

INTERVIEW WITH HENK HOVING

Ministerie van Infrastructuur en Waterstaat

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[continuation after getting authorization for recording]

LUISA:

My interest is more in how the process happens, who looks for whom, which are the difficulties, which are the strengths and the weaknesses of this kind of approach, and if you have something on plastic. Because I've heard about a recent one on circular economy, which is also very interesting for plastics. I've heard, but I couldn't find any materials, about one on plastic as well. Apparently, this one was before and didn't move any further. But about this last one was someone talking to me, so I am not sure how precise this information is.

HENK:

Specifically about plastics I don't know. But on the website or else people at the RVO – the organization that works around the green deals – have the reports and information like this. I have a name for you: Ms. Judith Eys. You can also contact her about those. They probably have a list of all the Green Deals that have ever been made. So, you could see if there is anything specific on plastic.

The circular economy deal, that I think was signed the day before yesterday, is what they call circular procurement. People who work with procurement have made a deal about how to better organize circular procurement or circularly produce products. So, that could be... Maybe there are companies or business on plastics involved. That we can ask a person who was directly involved with this deal, Saskia Ras (saskia.ras@miniem.nl). You can contact her and ask if there is any company involved in this deal that specifically deals with plastic products or plastic waste.

LUISA:

That would be great, because then I would also have the other side of the negotiation.

HENK:

Yes. And would be great to ask Saskia or look in the website for the whole list of Green Deals.

LUISA:

I only found a list from 2013, I think.

HENK:

Really?

LUISA:

Yes. That I could find... Maybe if I look in Dutch is easier to find.

HENK:

Yes. But just ask them. They should have this list.

On the 2013 list you didn't see anything on plastic waste or...?

LUISA:

No...

But I could find some numbers about the amount of deals going up during those years. So, I guess you would have more deals during the last few years than you had before.

HENK:

I don't think so. I think it's sort of leveling.

Oh... 2013... Yes, probably. Because the whole thing started in 2011. It was just started... Yes. But in the last one or two years it is leveling or declining, the number of deals. That is the process. You start something, then it's a success. Then it's still a success, but the number is gradually declining.

The process... In almost all cases there is an initiative on the side of a group of companies or a company. They want to strike a deal between them and with the government or with local authorities. You know, all sorts of varieties. So, the initiative is very often outside this ministry. We don't really push for Green Deals. People come to the department with the question. Sometimes the initiative is here, but most often is outside. We never make deals about changing legislation, so everything has to be done within the existing legal framework. That is an important aspect. We try to make very clear in the deals what the different parties are going to do exactly; it has to be specified. The duration of the deal is mostly a limited number of years. It is not legally binding. So, parties can step out of a deal. Once a deal is done, other parties can join the deal, that's also possible. It's not legally binding. It's a voluntary agreement for a limited number of years. And the only way to make it a success is that there is something in it for all parties. That they all benefit.

LUISA:

And usually what is the benefit for a company?

HENK:

Could be PR (both laugh)

It is an important aspect.

Sometimes it's funding.

Very often, I think, that could be, specially in your field – the plastic waste and the plastic soup – that in a Green Deal you can simplify bureaucracy. You can avoid bureaucracy. Make a deal about how to proceed. And the government is very often the source of bureaucracy. To overcome that can be a good effect of a Green Deal, but always inside the legal framework. But even inside bureaucracy you can be very bureaucratically or very pragmatically, there is a choice.

LUISA:

But isn't this a problem with other companies in the same area or industry? Like, that you simplify bureaucracy for one...

HENK:

Yes, that's a good point. We always have to be careful about competition...

LUISA:

Competition law?

