VEREIN KLIMASENIORINNEN AND OTHERS v SWITZERLAND (53600/20)

COMMUNICATION

In accordance with Rule 9.2 of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements by

Greenpeace International & Climate Litigation Network

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I. Introduction

1. Pursuant to Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and Article 46 § 1 of the Convention, the Climate Litigation Network and Greenpeace International ("the NGOs") submit this joint Communication regarding the execution of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*.

2. In its September 2026 Rule 8.2a Communication to the Committee of Ministers, Switzerland formally declined to establish an independent, statutory national climate body. Switzerland considers that establishing a new permanent and independent scientific body would provide only limited added value and would be disproportionate to the additional resources and coordination required. Instead, the authorities proposed regular exchanges between the existing scientific network Forum for Climate and Global Change ("ProClim") and the head of the Federal Department of the Environment, Transport, Energy and Communications ("DETEC"), and amendments to the CO_2 Act intended to improve the evaluation and monitoring of climate policy.

3. The NGOs welcome Switzerland's stated intention to improve the connection between scientific expertise and political decision-making. However, the measures described do not address the institutional deficiency identified by the Committee of Ministers, nor do they adequately meet the judgment's substantive requirements.

4. The distinction is important. The problem identified by the Committee of Ministers is not simply that scientific knowledge does not sufficiently reach political decision-makers. It is that Switzerland lacks an independent national body with a mandate to monitor and evaluate progress towards national climate targets and recommend remedial measures. The Committee of Ministers expressly noted this institutional gap and considered that an independent national mechanism could significantly contribute to the implementation of the judgment and facilitate its own supervisory role.[1]

5. The NGOs stress at the outset that the core of the Court's judgment is that Switzerland must set climate targets that are sufficient to protect human rights. It must achieve this by quantifying its national GHG emissions limitations through a fair share, 1.5°C-aligned national carbon budget or equivalent method of quantification, and setting its targets in line with those limitations. An independent scientific body can play a crucial role in achieving this, both by quantifying a fair share carbon budget, and by monitoring how it is translated into targets, policies, and whether targets are achieved. The test for the sufficiency of any institutional proposals by Switzerland must be whether the proposed mechanism ultimately safeguards the duty to set and implement targets that are sufficient to protect human rights.

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

6. The measures Switzerland now proposes do not provide that safeguard. Nor do they remedy the continuing substantive deficiencies identified in the judgment. Switzerland has still not demonstrated that it has quantified its emissions limitations through a fair-share, 1.5°C-aligned national carbon budget or equivalent science-based method, nor has it shown that it will "comply (or at least endeavour to comply) with the relevant GHG reduction targets, to update the reduction targets diligently on the basis of the best available data, and to act in a timely, appropriate and consistent manner in the development and implementation of all relevant measures".[2]

7. The evidence now before the Committee indicates that Switzerland is highly likely to miss its 2030 target, as set out below and in the Applicant Association's September 2026 Rule 9.2 Communication.[3]

8. The NGOs therefore respectfully submit that the Committee of Ministers should maintain its active supervision until full compliance has been demonstrated in law and in practice. In particular, the Committee should express concern at Switzerland's refusal to establish an independent national climate advisory body and require it to set out, through an action plan and concrete evidence, how it will ensure that its emissions reduction targets are sufficiently ambitious, effectively implemented and consistent with a fair-share, 1.5°C-aligned carbon budget. Switzerland should also show how it will address its projected 2030 emissions shortfall, including by prioritising ambitious domestic reductions. Switzerland must also ensure effective access to court in climate matters. Finally, the NGOs respectfully submit that the Committee should request Switzerland to establish an independent national climate body, or suggest an equally robust alternative, and intensify supervision under the enhanced procedure, with a view to adopting an interim resolution if sufficient progress is not made.

