

Fifth 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 Schweiz and Others v. Switzerland

Grand Chamber judgment of 9 April 2024

Application no. 53600/20¹

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

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1. Introduction

1. Pursuant to Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements and Article 46 § 1 of the Convention, the *Verein KlimaSeniorinnen Schweiz* (“**Applicant Association**”) submits this Communication regarding the execution of the judgment in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (“**KlimaSeniorinnen**”).
2. In the context of the supervision of the execution of the judgment in *KlimaSeniorinnen*, the Applicant Association recalls that, by Decision CM/Del/Dec(2025)1537/H46-37² (“**September 2025 Decision**”), Switzerland was invited to consider the opportunity of establishing an independent national body suited to the national political structure, drawing on existing good practices in other member States where appropriate. The September 2025 Decision, read together with the Notes on the Agenda CM/Notes/1537/H46-37 dated 17 September 2025,³
 - strongly welcomed the closure of the regulatory gap for the period 2025–2030;
 - stressed that beyond the establishment of a regulatory framework, it is of paramount importance to ensure its effective implementation and updating;
 - noted that, given the complexity of the issues at stake, the Committee did not consider itself in a position to settle questions concerning the calculation of a national CO₂ budget;
 - made clear that the existence of an independent national mechanism would significantly contribute to the implementation of the judgment and would facilitate the supervisory role of the Committee of Ministers;
 - pointed out that Switzerland does not currently have an independent national body with a mandate to monitor and evaluate progress towards national targets and issue recommendations for remedial measures.
3. With a view both to assisting Switzerland in identifying relevant best practices on independent national climate bodies and to supporting the Committee of Ministers in its supervisory role, Greenpeace International commissioned an

² Ministers’ Deputies, Decisions CM/Del/Dec(2025)1537/H46-37, 17 September 2025 ([link](#)).
³ Ministers’ Deputies, Notes on the Agenda, CM/Notes/1537/H46-37, 17 September 2025 ([link](#)).

independent expert report by Dr. Alina Averchenkova on the practice of national advisory bodies across Council of Europe member States (“**Best Practices Report**”⁴). The Best Practices Report evaluates existing institutional models and identifies key elements of good practice in the design, mandate, independence, and functioning of such advisory bodies. The Climate Litigation Network and Greenpeace International (together, the “NGOs”) submitted an earlier version of the Best Practices Report as Annex I to their joint Rule 9.2 Communication dated 2 June 2026.⁵

4. For the same reasons – namely, to assist Switzerland in implementing the judgment and to support the Committee of Ministers in its supervisory role – Greenpeace Switzerland commissioned and funded an independent legal expert report by Charlotte Blattner, Prof. Dr. iur., LL.M. (Harvard) and Daniela Thurnherr, Prof. Dr. iur., LL.M. (Yale), entitled *Rechtsgutachten zur Umsetzung des KlimaSeniorinnen-Urteils; Rechtliche Verankerung und institutionelle Ausgestaltung eines nationalen Klimarats in der Schweiz*, dated 20 September 2026, and translated into English under the title *Legal Report on the Implementation of the KlimaSeniorinnen Judgment: Legal Entrenchment and Institutional Design of a National Climate Advisory Body in Switzerland*, dated 20 September 2026 (“**Swiss Institutional Design Report**”). Building on the findings and good-practice criteria identified in the Best Practices Report, the Swiss Institutional Design Report examines how, and at which institutional level, Switzerland could establish an independent national climate body within its national political structure. The Report offers practical guidance on the legal and institutional arrangements necessary to establish such a body. Through this Communication, the Applicant Association submits both the German original and the English translation of the Swiss Institutional Design Report to the Committee of Ministers as Annexes I and II, respectively, and sets out its principal conclusions in section 2 below.

⁴ AVERCHENKOVA, National climate advisory bodies: lessons on effective design, Submission to the Committee of Ministers of the Council of Europe in Verein KlimaSeniorinnen Schweiz and Others v Switzerland, August 2026 ([link](#)).

⁵ Communication from NGOs (Greenpeace International & Climate Litigation Network) (02/06/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) ([link](#)).

5. Taken together, the reports demonstrate how an independent national body of the kind envisaged by the Committee of Ministers would need to be designed, established, and integrated into Switzerland's institutional framework in order to contribute effectively to the implementation of the judgment.
 6. Furthermore, in light of the Committee of Ministers' emphasis on "the paramount importance of ensuring the effective and efficient implementation of the objectives and measures adopted, and of ensuring in the future their updating as necessary",⁶ the Applicant Association respectfully draws the Committee of Ministers' attention to further recent evidence indicating that Switzerland is highly likely to miss its 2030 emissions-reduction target. This confirms that the closure of the regulatory gap for the period 2025–2030 does not, in itself, suffice and underscores the need for timely corrective measures and updates (below, section 3).
- 2. Principal findings of the Swiss Institutional Design Report in the context of *KlimaSeniorinnen***
7. The Swiss Institutional Design Report identifies important benchmarks against which the Committee of Ministers may assess both the establishment of a national climate body and how it subsequently carries out its mandate in Switzerland. The Report also places its findings in the specific context of the *KlimaSeniorinnen* judgment and the effective implementation of the judgment. The Applicant Association submits that the findings of the Report can therefore assist the Committee in promoting and supervising Switzerland's sustained compliance with the judgment under Article 46 of the Convention.
 8. For these purposes, and in light of the Report's function as a comprehensive and detailed guide, the Applicant Association respectfully invites the Committee of Ministers to consider the Report in full. The present Communication confines itself to highlighting selected findings of particular relevance to the execution of the judgment, without seeking to undertake a comprehensive analysis or to provide an exhaustive account of the Report's findings and recommendations.

⁶ Ministers' Deputies, Decisions CM/Del/Dec(2025)1537/H46-37, 17 September 2025, para. 5, [link](#).

2.1. A national climate body is legally feasible and institutionally appropriate

9. The Swiss Institutional Design Report notes that neither the *KlimaSeniorinnen* judgment nor the Committee of Ministers' September 2025 Decision requires Switzerland to establish a national climate body. The establishment of such a body is therefore not the only conceivable means of executing the judgment.
10. However, should Switzerland decide to establish a national climate body as a measure contributing to the execution of the judgment – a step that the Applicant Association would strongly welcome – such a body would, in order to be effective, need to be established as a permanent institution, be institutionally independent and interdisciplinary in composition, be adequately funded, and be vested with a clear statutory mandate to monitor and evaluate climate policy and to provide public assessments thereof. A body that exists only formally would not make the contribution to implementation envisaged by the Committee of Ministers.⁷
11. The Report concludes that Switzerland can establish such a body within its existing constitutional and institutional framework and that no constitutional amendment would be required. Having examined several possible institutional forms under Swiss law, it identifies an extra-parliamentary commission, i.e. an administrative commission (*Verwaltungskommission*), as the most appropriate model. Such a commission could be administratively attached to a federal department, most appropriately the Federal Department of the Environment, Transport, Energy and Communications ("DETEC"), while remaining free from instructions in performing its substantive functions. It would not exercise binding political or regulatory powers: responsibility for determining and adopting climate objectives and measures would remain with the democratically accountable political authorities.⁸ Rather, it would provide scientific foundations, identify deviations from targets at an early stage, assess whether government climate policy is compatible with statutory and international climate targets, formulate recommendations for corrective action,

⁷ Swiss Institutional Design Report, Summary.