HENK:

Yes. And more so... Since we are in the European market, we have to be very careful about giving certain companies an advantage over other companies. But then it helps to stay within the legal framework. If a company comes to you and says it has a problem with a regulation, you can help them out without changing the regulation. And then you are not in conflict with rules about competition. But it is a very important aspect. And each deal is thoroughly tested for this aspect. Sometimes we have to go to Brussels as if it were a... Let me put it this way: if you make a new legislation in this country, you have to put it to the European Commission to have it checked for all sorts of aspects of European law, and in a way a Green Deal is a sort of legislation. It is not formally that, but it's a govern act, that we publish in our state journal. So it is an official document. And sometimes it is necessary to send it to Brussels just to have it checked if it complies with European Law. And it is often about competition aspects. Almost exclusively, I think. Because other rules you don't easily get in conflict with.

And what helps of course is if the Green Deal is only about a small part of the market. What we see is that recent Green Deals tend to get bigger. And if they concern a big part of a market in a certain field, then you are very likely to get in conflict with... If it's small, it is very likely that it is about a company that deals with something very new, very innovative. Then you don't usually get into the...

In the very beginning of the process you usually need some bright guy with a new idea. About plastic soup, for example. So you don't easily get in conflict with competition rules. Because you just want to help these guys to get along with their business. With funding or with helping them with law. But then if it gets bigger and bigger... Then of course.

LUISA:

Another thing... More out of curiosity, actually... Do those companies have to be based in the Netherlands or you also accept companies from outside the Netherlands?

HENK:

We also accept companies from outside the country. We have one or two international green deals at the moment. That is possible.

And then again you have to be very careful, because a Green Deal must never be a treaty, a treaty between countries. You get in that field of international law. So, you can't legally bind another country with a Green Deal.

LUISA:

Do you know which ones are the international ones?

HENK:

Yes... There is one in the making, and probably is a re-making of an existing Green Deal. And that's about festivals. And there again the plastic business come in. Because it's about, you know, waste.

I'll give you another name: Christa Lycher. Christa is working on a Green Deal about circular festivals. And that is going to be an international one. It is about waste management.

LUISA:

Yes... They are discussing a lot about cups in festivals...

HENK:

Yes, I think so. That sort of thing.

LUISA:

That's interesting.

HENK:

Yes.

So... That's going to be an international one.

Well... If you look to the list of Green Deals, if you get the hold of it... I will help, if necessary. We can see.

My predecessor has told me that some of the Green Deals have been translated to English. That sounds to me as they are the international deals. (both laugh)

LUISA:

It would make sense to translate the international ones.

I can also try to find those.

HENK:

Yes. And if you have any problems, just contact me. We can look into specific things.

LUISA:

Thank you!

You said that you are only dealing with the Green Deals for a couple of months now.

HENK:

Yes. One or two months. So I am not really into the whole field yet.

LUISA:

But what is your role in the process?

HENK:

Very superficial. Just trying to coordinate all the activities around the Green Deals in the whole department. And that's pretty much about the RVO people, checking that all the Green Deals are made along the same path, with the same principles. Keeping with the basic rules. That sort of thing. That's only a one day week job. So it's very superficial.

I'm not doing any Green Deal myself.

LUISA:

You just make sure that the steps are being followed?

HENK:

Yes. And that the funding is in place for the whole process. To organize.

That's another thing... It's a time consuming way of working. In the sense... The signing of a Green Deal is a sort of a big party. For PR purposes, very often. And that involves a lot of work. People underestimate it... To get 40 signatures under one document! It's really weeks and weeks to get that organized! You have local authorities. But they change.

LUISA:

Yes... You have an election and a new one is there...

HENK:

That sort of thing. And you have to change the name. Sometimes they are not available yet, because they are still on the process of making a new local board... That sort of thing. And that's really...

LUISA:

Exhausting and time consuming.

HENK:

Yes. It is.

LUISA:

I worked only for one year for the government in Brazil, but I could see... You go a lot of steps, but then because of a small change you have to go back all steps and start over with that person.

HENK:

You know... The concept and the big idea; the creative process... It's a nice thing to do. In a way it's easy. And once it's there, then it gets tedious. (both laugh)

LUISA:

In general, those steps... You receive a proposal from a company or group of companies...

