

4 NETWORKS DAY

Online conference

21 May 2021



EU FORUM OF JUDGES FOR THE ENVIRONMENT
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

EU GREEN WEEK 2021 PARTNER EVENT

ZERO #EUGreenWeek
POLLUTION
for healthier people and planet

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4 NETWORKS DAY



EU FORUM OF JUDGES FOR THE ENVIRONMENT
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

Together in the fight against environmental crime

Date: 21 May 2021

Time: 09:00 - 12:30 | 13:30 - 16:15 CET

Location: online, hosted by LIFE+ SATEC



- Karin Schuit
Karin.Schuit@ilent.nl
- The Netherlands
- Intelligence and Criminal investigation service
Human Environment and Transportation Inspectorate



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Short story

- One of the richest 500 people in the Netherlands
- Sustainable fuels; mainly biodiesel
- 30% Dutch market
- 30 April 2019
- Search in
 - NL: 3 companies, 2 homes, 5 arrest
 - GB: 2 companies, 5 homes, 4 arrest
 - Belgium: 1 company, 1 home, 1 arrest
 - Bonaire: 2 homes
- Investigation “Fosfor”
- Estimated illegally obtained benefits in NL: €50 million
- Director of main company: 9 months preliminary imprisonment



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Press

- Financial Times (UK)
- Dutch newspapers
- Reuters
- New York Times



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What is going on?

- Legal framework for sustainable biomass
 - EU directive
 - Certification schemes
- Modus operandi Fosfor?
 - Document fraud
- Vulnerability and risks for document fraud
- Questions



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Legal Framework regarding Biodiesel

- 1992 United Nations Framework Convention on Climate Change
- Kyoto Protocol
- Paris climate Agreement 2015
- Katowice 2018
- The Renewable energy Directive (RED)
 - restriction of the European energy consumption
 - energy from renewable sources
 - energy saving and greater energy efficiency
 - the RED formulates sustainability criteria for biofuels and liquid biomass



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Renewable Energy Directive (2009/28/EC)

- Art. 17: criteria for sustainability
- Art. 18: specifications of compliance with sustainability criteria
 - regulated and enforced
- Bring the sustainable biofuel to the market: obligation to prove the sustainable origin
- When sold, registration in the member state's registration system (NL: NEa/DEa)



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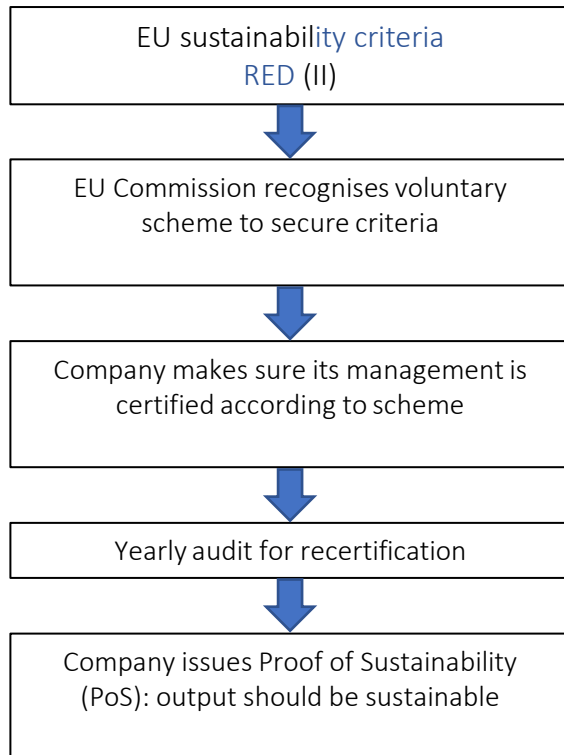
Certification of sustainable biodiesel

- EU criteria
- Schemes developed by companies
- Recognised by EU
- Scheme examples
 - ISCC
 - REDCERT
 - ...
- Schemes based on trust