⁸ Swiss Institutional Design Report, Summary and paras. 49–62, in particular paras. 50–53 and 62; see also para. 177.

and thereby strengthen political and public accountability for achieving those targets.⁹

12. The Report also examines whether existing Swiss institutions, including the Federal Office for the Environment (“FOEN”), the National Centre for Climate Services, the Forum for Climate and Global Change (“ProClim”) and the Parliamentary Climate Group, could perform the functions envisaged for an independent national climate body and **concludes that none could do so**. Nor would merely reviving the former Advisory Body on Climate Change (“OcCC”) suffice.¹⁰ Although the OcCC was effective on occasion, its mandate had gradually been weakened by the lack of statutory entrenchment and its dependence on internal administrative funding and commissioning decisions. It also lacked systematic monitoring and evaluation functions and adequate integration into political decision-making. The experience of the OcCC therefore indicates that a future national climate body would require substantially stronger guarantees, in particular concerning its independence, legal entrenchment, resources and integration into the political process.¹¹
13. The Report thereby substantiates the Committee of Ministers’ observation that Switzerland does not currently have an independent national body with the mandate and authority required to monitor and evaluate progress towards national climate targets and to recommend remedial measures.

2.2. A specific statutory basis securing the body’s mandate and continued existence is needed

14. The Report recommends establishing the national climate body by a specific statutory provision rather than merely by an ordinance, a Federal Council decision, or an administrative arrangement. Its legal basis should secure its continued existence and regulate, at a minimum, its purpose and institutional status; substantive mandate and functions; freedom from instructions; access to information; rights of initiative, publication and communication; composition and appointment procedure; terms of office and staggered renewal; rules on interests, incompatibilities and recusal; secretariat, budget and use of resources;

⁹ Swiss Institutional Design Report, Summary.

¹⁰ Swiss Institutional Design Report, Summary.

¹¹ Swiss Institutional Design Report, paras. 6–7.

and the obligations of the Federal Council to respond to its reports and recommendations and of the Federal Assembly formally to consider them.¹²

2.3. Institutional independence and effective integration into political decision-making are both essential

15. The Report identifies a dual requirement: the national climate body must be institutionally and scientifically independent while remaining effectively integrated into the climate-policy process. Independence requires, in particular, freedom from substantive instructions; autonomy in determining its work programme, priorities, and agenda; the ability to initiate work on its own initiative; and authority to publish reports, assessments, and recommendations without prior approval by the Federal Council, a department, or the federal administration. Independence does not, however, mean institutional isolation. The body's assessments must reach the competent administrative and parliamentary authorities at defined stages of target-setting, legislative and evaluation processes.¹³
16. To ensure that the national climate body's work has practical consequences, the Report proposes a "qualified duty to respond".¹⁴ Where the body concludes that Switzerland is unlikely to meet its statutory climate targets, its international climate obligations or a scientifically derived "fair share"-compatible pathway, that assessment should trigger a statutory and time-bound duty on the Federal Council to respond publicly, together with a presumption that additional measures or initiatives are required.¹⁵
17. If the Federal Council intends to take corrective action, its response should specify the additional measures or initiatives envisaged. If it does not intend to do so, it should provide a substantiated public explanation, based on current projections and quantified impact analyses, demonstrating why the measures already adopted nevertheless make attainment of the relevant targets sufficiently likely or explaining why it has decided not to act despite the negative assessment.¹⁶

¹² Swiss Institutional Design Report, paras. 63–75, in particular paras. 69, 71 and 75.

¹³ Swiss Institutional Design Report, paras. 77–89 and 117.

¹⁴ Swiss Institutional Design Report, paras. 94–95.

¹⁵ Swiss Institutional Design Report, paras. 94–95.

¹⁶ Swiss Institutional Design Report, para. 95.

18. Where legislative action is required, competent parliamentary bodies should also formally consider the body's reports and recommendations. The Report identifies as an example a projection indicating that, under the measures currently in place, the 2030 target or the statutory emissions-reduction pathway is unlikely to be met, or a scientifically justified national GHG budget is likely to be exceeded.¹⁷
19. The Applicant Association submits that this proposed mechanism is directly relevant to the requirements identified in § 550(a)–(e) of the judgment. Furthermore, the evidence set out in section 3 below, which indicates that Switzerland is highly likely to miss its 2030 target, demonstrates that the proposed response mechanism is of immediate practical relevance.

2.4. A broad mandate directed towards the substantive requirements of the judgment is needed

20. The Report recommends that the national climate body's mandate encompass the climate-policy cycle as a whole and that, at a minimum, the following three core functions be expressly assigned to it by law:¹⁸
21. First, the law should expressly assign the national climate body the task of providing independent scientific advice and expert analysis. To this end, the national climate body should be required to prepare scientific foundations independently, establish or analyse national emissions pathways and GHG budgets, and assess planned climate policy measures *ex ante* with regard to their effectiveness, their compatibility with national climate targets and international climate obligations – in particular the temperature limits of the Paris Agreement – as well as their long-term coherence.¹⁹ This should include, in particular, the authority to critically evaluate State modelling, assumptions, and scenarios against the “best available science”. The national climate body should also be able to assess, from a scientific perspective, the ambition and fairness of Switzerland's contribution in the global context.²⁰
22. Second, the national climate body should be assigned an autonomous monitoring, evaluation, and accountability function by law. The Report clarifies

¹⁷ Swiss Institutional Design Report, para. 95.

¹⁸ Swiss Institutional Design Report, paras. 109 and 112.

¹⁹ Swiss Institutional Design Report, para. 113.

²⁰ Swiss Institutional Design Report, para. 113.

that monitoring in this sense does not encompass the administrative collection and inventorying of emissions data, which would remain the responsibility of the competent federal authorities, but rather the independent scientific contextualisation and assessment of those data. The national climate body should undertake an ongoing scientific assessment of progress towards climate targets, the effectiveness of government measures, and the coherence between short-, medium-, and long-term national climate objectives, as well as their compatibility with the relevant international climate obligations and global targets.²¹ The statutory definition of the national climate body's tasks should therefore include continuous monitoring of national target pathways, identifying deviations from those targets and structural implementation deficits, and formulating recommendations for corrective action. The law should likewise provide for the national climate body to perform an "early warning" function and require it to draw timely attention to foreseeable failures to meet targets or to inadequate policy measures.²²

23. Third, the national climate body should expressly have a publicity, transparency and communication function. The body's autonomous publication authority should be guaranteed by law. The body should be able to publish reports, statements and recommendations without prior substantive approval by the Federal Council, any federal department, the federal administration or the Federal Assembly. The national climate body should therefore be an independent interface between the State, science and the public.²³ Comparative practice shows that publicly visible bodies, such as the United Kingdom's Climate Change Committee and the Danish Council on Climate Change (Klimarådet), can improve the quality of public debate and provide a counterweight to short-term political interests. The Report considers this function particularly important in Switzerland, where, in its assessment, the political response to the KlimaSeniorinnen judgment revealed significant shortcomings in communication and public engagement.²⁴

²¹ Swiss Institutional Design Report, para. 114.

²² Swiss Institutional Design Report, para. 114.

²³ Swiss Institutional Design Report, para. 115.

²⁴ Swiss Institutional Design Report, para. 116.

24. The Applicant Association submits that the proposed mandate would thus give institutional effect to the functions identified in § 550 of the judgment and would also allow the body to assess the feasibility and credibility of Switzerland's intended reliance on foreign emission reductions. As demonstrated in section 3 below, the availability, timely transfer and mitigation effectiveness of such reductions are material to whether Switzerland can attain its overall 2030 target. An independent assessment of that pathway, followed by timely recommendations if it is found to be inadequate, would therefore form part of the body's practical contribution to remedying the implementation deficiencies identified in the judgment.