HENK:

Not a proposal. But yes... In most cases it just starts with a question. We have this or this idea... Could we make a Green Deal? And then we have a format of what a Green Deal looks like. Just a fixed format. So, these are the points that you have to address in a Green Deal. And there is also a sort of handbook of steps to do. Like, contact this organization, or contact this, organize this... That's all documented.

LUISA:

And all in Dutch, I would guess...?

HENK:

That is only in Dutch, I'm afraid.

LUISA:

But are you allowed to share that?

HENK:

Oh yes!

LUISA:

So I could at least take a look...

And at least my supervisors speak Dutch, so they can also help me...

HENK:

Oh! Yes.

And if anything is available in English...

You don't have to ask anybody about that. I'll see what is available.

LUISA:

Do you want me to send an email about that?

HENK:

Yes.

So...

They come with the idea. We give them the standard format for a Green Deal. We give them the handbook.

In most cases, one or more departments will be parties in the deal. So we always have a colleague who is responsible for that deal. And he or she will, from start to end, in the negotiation of the text... Because then the negotiations about the text start. And more or less half way through the process, the concept of the text is... We take it to our department where people involved with law, you know... They check legislation... Mostly we do that half way through the process and then towards the end one more time. Well... It's very straight forward, actually. Finishing the text and then getting the signatures of all parties.

But, you know... Making the actual agreement is the big thing, of course.

LUISA:

Does it usually involves monitoring tools? Any particular way to assess if the deal is working, if it is progressing as desired? Because I also saw that in the report that you have in the website, you also have numbers of how many are on time, or how many are delayed but could still finish properly...

HENK:

RVO has done this sort of monitoring until last year... Until this year! And that will stop now. So we are not going to do that anymore because the instrument is mature enough to make it no longer necessary to monitor.

But the deal itself will contain. It has targets. So, within the deal it has to be written down how do we check that we meet the targets. So, there is a monitoring part in the deal itself. But we no longer monitor the deals from outside. That was done until last year, just to see if the instrument works. Well... The instrument seems to work.

LUISA:

So you monitored for 7 years and now you consider that it works.

HENK:

Yes.

LUISA:

So... Usually the deals achieve their targets.

HENK:

Usually they do. And RVO has an overview of that as well. Of how many deals have been successful, how many deals have failed... Because there are failed deals. Deals that just didn't work... So they have information about this.

LUISA:

I will also ask them about that.

Do you know if the companies are the ones giving the information about how they are progressing?

HENK:

I think it depends on the individual deal.

LUISA:

Ok.

Do you have any impressions why would a deal succeed or fail?

HENK:

Ahn... I don't have that. Maybe the RVO people have that. A better picture of that. No.. I would say no, I don't know.

LUISA:

Yes... I guess only when you are really working with the negotiation then you have impressions about what is going well or bad...

Is RVO an NGO?

HENK:

Yes.

LUISA:

Ok.

And the government pays the NGO to do this?

HENK:

Yes. That's right.

LUISA:

And they will continue to do the deals, although the monitoring is stopping?

HENK:

No! They are not an NGO! They are a... Legally they are a ZBO.

LUISA:

ZBO? Ok... I can look for that.

HENK:

No, no... They used to be that but now they are an agency.

LUISA:

So, they were incorporated in the government? They started as something in the civil society and then they were incorporated?

HENK:

No. They were a ZBO. We call that a *zelfstandige bestuursorganen*. That is legally very difficult to explain. But RVO is an agency.

LUISA:

That's interesting. Yes... I'm trying to make parallels... Because we also use agencies in Brazil. Not like this, but we also designate those more technical aspects to agencies.

HENK:

Yes.

LUISA:

So... They will keep doing everything except by the monitoring because now you don't need it anymore?

HENK:

They did the monitoring up to this year. They help with the signing process. With the practicalities about the signing process. They do a lot of work there. They maintain the website... They answer all sorts of questions.

And sometimes RVO provides, once a deal is in operation... Then sometimes we call in RVO and they provide a person, a sort of a secretary for the specific deal.