II. Swiss proposals do not ensure effective implementation of the judgment and do not remedy the Convention violations

9. As mentioned in the NGOs' previous Rule 9.2 submission, the *KlimaSeniorinnen* judgment establishes a number of substantive obligations for Council of Europe Member States in the context of climate change.[4] In paragraph 550(a), the Court set out the obligation to "adopt general measures specifying a target timeline for achieving carbon neutrality and the overall remaining carbon budget for the same time frame, or another equivalent method of quantification of future GHG emissions, in line with the overarching goal for national and/or global climate-change mitigation commitments". This obligation, read together with the requirement that relevant GHG reduction targets be "updated with due

[2] Ministers' Deputies, Notes on the Agenda, CM/Notes/1537/H46-37, 17 September 2025 (link).
[3] Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link).
[4] Communication from NGOs (Greenpeace International and Climate Litigation Network) (17/01/2025) in the case of Verein *KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20), paras.14-15 (link).

diligence and based on best available evidence",[5] forms the substantive heart of States' mitigation obligations under the European Convention on Human Rights. With respect to these obligations, the Court accorded States a "reduced margin of appreciation".[6] The International Court of Justice further notes that "the standard of due diligence for preventing significant harm to the climate system is stringent."[7]

10. Crucially, the Court held that compliance with the Convention's "regulatory obligation"[8] requires the State to quantify national GHG emissions limitations through a national carbon budget or equivalent method of quantification grounded in best available science that is set: (1) in relation to the remaining global carbon budget consistent with limiting warming to 1.5°C; and (2) on the basis of a quantification of the State's fair share of the remaining global carbon budget.[9]

11. At its 1537th meeting in September 2025, the Committee of Ministers examined Switzerland's execution of the judgment for the second time. In its decision CM/Del/Dec(2025)1537/H46-372, the Committee of Ministers acknowledged the entry into force of the revised CO_2 Act, closing the regulatory gap for the period 2025–2030, but observed that a regulatory framework alone is insufficient without effective implementation and regular updates. The Committee of Ministers took note that Switzerland, by a method of its choice, has quantified the future greenhouse gas emissions corresponding to the general measures and the target timeline put in place, but recalled "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". It "underlined also that providing effective protection to individuals from the serious adverse effects of climate change is a legal obligation under the Convention and international law", and invited Switzerland "to consider the opportunity of establishing an independent national body suited to the national political structure to monitor its climate policy, mandated *inter alia* to issue recommendations to the political authorities, drawing as appropriate on good practices of other member States".[10]

12. The accompanying Notes of this meeting provide further insight into the Committee of Ministers' rationale for doing so, by outlining the important role an independent national climate body could play in the implementation of the *KlimaSeniorinnen* judgment:

[5] *KlimaSeniorinnen*, para. 550(d).
[6] Ibid, para. 543.
[7] See also *Obligations of States in respect of Climate Change (Advisory Opinion) (*International Court of Justice, 23 July 2025) General List No 187, para 138.
[8] *KlimaSeniorinnen*, para. 572.
[9] Communication from NGOs (Greenpeace International and Climate Litigation Network) (17/01/2025) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20), paras.16 (link).
[10] Ministers' Deputies, Decisions CM/Del/Dec(2025)1537/H46-37, 17 September 2025, para. 5 (link).

Ensuring full compliance with this legal obligation requires robust safeguards at the national level. 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. **The scientific bodies and platforms mentioned by the authorities, however relevant and important they may be, do not play this role**. All stakeholders, including the UN Special Rapporteur, confirm this. Given the complexity of the issues at stake and the evolving nature of climate governance, **the existence of such an independent national mechanism would significantly contribute to the implementation of the judgment**. **It would also facilitate the supervisory role of the Committee of Ministers, in accordance with the principle of subsidiarity** – the Committee is not in a position to monitor Switzerland's climate policy in detail for several decades, nor to settle disputes concerning the interpretation and application of the rules of climate science put forward by the interveners. This would also be in line with the ICJ Advisory Opinion, which emphasises that the mitigation and adaptation rules and measures in place must be accompanied by effective enforcement and monitoring mechanisms to ensure their implementation. The authorities could be invited to consider the opportunity of establishing such a body suited to the national political structure, drawing on existing good practices in other Member States where appropriate.[11]

13. Against this background, and to assist Switzerland in identifying best practices in other States and to support the Committee of Ministers in its supervisory role, the NGOs and the Applicant Association presented reports on national climate bodies in their respective Rule 9.2 submissions of June[12] and September 2026.[13] These reports evaluated existing institutional models and identified key elements of good practice in the design, mandate, independence, and functioning of such expert bodies, as well as the feasibility of such a body in the Swiss system. Their principal findings were then presented in the specific context of the *KlimaSeniorinnen* judgment and its effective implementation. Key institutional design features of effective national climate bodies include a firm legal basis, a clear and robust mandate, institutional independence, sufficient resources, visibility, high quality and breadth of expertise, and accountability mechanisms.