2.5. Permanence, interdisciplinary expertise, transparent appointments and adequate resources are needed

25. The Report states that the body should be established as a permanent institution capable of maintaining continuity across legislative periods and changes of government, a requirement that also follows from the long-term logic of climate law reflected in the Court's judgment in *KlimaSeniorinnen*.²⁵ It considers "institutionalised learning" – the institutionalised retention and transfer of expertise and experience – to be essential in this regard. The Report therefore distinguishes between the permanence of the institution and the renewal of its membership: while the national climate body should be established by law as a permanent institution, its members should serve fixed but time-limited terms (for example, terms of five to seven years), with staggered renewal so that only some members are replaced at any one time. This continuity is necessary to enable the body to assess long-term target pathways, emissions budgets, scenarios, indicators and implementation deficits across multiple periods on the basis of transparent and consistent criteria.²⁶
26. The body should be sufficiently broad and interdisciplinary to evaluate the scientific, legal, economic, social, political and human-rights dimensions of climate policy. The Report identifies relevant expertise in climate science, climate impacts and adaptation, health, governance, economics, law and human rights, social and behavioural sciences, the humanities and sectoral

²⁵ Swiss Institutional Design Report, para. 119.

²⁶ Swiss Institutional Design Report, paras. 119–128.

transformation. Members should be selected through an open, transparent and merit-based procedure. An independent selection committee should assess candidates against published criteria and prepare a shortlist. The Federal Council could retain the power of formal appointment, but should be bound by that shortlist or required to provide a public, reasoned justification for departing from it. The members should act in their personal capacity and should not be bound by any instructions.²⁷

27. Finally, the Report emphasises that legal independence would be ineffective without sufficient and predictable resources. The body should have a separately identified, multi-year public budget; autonomy in the use of the funds allocated to it; a permanent and professionally qualified secretariat; and sufficient resources to commission its own studies, modelling and external expertise. Its financing should not depend on short-term contracts or on the discretionary operating budget of an administrative unit whose policies it is required to assess. Private or sector-specific funding should be excluded. The level of funding should correspond to the breadth of the statutory mandate and should not reproduce the limited-resource model that constrained the work of the former OcCC.²⁸

2.6. Implications for the execution process

28. The Applicant Association reiterates that the Swiss Institutional Design Report provides detailed and concrete benchmarks against which the establishment and operation of an independent national climate body can be assessed.²⁹
29. At the establishment stage, the Committee of Ministers would be able to examine whether the selected institutional form, statutory basis, mandate, appointment procedure, guarantees of independence and resources are capable of enabling effective performance of the intended functions.³⁰ During the body's subsequent operation, the relevant questions would include whether it acts independently and on its own initiative;³¹ whether it prepares and reviews

²⁷ Swiss Institutional Design Report, paras. 129–162, in particular paras. 135–162.

²⁸ Swiss Institutional Design Report, paras. 163–174.

²⁹ Swiss Institutional Design Report, Summary and para. 177.

³⁰ Swiss Institutional Design Report, paras. 49–62 (institutional form), 63–75 (statutory basis), 77–89 (independence), 100–118 (mandate), 155–162 (appointment procedure) and 163–174 (resources); see also para. 177.

³¹ Swiss Institutional Design Report, paras. 77–89 and 117.

scientifically substantiated national GHG budgets and produces timely assessments of emissions pathways, climate-policy measures and progress towards targets; whether it identifies impending target failures and recommends corrective action;³² whether the Federal Council, with the involvement of the competent departments and administrative units, responds publicly and substantively within a specified period; and whether the competent parliamentary bodies formally consider its reports and recommendations in sufficient time for them to influence the relevant decision-making processes.³³

30. The Swiss Institutional Design Report thus shows how an independent national climate body can be legally and institutionally embedded within Switzerland's political structure without transferring political decision-making powers to it. Properly designed, such a body would create a durable mechanism for embedding independent scientific assessment, human rights requirements, early warning and public accountability into Swiss climate governance.³⁴
31. Consistent with the position set out in the NGOs' joint Rule 9.2 Communication, the Applicant Association emphasises that its establishment would not, however, in itself, discharge Switzerland's substantive obligations under the judgment. Its contribution to execution would ultimately depend on whether its assessments lead the competent authorities to adopt and effectively implement targets, pathways and measures meeting the substantive requirements of the judgment.
32. Supervision by the Committee of Ministers would therefore remain necessary both during the body's establishment and in relation to its subsequent operation. Supervision should also continue until Switzerland has fully implemented, in law and in practice, the substantive obligations arising from the judgment. These include, as recalled in the judgment and outlined in the Applicant Association's submission, aligning Switzerland's emissions-reduction framework with a fair-share, 1.5°C-aligned national carbon budget or another equivalent science-based method of quantification consistent with § 550(a), and adopting and effectively implementing credible measures and plans capable

³² Swiss Institutional Design Report, paras. 110 and 113–114.

³³ Swiss Institutional Design Report, paras. 90–99, in particular paras. 91–92 and 95–99.

³⁴ Swiss Institutional Design Report, para. 177.

of achieving the required reductions in a timely manner and in accordance with its human-rights obligations under the Convention.

3. Further evidence that Switzerland is highly likely to miss its 2030 climate target

3.1. Follow-up to the Applicant Association's Fourth Rule 9.2 Communication

33. In its fourth Rule 9.2 Communication,³⁵ the Applicant Association recalled that no independent scientific analysis confirmed that the combined measures adopted by the Respondent would in fact result in the 50% reduction in emissions by 2030 required by Article 3 § 1(a) of the Federal Act of 23 December 2011 on the Reduction of CO₂ Emissions ("CO₂ Act"). Accordingly, there was no evidence demonstrating that the 2030 climate target would, or was likely to, be effectively achieved (KlimaSeniorinnen, §§ 550(c) and 550(e)). The Applicant Association further explained that the evidentiary position had since changed: FOEN's Vice-Director and Head of its Climate Sector had stated unequivocally that Switzerland was set to miss its own 2030 emissions-reduction target by a significant margin.³⁶
34. Since that Communication, additional evidence from official, scientific and journalistic sources has emerged. Taken together, this evidence corroborates the assessment previously brought to the Committee of Ministers' attention and demonstrates that it was not an isolated prediction. Rather, the available evidence consistently indicates that, on its current trajectory and without immediate and substantial corrective measures, Switzerland is highly likely to miss its 2030 emissions-reduction target. The purpose of the present section is to place this additional evidence before the Committee of Ministers.
35. The cumulative evidence set out below is directly relevant to the Committee of Ministers' emphasis on "the paramount importance of ensuring the effective and efficient implementation of the objectives and measures adopted, and of ensuring in the future their updating as necessary". The increasingly clear

³⁵ Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (28/02/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) ([link](#)).

³⁶ "As of today, I can assure you that we will miss our 2030 climate targets – and massively so", see Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (28/02/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20), para. 9 ([link](#)).

prospect that Switzerland will miss its 2030 target demonstrates that the formal closure of the regulatory gap for the period 2025–2030 has not ensured effective implementation and underscores the urgent need for additional measures and appropriate updates to the existing regulatory framework.