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Certification

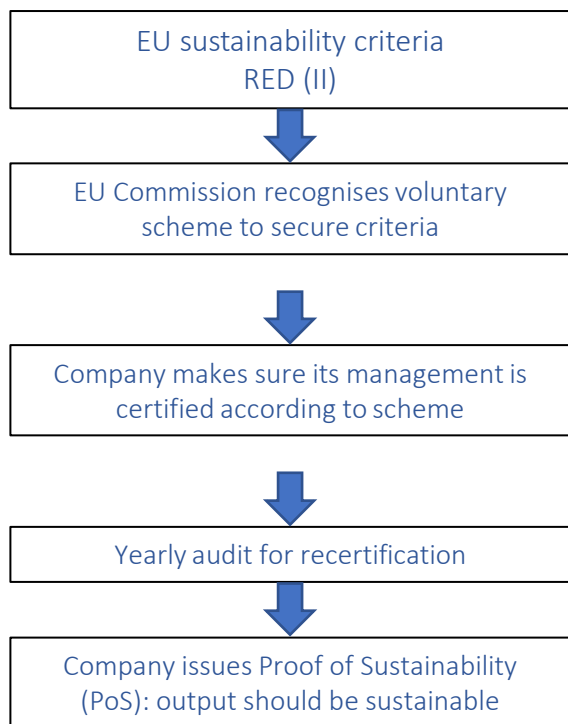


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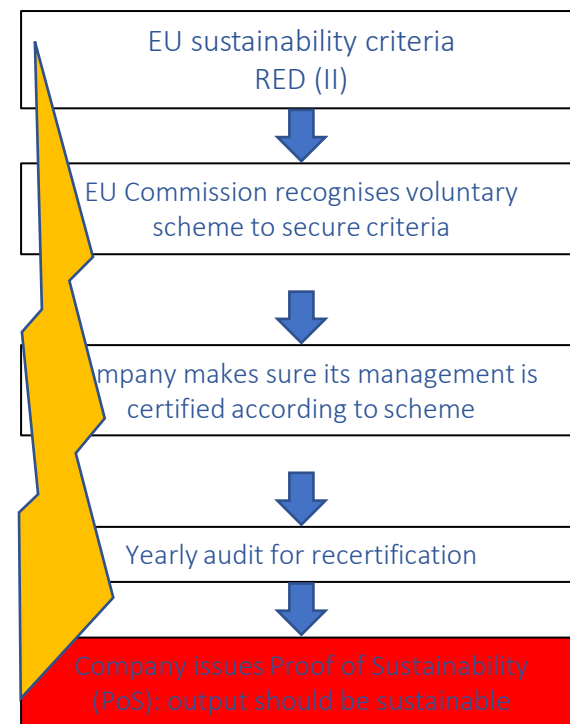


