

Communication
in accordance with Rule 9 of the Rules of the Committee of Ministers for the
supervision of the execution of judgments and of the terms of friendly settlements
by the Verein KlimaSeniorinnen Schweiz

Verein KlimaSeniorinnen and Others v. Switzerland
Grand Chamber judgment of 9 April 2024
Application no. 53600/20¹

¹ *Verein KlimaSeniorinnen and Others v Switzerland* [GC], no. 53600/20 ([link](#)).

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1. Introduction

- 1 The *Verein KlimaSeniorinnen Schweiz* is a Swiss non-profit organization, composed of senior women who advocate for stronger climate action, specifically addressing the unique risks that climate change poses to older women. It has 3,074 members with an average age of 74.9. The *Verein KlimaSeniorinnen Schweiz* pursues its goals through educational initiatives, public awareness campaigns, and legal actions to hold governments accountable for inadequate climate measures. The association acts on behalf of its members, the general public and future generations.
- 2 The *Verein KlimaSeniorinnen Schweiz* is the first applicant (“**Applicant Association**”) in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (“**KlimaSeniorinnen**”). In its judgment of 9th of April 2024, the Grand Chamber of the European Court of Human Rights (“**ECtHR**”) held that Article 8 of the Convention includes the right of the Applicant Association to effective protection by the Respondent from the serious adverse effects of climate change on life, health, well-being and quality of life. It further held that the Respondent violated *inter alia* Article 8 of the Convention in relation to the Applicant Association. The Court found that the Respondent had failed to comply with its duties under the Convention, because Swiss authorities had not acted in time and in an appropriate way to devise, develop and implement relevant legislation and measures to mitigate the effects of climate change.
- 3 As a reaction to the judgment, on June 5 and June 12, 2024, both Houses of the Swiss Parliament adopted declarations that questioned the legitimacy of the Court.² They criticized what they described as an “expansion of the Convention,” claiming, *inter alia*, that the Court has exceeded the limits of evolutionary interpretation and disregarded the principle of subsidiarity. The declarations also state that, in view of the Swiss Parliament, Switzerland has fulfilled the requirements of the judgment due to its previous and ongoing efforts in climate policy. The Applicant Association has made it clear on several occasions, both before and after the release of these declarations, that it strongly

² 24.053 Objet du Parlement. Déclaration du Conseil des États. Arrêt de la CEDH «Verein KlimaSeniorinnen Schweiz et autres c. Suisse» ([link](#)); 24.054 Objet du Parlement. Déclaration du Conseil national. Arrêt de la CEDH «Verein KlimaSeniorinnen Schweiz et autres c. Suisse» ([link](#)).

disagrees with this position.³ This is particularly because the obligation to define a timeline for achieving carbon neutrality, based on a 1.5°C-aligned fair carbon budget – the substantive heart of States’ mitigation obligations under the Convention regarding climate change, as defined by the Court – has not been fulfilled.

- 4 On August 28, 2024, the Federal Council issued its first public reaction to the Court’s judgment.⁴ The Federal Council criticized what it considers an overly broad interpretation of the Convention by the ECtHR, arguing that the jurisprudence should not lead to an expansion of the scope of the Convention. It further stated that it would take into account the declarations of the Swiss Parliament in its future work and that, in its view, Switzerland already meets the requirements of the judgment. The Applicant Association subsequently expressed its concern that there is no discernible intention on the part of the Federal Council to implement the judgment.⁵
- 5 Within six months of the judgment, the Federal Council issued the Action Report dated September 27, 2024, on behalf of the Respondent. As previously announced, the Federal Council claims that the execution of the judgment has been completed, justifying the closure of the case.
- 6 The Applicant Association may submit a communication to the Committee of Ministers in accordance with the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements both as an injured party (Rule 9.1) and as a non-governmental organization (Rule 9.2). This is because above all, general measures are necessary to put an end to the situation which has given rise to the finding of a violation (cf. KlimaSeniorinnen, §§655 ff.).

