Biofuelwatch response to the Consultation on the Biomass Sustainability Decree

10th July 2026 - We wish to express our concerns about the very limited remit of this consultation, especially with regards to applying the EU's biomass sustainability criteria set out in Article 29 of the Renewable Energy Directive (RED3) to all government procurement and support schemes for other bio-based products, including timber.

According to the background document accompanying the draft new Biomass Sustainability Decree, "*government policy is based on confidence in the proper functioning of the private system of certification by certification bodies and verification of biomass by accredited certification bodies*." Government policy should be based on evidence, and the evidence as to whether voluntary sustainability certification is effective needs to be properly evaluated. Some of this evidence could and, we believe, should have been sought as part of this consultation. Instead, the decision to extend both RED3 biomass sustainability criteria and reliance on voluntary certification schemes to other sectors has already been made.

Below, we are summarising the problems with voluntary sustainability certification and especially with making such certification a legal requirement for biomass sourcing. Such a ***policy will not ensure compliance with the EU Deforestation Regulation (EUDR)*** once this comes into force. The EUDR, which will apply to wood, soy and palm oil as well as other products linked to tropical deforestation, puts the onus of due diligence on companies purchasing or trading in such products. Under the EUDR, companies importing or trading wood, palm oil or other products covered by the regulation will be allowed to use voluntary certification schemes as one source of information only, but they will be required to undertake their own due dilence to ensure that those products are not linked to deforestation or forest degradation.

Certification and RED3 criteria for bioenergy

Under the RED3, it is mandatory that member states allow any sustainability certification schemes approved by the European Commission, and only those schemes, to be used by companies producing biofuels, biogas, biomethane or heat and power from biomass. As we argue below, the EU's sustainability standards, coupled to voluntary certification schemes, have been ineffective at preventing the harm to forests, carbon stocks and biodiversity that they are supposed to prevent.

With regards to biomass burning for heat and electricity, Dutch government policy rules out any new subsidies, except for high-temperature processing heat for industry. We

welcome this policy, although we believe that for high-temperature heat, too, subsidies should go towards electrification powered by genuine, non-emissive renewable energy.

Ineffectiveness of voluntary sustainability certification schemes

Please note that a detailed discussion of the concerns set out here can be found in the report “Mass Imbalance” published by Fern: https://www.fern.org/publications-insight/article/mass-imbalance/ .

Voluntary sustainability certification is based on the principle of companies seeking certification getting to choose between different certification schemes and certifying bodies. They then enter into a contract with a certifying body and directly pay the auditors working for that certifying body. ***Conflict of interest*** thus lies at the heart of this system. It ***leads to a race to the bottom***, given that “strict” auditors who become known for refusing to certify companies failing to fully adhere to standards incur financial losses, and thereby the certification body they work for incurs financial losses by attracting less business.

Certificates relate to the “production level” and are granted for a limited period of time. ***Longer-term impacts, larger regional impacts, and indirect impacts*** caused by an overall increase in demand are ***ignored***.

Additional flaws in the RED3 certification system, i.e. the one that the Dutch government wants to extend to sectors other than bioenergy, include:

- The requirement for ***multistakeholderism***, set out in Article 3(2) of the RED Implementation Regulation regarding sustainability and greenhouse gas standards for biomass appears to be routinely ***ignored by the European Commission***. This says: “*Voluntary schemes shall include to the extent possible in the governance structure and decision-making a broad range of representatives from various relevant stakeholder groups such as farmers’ or foresters’ associations, environmental non-governmental organisations, indigenous and local communities potentially affected by the scheme, academia, and fuel producers. No individual stakeholder or stakeholder group shall have a dominant position in the decision-making process*.” By comparison, the Sustainable Resources (SURE) voluntary system approved by the European Commission is run by a limited company owned by the industry association Bioenergy Europe and REDcert GmbH, a limited company “*founded by leading associations and organizations of the German agricultural and biofuel economy*”.

All of its national implementing bodies are industry associations. There is no involvement of any other stakeholders.

- The ***European Commission has long failed to adequately supervise voluntary certification schemes***. The European Court of Auditors warned as early as 2016 (when sustainability criteria only applied to biofuels and not to solid biomass or biogas): "T*he Commission granted recognition decisions to voluntary schemes which did not have appropriate verification procedures to ensure that the origin of biofuels produced from waste was indeed waste, or that, as required by the RED directive, biofuel feedstocks cultivated in the European Union fulfil the EU environmental requirements for agriculture."* and "*The Commission does not supervise the functioning of recognised voluntary schemes*". We are not aware of any measures taken since to address those failures. This is reflected in the ongoing problems for example with the ISCC (see below).
- ***Certification bodies and the quality of decisions made by auditors are not being adequately monitored and supervised*** by the European Commission nor by member states, including the Netherlands. This is reflected in the operations of the certification schemes discussed below.

Furthermore, unlike for example in the UK, there is ***no transparency over biomass and biofuel sourcing in the Netherlands***. Instead, even the countries and regions that biomass and biofuel feedstock are sourced from are treated as business secrets. This makes it largely impossible for civil society to discover and share evidence about apparent violations of sustainability criteria. Instead, the Dutch Emissions Authority (NEa) is relying solely on information and claims from biomass and biofuel companies and the certifying bodies and auditors contracted by those companies. This, we believe, makes poor decision making inevitable.

While some certification schemes, such as the Sustainable Biomass Program, publish detailed reports by the Certification Bodies related to individual certificates, others, such as SURE, publish no information other than the name and address of the certificate holder and the remit (e.g. wood pellets) and period of the certificate. Transparency thus remains voluntary in relation to biomass sustainability certification.

