

Fourth 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](#)).

1. Introduction

1. At its 1537st meeting from 15-17th of September 2025, the Ministers' Deputies examined the execution of the KlimaSeniorinnen judgment for the second time. On 17th of September 2025, they adopted the decisions CM/Del/Dec(2025)1537/H46-37² (“**CM decisions September 2025**”). The CM decisions refer to the Notes on the Agenda CM/Notes/1537/H46-37 dated 17th of September 2025,³ entailing an analysis of the Secretariat.
2. In short, the CM decisions from September 2025, read in conjunction with the Notes on the Agenda,
 - strongly welcomed the closure of the regulatory gap for the period 2025–2030;
 - stressed that beyond the establishment of a regulatory framework, it is necessary to ensure its effective implementation and update;
 - explained that given the complexity of the issues at stake, the Committee sees itself not 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, issue recommendations for remedial measures, etc.;
 - invited Switzerland 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.
3. The Applicant Association wishes to draw attention to the fact that evaluations are currently being carried out by legal scholars to determine how such an independent national body would need to be set up in order to make an effective contribution to the implementation of the judgment. Further information will be provided in due course.

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](#)).

4. In this fourth Rule 9 communication, the Applicant Association wishes to respectfully draw to the Committee of Ministers' attention recent observations concerning the effective implementation of legislative commitments (below, section 2).
5. In addition, the Applicant Association wishes to submit to the Committee of Ministers an overview table reflecting its assessment of the execution of the judgment (below, section 3).

2. Effective implementation of legislative commitments

6. In its third Rule 9 communication⁴, the Applicant Association alleged that the Respondent is not on track to meet its own – inadequate – climate targets. In particular, it submitted (para. 20 ff.) that no independent scientific analysis confirms that the combined measures adopted by the Respondent will in fact result in a 50% reduction in emissions. Consequently, there is no evidence demonstrating that the 2030 climate target will, or is likely to, be effectively achieved (KlimaSeniorinnen, §§550(c) and 550(e)).
7. Recent developments go beyond this evidentiary gap: they provide affirmative evidence that the 2030 climate targets will be missed. In this regard, the Applicant Association draws the Committee of Ministers' attention to public statements made by Mr Reto Burkard, Vice Director of the Federal Office for the Environment (“FOEN”), member of the FOEN management board, and Head of the Climate Sector⁵, at a conference held on 30 October 2025 at the University of Bern.⁶ Mr Burkard stated unequivocally that Switzerland is set to miss its 2030 climate targets by a significant margin. He further emphasised that Switzerland will be unable to procure a sufficiently large volume of foreign emission reductions, let alone foreign emission reductions of the requisite quality (availability, credibility, and verifiability of internationally transferred mitigation outcomes under Article 6 of the Paris Agreement). These foreign emission reductions had, however, been envisaged as a key instrument within Switzerland's climate strategy to achieve the 2030 target, as under Art. 2a of

⁴ Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (18/07/2025) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) ([link](#)).

⁵ The FOEN, Sector Climate ([link](#)).

⁶ Oeschger Centre for Climate Change Research (OCCR), Klimaschutz und graue Emissionen - 2. Berner Klimarechtstagung ([link](#)).

the CO₂-Ordinance⁷ it is planned to achieve one-third of the reductions through foreign emission reductions.

8. His statements were taken up by a journalist present and subsequently published on November 8, 2025, in several newspapers belonging to CH Media.⁸

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Schweiz

Samstag, 8. November 2025

Der höchste Klimabeamte ist frustriert

Die Schweiz werde ihre Klimaziele 2030 massiv verfehlen, sagt der Vizedirektor des Bundesamts für Umwelt. Das liege auch am Parlament.

Annika Bangert

Klimaexpertinnen und Klimaexperten warnen schon seit längerem: Die Schweiz muss sich viel mehr anstrengen, ihre Treibhausgase zu reduzieren, wenn sie ihre Ziele nicht verfehlen will. Mit dem Pariser Abkommen hat sich die Schweiz per 2050 zu Netto-Null verpflichtet. Ein wichtiges Etappenziel stellt das Jahr 2030 dar. Bis dahin sollen die Emissionen gegenüber 1990 halbiert sein. So will es auch das vom Parlament verabschiedete CO₂-Gesetz.