³ Verein KlimaSeniorinnen Schweiz, Greenpeace Schweiz, Les Aînées pour le Climat Suisse comptent sur l'application du verdict - La majorité de la Commission des affaires juridiques du Conseil des Etats ignore sa mission en matière de droits humains, 21 May 2024 ([link](#)); Arrêt de la CEDH sur le climat: les Aînées pour le climat Suisse dénoncent une interprétation erronée et exigent une analyse du budget carbone, 29 May 2024 ([link](#)); Aînées pour le climat: une déclaration n’y change rien, la politique climatique de la Suisse viole les droits humains, 5 June 2024 ([link](#)); 22’074 personnes appellent les parlementaires à respecter le droit, 12 June 2024 ([link](#)).

⁴ Federal Council, Le Conseil fédéral clarifie sa position sur le verdict de la Cour européenne des droits de l’homme concernant la protection du climat, 28 August 2024 ([link](#)).

⁵ KlimaSeniorinnen Schweiz, Greenpeace Schweiz, Verdict sur le climat: le Conseil fédéral s’obstine à maintenir une politique climatique qui viole les droits humains, 28 August 2024 ([link](#)).

7 The Applicant Association wishes to explain below why it strongly disagrees with the conclusion presented in the Respondent’s Action Report.

2. Description of the case

8 Article 8 of the Convention contains a right of the individual to effective protection by the state authorities from serious adverse effects on their life, health, well-being and quality of life arising from the harmful effects and risks caused by climate change (KlimaSeniorinnen, §§519, 544). A state's obligation flowing from this right is to do its part to ensure such effective protection (KlimaSeniorinnen, §545). Effective protection includes preventing a rise in global average temperature beyond levels capable of producing serious and irreversible adverse effects on human rights, in accordance with the international commitments undertaken by member States (in particular the United Framework Convention on Climate Change “UNFCCC” and the Paris Agreement) and the cogent scientific evidence (in particular the Intergovernmental Panel on Climate Change “IPCC”, KlimaSeniorinnen, §546).

9 To ensure effective protection, the primary duty of the states is to adopt binding regulations and measures capable of mitigating the existing and potentially irreversible future effects of climate change, and to apply and implement them effectively in practice (KlimaSeniorinnen, §545). Regulations and measures must consider both territorial emissions and emissions from the import of goods and their consumption (KlimaSeniorinnen, §280⁶). In particular, the competent national authorities, be it at the legislative, executive or judicial level, must (KlimaSeniorinnen, §550):

- a. adopt general measures that specify a target timeline for achieving carbon neutrality and the overall remaining carbon budget for the same time frame, in line with the overarching goal for national and/or global commitments to mitigate climate change;
- b. set out intermediate targets and pathways for reducing greenhouse gas (“GHG”) emissions (by sector or other relevant methodologies) that are deemed capable, in principle, of meeting the overall national targets for reducing GHG emissions within the relevant time frames;

⁶ KlimaSeniorinnen, Partly Concurring Partly Dissenting Opinion of Judge Eicke, §4.

- c. provide evidence showing whether they have duly complied or are in the process of complying with the relevant GHG reduction targets (see letters a and b);
 - d. keep the relevant GHG reduction targets updated with due diligence and based on the best available evidence; and
 - e. act in good time and in an appropriate and consistent manner in devising and implementing relevant legislation and measures.
- 10 These obligations, including the obligation to adopt a CO₂ budget (KlimaSeniorinnen, §550 (a)), are human rights obligations, rooted in Article 8 of the Convention. These obligations exist irrespective of the requirements of the UNFCCC and the Paris Agreement, and they cannot be fulfilled merely by relying on the State’s Nationally Determined Contributions (“NDC”) under the Paris Agreement (KlimaSeniorinnen, §571).
- 11 On the date of the adoption of the judgment (14 February 2024), the Respondent had been failing to mitigate climate change and in particular the effects of global warming in accordance with these requirements:
- a. **2020 climate target**
 - (a) Insufficient climate target in the 2011 CO₂ Act⁷, admittedly falling short of a fair share of global climate protection efforts (KlimaSeniorinnen, §558).
 - (b) Failure to meet the climate target (KlimaSeniorinnen, §559).
 - b. **2030 climate target**
 - (a) Absence of a national CO₂ budget: Climate targets are not based on a fair national CO₂ budget relative to the remaining global CO₂ budget (KlimaSeniorinnen, §§569–573).
 - (b) Regulatory gap 2025–2030 (KlimaSeniorinnen, §§561 f., 566).
 - c. **2040 and 2050 climate targets**
 - (a) Absence of a national CO₂ budget: Climate targets are not based on a fair national CO₂ budget relative to the remaining global CO₂ budget (KlimaSeniorinnen, §§569–573).