3.2. Implementation of recently adopted climate legislation has been delayed, curtailed or left incomplete

36. The Applicant Association notes that the implementation of recently enacted climate legislation has, in several material respects, been postponed, weakened or left incomplete.³⁷ These developments further undermine confidence that the measures currently in place will ensure attainment of the 2030 target and demonstrate that the enactment of a regulatory framework has not ensured its effective implementation in practice. For example:

- Although Article 7a of the CO₂ Act has been in force since 1 January 2025 and requires the expected emissions caused by air travel to be disclosed in flight offers, the practical application of that obligation was postponed at ordinance level. Article 14a § 1 of the Ordinance of 30 November 2012 on the Reduction of CO₂ Emissions (“CO₂ Ordinance”) originally provided for the disclosure obligation to apply from 1 January 2026; that date was subsequently deferred by one year, to 1 January 2027.³⁸
- Article 37a of the CO₂ Act expressly provides for support for cross-border long-distance passenger rail services, in particular night trains. However, Parliament did not release the funding envisaged for a new international night-train connection, and the planned service could not be launched.³⁹ The subsequent Federal Act of 20 March 2026 on the Relief Package 2027 for the Federal Budget further weakens this support by providing that, from 1 January 2027, the statutory ceiling under Article 37a of the CO₂ Act for cross-border passenger rail services, in particular night trains, will be reduced from CHF 30 million to CHF 10 million per year until 2030. In 2027 and 2028, the remaining CHF 20 million per year is instead allocated

³⁷ See also SWI swissinfo.ch, article of 11 March 2026, “So wird die Umsetzung der Schweizer Klimagesetze ausgebremst” ([link](#)).

³⁸ Amendment of 2 April 2025 to the CO₂ Ordinance, Article 14a § 1, in force from 1 May 2025 ([AS 2025 248](#)).

³⁹ Swiss Federal Railways, media release of 30 October 2025, updated on 9 December 2025, “Kein SBB Nachtzug nach Kopenhagen und Malmö” ([link](#)).

to general federal-budget relief.⁴⁰

- The regulatory framework governing emissions-reduction commitments for industrial installations has also been weakened. Article 66a § 1 of the CO₂ Ordinance establishes an ordinary minimum annual emissions-reduction rate of 2.25%. Since 1 January 2026, however, the newly introduced Article 66a § 1 *bis* has permitted operators whose emissions arise to a material extent from high-temperature process heat to apply for a lower minimum rate if the prescribed conditions are met.⁴¹
- Article 9 of the Federal Act on Climate Protection Goals, Innovation and Strengthening Energy Security of 30 September 2022 (“Climate and Innovation Act”), in force since 1 January 2025, requires the Confederation to ensure that the Swiss financial centre makes an effective contribution to low-emission and climate-resilient development. However, specific minimum requirements governing the climate-compatible alignment of financial flows are still being prepared.⁴² The Paris Agreement Capital Transition Assessment (“PACTA”) climate test, meanwhile, remains voluntary and anonymous.⁴³

3.3. Successive shortfalls against emissions-reduction targets and the likely non-attainment of the 2025 and 2030 reduction levels

3.3.1. Switzerland missed its 2020 target – a failure forming part of the violation established by the Court

37. Under the CO₂ Act, Switzerland was required to reduce its greenhouse-gas emissions by 20% below 1990 levels by 2020. The Court noted that this target was itself insufficient (*KlimaSeniorinnen*, § 558).
38. Apart from its inadequate ambition, Switzerland also failed to achieve the 20% target it set. This failure was acknowledged by the relevant Swiss authorities

⁴⁰ Federal Act of 20 March 2026 on the Relief Package 2027 for the Federal Budget, section I.10, Article 37a of the CO₂ Act ([BBl 2026 801](#)); Federal Council, Message of 19 August 2026 on the 2027 Budget with the Integrated Financial Plan 2028–2030, vol. 1, pp. 16–18, measure 34 ([link](#)).

⁴¹ FOEN, media release of 19 November 2025, “Bundesrat setzt die Teilrevision der CO₂-Verordnung im EHS-Bereich in Kraft” ([link](#)); amendment of 19 November 2025 to the CO₂ Ordinance, Article 66a §§ 1 *bis* and 2 ([link](#)).

⁴² State Secretariat for International Finance, media release of 12 August 2026, “Federal Council rejects financial centre initiative” ([link](#)).

⁴³ FOEN, webpage, “Klimatest 2026 für den Finanzmarkt” ([link](#)).

and expressly taken into account by the Court when it found that Switzerland had failed to act in good time and in an appropriate and consistent manner, in violation of Article 8 (*KlimaSeniorinnen*, §§ 559 and 573–574).

3.3.2. Switzerland fell short of the target applicable to the 2021–2024 transitional period

39. The failure to meet the 2020 target was subsequently followed by a further shortfall. In its assessment published on 13 April 2026, FOEN confirmed that Switzerland had missed the overall emissions-reduction target applicable to the transitional period from 2021 to 2024 by approximately 130,000 tonnes of CO₂-equivalent. Although the required domestic component had been achieved, the international attestations needed to attain the overall target were not yet available.⁴⁴ This shows that the intended combination of domestic reductions and foreign credits had not delivered the legally prescribed result.
40. This constitutes a further shortfall against an applicable greenhouse-gas emissions-reduction target. Like Switzerland’s failure to meet its 2020 target, it is directly relevant to the concerns regarding target attainment that the Court took into account when finding a violation of Article 8 (*KlimaSeniorinnen*, §§ 559 and 573–574).

3.3.3. Switzerland is highly unlikely to have attained the reduction level anticipated for 2025

41. The evidence concerning 2025 further confirms that the shortfall against the 2021–2024 target was not an isolated occurrence and that Switzerland’s emissions trajectory remained inadequate.
42. In its Intended Nationally Determined Contribution (“INDC”) submitted under the United Nations Framework Convention on Climate Change (“UNFCCC”) on 27 February 2015, Switzerland anticipated reducing its greenhouse-gas emissions **by 35% below 1990 levels by 2025**.⁴⁵ The corresponding reduction level of at least 35% was reiterated in Switzerland’s updated nationally

⁴⁴ FOEN, information published on 13 April 2026, “2030 reduction target (for the years 2021 to 2030)” ([link](#)).

⁴⁵ Swiss Confederation, *Switzerland’s Intended Nationally Determined Contribution (INDC) and Clarifying Information*, 27 February 2015, pp. 1–2 ([link](#)).

determined contribution (“NDC”)⁴⁶ and expressly referred to by the Court in its assessment of the post-2020 regulatory framework (*KlimaSeniorinnen*, § 563).

43. Official emissions data published by FOEN on 13 April 2026 show that Switzerland remained far from this anticipated level only one year before the relevant date.⁴⁷ According to the 2024 greenhouse-gas inventory, Switzerland’s net greenhouse-gas emissions relevant to the overall target – including emissions and removals from land use, land-use change and forestry (“LULUCF”) – were **only 22.3% below their 1990 level in 2024**.⁴⁸ Switzerland therefore remained 12.7 percentage points short of the anticipated 2025 level when it included land use.
44. Although the complete greenhouse-gas inventory for 2025 is not yet available, closing a gap of this magnitude within a single year would require an extraordinary acceleration in emissions reductions. The CO₂ statistics for 2025, published by FOEN on 13 July 2026, provide no indication that such an acceleration occurred.⁴⁹ While emissions from heating fuels fell by approximately 5% compared with the previous year, emissions from motor fuels declined by only approximately 1% and remained only 8% below their 1990 level.
45. The available official data therefore make it highly likely that Switzerland did not attain the 35% reduction level anticipated for 2025 through domestic emissions reductions alone. Any assertion that the overall level was nevertheless attained would depend on the availability and transfer of qualifying foreign emission reductions; the evidence concerning such transfers is addressed below.

⁴⁶ Switzerland’s information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 of its updated and enhanced Nationally Determined Contribution (“NDC 2021”) under the Paris Agreement (2021-2030), 17 Dec. 2021 ([link](#)). See also the updated version of 13 November 2024, p. 3, reiterating the anticipated reduction of at least 35% by 2025 ([link](#)).

⁴⁷ FOEN, media release of 13 April 2026, “Treibhausgasinventar 2024: Emissionen leicht gesunken” ([link](#)).