14. The bolz+partner report annexed to Switzerland's September 2026 Rule 8.2a submission aligns with many aspects of the reports in the NGOs' and Applicant Association's submissions as well as with the findings from the Committee of Ministers quoted above. It acknowledges that national climate bodies are well-established in other countries and that Switzerland has no such institution in place. Additionally, it notes that such a national climate body could help (1) address the current lack of institutional links between external

[11] Ministers' Deputies, Notes on the Agenda, CM/Notes/1537/H46-37, 17 September 2025 (link) (emphasis added).
[12] Communication from NGOs (Greenpeace International and Climate Litigation Network) (02/06/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) (link).
[13] Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link).

expertise and the political process in Switzerland; (2) provide a counterbalance to short-term political considerations through its long-term perspective; (3) contribute to a scientifically sound climate policy; (4) make a valuable contribution to shaping public opinion; and (5) relieve the administration of certain expert tasks.[14]

15. The report also underscores the key institutional design features listed above as factors central to the effectiveness of a climate body.[15] As regards the Report's observation that there is not yet large-scale evidence on the impact of these climate bodies,[16] it is relevant to note that the report submitted by the NGOs includes an entire section focusing on the impacts of climate bodies.[17] Moreover, two further studies specifically examine this issue: (1) *The policy impact of climate change advisory bodies: Government responses to the UK Climate Change Committee's recommendations, 2009–2020*,[18] and (2) *Advising national climate policy makers: A longitudinal analysis of the UK Climate Change Committee*.[19]

16. Switzerland's decision not to establish an independent national climate body sits uneasily with what all these expert reports, including that by bolz+partners, identified. Switzerland's proposals to have "regular" exchanges between ProClim (which does not itself constitute an independent national climate body) and the head of DETEC, and its statement that it is "examining the possibility of clarifying the evaluation" of policy instruments,[20] fall well short of the considerations of the various reports, and of the independent national mechanism contemplated by the Committee of Ministers.

17. Thus, the measures proposed by Switzerland do not constitute a new and independent national climate body, nor are they a reflection of the best practices of expert climate

[14] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 6.2.5).
[15] Ibid, sec. 5.2.
[16] Ibid, sec 3.3.
[17] Communication from NGOs (Greenpeace International and Climate Litigation Network) (02/06/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) (link), Annex I, sec. 3, citing, inter alia, OECD (2021), Climate Governance Review; Nick Evans, Paula Schöberlein, Matthias Duwe (2024), Raising the bar on national climate governance in the EU: How EU policy can help Member States deliver certainty, accountability, consensus, and consistency on the road to net zero. Ecologic Institute: Berlin; Averchenkova A, Higham C, Chan T, Keuschnigg I (2024) Impacts of Climate Framework Laws: lessons from Germany, Ireland and New Zealand, London: Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science) (link).
[18] Dudley, H., Holmes, J., Jordan, A. & Lorenzoni, I. (2026). The policy impact of climate change advisory bodies: Government responses to the UK Climate Change Committee's recommendations, 2009–2020. Climate Policy, 26(2), 239–252. https://doi.org/10.1080/14693062.2025.2497881
[19] Dudley, H., Jordan, A. & Lorenzoni, I. (2022). Advising national climate policy makers: A longitudinal analysis of the UK Climate Change Committee. Global Environmental Change, 76, 102589. https://doi.org/10.1016/j.gloenvcha.2022.102589
[20] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 2.3).

bodies in other Member States. Rather, Switzerland appears to have conflated such measures with setting climate policy based on the best available science as required by *KlimaSeniorinnen*.[21] Although such measures could, if implemented in domestic practice, promote dialogue between science experts and political actors as well as public participation in Switzerland, and strengthen internal monitoring and evaluation after 2030, they neither adequately address the institutional gap identified by the Committee of Ministers nor ensure the effective implementation of the *KlimaSeniorinnen* judgment.

