't know, we can ask if you like, I can find you the contact for the person in charge of the prevention.

I have been mapping the WEEE recycling chain, but I still have some gaps. Who is responsible for the dismantling and decontamination of WEEE? Recycling companies or other type processing companies?

I am not sure, but I know that these companies need to be agreed (probably he means approved) by the region in which they are operating and there you already have straight obligations about process I guess.

When you look at waste management in general, is something that LRAs are responsible for, but when you are looking at the WEEE Directive the responsibility is allocated to the producers. Why do you think that is happening? Why cannot regional authorities deal with it?

Well, I think EPR has developed advantage. As I said the costs are fully covered by the producers and at the end of the day by the consumer. While normally in waste management, everyone is paying the same and so if you don't consume EEE you will be paying for the collection of electric goods of others, so i think there is fairness, but i don't think it's enough, but there is also an incentive for eco-consumption (...)(51.35-52.15: very hard to follow the argument). I think the logic behind this is to say to the producers that this is not only a market of goods. If you are producing or importing goods here, you also have to deal with the waste. This is part of thinking cradle to cradle, cradle to the grave, so I think it's a bit a switch of conception in the way of consuming and producing goods in Europe.

Do you think that the WEEE directive should be more specific about the roles of each operator that is part of the WEEE management system should have? As it is right now, it only specifies the role of the producers...what about the role that the regional authorities should have? Do you think that it should be more specific about that?

I didn't follow very well the negotiations and I don't know precisely the content of the WEEE directive. The reason that they don't define the competences and the responsibilities of regional authorities for me it's just due to the fact that Europe consists of so many different member states, there is no possibility to come to a common delimitator (54.46). If so, you are arriving in something very loose. Because in the end of the day if you are passing an environmental legislation, it's always the member states who are responsible, I mean it's not Brussels, it's Belgium and then Belgium can come to Brussels. So there is always the case of responsibility and for Europe there is no matter who is implementing in practice, as long as it's implemented....

Europe just gives the general framework...

Which is sometimes problematic, because you have these loose principles and a lot of rules to implement them and nobody reads them...

In general, what do you think should be the role of LRAs when it comes to WEEE management? Should it be more active? Should they just play the role of coordinator, should they have that Recupel has...

I think it really depends of the situation...

When it comes to secure the environmental aspect of WEEE management?

Then you always need to be strict on your control, always. Let's say that in some parts of Europe, you may not have enough WEEE generation to built collection systems and then you should make an interregional cooperation, then you have end of waste to build facilities in the centre of all the regions which created jobs, for me that's fine as well. So I would say that we need that one directive fits all...

According to your perspective, what do you think should be the role of LRAs in WEEE management?

To have bottom-up (actions) as a good point. To have decisions make in a local or regional level, that's a good point in sense that it fits better the part of the local reality. On the other hand, sometimes you are missing a critical value, meaning to have certain installations. For example in Brussels there is no treatment, only collection. So it can be good on a regional level, but then you need cooperation.

How do you think is WEEE management going to be in the future? Do you see a more active participation of IBGE like initiating a project? I talked with BP and they told me that they are developing a project which is called Ressourcerie and it's about reusing WEEE...do you see a more active involvement of IBGE?

We are definitely very keen to reuse. And in fact you need to be sure that there are people buying. Today, nobody will buy a television which is not a flat screen. A lot of old televisions still work fine and nobody will buy them. The percentage of the reused WEEE is very small. We definitely try to promote as much as possible the reuse.

Do you have any plans for developing communication campaigns about reusing of something more technical?

That is more I would say a prevention department. We barely have contact with the society here. We don't make prevention here. I am dealing with the economic actors.

What is your exact position here in IBGE?

I am in charge of 4 different EPRs, the WEEE, batteries, packaging and used eatable oil. I am the watch dog. Also I am responsible for the judicial issues of the department. I am lawyer I do have some notions about policy making and sustainable development in general.