⁷ Federal Act on the Reduction of CO₂ Emissions (“CO₂ Act”), SR 641.71.

- (b) The Climate Act⁸ sets targets but lacks concrete measures for achieving them (KlimaSeniorinnen, §§565, 567). Mere legislative commitment to adopt concrete measures “in good time” is insufficient to guarantee effective protection (KlimaSeniorinnen, § 567). Concrete measures are to be adopted under the insufficient 2011 CO₂ Act (KlimaSeniorinnen, §§556, 565, 567).
- 12 Overall, the Court found that there were some critical lacunae in the authorities’ process of putting in place the relevant domestic regulatory framework, including failure to quantify, through a carbon budget or otherwise, national GHG emissions limitations, as well as to meet past emission reduction targets (KlimaSeniorinnen, §§558 ff.). The Court concluded (KlimaSeniorinnen, §573) that the Respondent authorities failed to act in good time and in an appropriate and consistent manner regarding the devising, development and implementation of the relevant legislative and administrative framework to fulfil their positive obligations under Article 8 of the Convention in the context of climate change.
- 13 For a detailed interpretation of the Court's judgment, the Applicant Association refers to the legal report titled “The Human Rights Obligation to Quantify a Fair Share 1.5°C-Aligned Carbon Budget: A Close Analysis of the *KlimaSeniorinnen* Judgment,” prepared by experts from the Climate Litigation Network and dated January 16, 2025 (Annex I).

3. Individual measures

- 14 As the Respondent correctly states in its Action Report, it fulfilled its obligation to timely award just satisfaction in the amount of EUR 80,000 to the Applicant Association.
- 15 A revision of the Federal Supreme Court’s decision of May 5, 2020, despite violating Article 6 of the Convention (access to a court), was not deemed “necessary to eliminate the violation,” as required by Article 122(c) of the Federal Act on the Federal Supreme Court⁹. The ECtHR’s judgment is binding on all national authorities, in accordance with Article 46 of the Convention,

⁸ Federal Act on Climate Protection Targets, Innovation and Strengthening Energy Security, SR 814.310 (“Climate Act”).

⁹ Federal Act on the Federal Supreme Court, SR 173.110.

including legislative, executive, and judicial bodies, without requiring any further domestic court decision.

4. General measures

4.1. Overview: Ongoing failure by the Respondent to mitigate the effects of global warming as required by the Court

16 Up to this day, the Respondent did not remedy the violation of Article 8 of the Convention. Instead, the Action Report continues to rely on the same emission reduction targets the Court deemed insufficient. The Respondent continues to fail to do its part to prevent a rise in global average temperature beyond levels capable of producing serious and irreversible adverse effects on human rights, in accordance with the international commitments undertaken by member States and the cogent scientific evidence, i.e. in line with the aim to limit global warming to 1.5°C, as required by the Court (above, para. 8 ff.):

- a. **2020 climate target:** The past Convention violation (insufficient target, failure to meet insufficient target) cannot be undone, but the failures impact the Respondent's remaining national CO₂ budget.
- b. **2030 climate target**
 - (a) Continued absence of a national CO₂ budget relative to the remaining global CO₂ budget (see in detail below). The climate target remains unrevised despite the need to align it with the remaining national CO₂ budget. Additional measures are necessary.
 - (b) As the Respondent correctly states in its Action Report (Action Report, section 5.2.1.1), the Parliament decided on 15 March 2024 on the amendment of the 2011 CO₂ Act, which came into force on 1 January 2025. With the entry into force of the amendment of the 2011 CO₂ Act, the regulatory gap 2025–2030 is closed, thus, no additional measures are necessary.
- c. **2040 and 2050 climate targets**
 - (a) Continued absence of a national CO₂ budget relative to the remaining global CO₂ budget (see in detail below). The climate targets remain unrevised despite the need to align them with the

remaining national CO₂ budget. Additional measures are necessary.