⁴⁸ FOEN, “Entwicklung der Treibhausgasemissionen der Schweiz seit 1990”, April 2026 (Excel spreadsheet).

⁴⁹ FOEN, media release of 13 July 2026, “CO₂-Statistik 2025: Emissionen aus Brenn- und Treibstoffen leicht zurückgegangen” ([link](#)).

46. The likely non-attainment of the 2025 reduction level is directly relevant to whether Switzerland has demonstrated compliance with its emissions-reduction pathway and acted in good time and in an appropriate and consistent manner, as required by §§ 550(c) and 550(e) of the judgment.

3.3.4. Switzerland is not on track and is now highly likely to miss its 2030 target

47. Switzerland's regulatory framework requires an overall reduction of at least 50% by 2030 compared with 1990 and an average reduction of at least 35% over the period 2021–2030 (Article 3 § 1 CO₂ Act). Under Article 131 § 5 of the CO₂ Ordinance, attainment of those overall targets is assessed on the basis of net greenhouse-gas emissions, including the absolute greenhouse-gas balance of the LULUCF sector. Article 2a of the CO₂ Ordinance requires at least two-thirds of the reductions necessary to achieve the targets to be achieved through measures in Switzerland. For the 2030 annual target, this corresponds to a domestic reduction of approximately 34% below 1990 levels, while the remaining reductions may be achieved abroad.⁵⁰
48. The evidence concerning the 2030 target must likewise be assessed against the requirements identified by the Court that the authorities provide evidence demonstrating whether they have complied, or are in the process of complying, with the relevant emissions-reduction targets and act in good time and in an appropriate and consistent manner (*KlimaSeniorinnen*, §§ 550(c) and 550(e)).
49. Measured against that standard, the official evidence does not demonstrate that Switzerland's legally prescribed 2030 target will, or is likely to, be achieved.
50. In its review of the 2030 target, FOEN expressly stated that additional efforts are required in every sector to attain the sectoral benchmarks for 2030.⁵¹ The available sectoral data are particularly concerning in relation to transport, one of Switzerland's largest sources of emissions. The 2025 CO₂ statistics show that CO₂ emissions from motor fuels declined by only approximately 1% compared with 2024 and stood only 8% below their 1990 level in 2025.⁵² That rate of

⁵⁰ 2/3 from 50% = 33,33%.

⁵¹ FOEN, information published on 13 April 2026, "2030 reduction target (for the years 2021 to 2030)" ([link](#)).

⁵² FOEN, media release of 13 July 2026, "CO₂-Statistik 2025: Emissionen aus Brenn- und Treibstoffen leicht zurückgegangen" ([link](#)).

progress stands in marked contrast to the 25% sectoral reduction benchmark for 2030 established in Article 3 § 1(b) of the CO₂ Ordinance.

51. Furthermore, the Swiss Academy of Sciences (“SCNAT”), acting through ProClim, published *Brennpunkt Klima Schweiz* in April 2026. Experts from Swiss universities and other scientific institutions contributed to the assessment, while several senior FOEN officials were among the reviewers listed in the report.⁵³ The report concludes that the measures adopted to date are “probably insufficient” to achieve Switzerland’s legally enshrined emissions-reduction targets.⁵⁴ In the accompanying media release, the researchers state that the measures taken to date in the fields of climate-change mitigation and adaptation are “insufficient to achieve the legally enshrined targets, particularly in the transport and heating/buildings sectors”.⁵⁵
52. It should be noted that the Applicant Association does not endorse the report’s separate characterisation of the ambition of Switzerland’s statutory targets. What is directly relevant here is its conclusion that the measures adopted to date are unlikely to achieve even those targets.
53. Even if it were demonstrated that the measures already implemented were capable of reducing domestic emissions by the approximately 34% required by 2030, that would not establish that Switzerland has complied, or is in the process of complying, with the overall 50% target for 2030. Achievement of the overall target depends on the timely availability and transfer of a substantial volume of qualifying foreign emission reductions, which will be addressed below.
54. In that connection, it should be noted that the mere existence of a legal mechanism permitting the acquisition of foreign emission reductions does not satisfy the requirement identified by the Court that the authorities provide evidence showing whether they have duly complied, or are in the process of

⁵³ Including Reto Burkard, FOEN Vice-Director and Head of its Climate Sector, Raphael Bucher, Head of the Climate Policy Section, and Roland Hohmann and Regine Röthlisberger of the Climate Reporting and Adaptation Section, see ProClim, *Brennpunkt Klima Schweiz: Ein Überblick über Entwicklung, Folgen und Handlungsmöglichkeiten*, Swiss Academies Reports, Vol. 21, No. 2, 2026, p. 2 ([link](#)); FOEN, organisational chart, effective as of 1 July 2026 ([link](#)).

⁵⁴ ProClim, *Brennpunkt Klima Schweiz: Ein Überblick über Entwicklung, Folgen und Handlungsmöglichkeiten*, Swiss Academies Reports, Vol. 21, No. 2, 2026, p. 35 ([link](#)).

⁵⁵ SCNAT, media release of 9 April 2026, “Die Schweiz im Klimawandel: Rasches Handeln bietet viele Vorteile” ([link](#)).

complying, with the relevant emissions-reduction targets (*KlimaSeniorinnen*, § 550(c)). Switzerland must instead demonstrate that this mechanism is effectively capable, in practice, of delivering qualifying foreign emission reductions in the volume required and within the applicable time frame (*KlimaSeniorinnen*, § 545). As the evidence set out below demonstrates – and as the competent federal authorities themselves now acknowledge – Switzerland has not done so.

3.3.5. Reliance on foreign emission reductions does not provide a credible pathway to meeting the 2030 target

55. Switzerland’s stated pathway to meeting its 2030 target relies to a significant extent on foreign emission reductions transferred under Article 6.2 of the Paris Agreement.⁵⁶ In simple terms, that pathway is affected by four mutually reinforcing problems. First, only a negligible proportion of the required outcomes has so far been transferred. Second, the available evidence indicates that Switzerland is unlikely to secure and transfer the required volume in time. Third, reliance on foreign certificates has already failed in practice: Switzerland missed the overall reduction target for the 2021–2024 transitional period because the international certificates required to meet it were unavailable. Nor is Switzerland on track to make up the prospective shortfall through additional domestic reductions. Fourth, substantial uncertainty remains as to whether the foreign mitigation outcomes relied upon represent effective and verifiable emissions reductions.

⁵⁶ Foreign emission reductions allow mitigation outcomes achieved in one country to be transferred and counted towards another country’s climate target. Under this mechanism, mitigation activities undertaken abroad may reduce emissions that would otherwise have occurred or remove carbon dioxide from the atmosphere. Once verified and authorised for international transfer, these outcomes may be transferred as internationally transferred mitigation outcomes (“ITMOs”), expressed in tonnes of CO₂-equivalent. To prevent double counting, the transferring State must not also count those outcomes towards its own climate target. Once transferred to Switzerland, the ITMOs may be counted towards Switzerland’s climate target. Within the limits established by Swiss law, mitigation achieved abroad thereby reduces the volume of emissions reductions that Switzerland must achieve domestically in order to attain its overall target.