18. The proposed options are also insufficient because, as the bolz+partner report notes, opportunities for public participation, including scientific actors, in strategic and legislative processes already exist in Switzerland. However, there is no institutionalised dialogue and authorities do not currently have an obligation to respond to such scientific input.[22] Thus, introducing "regular" exchanges with DETEC, providing opportunities to comment on proposed amendments, and examining possible improvements to the internal administrative evaluation and monitoring of climate policy, as intended by Switzerland, are inherently insufficient to close the institutional gap, since the authorities, in the absence of an accountability mechanism, can simply ignore the dialogue. The proposed options will accordingly be unable to serve as "robust safeguards at the national level", which the Committee of Ministers identified as necessary to ensure the effective protection of individuals from the serious consequences of climate change, as required under the Convention as well as broader international law.[23] A closer examination of each option further confirms their insufficiencies.

19. With respect to the first proposed option, there are a number of significant reasons why, as the Applicant Association notes in its Rule 9.2 submission, ProClim cannot "perform the functions envisaged for an independent national climate body".[24] These deficiencies are explained in detail in the accompanying Annex II of the Applicant Association's submission, the Swiss Institutional Design Report by Dr. Charlotte Blattner and Dr. Daniela Thurnherr:

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[21] Such a conclusion could be explained by the narrow framing of the questions in the Swiss report, which focuses on public participation rather than how an independent climate body could facilitate the implementation of the KlimaSeniorinnen judgment:
Can a new climate body add value to the development of Swiss climate policy compared to existing opportunities for participation?
Is it possible, within the current Swiss political context, to create a new climate body capable of meeting the expectations of such a body according to the international model and fulfilling the described conditions for success? And, once established, will it enjoy the necessary acceptance and openness within the Swiss political class?
If the answer to both of these questions is yes, the creation of a new "climate policy advisory body" would be an appropriate solution for Switzerland. 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only], (Annex 2 link, sec. 7.1).

[22] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 4.3).

[23] Ministers' Deputies, Notes on the Agenda, CM/Notes/1537/H46-37, 17 September 2025 (link).

[24] Applicant Association, Fifth Rule 9 Communication, 24 September 2026, para. 12 (link).

> ProClim primarily operates as a scientific network and platform for the coordination and dissemination of knowledge. It does not have a self-standing statutory mandate but is organisationally embedded, as a Forum of the Swiss Academy of Sciences (SCNAT), within the framework of the general service agreement between the Confederation and the academies. Neither its existing mandate nor its available resources and expertise are designed for continuous monitoring, evaluation of climate policy, or independent public reporting. Moreover, ProClim has a pronounced institutional proximity to the administration: ProClim does not have a separate legal personality, is organisationally embedded in existing structures, and works on the basis of fixed-term agreements with federal offices, especially FOEN. Several interviewees expressly stated that ProClim is not suitable to perform the function of an independent climate council, given its self-understanding, institutional embedding, and lack of resources and competences.[25]

20. In addition, ProClim has already provided input on the insufficiency of Swiss climate measures and the authorities have not taken action on the basis of those conclusions. The April 2026 report *Brennpunkt Klima Schweiz* found that the measures adopted by Switzerland to date are "probably insufficient" to achieve its climate targets.[26] Likewise, in the accompanying media release, the researchers state that the mitigation and adaptation measures taken to date are "insufficient to achieve the legally enshrined targets, particularly in the transport and heating/buildings sectors".[27] The fact that the authorities have provided no concrete indication on corrective measures to Switzerland's existing climate policy reflects the inadequacy of this proposed option.

21. Given the substantive obligations in *KlimaSeniorinnen*, it is highly problematic that the authorities insist that "neither additional knowledge nor greater reliance on science will make the difference" in addressing the challenges facing climate policy today.[28] This position contrasts sharply with the Court's emphasis on the importance of science and its conclusion that effective protection of human rights requires climate targets to be set based on a 1.5°C-compatible, fair national carbon budget and updated with due diligence, both based on the best available science.[29] Without a willingness to address identified deficiencies in its climate policies on the basis of science, Switzerland will remain in non-compliance with the *KlimaSeniorinnen* judgment.

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[25] Charlotte Blattner and Daniela Thurnherr, Legal Report on the Implementation of the KlimaSeniorinnen Judgment: Legal Entrenchment and Institutional Design of a National Climate Advisory Body in Switzerland, English translation dated 20 September 2026 ("Swiss Institutional Design Report"), Infobox 1, p. 29 (internal footnote removed) (link).
[26] Applicant Association, Fifth Rule 9 Communication, 24 September 2026, para. 51 (link).
[27] Ibid.
[28] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 2.3).
[29] See e.g. KlimaSeniorinnen, paras. 550, 572.