- (b) The Climate Act continues to lack concrete measures for achieving the targets. Concrete measures are still to be adopted under the insufficient 2011 CO₂ Act, as reconfirmed by the Respondent in its Action Report (Action Report, section 5.2). Additional measures are necessary.

4.2. Court procedure: The absence of a national CO₂ budget relative to the remaining global CO₂ budget

4.2.1. The Applicant Association: CO₂ budget calculation shows that the Respondent's climate strategy does not align with the 1.5°C limit

17 The Applicant Association provided an estimate during the Court proceedings according to which, assuming the same per capita burden-sharing among states for emissions from 2020 onwards, under its current climate strategy, the Respondent would have used the remaining budget over the course of about a decade (KlimaSeniorinnen, §§77 and 569). The Court later relied on this estimate (see below para. 20). Herewith, the Applicant Association proved that the Respondent allowed for more GHG emissions than even an “equal per capita emissions” quantification approach as of today (i.e. without any historical responsibility) would allow (KlimaSeniorinnen, §§77 and 569).

18 Importantly, the Applicant Association then stressed that such an “equal per capita emissions” burden sharing approach per 2020 is not a valid approach to determine national “fair shares” in reducing GHG emissions - a point which the Respondent accepts.¹⁰ Notably, a fair level of contribution must reflect the principles of “common but differentiated responsibilities and respective capabilities, in the light of different national circumstances” (“CBDRRC-NC”) and equity (Art. 2(2), 4(1) and 4(3) Paris Agreement).¹¹ The Applicant Association presented several recent studies quantifying the Respondent’s fair share (KlimaSeniorinnen, §78).¹² These studies backed the “fair share”

¹⁰ Switzerland’s information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 of its updated and enhanced NDC under the Paris Agreement (2021-2030), 9 Dec. 2020 ([link](#)).

¹¹ *Verein KlimaSeniorinnen and Others v. Switzerland*, Applicants, Observations on the facts, admissibility and the merits, 2 December 2022, s1.10 ([link](#)).

¹² *Ibid.*, ss1.10.2 and 1.10.3.

contribution eventually requested by the Applicants before the Court (KlimaSeniorinnen, §304).¹³

4.2.2. The Respondent: Justifies absence of a CO₂ budget with lack of agreed methodology and “similar in approach to establishing a CO₂ budget”

19 Until just before the hearing, the Respondent had not addressed the Applicants' substantiated requests regarding the Respondent's "fair share" contribution. (Only) upon explicit request by the Court,¹⁴ the Respondent replied. It claimed that its NDC, aiming at holding the global temperature below 1.5°C, had been determined by reference to principles and indicators such as responsibility, capacity, the Respondent's small share of global emissions and the fact that its mitigation costs are high (KlimaSeniorinnen, §§357 and 360).¹⁵ The Respondent then alleged that

- because there is not a single “agreed methodology” (KlimaSeniorinnen, §360), quantifying a “fair share” is subjective (KlimaSeniorinnen, §359);
- this would also be why the IPCC had refrained from proposing national CO₂ budgets;
- this is why it cannot be required to provide a quantitative substantiation of the fairness of its emission reduction targets;¹⁶
- its national climate policy is nevertheless “similar in approach to establishing a CO₂ budget” (KlimaSeniorinnen, §360).¹⁷

4.2.3. The Court: Failure to quantify, through a carbon budget or otherwise, national GHG emissions limitations

20 Assessing these arguments, the Court observed that the Respondent's failure to quantify a CO₂ budget constituted a “critical lacuna,” amounting to a violation of Article 8 of the Convention (KlimaSeniorinnen, § 573):

- An effective regulatory framework concerning climate change cannot be put in place without quantifying, through a CO₂ budget or otherwise,

¹³ Ibid., s3 for the requests.

¹⁴ *Verein KlimaSeniorinnen and Others v. Switzerland*, Questions to the Parties, 16 March 2023 ([link](#)).