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Certification



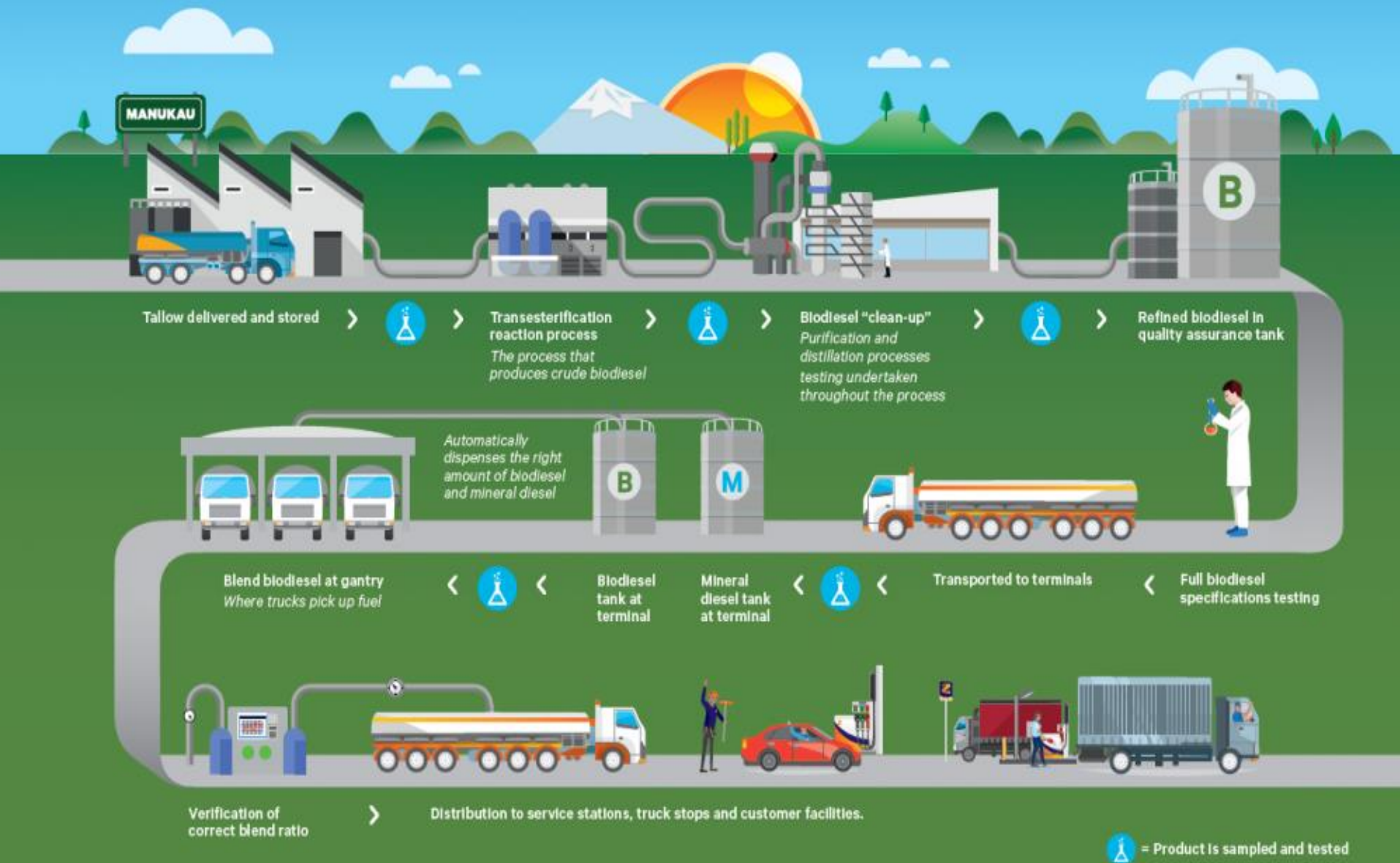
Document fraude



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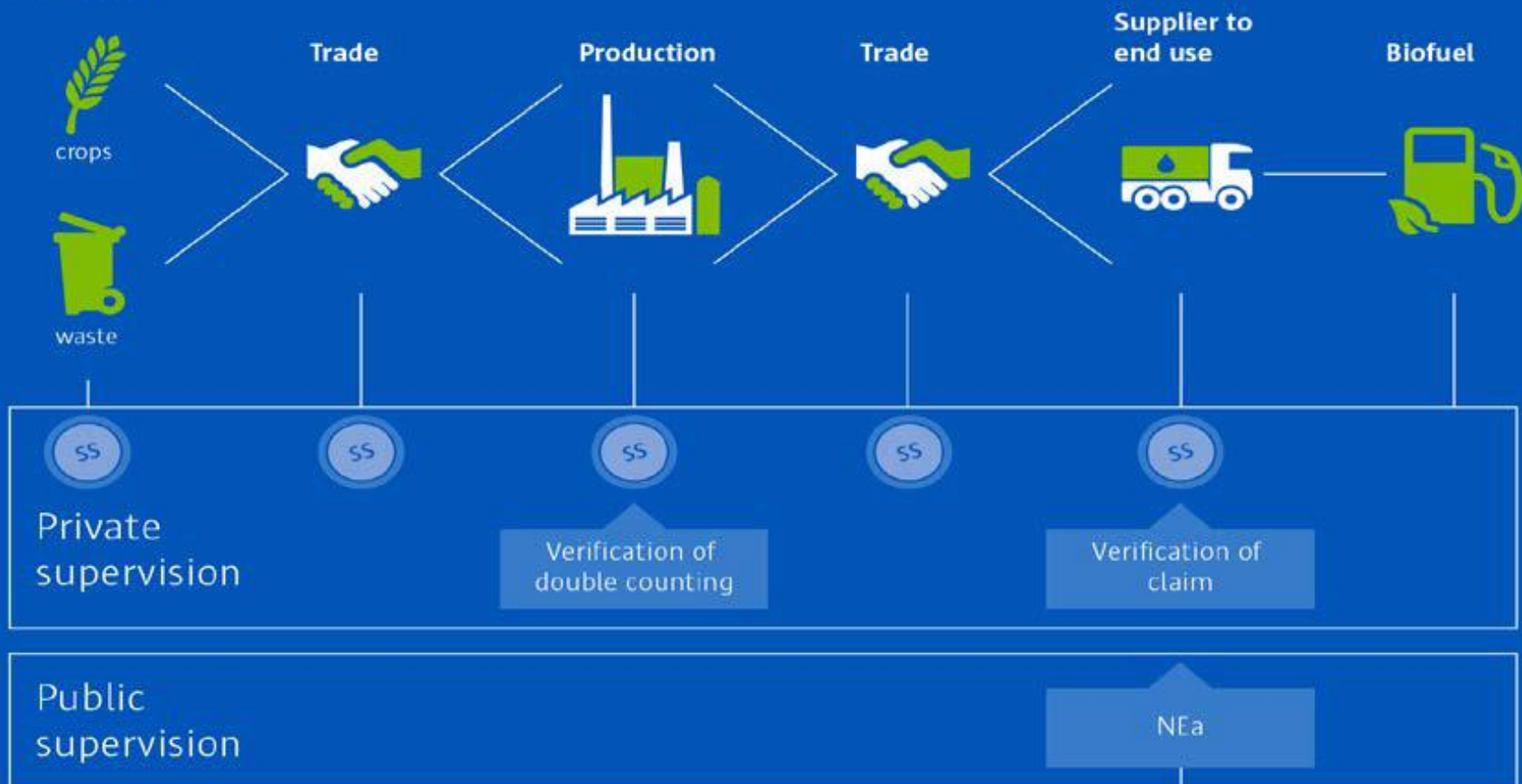
How biodiesel is made