Dass der eingeschlagene Weg nicht zu diesem Ziel führt, bestätigt nun auch der höchste Klimabeamte der Schweiz, Reto Burkard. Er ist Vizedirektor des Bundesamtes für Umwelt (Bafu). An der Klimarechtstagung an der Universität Bern sagte er: «Stand heute kann ich Ihnen versichern, wir werden unsere Klimaziele für 2030 verfehlen – und dies massiv.» Der Auftritt erfolgte vergangene Woche, blieb jedoch in der Öffentlichkeit bislang unbeachtet – trotz der teils brisanten Aussagen.

Die Schweiz hat bereits 2020 ihr Ziel nicht erreicht, wenn auch nur knapp. Damals war eine Reduktion der Emissionen um zwanzig Prozent vorgegeben, erreicht wurden jedoch nur 19. In etwas mehr als vier Jahren dürfte das Scheitern dann aber krachend sein. Konkrete Zahlen nannte Burkard nicht, doch er sprach davon, dass die Verfehlung massiv ausfallen werde. «Ausser der Bundesrat hat Lust pro Jahr 400 Millionen Franken aus der allgemeinen Bundeskasse zu nehmen», sagte er.

Schweiz nutzt nicht alle Möglichkeiten

Doch selbst für diesen unwahrscheinlichen Fall wäre die Zeit zu knapp, um die Vorgaben noch zu erfüllen, hielt Burkard fest. Das Verfehlen der Klimaziele sei dann vielleicht ein Türöffner für eine andere Diskussion. Eine, vor der er sich persönlich fürchte: «Ich bin mir ziemlich sicher, dass wir dann darüber diskutieren werden, ob die Schweiz beim Pariser Abkommen noch dabei sein soll oder nicht.»

Besonders in der Pflicht, Dinge anzustossen, sieht der Vizedirektor des Bafu das nationale Parlament. Doch dieses scheint ihn desillusioniert zu haben: «Wenn ich sage, wir sollten aktiv sein, dann ist das primär abhängig von der Legislative. Aber im Moment interessiert das Klima in der Bundespolitik kaum jemanden.»



Reto Burkard ist Vizedirektor des Bundesamts für Umwelt. Er leitet den Direktionsbereich Klima und ist Mitglied der Geschäftsleitung. Blitz by

Burkard nimmt die Bundesversammlung auch in die Verantwortung für das Scheitern der Klimaziele 2030. Das Parlament habe über die Massnahmen entschieden, sagt er. «Wir haben immer offengelegt, dass jene fürs Inland nie ausreichen werden, um die Emissionen zu halbieren. Etwas salopp gesagt, hat dann das Parlament entschieden, dass der Bund bei einer sich abzeichnenden Zielverfehlung Zertifikate kaufen soll.» Gemeint sind damit die CO₂-Kompensationen im Ausland. Diese sind nicht nur umstritten, sondern kommen ebenfalls nicht zum Fliegen. Dabei stellen sie eine bedeutende Säule der angestrebten Reduktionsziele dar. Ein Drittel der beschlossenen CO₂-Einsparungen soll mit Projekten im Ausland erreicht werden. Das sind 34 Millionen Tonnen.

Kürzlich berichtete das Magazin «Beobachter», dass der Bund erst 0,04 Prozent dieses Ziels erreicht habe. Zwei Projekte – eines in Thailand und eines in Ghana – brachten der Schweiz 13'649 Zertifikate ein. Ein Zertifikat gibt es für eine Tonne CO₂-Reduktion. Die Schweiz bräuchte also 34 Millionen davon.

Burkard bestätigte diese Zahlen. Und verteidigte sie: «Die Projektprüfung der Schweiz ist vorbildlich.» Das Bafu ist dem Vorwurf ausgesetzt, zu viele Daten zu verlangen und zu viel Zeit für die Überprüfung aufzuwenden. Das lasse sich aber nicht ändern, wenn Greenwashing-Projekte ausgeschlossen werden sollen, sagte Burkard. Bis Ende des Jahres, so hofft er, sollte sich die Anzahl Zertifikate verdreifachen oder vervierfachen.

Lange Diskussionen, verspätete Umsetzung

An der Tagung sassen primär Juristinnen, Klimawissenschaftler und Politologinnen. Burkard stand bei der Panel-Diskussion auf dem Podium. Dort machte er aus seinem Frust keinen Hehl. So sagte er: «Wir befinden uns in einer Debatte. Was es nicht braucht, sind weitere Ziele. Die interessieren mich inzwischen nicht mehr. Was mich interessiert, ist ein Massnahmenmix, der gesellschaftsfähig ist. Einer, der tatsächlich eine grosse Wahrscheinlichkeit hat, im Parlament zu überleben.»