¹⁵ *Verein KlimaSeniorinnen and Others v. Switzerland*, Respondent, Réponse aux questions posées par la Cour, 29 March 2023 ([link](#)). To substantiate its qualitative assessment, the Respondent submitted an internal working document ([link](#)) which allegedly formed a basis of the NDC and which further sets out relevant principles and indicators for fairness.

¹⁶ Ibid.

¹⁷ The Applicants replied to these allegations in detail in their Response to the Respondent's written answers to the questions communicated by the Court to the parties on 16 March 2023, 28 April 2023 ([link](#)).

national GHG emissions limitations (KlimaSeniorinnen, §§570 and 550(a)). The Respondent's argument, that Swiss national climate policy could be considered as being "similar in approach to establishing a CO₂ budget" and that its NDC contained reduction targets based on a qualitative fair share assessment (KlimaSeniorinnen, §360), did not convince the Court (KlimaSeniorinnen, §570).

- It is possible to determine the national CO₂ budget, based on, inter alia, the principle of common but differentiated responsibilities under the UNFCCC and the Paris Agreement (KlimaSeniorinnen, §§571, 254, 215-229). This principle requires the States to act on the basis of equity and in accordance with their own respective capabilities (KlimaSeniorinnen, §571). For comparative purposes, the Court referred to the fact that European Climate Law provides for the establishment of indicative GHG budgets based on best available science (KlimaSeniorinnen, §§211 and 571).
- A CO₂ budget cannot be compensated for by reliance on the State's NDCs (KlimaSeniorinnen, §571).
- Under its current climate strategy, the Respondent allows for more GHG emissions than even an "equal per capita emissions" quantification approach would entitle it to use (KlimaSeniorinnen, §569).

4.3. Committee of Ministers execution process: The absence of a national CO₂ budget relative to the remaining global CO₂ budget

4.3.1. The Respondent: Justifies absence of a CO₂ budget in its Action Report again with lack of agreed methodology and "similar approach to establishing a CO₂ budget"

- 21 Despite the Court having rejected the Respondent's arguments (para. 20), the Respondent puts forward essentially the same arguments in its Action Report (Action Report, section 5.2.5) as it did during the Court proceedings (para. 19):
- "No agreed methodology" would exist for defining each State's fair share.
 - The IPCC acknowledged that allocating a budget would depend on considerations of equity and other value judgements.
 - The targets set from 2008 to 2050 could, in effect, "be translated" into a CO₂ budget (the Respondent previously described this as "similar in approach to establishing a CO₂ budget"): Using data from the GHG

inventory as of 15 April 2024, and assuming a linear decrease in emissions toward the targets set for 2030, 2040, and 2050, it is estimated that approximately 660 million tonnes of CO₂ equivalent will be emitted between 2020 to 2050. The Respondent claims this would constitute about 0.13% of the global budget available from 2020 to 2050 to limit global warming to 1.5°C with a 50% probability.

4.3.2. The Applicant Association: Action Report shows continued absence of quantified national GHG emissions limitations

- 22 In its Action Report, the Respondent did not present a CO₂ budget, although it labeled it as such. The 660 million tonnes of CO₂ equivalent mentioned represent merely the emissions the Respondent intends to emit with its (unchanged) climate strategy – and not an amount that is permissible within the remaining global CO₂ budget. I.e. the Respondent did not present a national CO₂ budget relative to the remaining global budget. As shown above, this “similar approach to establishing a CO₂ budget” was explicitly rejected by the Court (para. 20).
- 23 To put it simply: Imagine you have a group of five friends deciding to share a pizza fairly, with each person entitled to one slice, or one fifth (20%) of the whole. This ensures everyone gets an equal share. However, one friend chooses to take two slices, claiming he's just sticking to his own “pizza-eating plan.” This clearly violates the agreed-upon one-fifth per person rule, showing he's not playing fair with everyone's share. However, even simply saying each friend gets one fifth of the pizza equally does not guarantee an equitable outcome. This requires an analysis of the needs and capabilities of each individual friend.
- 24 As in the pizza example, there is agreement amongst the States how a fair share of the global mitigation effort is determined. This is, *inter alia*, based on the principle of “common but differentiated responsibilities” (para. 20). The bare minimum would be to share the burden using an “equal per capita” quantification approach (para. 20).
- 25 Taking again the pizza example, it is also relevant to consider when “the dinner begins” - the pizza is divided between the friends when it arrives.¹⁸ In terms of

¹⁸ If the pizza is split at the start of the party, everyone gets one fifth (100% / 5 people = 20% each). After an hour, one person has eaten their slice, but the others have not. The person with no pizza insists that all the remaining slices (80% of the pizza) are put back on the plate and re-divided equally. This means that each of the 4 remaining people end up with 16% percent

global mitigation efforts, this effectively equates to the date at which the carbon budget is divided between states. For example, the European Scientific Advisory Board takes 2015, the year that the Paris Agreement was signed, as the relevant date.