Examples of voluntary certification schemes and problematic certificates granted via those schemes

ISCC

ISCC was developed by a German consultancy, meo, with German government funding. It is the main certification scheme for biofuels and bioliquids worldwide and certifies nearly all biofuels made from wastes and residues such as used cooking oil

(UCO) and palm oil mill effluent (POME). EU imports of ISCC-certified UCO and POME have long been at the centre of concerns over fraudulent mislabelling of virgin vegetable oils, likely crude palm oil.

For example, according to a 2025 report by the European Investigations Agency, "There have been multiple reports of fraud in the biofuel market – including that palm oil itself is being mislabelled as other products and that the amount of some oil palm products exceeds what could feasibly be produced. One of the key certification schemes used to ensure compliance with the EU RED – the International Sustainability and Carbon Certification (ISCC) – has come under fire for being insufficient to stop such fraud and to verify the origins of waste feedstocks." EIA states in its report that "288 ISCC certificates were noted to have been issued in China despite basic rules not being followed".

Also in 2025, an investigative reporter for the NDR in Germany reported an apparent fraud related to 288 million litres of fuel sold as hydrotreated vegetable oil (HVO), supposedly produced in a refinery in Sharjah, United Arab Emirates. No evidence of any HVO or other biofuel production in Sharjah could be found, which means that fossil diesel may well have been mis-sold as UCO.

Biofuelwatch published a 2025 report with testimony by a whistleblower who had worked as an auditor for an ISCC certification body in the USA. His job involved auditing the practices of 782 farmers working across 285,000 hectares of corn, supplied for ethanol production. He reported: "*The system is rigged such that auditing practices have been eroded into a rubber-stamping process and zero tolerance for criticism of farming practices.*" His refusal to certify farmers who failed to meet ISCC criteria resulted in him being removed from being involved in certification of ethanol production.

According to a 2024 briefing by Transport & Environment, "*based on our analysis of ISCC-certified UCO collectors in China, Malaysia and Indonesia - the three biggest exporting countries of UCO to Europe - only 9% of all ISCC-certified UCO collecting points in these countries had a sample of their points of origin verified via an audit. For the remaining 91%, a simple phone call, email or online search, to verify the existence of a fraction of the points of origin on a collecting point's records, was sufficient for all of that collecting point's points of origin to be recognised as verified, certified sources of UCO"*.

Sustainable Biomass Program (SBP)

The SBP was developed by energy companies burning biomass and by wood pellet producers. Although SBP is more transparent than several other certification schemes, the quality of decision-making by certification bodies in relation to SBP certificates, as well as that of SBP Regional Risk Assessments, raises serious concerns.

A report published by five environmental NGOs in 2025 looks at the SBP scheme overall and at SBP certification of pellet plants in western Canada in particular. As shown on the report, SBP certifies pellet mills in British Columbia (BC) and Alberta that belong to Drax Group and source from primary, including old growth, forests, based on "*the certification's inadequate risk assessments and mitigation measures, contributing to habitat degradation and carbon emissions*". Pellet mills are certified without any field visits to forests where wood is sourced, and without any audits of forest management practices or engagement with logging companies. Regional Risk Assessments are based on desktop analyses. SBP wrongly treats FSC "Controlled Wood" and PEFC "Controlled Sources" as if they were equivalent to Forest Management Certification, i.e. fully certified sources, rather than based on minimal risk assessments. So-called "forest residues" removed directly from forests are automatically treated as "low-risk", even if they are whole stems and even if they come from old growth forests.

SBP standards do not require indigenous peoples' right to Free, Prior and Informed Consent to be fully respected. In fact, the TreeOne MegaPellet plant in Sarawak is SBP-certified, a decision that heavily relies on the pellet plant sourcing from MTCS-certified forests and tree plantations. TreeOne MegaPellet is a subsidiary of Samling Group, whose MTCS certification is discussed below. Samling Group has long been shown by NGO to routinely violate the rights of indigenous peoples.

Malaysian Timber Certification Scheme (MTCS)

The MTCS is an eligible certification scheme under the RED3 by virtue of being a member of the Programme for the Endorsement of Forest Certification (PEFC). In 2023, Bruno Manser Fond and Borneo Project published an in-depth report about MTCS certification of the Malaysian conglomerate Samling Group. As the authors show, Samling Group, which holds interests in logging and in oil palm plantations as well as other activities, retains MTCS certification even though they routinely violate indigenous peoples' right to Free, Prior and Informed Consent and even though they have contributed to environmental degradation in Sarawak on a large scale. In 2021, Samling took out a SLAPP suit against the Malaysian NGO SAVE Rivers, which had been supporting local communities in Sarawak who were concerned about consultations conducted by Samling as part of their MTCS certification. The SLAPP suit was only

withdrawn at the last minute after the Forest Stewardship Council (FSC) opened an investigation into Samling. In November 2025, a coalition of Malaysian and international NGOs strongly criticised the TPAC report about the MTCS. TPAC had dismissed the evidence collated by environmental NGOs through years of working with communities affected by Samling's practices in Sarawak.

Summary

Biofuelwatch urges the Dutch government to drop the proposal of extending RED3 biomass sustainability criteria, linked to European Commission approved voluntary certification, to other bio-based products. The flaws of such voluntary certification schemes have long been exposed and include conflict of interest; lack of transparency; and lack of proper supervision of certification schemes, certification bodies and auditors. Such a policy cannot ensure compliance with the EUDR once introduced.

In relation to bioenergy, the use of EC-approved voluntary certification schemes is unfortunately required by the RED3. We welcome the Dutch government policy of not granting any new subsidies for biomass electricity or biomass heat for district heating and greenhouses. We believe that this should be extended to high-temperature heat required by industry, where electrification ought to be subsidised instead.

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