3.3.5.1. The required volume of foreign emission reductions is unlikely to be secured and transferred in time

56. An investigation published by Swiss Radio and Television (“SRF”) on 21 May 2026 demonstrates the scale of that problem.⁵⁷ By the end of 2024, the applicable compensation rates would have allowed the Foundation for Climate Protection and Carbon Offset (“KliK”)⁵⁸ to transfer more than two million foreign certificates to the Confederation; KliK itself had expected almost one million certificates from its projects.⁵⁹ As of 21 May 2026, however, **only 63,366 certificates** had been transferred.⁶⁰ In response to SRF’s enquiry, FOEN attributed the delays primarily to the extensive work required to review the projects and conduct the necessary consultations with partner countries, the duration of which also depended on the quality of the project submissions.
57. At the time of SRF’s investigation, KliK stated that it expected to deliver a total of approximately 15 million certificates to the Confederation by 2030.⁶¹ Based on current emissions data and the trajectory toward the average reduction target for 2021–2030, SRF estimated that a further 33.2 million certificates would still need to be secured. This implied that Switzerland might need to secure foreign mitigation outcomes corresponding to approximately **48.2 million tonnes of CO₂-equivalent**. At a price of CHF 29 per tonne, securing the additional 33.2 million certificates would entail expenditure of almost CHF 1 billion.⁶² According to KliK, even if the necessary financing were secured, the timely implementation of sufficient projects would hardly be feasible.⁶³
58. A second SRF investigation, published on 4 June 2026⁶⁴, placed the findings of the earlier investigation in the context of the Federal Council’s official estimate and examined why that estimate was substantially lower.

⁵⁷ SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁵⁸ KliK is a private foundation and the carbon-offset grouping of Swiss motor-fuel importers. Acting on their behalf, it fulfils their statutory obligation under the CO₂ Act to offset part of the emissions generated by the use of motor fuels in Switzerland. Foundation for Climate Protection and Carbon Offset (KliK), “About the KliK Foundation” ([link](#)); FOEN, information published on 25 September 2025, “Carbon offsetting: Offsetting obligation for placing fuels on the market” ([link](#)).

⁵⁹ SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁶⁰ SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁶¹ SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁶² SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁶³ SRF, report of 21 May 2026, “Wie die Schweiz ihre Klimaziele aufs Spiel setzt” ([link](#)).

⁶⁴ SRF, report of 4 June 2026, “Schweizer Emissionslücke grösser als der Bund angibt” ([link](#)).

59. In its reply of 12 February 2025 to a parliamentary interpellation, the Federal Council had estimated that **approximately 34 million tonnes of foreign emission reductions** would be required by 2030.⁶⁵ SRF found, however, that the calculation excluded the greenhouse-gas balance of the land-use sector, even though the applicable average reduction target for 2021–2030 is defined by reference to net emissions and therefore includes emissions and removals from that sector.⁶⁶ Applying two alternative land-use scenarios, SRF estimated that the total volume of additional reductions required to meet the applicable average target for 2021–2030 amounted to between **40.8 and 50.1 million tonnes of CO₂-equivalent**.⁶⁷ An ETH Zurich climate scientist independently reviewed the scenarios and obtained comparable results. FOEN confirmed that its earlier calculation was not aligned with the accounting basis of Switzerland’s current climate targets.⁶⁸ This analysis indicates that the volume of foreign emission reductions potentially required may be substantially larger than previously acknowledged.
60. Taken together, the two investigations indicate that, on Switzerland’s current emissions trajectory, and once the LULUCF balance relevant to the overall target is taken into account, the total volume of foreign emission reductions potentially required by 2030 may be of the order of 41 to 50 million tonnes of CO₂-equivalent, rather than the approximately 34 million tonnes previously estimated by the Federal Council. Even if KliK were to deliver the full 15 million certificates it currently expects, a very substantial remaining gap would still have to be closed, and any shortfall in KliK’s anticipated contribution would further increase that gap.
61. The Climate Action Tracker’s June 2026 assessment of Switzerland’s reliance on Article 6 of the Paris Agreement⁶⁹ separately underscores the scale of Switzerland’s planned reliance on foreign reductions. Switzerland plans to

⁶⁵ Swiss Federal Council, reply of 12 February 2025 to Interpellation 24.4379, “Kann der Plan der CO₂-Kompensation zur Erreichung der Klimaziele bis 2030 noch aufgehen?” ([link](#)).

⁶⁶ FOEN, information published on 13 April 2026, “2030 reduction target (for the years 2021 to 2030)” ([link](#)); Switzerland, “Updated and enhanced First Nationally Determined Contribution under the Paris Agreement”, update of 13 November 2024, sections 1, 2.1, 2.3 and 2.5 ([link](#)). Both sources define Switzerland’s overall 2030 target by reference to net greenhouse-gas emissions and expressly include emissions and removals from land use, land-use change and forestry.

⁶⁷ SRF, report of 4 June 2026, “Schweizer Emissionslücke grösser als der Bund angibt” ([link](#)).

⁶⁸ SRF, report of 4 June 2026, “Schweizer Emissionslücke grösser als der Bund angibt” ([link](#)).

⁶⁹ Climate Action Tracker, *Article 6 Assessment – Switzerland*, June 2026, pp. 1–3 ([link](#)).

purchase approximately **30.45 million internationally transferred mitigation outcomes** for the period 2021–2030, whereas only **approximately 0.06 million credits from Article 6 projects** had been transferred by June 2026. The Climate Action Tracker’s assessment further concludes that Switzerland does not meet the prerequisites for the responsible use of Article 6 because its domestic target is not compatible with 1.5°C and it does not provide adequate climate finance.⁷⁰

62. The figures reported by SRF and the Climate Action Tracker are not directly comparable in methodological terms but point to the same central conclusion: Switzerland’s pathway depends on the acquisition of an exceptionally large volume of foreign emission reductions, while only a negligible proportion of that volume has so far been transferred and substantial obstacles concerning availability, timing and financing remain unresolved.
63. In the Applicant Association’s submission, these findings demonstrate that reliance on foreign emission reductions does not provide a credible pathway to meeting Switzerland’s 2030 target. A mitigation strategy that depends substantially on foreign outcomes that have not been and are unlikely to be secured and transferred in the required quantities and within the necessary timeframe, and whose unavailability has already contributed to the failure to attain an applicable emissions-reduction target, falls short of the obligation to adopt and effectively apply in practice regulations and measures “capable of mitigating the existing and potentially irreversible, future effects of climate change” (*KlimaSeniorinnen*, § 545). It also fails to provide evidence that Switzerland has complied, or is in the process of complying, with the relevant emissions-reduction targets, as required by § 550(c), and does not demonstrate that the authorities have acted in good time and in an appropriate and consistent manner, as required by § 550(e).

3.3.5.2. Structural limitations of carbon credits reinforce the need to prioritise domestic emissions reductions

64. The preceding subsection concerns whether Switzerland can secure and transfer the required volume of foreign emission reductions in time. A separate

⁷⁰ Climate Action Tracker, *Article 6 Assessment – Switzerland*, June 2026, p. 3 ([link](#)).

question is whether, even if sufficient mitigation outcomes were obtained, they would deliver the mitigation claimed and whether reliance on them on this scale would be consistent with Switzerland's international climate and human rights obligations.

65. In her report of 17 July 2026, *Rethinking carbon credits according to international climate and human rights obligations* ("UNSR Report")⁷¹, the United Nations ("UN") Special Rapporteur on the promotion and protection of human rights in the context of climate change identifies structural faults in carbon credit markets that persist despite more than two decades of reform. Her analysis expressly covers the cooperative approaches under Article 6.2 of the Paris Agreement on which Switzerland relies.
66. The UNSR Report concludes that the evidence concerning the mitigation effectiveness of carbon credits "remains unclear".⁷² Among other matters, it identifies uncertainty as to whether credited reductions are additional, accurately quantified and not displaced elsewhere.⁷³ It also questions the assumption that each credited tonne is necessarily equivalent to a tonne emitted elsewhere⁷⁴ and observes that carbon-credit markets do not ensure that credits are used only for residual emissions remaining after the maximum feasible deep emissions reductions have been achieved. Their use may therefore delay domestic emissions reductions and defossilisation.⁷⁵
67. These concerns are consistent with *Brennpunkt Klima Schweiz* by the Swiss Academy of Sciences, which observes that the purchase of foreign emission reductions, instead of the necessary domestic reductions, is of limited benefit because the corresponding domestic emissions remain and must subsequently

⁷¹ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026 ([link](#)).