- 26 To comply with the Court’s judgment, the Respondent still owes
- a timely (KlimaSeniorinnen, §550(e)) calculation of the national CO₂ budget relative to the remaining global CO₂ budget (KlimaSeniorinnen, §550(a)) to stay within the 1.5°C limit (KlimaSeniorinnen, §§106, 436), based on the best available science (KlimaSeniorinnen, §550(e)), and taking into account the principles of the international climate regime (KlimaSeniorinnen, §§ 442, 545 and 571) (step 1);
 - the public disclosure of the national CO₂ budget calculation (KlimaSeniorinnen, §554; step 2);
 - based on the national CO₂ budget, a timely and appropriate (KlimaSeniorinnen, §550(e)) revision of the target timeline for achieving carbon neutrality including intermediate targets by sectors or other relevant methodologies (KlimaSeniorinnen, §§550(a), 550(b)) (step 3.1)
 - and concrete measures (step 3.2) in domestic law designed to effectively achieve those targets to ensure alignment with the remaining national CO₂ budget (KlimaSeniorinnen, §§555 and 567).
- 27 The Applicant Association agrees with the Respondent’s submission, that the new Federal Act on Secure Electricity Supply with Renewable Energies¹⁹ (Action Report, section 5.2.1.1) is an important milestone on the road to climate neutrality. It also agrees that the regulatory gap from 2025–2030 is closed (Action Report, section 5.2.1.1; above, para. 16).
- 28 However, the Federal Act on Secure Electricity Supply with Renewable Energies, as well as the mentioned (revision of) national climate policy on both federal (Action Report, section 5.2.1) and cantonal levels (Action Report, section 5.2.2), do not alter the Respondent’s climate targets nor absolve the Respondent from calculating a CO₂ budget. Rather, these must be taken into account when revising the climate targets and measures to align them with the remaining national CO₂ budget. The same applies with regard to the intent to

¹⁹ of the pizza, instead of their original 20%. However, the person who already ate their slice would effectively have eaten 36% of the pizza in total by the end of the party.
Federal Act on Secure Electricity Supply with Renewable Energies, AS 2024 679 ([link](#)).

define and submit its NDC for the period of 2031 to 2035 (Action Report, section 5.2) and the Respondent's alleged compliance with its commitments under the Kyoto Protocol (Action Report, section 5.2.4). The obligations defined in §550, including the obligation to adopt a CO₂ budget (KlimaSeniorinnen, §550 (a)), are human rights obligations, rooted in Article 8 of the Convention and exist irrespective of the requirements of the UNFCCC and the Paris Agreement (para. 10).

- 29 The Respondent further refers to other equivalent methods for quantification (Action Report, section 5.2.5). However, the Respondent did not put forward any quantification of a fair (and thus effective) contribution towards holding global warming below 1.5°C.

4.4. The Respondent's CO₂ budget

- 30 Together with Greenpeace Switzerland, the Applicant Association requested an independent scientific report on the Respondent's national CO₂ budget by three scientists with extensive experience in effort-sharing modelling (Dr. Setu Pelz, Dr. Yann Robiou du Pont, Dr. Zebedee Nicholls, "Estimates of fair share carbon budgets for Switzerland", 13 January 2025, "**Expert Report**", Annex II). The Expert Report used the methodological approaches that were established by the the European Scientific Advisory Board on Climate Change ("**ESABCC**") in its "Scientific Advice for the determination of an EU-wide 2040 climate target and a greenhouse gas budget for 2030–2050" ("**ESABCC Report**") in June 2023.²⁰ The ESABCC Report determined fair share budgets based on an assessment of effort-sharing approaches informed by relevant legal and ethical principles.