LUISA:

We talked a little bit about all parties getting something out of the deal. And the government... What do you see that the government get out of this?

HENK:

Well... The government sets targets for itself. And there is a variety of ways to try to achieve those goals. Legislation is one of them. Making funding available... Stimulate technologies... Try to influence public opinion. Just to simply trying to convince companies or NGO's to do certain things, you know? Without legislation, but just... And one other form is to make deals, govern acts, what we know as Green Deal. Is a way to help to achieve policy goals. And I think that is what the government gets out of the Green Deal.

LUISA:

And... Do you feel that usually the government gets more information when there is a deal in force than when there is not?

HENK:

Yes. I think so.

And in most cases the Green Deal is not decisive for whether a policy goes achieved or not. It is just a stimulus. It just helps to get the process moving. It is very often in the initial phase, just to get the process moving.

LUISA:

To break inertia...

HENK:

To the policy to go there, you also need the parties, and the company, and society, to move along towards that goal. And the Green Deal is at the beginning of the process, very often. I think always...

LUISA:

Do you know about any case that it didn't work? Or that worked only partially for the government and then you had to use another instrument to achieve the same targets?

HENK:

I don't have any examples. But there must be. In the past we had government acts that are not Green Deals. And if that doesn't work, then sometimes you have to enforce things. But in the Green Deals I don't have examples of a failed deals that were followed up by legislation.

LUISA:

I'm asking because one of my hypothesis is also that sometimes you don't have all information you need, especially when it's too technical... Then you don't know how many years you need, or which approach you should take. And then after you talk, even if you don't achieve the target at first, at least you have more information in order to act more efficiently in the future.

HENK:

Yes, yes!

And another thing is... But that is my experience from before the Green Deals, because we have other sorts of deals... The government makes a government act or... (small interruption)

Well, let me give you an example. That's probably easier. We have this glass houses in the Netherlands. Lots of them, especially in this part. You know, warehouses, glass houses, where they grow tomatoes, roses, and things...

LUISA:

Yes.

HENK:

They use intensive lighting. And then in the evenings and in the nights the whole sky turns orange, because of the light that goes up. Well... Fifteen, twenty years ago, we made a sort of an agreement with the united warehouse growers that they would cover the top of their warehouses so as to diminish the amount of light that would come out during night. It was complicated because it affects the climate within the warehouse, you need the technology, and the energy input... So it was a complicated affair. But we just made an agreement that they would take steps in so many years that would be a reduction of light in the air during night... Something like that. And then the growers organization asked us to make legislation, not right at the beginning, but in ten years, to force the growers that would not participate in the voluntary approach, to enforce that measure on them, because of the principle of the leveled playing field.

So, I think that's what happens more often. You make a deal with a number of parties that move along voluntarily and in the end there is a remaining category of companies that you have to force by law to make the same steps, finally. But it's always one after the other. And sometimes we just make things in the wrong order. You start with legislation. And if you start with legislation, there is a lot of opposition, because it's too expensive, it's not technically feasible yet,... There is opposition in parliament, of course. And it just doesn't work. So, if you start with deals to get the field moving, then legislation will be accepted. That's what you see more often, and I think Green Deals go the same pattern.

LUISA:

You mentioned that this is a different kind of deal. What's the difference between those kind of deals and...

HENK:

It's actually also a govern act. It's not legally binding and it's called a Green Deal for... I think for political reasons... (both laugh)

LUISA:

Yes... Just didn't go this way... But the format... It's all the same, right?

HENK:

Yes.

And the other thing is that in the past we had govern acts, all sort of things, and Green Deals are a... They are a mark. They are a Trade Mark, you know? They are all the same, the same format, they use the same logo... And that helps. It helps to make it a thing. This is a Green Deal!

LUISA:

So... You had that before and now you developed a standardization and you have like this "quality certification"...

HENK:

Yes. That's the right word! The Green Deal is a sort of standardization of former govern acts. You know... They have to be green...

LUISA:

Yes... Because the others you can have all kinds of deals...

HENK:

Yes. Black deals, grey deals... You name it.