⁷² UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026, para. 44 ([link](#)).

⁷³ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026, paras. 24, 31, 38 and 44 ([link](#)).

⁷⁴ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026, para. 29 ([link](#)).

⁷⁵ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026, paras. 24, 27, 29–33, 38 and 44 ([link](#)).

be reduced at an accelerated pace. Brennpunkt Klima Schweiz likewise notes that the effectiveness of emissions certificates in producing actual emissions reductions has been called into question.⁷⁶

68. These findings are directly relevant to the *KlimaSeniorinnen* judgment. Even if Switzerland obtained and accounted for the full volume of foreign mitigation outcomes on which it relies, that would not in itself demonstrate that it had adopted and effectively applied measures “capable of mitigating the existing and potentially irreversible, future effects of climate change” (§ 545), or that it had complied, or was in the process of complying, with its emissions-reduction targets (§ 550(c)). Reliance on such outcomes as evidence that those requirements have been satisfied would require reliable, project-specific evidence that the credited mitigation is additional, accurately quantified, sufficiently durable and effective in practice. The structural limitations and scientific uncertainties identified in the UNSR Report must also inform the review and updating of Switzerland’s targets and measures in accordance with § 550(d).
69. The UNSR Report accordingly recommends that States prioritise deep domestic emissions reductions, notably through defossilisation and in line with their highest possible ambition, before determining the share of reductions that may be purchased and achieved abroad.⁷⁷ In the Applicant Association’s submission, foreign emission reductions cannot therefore be treated as a substitute for the deep domestic emissions reductions that Switzerland must pursue in line with its highest possible ambition. Consistently with the requirement to act in good time and in an appropriate and consistent manner under § 550(e) of the judgment, Switzerland must take timely corrective action to strengthen its domestic emissions trajectory.
70. The Applicant Association respectfully invites the Committee of Ministers to request that the Respondent ensure that any national climate body established in Switzerland is able to assess whether the scale and pace of Switzerland’s domestic emissions reductions are consistent with its highest possible ambition.

⁷⁶ ProClim, *Brennpunkt Klima Schweiz: Ein Überblick über Entwicklung, Folgen und Handlungsmöglichkeiten*, Swiss Academies Reports, Vol. 21, No. 2, 2026, p. 35 ([link](#)).

⁷⁷ UN Special Rapporteur on the promotion and protection of human rights in the context of climate change, *Rethinking carbon credits according to international climate and human rights obligations*, 17 July 2026, paras. 39, 72(a)–(b), 75(e) and 77(a) ([link](#)).

The body should also be able to assess the additionality, quantification, permanence and overall mitigation effectiveness of the foreign reductions relied upon.

3.3.6. Federal Councillor Albert Rösti acknowledges that the 2030 target is likely to be missed

71. The risk identified by the scientific assessments, official data and investigations summarised above is now also openly acknowledged at the highest level of the Federal Government. In an interview published on 6 August 2026 and reproduced on the official website of DETEC, Federal Councillor Albert Rösti was confronted with federal projections showing that the existing measures are insufficient to ensure either net zero by 2050 or a 50% reduction in emissions by 2030.⁷⁸ In response, he stated that the situation for 2030 was “more complicated”, because a significant proportion of the necessary reductions would have to be obtained through international certificates. In the current budgetary context, he could not see how the Confederation could provide the additional CHF 300–400 million required. He added that, if Switzerland missed the 2030 target, the measures would have to be strengthened during the following decade. The interview was accordingly reported as an acknowledgment that Switzerland would probably fail to attain its 2030 target.⁷⁹
72. Federal Councillor Rösti’s statements complement the unequivocal statement by FOEN’s Vice-Director and Head of its Climate Sector previously placed before the Committee of Ministers: “As of today, I can assure you that we will miss our 2030 climate targets – and massively so.”⁸⁰ It is highly significant that the member of the Federal Council responsible for climate policy now acknowledges both the serious risk of non-attainment and the lack of identified financing for a central component of the Government’s intended pathway. Taken together, these statements corroborate the earlier assessment and

⁷⁸ DETEC, publication of 6 August 2026 reproducing an interview published by *Le Temps* on the same date, “Albert Rösti, sur les coupes dans l’adaptation des forêts: ‘Je ne peux pas justifier cette décision sur le fond. Ces moyens sont nécessaires’” ([link](#)).

⁷⁹ Watson/Keystone-SDA, report of 6 August 2026, “Rösti sagt, Klimaziel 2030 wird wohl verpasst – und dass er diese Hitze nicht erwartet hat” ([link](#)).

⁸⁰ Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (28/02/2026) in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20), para. 9 ([link](#)).

confirm that Switzerland has not provided evidence showing that it has duly complied, or is in the process of complying, with the relevant emissions-reduction targets, as required by § 550(c) of the judgment.

3.3.7. No credible pathway to closing the projected 2030 emissions gap

73. There is no basis for assuming that a substantial shortfall in foreign emission reductions could simply be offset by domestic reductions. The evidence set out above indicates that the measures currently in place may not even suffice to achieve the required domestic reduction of at least one-third by 2030. There is therefore no evidence that those measures could deliver additional reductions, let alone on the scale needed to compensate for a substantial shortfall in foreign reductions. Moreover, as demonstrated above, the implementation of several relevant legislative commitments has been delayed, weakened or left incomplete.
74. Accordingly, the available evidence does not show that Switzerland has duly complied, or is in the process of complying, with the relevant emissions-reduction targets, as required by § 550(c) of the judgment. It points in the opposite direction: in the absence of immediate and substantial corrective measures, Switzerland is now highly likely to miss its 2030 emissions-reduction target. This prospect also demonstrates that Switzerland has not yet ensured the timely, appropriate and consistent implementation required by § 550(e) of the judgment.

3.4. Cumulative assessment and implications for the execution of the judgment

75. The evidence set out above is cumulative and mutually reinforcing. It demonstrates that:
- the implementation of several recently adopted legislative measures has been delayed, weakened or left incomplete;
 - Swiss scientists consider the measures adopted to date to be probably insufficient to achieve even Switzerland’s legally prescribed targets;
 - Switzerland missed its 2020 target and recorded a shortfall against the overall target applicable to the 2021–2024 transitional period, while the available official data make it highly likely that the reduction level anticipated for 2025 was likewise not attained;

- official emissions data and projections show that progress remains insufficient, particularly in the transport sector;
 - attainment of the overall 2030 target depends on the timely acquisition and transfer of a very substantial volume of qualifying foreign emission reductions, of which only a negligible proportion has so far been transferred;
 - even if the required volume of foreign mitigation outcomes were obtained, their actual mitigation effectiveness could not simply be assumed, given the structural uncertainties concerning their additionality, quantification, permanence and equivalence to the emissions they are used to offset;
 - once the LULUCF balance relevant to the overall target is taken into account, the volume of foreign reductions potentially required may be substantially larger than previously communicated by the Federal Council; and
 - Federal Councillor Rösli now openly acknowledges the serious risk that the 2030 target will not be achieved.
76. These findings concern a deficiency that is distinct from, and additional to, the inadequacy of Switzerland's level of climate ambition. As the Applicant Association has explained in its previous Rule 9 Communications, Switzerland has not quantified its national limitations on greenhouse-gas emissions by reference to a fair-share, 1.5°C-aligned national carbon budget or an equivalent method grounded in the best available science. It should be noted that this separate deficiency is likewise reinforced by further official information that became available after the Applicant Association's fourth Rule 9 Communication. In its reply of 6 May 2026 to Interpellation 26.3491 concerning consumption-based greenhouse-gas emissions, the Federal Council acknowledged, on the basis of a new study commissioned by FOEN, that a population-proportionate, consumption-based carbon budget for Switzerland was "likely to have already been exhausted in 2024".⁸¹ The Federal Council's