- 31 The Expert Report provides estimates of Switzerland's remaining national CO₂ budget²¹ using four different methodological approaches, using the most lenient/generous parameters considered by the ESABCC (Expert Report, Annex 1):

- "Equality" (as expressed through an equal per capita division of the global carbon budget, accounting from 2015²²)
- "Responsibility" (as expressed through an equal per capita division of the

²⁰ European Scientific Advisory Board on Climate Change, "Scientific Advice for the determination of an EU-wide 2040 climate target and a greenhouse gas budget for 2030–2050", 15 June 2023 ([link](#)).

²¹ These results reflect Switzerland's historical territorial emissions up to the end of 2022. These estimates do not take into account consumption emissions (hereto above, para. 9).

²² The year the Paris Agreement was signed.

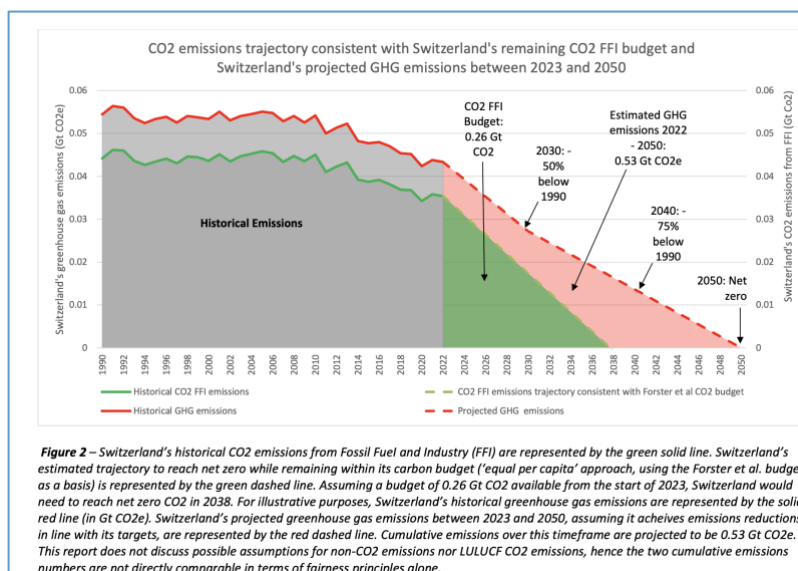
- global carbon budget, accounting from 1990)
 - “Capability” (considering Switzerland’s relative per capita GDP, accounting from 2015)
 - “Responsibility and Capability” (considering Switzerland’s relative per capita GDP, accounting from 1990)²³
- 32 The Expert Report concluded that the Respondent had exhausted its CO₂ budget in terms of “Capability” by 2020, and “Responsibility and Capability” by 1999 (pp. 18 and 21). All CO₂ emissions following these years of budget depletion exceed Switzerland's allocated CO₂ budget. Given the depletion of these budgets, not net-zero, but net-negative targets would have to be set. Feasible domestic measures have to be taken with the highest possible ambition, and additional CO₂ reductions would have to be achieved through permanent carbon dioxide removal or emissions reductions abroad (Expert Report, p. 21 f.).²⁴
- 33 Under the “Responsibility” approach, if emissions remain at similar levels as in 2022 then the remaining CO₂ budget of 0.09 Gt CO₂ will be exhausted before the end of 2025 (Expert Report, pp. 17 and 21).
- 34 Only an equal per capita approach as of 2015 (the most lenient interpretation of an equitable fair share as defined by the ESABCC) provides Switzerland with a non-negligible positive budget, which is 0.26 Gt CO₂ from the start of 2023 (Expert Report, pp. 17 and 21). To remain within this budget on the basis of a straight-line reduction, Switzerland would need to reach net zero CO₂ emissions by 2038 (Expert Report, pp. 18 and 21). This would require an annual emissions reduction equivalent to 6.4% of emissions in 2022 every year until net zero (Expert Report, pp. 18 and 21). If this is not feasible with domestic measures alone, further reductions can be achieved with measures taken abroad (Expert Report, p. 21).
- 35 To compare: Switzerland plans to achieve the following targets (with measures taken domestically and abroad): 50% reduction in 2030 (compared to 1990 levels), 75% reduction by 2040 (compared to 1990 levels), and net-zero by

²³ In the view of the Applicant Association, this methodological approach is the only one in line with CBDRRC-NC (see hereto above paras. 18 and 20).