LUISA:

Yes. That's also interesting. Because maybe there are no Green Deals but other deals, from before this standardization process that deals with similar processes.

HENK:

Yes. I think we had deals in the past that could have been called green deals.

And there also were periods when we were not allowed to make govern acts at all. It was politically not correct. That was about fifteen years ago. Then they all stopped and we had to... The cabinet that we had then said that we had to be very clear about our role as a government, and deals, and govern acts, and vague sorts of thing. So there was just legislation or nothing.

LUISA:

Because that would not be transparent?

HENK:

Yes.

But that was just one cabinet or two cabinets, and then it changed again. We would then have Green Deals, and that's the way to move forward. And it proves to be a successful approach.

LUISA:

So, in your experience, companies do like that approach?

HENK:

Yes.

LUISA:

Like... You have nice feedbacks, and they try to change their behavior.

HENK:

Yes. I think so. As a whole, yes.

LUISA:

And civil society? Do they like it as well?

HENK:

We have NGOs participating in Green Deals. And then you can ask the question about what is their role, what do they bring in... They can help publish things, they can influence public opinion. That can be a serious role in a Green Deal. So, yes... Civil society is involved.

LUISA:

And even when they are not directly involved... The reactions that you get, and the feedbacks from civil society... Are those also good?

HENK:

I don't know.

LUISA:

You don't have them at all?

HENK:

I don't know. I don't think we have a picture of that.

LUISA:

But usually, in this field... If you have nothing, it's good news... Because when civil society doesn't like, they usually say something...

HENK:

Yes. Yes.

Well... There is a tendency that society as a whole is paying more attention to transparency of what the government does. And there is, in my opinion in my field, a growing criticism in society about the way government... About transparency of political processes. If a government legislate... parliament... If there is a democratic process and it's open... And people have the impression...

That's not about the Green Deals, but other things. That things are being decided about in just small committees, a cabinet minister, a few companies... And they strike a deal, a sort of a secret deal, about all sorts of things. An airport, an airfield... Expanding an airfield... The public is involved but only in a very late stage, when all the decisions have been made.

At this very moment we are in the process of making what we call a climate deal. With electricity companies, industries... To see how we can best reach what we call the Paris targets. The decrease of the carbon dioxide emissions. How can we best achieve that... We have to power our electricity plants with different... With the climate deals, criticism of society and journalism is that it is a closed shop, it's not an open process, parliament will be only involved after a deal has been stroke, and you can't influence it anymore... The public as a whole is out of the picture of the whole process... And that criticism casts shadow over the government deals, govern acts, etc. I does not cast, as far as I can see now, a shadow over Green Deals. Because the Green Deal is a kind of fair thing still. But there is a risk, if you understand what I mean.

LUISA:

Yes. Like... So far it's going well, but you never know if in the future someone will consider...

HENK:

Yes. And this criticism is related to what you see in the populist parties. What you see in Italy now... What they want is... They don't want a different policy. But they just want to turn over the old... The settled politicians. The settled political parties. It's all old school and they just want...

LUISA:

They say it's past, that it wasn't good, so we need to change.

HENK:

Yes. And they are the people who have contacts with the industry people, and they make all sorts of deals... They want a different, a more fresh, and a more open style of government. And I think that is something we have to be aware of when continuing with the Green Deals. We have to be very careful to keep it open. And Green Deals are open. It's an open process, and if it's a deal with a limited number of companies, and another company comes and says "oh, that's interesting and I want to participate", then they are allowed to participate. Always. We must keep it open to other participants. We can't have

closed shops. That is something that is important to avoid this sort of criticism that you now see in other deals that appear.

LUISA:

Is there any other aspects that you consider relevant?

HENK:

No. I don't think so.

LUISA:

But in general, I feel that you are optimistic about the way that the green deals are done, and the results...

HENK:

Yes, yes! As far as I can see now. Well... I don't have the entire picture yet, but as far as I can see now, it's a successful instrument. And it will be with us for many more years.