Es fehle nicht an Studien – auch das Bafu mache «Studien à gogo». Längst sei bekannt, dass je länger man bezüglich Klimawandel warte, umso teurer dieser einem zu stehen komme. «Aber diese Erkenntnis kommt nicht an. Wie schaffen wir es also, dass die Politiker sie wahrnehmen?», fragt Burkard. Denn grundsätzlich gäbe es gute Entwicklungen, auch in der Schweiz. Erwa im Bereich Elektromobilität.

«Entscheidend ist aber die Geschwindigkeit der Umsetzung. Es kann nicht sein, dass wir seit zehn Jahren über die Förderung der Elektromobilität und deren Ladestationen diskutieren. Das müsste alles viel schneller gehen», kritisiert Burkard. Zudem befände man sich nicht mehr in der Lage, darüber zu debattieren, ob auf gewisse Ansätze wie etwa die Anstands-kompensationen verzichtet werden könne: «Es braucht alles. Und ein jeder muss dranbleiben und vorwärts kämpfen.» Ein Zuspruch, den er wohl auch an sich selbst richtet.

Source: St. Galler Tagblatt, 8 November 2025

⁷ Ordinance of 30 November 2012 for the Reduction of CO₂ Emissions (CO₂ Ordinance), SR 641.711.

⁸ E.g. Watson ([link](#)), Aargauer Zeitung ([link](#)), St. Galler Tagblatt ([link](#)).

9. Own translation by the Applicant Association (highlights added):

“Climate experts have been warning for some time: Switzerland must make much greater efforts to cut its greenhouse gases if it wants to meet its goals. Under the Paris Agreement, Switzerland has pledged to reach net zero by 2050. A key milestone is the year 2030, by which emissions should be halved compared to 1990 levels — as stipulated by the CO₂ Act passed by Parliament.

That the current path will not lead to this goal has now been confirmed by Reto Burkard, Switzerland’s top climate official. He heads the Climate Division and is Deputy Director of FOEN. Speaking at the Climate Law Conference at the University of Bern, he said: “As of today, I can assure you that we will miss our 2030 climate targets – and massively so.” (...)

*Switzerland already failed to meet its 2020 target, albeit narrowly. At the time, a 20% reduction was required, but only 19% was achieved. In just over four years, however, **the failure is likely to be dramatic**. Burkard did not give precise figures **but said the shortfall would be massive**: “Unless the Federal Council feels like spending 400 million francs a year from the general budget,” he added.*

Switzerland is not using all its possibilities

***But even in this unlikely scenario, there would be too little time to meet the targets**, Burkard noted. (...)*

Burkard sees Parliament as particularly responsible for taking action. However, he seems to have become disillusioned with it: “When I say we should be active, that primarily depends on the legislature. But at the moment, hardly anyone in federal politics is interested in the climate.”

He also holds Parliament accountable for the likely failure of the 2030 targets. It was Parliament that decided on the measures, he said: “We always made it clear that the domestic measures alone would never be enough to halve emissions. To put it bluntly, Parliament then decided that, if it became clear the targets would be missed, the federal government should buy certificates.”

*The certificates in question refer to CO₂ offsets abroad. These are not only controversial — but have also barely gotten off the ground, even though they represent a crucial pillar of Switzerland’s reduction strategy. **One third of the planned CO₂ reductions — 34 million tons — are supposed to come from international projects.***

*Recently, the magazine Beobachter reported that the **federal government has achieved only 0.04% of that goal**. Two projects — one in Thailand and one in Ghana — yielded*

13,649 certificates for Switzerland. One certificate corresponds to one ton of CO₂ reduction. Switzerland would need 34 million.

Burkard confirmed these figures at the conference and defended them: “Switzerland’s project verification process is exemplary.” The FOEN has been criticized for demanding too much documentation and taking too long to approve projects. But that can’t be helped if greenwashing projects are to be prevented, Burkard said. He hopes the number of certificates will triple or quadruple by the end of the year.

Long Debates, Slow Implementation

The conference audience consisted mainly of lawyers, climate scientists, and political scientists. On stage during a panel discussion, Burkard made no secret of his frustration: “We’re in a slump. What we don’t need are more targets — I’m no longer interested in them. What I want is a mix of measures that are socially acceptable and have a real chance of surviving in Parliament.”

It’s not that there’s a lack of studies — FOEN produces “studies à gogo,” he said. It’s long been known that the longer action on climate change is delayed, the higher the cost will be. “But this insight just doesn’t get through. So how do we get politicians to pay attention?” Burkard asked.