²⁴ In that sense, the Applicant Association argued before the Court that a fair contribution would require Switzerland to strengthen domestic reductions and – through financing emission reduction in other countries – attain a net-negative GHG emission level in 2030 with reductions of 160% and up to 200% below the 1990 emission levels for a 50% chance of meeting the 1.5°C limit (KlimaSeniorinnen, §304).

2050. According to the Respondent, assuming it achieves the targets, this will lead to cumulative emissions of 0.66 Gt CO₂ equivalent between 2020 and 2050 (Action Report, section 5.2.5). The Expert Report estimates that between 2023 (the date at which the experts calculate Switzerland's remaining carbon budget) and 2050, achievement of Switzerland's targets would lead to cumulative emissions of approximately 0.53 Gt CO₂ equivalent (Expert Report, p. 19).

- 36 With the Expert Report, the Applicant Association demonstrates that the Respondent's planned emissions between 2023 and 2050 far exceed even the most lenient budget under the "Equality" approach defined by the ESABCC (0.26 Gt CO₂ for a 50% probability of staying within the 1.5°C limit).



Source: Expert Report, p. 20.

- 37 Calculations by the Applicant Association show that if Switzerland reduces its CO₂ emissions by 50% by 2030 and by 75% by 2040, Switzerland will overshoot even this budget of 0.26 Gt CO₂ before the end of 2032 (Annex III).
- 38 Exceeding the fair share budgets either comes at the cost of the fair share budgets of other countries or leads to overshoot of the globally available CO₂ budget (Expert Report, p. 21).

5. The importance of promptly executing the judgment

- 39 Climate change is a threat to human well-being, not only for the members of the Applicant Association, who belong to some of the most vulnerable groups, but for all. The window of opportunity to secure a liveable and sustainable

future for all is rapidly closing. The choices and actions implemented in this decade will have impacts now and for thousands of years (KlimaSeniorinnen, §118). Thus, “immediate action” must be taken to effectively respect the rights protected by Article 8 of the Convention (KlimaSeniorinnen, §549). This need is further demonstrated by the Respondent's CO₂ budget as calculated in the Expert Report (para. 32 ff.).

40 The Applicant Association respectfully requests that the Committee of Ministers request the Respondent to promptly comply with the Convention requirements, as clarified by the Court (KlimaSeniorinnen, §657).

6. Recommendations by the Applicant Association to the Committee of Ministers

41 Having in mind the arguments set out above, the Applicant Association respectfully recommends that the Committee of Ministers:

- *Rejects* Switzerland’s request to conclude supervision;
- *Expresses concern* with the response by Switzerland, which reiterates critiques on the Court’s judgment previously addressed and dismissed by the Court, and fails to set out the measures necessary to implement the judgment;
- *Requests* Switzerland to provide an action plan setting out the measures necessary to implement the judgment, including an indicative timetable reflecting the urgency of the matter;
- *Rejects* Switzerland’s claim that a national carbon budget cannot be calculated due to an alleged lack of agreed methodology for quantifying a State’s fair share;
- *Requests* Switzerland to “take immediate action” (§549) to quantify a national carbon budget that represents Switzerland’s *fair share* of the remaining global carbon budget for limiting global temperature rise to 1.5°C, based on the best available science and taking into account the principles of the international climate regime (e.g. as done in the report based on ESABCC methodology - see Annex II), and to *report* on this quantification to the Committee of Ministers in time for its September 2025 Human Rights meeting;
- *Requests* Switzerland, with the greatest urgency and on the basis of the remaining national carbon budget identified above, to start the

democratic process for revising domestic climate legislation to align with its GHG limitations;

- *Monitors* the execution of the KlimaSeniorinnen judgment with increased frequency and reschedules the case for examination with oral debate during the September 2025 Human Rights meeting.

Zurich, Lausanne, 17th of January 2025

Yours faithfully,



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