The biodiesel chain with public supervision


Sustainability supervision – current situation

Feedstocks



Proof of sustainability

- Proof of Sustainability (PoS)
 - PoS number
 - Issuing party
 - Recipient
 - Registration number
 - Place and date of dispatch
- According to article 17 of
Directive 2009/28/EC

Proof of Sustainability (PoS)		 International Sustainability & Carbon Certification	
For biofuels according to the Directive 2009/28/EC			
Number:		ISCC-PoS-DE105-607-20150003	
Issuing party Name: <input type="text"/> Address: <input type="text"/> Certificate number: EU-ISCC-Cert-I		Recipient Name: <input type="text"/> d Address: <input type="text"/> London, UK	
		Certification System ISCC EU www.iscc-system.org	
Producer of the final biofuel System: ISCC EU ISCC EU registration number ISCC-Reg <input type="text"/>			
1. General information			
Product:		FAME	
Additional information: (voluntary)		FAME derived from 100% UCO	
Product specifications		UCO biodiesel (entirely or partly of animal origin)	
Additional information:		38260010-14	
Country of origin: (of the biomass)		17,55% AE, 6,61% BE, 5,12% CA, 17,08% CH, 18,21% DE, 1,93% ES, 3,51% FR, 1,97% HK, 19,34% NL, 8,68% US,	
Quantity: <input type="checkbox"/> <input checked="" type="checkbox"/>		2.265,978 m ³ Energy content (MJ): 74.777.274	
2. Sustainability criteria of the biomass according to Art. 17, 2009/28/EC:			
The biomass fulfills all sustainability criteria according to Art. 17, 2009/28/EC <input type="checkbox"/> <input checked="" type="checkbox"/>			
The ISCC EU process for waste/residues was applied (the biomass only fulfills the GHG savings requirement acc. to Art. 17 para. 2, 2009/28/EC) <input checked="" type="checkbox"/> <input type="checkbox"/>			
3. Greenhouse gas emission saving according to Art. 19, 2009/28/EC:			
The greenhouse gas emission saving is fulfilled as following:			
Greenhouse gas emission savings based on total default value		<input checked="" type="checkbox"/> <input type="checkbox"/>	
Greenhouse gas emissions (g CO ₂ eq/MJ):		14	
Emission savings achieved when used for: Greenhouse gas savings:		Fossil fuel comparator according to RED 83,8 gCO ₂ eq/MJ	
petrol / diesel		83,3%	
Greenhouse gas emissions savings allow distribution		worldwide: <input checked="" type="checkbox"/> within EU: <input type="checkbox"/>	
Place and date of dispatch: <input type="text"/> 8-1-2015			
This form is valid without signature. The issuing party is responsible for the correctness identification via the unique identification number above.			



