

26.04.2023

**SUBJECT: legal case at the European Court of Human Rights (ECtHR)
(KlimaSeniorinnen and Others v. Switzerland) - issues raised by Switzerland
about the methodology of Climate Analytics**

Request from the lawyers of the plaintiffs in Application no. 53600/20

**Questions relating to the report by Climate Analytics, A 1.5°C compatible
Switzerland**

Question as received from Applicants

In its answers, Switzerland comments on the analysis in the 1.5°C compatible Switzerland report on the contribution of Switzerland to emissions reductions abroad. Specifically, Switzerland states that only the bilateral agreements with Ghana and Peru are mentioned, but not others. Switzerland states that it is not clear why these other agreements “have not been included in the quantitative calculation.”

Question 3: *Are you aware of other agreements to which Switzerland refers in its answer? Could you explain why the report does not provide quantitative calculations for the emissions reductions represented by the agreements between Switzerland and other countries? Would such a calculation have any impact on the conclusions in the report?*

Response on behalf of Climate Analytics

In the chapter referred to in the answers of Switzerland, there is an analysis of the agreements between Switzerland and Peru and Switzerland and Ghana. This is provided for the purpose of

assessing whether these agreements contain sufficient safeguards to ensure that the emissions reductions that are the subject of these agreements are truly additional and will not be double-counted towards both the reductions of Switzerland and the other countries. Such double counting would be problematic because the atmosphere only sees each emissions reduction once. If two countries can count the same emissions reduction towards their targets, the effect of national targets once globally aggregated would be inconsistent with actual emissions, even if those targets were achieved. Even if all targets were 1.5°C compatible, double counting would allow global emissions to go above a 1.5°C compatible level.

As the report explains, the Swiss reduction target of 50% below 1990 levels by 2030 consists of both domestic reductions as well as reductions abroad. The said agreements of Switzerland aim to contribute towards successfully achieving this headline target. The purpose of Climate Analytics' report is to assess the sufficiency of the headline emissions reduction target, not to assess whether Switzerland's international agreements would be sufficient to achieve the existing target of a 50% reduction by 2030. Also, the report differentiates between domestic emissions reductions and emissions reductions abroad which can count towards its fair share contribution. As the report outlines, Switzerland's reduction target of 50% by 2030 compared to 1990 (covering both domestic emissions as well as reductions abroad) falls short even of its necessary domestic emissions reduction, let alone its fair share contribution (considering both, domestic emissions as well as reductions abroad), which would amount to at least a 127% reduction below 1990 levels by 2030. Against this background, a quantitative calculation of the effect of international agreements - which could not be used to meet a domestic target - proved unnecessary. That said, an earlier NewClimate analysis¹ raised concerns about the quality of the credits generated through Switzerland's bilateral agreements.

Question as received from Applicants

Finally, Switzerland states the following: *“Climate Analytics concludes that Switzerland should reduce its emissions by 127% by 2030 compared to 1990. The costs of reducing emissions so massively in a short period of time would be disproportionate and the effect would be too small in view of Switzerland's modest contribution to global emissions.”*

We note that on this issue the 1.5°C compatible Switzerland report states the following: *“according to the Climate Action Tracker's equity methodology, an overall 1.5°C fair share contribution for Switzerland (domestic action + emissions reductions abroad and support for developing countries) - would amount to at least a 127% reduction below 1990 levels by 2030, with a fair share contribution for emissions reduction support abroad of 74% (127% - 53%)”*

¹ <https://newclimate.org/news/switzerlands-bilateral-agreements-to-offset-their-emissions-set-a-poor-precedent-for-ambition>

In its statement, Switzerland seems to interpret the fair share contribution of at least a 127% reduction below 1990 levels by 2030 as having to be achieved fully domestically (with measures taken within its own borders) without contributions to emissions reductions abroad and support for developing countries being able to count towards this level of contribution. We consider this to be a misinterpretation of the results as described in the report.

Question 4: Based on our reading of the statement of Switzerland as outlined above, could you confirm that this is indeed a misinterpretation of the results from the report?

Response on behalf of Climate Analytics

Yes, your characterisation of Switzerland's statement as a misinterpretation of the results in the report is correct. Figure 2 of the report clearly shows that Switzerland's current target falls short both in terms of domestic and internationally supported emissions reductions.

Question as received from Applicants

We note that the most recent CAT results of the fair share contribution for Switzerland are a minimum of 160% compared to 1990 by 2030, which is higher than the 127% level mentioned in the 1.5°C compatible Switzerland report. We also note that the 1.5°C compatible Switzerland report was published on June 15 2021 (date mentioned on your website here:

<https://climateanalytics.org/publications/2021/a-15c-compatible-switzerland/>) before the latest update of the CAT of 8 June 2022.

Question 5: Could you confirm that the fair share contribution of 127% by 2030 as mentioned in the 1.5°C compatible Switzerland report is based on an outdated CAT assessment? Could you briefly describe the differences between the old and current methodology?

Response on behalf of Climate Analytics

The CAT updated its rating method in September 2021, including methodological updates to the fair share ranges for each country. In comparison to the old method, we have added newly available studies and removed outdated ones. In addition, our approach towards reducing the effect of outliers was updated to exclude the upper and lower 5% of studies, rather than the

previous method which involved excluding the highest and lowest clusters per warming level. This change in methodology makes the analysis more robust against extreme values. Lastly, we included the latest historic emissions which lead to a further reduction of the remaining available emissions budget within a 1.5°C pathway, which results in lower levels of emission allowances and thus higher necessary reductions.



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