⁸¹ "Gemäss dem sechsten Sachstandsbericht des IPCC beträgt das verbleibende globale CO₂-Budget zur Erreichung des 1,5 Grad-Ziels rund 500 Gigatonnen CO₂, jenes zur Erreichung des 2 Grad-Ziels rund 1150 Gigatonnen CO₂. Zur Verteilung dieser Budgets wären verschiedene Kriterien denkbar, eine Verteilung proportional zur Weltbevölkerung wie von der Interpellantin gefragt, ist eine Variante davon. Es gibt aktuell keinen von der internationalen Staatengemeinschaft anerkannten Ansatz. Das Übereinkommen von Paris sieht deshalb auch keine solche Verteilung vor. Entsprechend kommen Studien zu einer gewissen Spannweite an Budgets. **Basierend auf einer neuen Studie des Bundesamtes für Umwelt zu den Umwelt-**

acknowledgment that Switzerland may already have exhausted such a consumption-based carbon budget further reinforces the need for a transparent, scientifically substantiated assessment of Switzerland's fair share of the remaining global carbon budget for 1.5°C and for the timely adoption of measures consistent with that assessment (*KlimaSeniorinnen*, §§ 550(a), 550(b)).

77. The evidence examined in the present section shows that, even leaving that separate deficiency aside and assessing Switzerland solely against its own legally prescribed targets, Switzerland has not demonstrated a credible pathway towards attaining them. Accordingly, there is still no evidence demonstrating that Switzerland's 2030 climate target will, or is likely to, be effectively achieved (*KlimaSeniorinnen*, §§ 550(c) and 550(e)).
78. This conclusion is directly relevant to the Committee of Ministers' emphasis on "the paramount importance of ensuring the effective and efficient implementation of the objectives and measures adopted, and of ensuring in the future their updating as necessary".⁸² The formal closure of the regulatory gap for the period 2025–2030 has not ensured effective implementation in practice. The repeated failure to attain applicable or anticipated emissions-reduction levels reinforces the need for Switzerland to provide evidence of actual and prospective compliance and to take timely and consistent corrective action.
79. The Applicant Association therefore respectfully requests the Committee of Ministers to request the Respondent to take, without delay, the necessary corrective action, including by strengthening its domestic mitigation measures in line with its highest possible ambition and reassessing its reliance on foreign emission reductions in light of both their availability and their mitigation effectiveness.

Fussabdrücken der Schweiz (abrufbar unter www.bafu.admin.ch > Publikationen, Medien > Externe Studien > Wirtschaft und Konsum > Umwelt-Fussabdrücke der Schweiz: Entwicklung zwischen 2000 und 2023) **dürfte ein bevölkerungsproportional gerechnetes Budget bereits aufgebraucht worden sein**" (highlights added); see Swiss Federal Council, reply of 6 May 2026 to Interpellation 26.3491, "Wie viel Treibhausgas dürfen wir noch ausstossen?" ([link](#)), with reference to EBP Schweiz AG and Impact Economics GmbH, *Umwelt-Fussabdrücke der Schweiz: Entwicklung zwischen 2000 und 2023*, final report commissioned by the Federal Office for the Environment, February 2026, pp. 9 and 104–105 ([link](#)): "Dieses verbleibende Budget **dürfte allerdings 2024 wohl bereits aufgebraucht worden sein**" (highlights added).
⁸² Ministers' Deputies, Decisions CM/Del/Dec(2025)1537/H46-37, 17 September 2025, para. 5, ([link](#)).

80. The evidence set out above also illustrates the importance of establishing an independent national climate body with a sufficiently broad mandate to monitor Switzerland's actual emissions trajectory and independently evaluate the authorities' assessments, consistently with the broad monitoring and evaluation mandate proposed in the Swiss Institutional Design Report.⁸³ In the Applicant Association's submission, and in light of the evidence set out above, such a body should also be able to assess compliance with the minimum domestic share and whether the scale and pace of Switzerland's domestic emissions reductions are consistent with its highest possible ambition. It should further scrutinise the availability, timely transfer, additionality, accurate quantification, permanence and actual mitigation effectiveness of the foreign emission reductions relied upon.
81. The establishment of such a body would, however, neither substitute for the immediate adoption and effective implementation of the corrective measures now required nor itself discharge Switzerland's substantive obligations under the judgment. Continued supervision by the Committee of Ministers therefore remains necessary both to ensure that the body is properly established and to monitor whether Switzerland effectively acts on its assessments and recommendations. Such supervision should continue until Switzerland has demonstrated, in law and in practice, that it has complied with the obligations arising from the judgment.

4. Conclusion

82. The developments set out above confirm that continued supervision remains necessary and urgent. The exceptional heat and drought experienced in Switzerland during the summer of 2026 provide a further reminder of the concrete and immediate consequences of climate change. For the members of the Applicant Association – older women whose health and lives are particularly affected by extreme heat – these consequences affect them directly, immediately and profoundly. The Applicant Association continues to seek, on behalf of its members, effective protection of their Convention rights from the serious adverse effects of climate change, including the health risks associated

⁸³ Swiss Institutional Design Report, paras. 109–114, in particular paras. 110, 113 and 114.

with increasingly severe heatwaves. This is the very protection which the Court recognised as falling within the scope of Article 8 of the Convention.

83. Against that background, the Applicant Association respectfully invites the Committee of Ministers: (i) to request the Respondent, without delay, to adopt and effectively implement the additional measures necessary to place Switzerland on a credible pathway towards its 2030 emissions-reduction target, giving priority to deep domestic emissions reductions; (ii) to request the Respondent, without delay, to provide evidence demonstrating actual and prospective compliance with the requirements identified in § 550(a)–(e) of the judgment, including reliable evidence concerning the actual mitigation effectiveness of any foreign mitigation outcomes relied upon; (iii) in examining Switzerland’s forthcoming submission to the Committee of Ministers, to have particular regard to the benchmarks and parameters identified in the Best Practices Report and the Swiss Institutional Design Report; and (iv) to request the Respondent to ensure that the mandate of any national climate body established in Switzerland enables it to assess compliance with the statutory minimum domestic share, to determine whether the scale and pace of Switzerland’s domestic emissions reductions are consistent with its highest possible ambition; and to scrutinise the availability, timely transfer, additionality, accurate quantification, permanence and actual mitigation effectiveness of any foreign emission reductions relied upon.
84. The establishment of such a body would constitute an important contribution to execution, but it cannot substitute for substantive compliance with the judgment or for the effective protection of the Convention rights at stake. The members of the Applicant Association continue to seek that protection in the face of the serious and increasingly tangible effects of climate change on their health, life and well-being. The Applicant Association therefore respectfully invites the Committee of Ministers to continue its supervision until Switzerland has demonstrated, in law and in practice, that it has complied with the obligations arising from the judgment.

Zurich, Lausanne, 24th of September 2026

Yours faithfully,

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a long horizontal line.

Cordelia Christiane Bähr
lic. iur., LL.M. Public Law (LSE),
Attorney-at-Law

A handwritten signature in blue ink, consisting of a series of connected, wavy lines.

Martin Looser
Attorney-at-Law

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a horizontal line.

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Attorney-at-Law