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Modus operandi

- Company has non certified raw material or biodiesel
- Sells to ISCC certified (production) company
- ISCC certified (production) company sells this back with certificate
 - Core of the fraude
 - Document fraude
- Difference in price is about € 300,- per ton
- Easy way to make a profit



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How it works

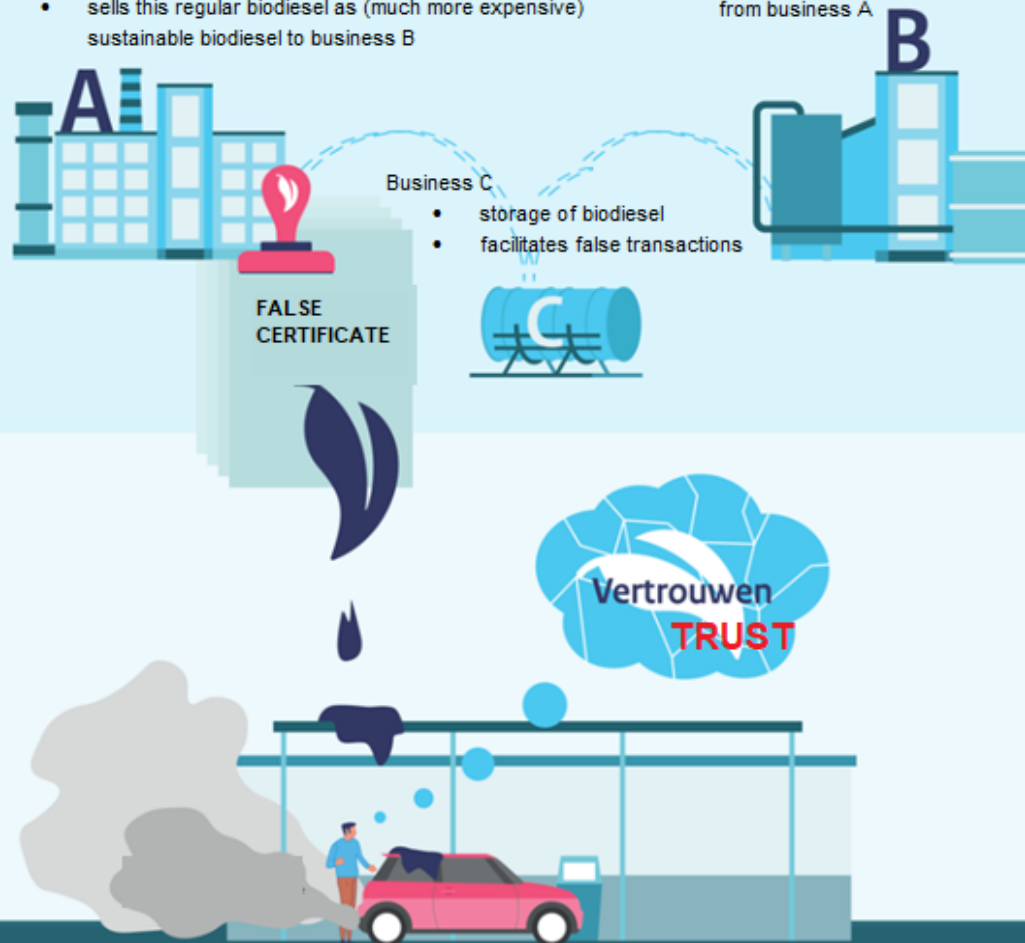
Fiddling with sustainability

Business A

- is certified to produce sustainable biodiesel
- buys regular biodiesel from business B
- provides biodiesel with a false sustainability certificate
- sells this regular biodiesel as (much more expensive) sustainable biodiesel to business B

Business B

- sells regular biodiesel to business A
- consciously buys biodiesel with a false sustainability certificate back from business A



ILT points to fraudulent certification of sustainable biodiesel



Vulnerability and risks for document fraud

- Global market of biodiesel raw materials and products
- Documents from far away countries
- Separation of physical and administrative
- Companies can issue their own PoS
- System based on trust
- Incentive is high for fraud



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Questions / discussion

- *The initial findings of the fraud found in these criminal investigations were communicated with the responsible Dutch minister together with a calculation of its predicted size. This was done via a “signal report” which was send to the Dutch Parliament. The minister responsible called for a chain analysis, which was shared with the European Commission and other EU member states.*
- In what type of biomass do you expect similar fraud?



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