There are indeed positive developments in Switzerland, such as in electromobility and building renovations, he noted. “**But what really matters is the speed of implementation. It’s unacceptable that we’ve been discussing the promotion of electric mobility and charging stations for ten years now. Everything needs to move much faster,**” Burkard criticized. He added that the country is no longer in a position to debate whether to do without certain approaches, such as foreign offsets: “We need everything. And everyone has to keep pushing forward.”

10. It follows that, while certain legislative developments have occurred – primarily aimed at formally closing the regulatory gap for the period 2025–2030 – Switzerland remains far from having its regulatory framework effectively implemented.

3. Overview of the execution of the judgment

11. The following overview table, reflecting the Applicant Association’s assessment of the execution of the judgment, sets out Switzerland’s progress to date.

Required under the <i>KlimaSeniorinnen</i> judgment (as of 14 February 2024): Adoption of binding regulations and measures capable of mitigating the existing and potentially irreversible, future effects of climate change, and their effective application in practice (§545)	Measures undertaken by Switzerland (as of 15 December 2025):
Legally binding target timeline for achieving carbon neutrality (§§550(a), 550(b))	- 2030 climate target enshrined in the timeline towards net-zero GHG emissions by 2050
Calculation of 1.5°C-compatible, fair national CO ₂ budget as the basis for the timeline for achieving climate neutrality (§§106, 436, 442, 545, 550(a), 550(b), 550(e), 571) → A CO ₂ budget shows how much of the remaining global CO ₂ budget Switzerland is entitled to	- No national CO ₂ budget calculated - Emissions projection based on an unchanged climate strategy was prepared instead → The emissions projection shows how much of the remaining global CO ₂ budget Switzerland intends to claim , rather than how much it is entitled to
Public disclosure of the national CO ₂ budget calculation (§554)	- No national CO ₂ budget published
Revision of the target timeline for achieving carbon neutrality on the basis of the national CO ₂ budget (§§550(a), 550(b), 550(e))	- No adjustment of the climate targets
Provision of evidence showing whether the relevant GHG reduction targets have been complied with, or are in the process of being complied with (§§550(c), 550(e))	- No evidence provided
Regular review and updating of climate targets on the basis of the best available science (§550(d))	- No review or updating of climate targets
Inclusion of consumption-based emissions occurring abroad (§280 ⁹)	- Partial inclusion only (e.g. limits for embodied energy in buildings; strengthening of the circular economy)

⁹ KlimaSeniorinnen, Partly Concurring Partly Dissenting Opinion of Judge Eicke, §4.

<p>Timely, appropriate and consistent devising and implementation of climate-mitigation measures to achieve the climate targets (§550(e))</p>	<ul style="list-style-type: none"> - Regulatory gap 2025–2030 closed - Consultation draft on climate legislation for 2031–2040 envisaged by June 2026 - Climate-mitigation measures insufficient; significant failure to meet the climate targets expected. E.g.: <ul style="list-style-type: none"> - Reliance on foreign emission reductions delays domestic reductions and entails considerable uncertainty as to their effectiveness¹⁰ - Key climate-mitigation measures such as the building programme subject to significant budget cuts¹¹ - GHG-intensive sectors such as agriculture and the financial sector largely unregulated¹² - No levy on fossil motor fuels, although the transport sector has achieved only a 7% reduction in emissions since 1990¹³ - Reduced support for electromobility, despite electric vehicles accounting for only 4.2% of the vehicle fleet in 2024¹⁴
<p>Access to justice in climate change related cases and courts' assessments of the merits of such cases (§639)</p>	<ul style="list-style-type: none"> - Cantonal Court of Zug declares climate lawsuit against carbon major admissible¹⁵ - No further court decisions available to date

¹⁰ See e.g. para. 7 above and Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (18/07/2025) (Fn. 4) p. 11.

¹¹ See Communication from an NGO (Verein KlimaSeniorinnen Schweiz) (18/07/2025) (Fn. 4) p. 10.

¹² Ibid, p. 9 f.

¹³ Ibid, p. 10.

¹⁴ Ibid.

¹⁵ Cantonal Court of Zug, Decision of 17 December 2025 ([link](#) to unofficial English translation, [link](#) to German original)

4. Conclusion

12. The Applicant Association respectfully reiterates that the Committee of Ministers request the Respondent to promptly comply with the Convention requirements.

Zurich, Lausanne, 28th of February 2026

Yours faithfully,



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