22. Regarding the second proposed option, Switzerland cites the revision of the CO_2 Act for the period after 2030 as a way to improve evaluation, monitoring, transparency, and public participation in its climate policy.[30] However, the authorities' proposal of "examining the possibility of clarifying the evaluation of climate policy instruments, specifying the monitoring of implementation, setting binding deadlines for evaluation and monitoring, and providing an opportunity for various comments on these amendments"[31] is overly vague and would remain internal to the administration, rather than providing the independent scrutiny contemplated by the Committee of Ministers, even if they are enshrined in law. Revising the legislation for the post-2030 period, moreover, would come too late to address the already foreseeable failure to meet the 2030 target, as described below. Moreover, these changes would not address the core of the *KlimaSeniorinnen* judgment, as they do not examine the ambition of Switzerland's existing climate targets, much less promote the fulfilment of the "regulatory obligation" set out by the Court requiring States to quantify a fair-share, 1.5°C-aligned national carbon budget or other equivalent science-based method.

23. It is important to note that the establishment of an independent national climate body in Switzerland would not in and of itself implement the *KlimaSeniorinnen* judgment. Although it could make an important contribution to the implementation of the judgment and could help facilitate the Committee of Ministers' supervisory role by monitoring and evaluating progress towards national climate targets and recommending remedial measures, the onus is ultimately on Switzerland to prove that it has met its substantive obligations. As the next section will show, Switzerland has not yet fulfilled those duties.

III. Status of non-implementation in Switzerland

24. Establishing an institutional mechanism cannot substitute for compliance with the substantive obligations the Court identified.[32] Despite closing the regulatory gap for 2025–2030, the NGOs reiterate that Switzerland remains in a state of non-implementation of the judgment, particularly with respect to the requirement to revise its mitigation targets.

25. As can be inferred from the NGOs' last submission[33] and the Applicant Association's previous Rule 9.2 submission of February 2026[34] and Rule 9.2 of September 2026,[35] the Swiss authorities continue to rely on the 2022 Climate Act climate targets, which, while setting a net-zero goal for 2050, are not based on a 1.5°C-compatible, fair national carbon

[30] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 2.3).
[31] Ibid.
[32] Communication from NGOs (Greenpeace International and Climate Litigation Network) (02/06/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) (link), para 18.
[33] Communication from NGOs (Greenpeace International and Climate Litigation Network) (02/06/2026) in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20) (link).
[34] Applicant Association, Fourth Rule 9 Communication, 28 February 2026 (link).
[35] Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link).

budget. The simple fact that the period 2025–2030 is no longer unregulated therefore does not amount to compliance.

26. Moreover, as the Committee of Ministers stressed in September 2025, the existence of a regulatory framework is insufficient where the measures adopted are not effectively implemented and updated in light of the best available evidence. The evidence now available demonstrates precisely this continuing gap, in contravention of the requirements set out in paragraph 550(c) of *KlimaSeniorinnen*.

27. Switzerland has a persistent record of failing to meet its climate targets. It failed to achieve its 2020 target (which was part of the Court's finding of a violation)[36] and subsequently fell short of the emissions-reduction target applicable to the 2021–2024 transitional period by approximately 130,000 tonnes of CO_2-equivalent, in part because it presumed it could rely on international attestations which are, in fact, not available.[37]

28. Significant gaps also remain between recently enacted legislation and its implementation in practice. The implementation of recently adopted climate legislation has been delayed, weakened or left incomplete. For example, the obligation to disclose expected aviation emissions was postponed, planned support for international night trains was not delivered and has since been reduced, and the regulatory framework governing industrial emissions-reduction commitments has been weakened.[38] These developments further undermine confidence in Switzerland's ability to meet its climate targets and in the effective implementation of a regulatory framework.

29. Against this background, the evidence concerning the 2030 target is particularly significant. Switzerland is now highly likely to miss that target. As noted above, the Swiss Academy of Sciences ("SCNAT"), acting through ProClim, published *Brennpunkt Klima Schweiz* in April 2026 and concluded that the measures adopted to date are "probably insufficient" to achieve Switzerland's legally enshrined emissions reduction targets.[39]

30. This conclusion is acknowledged by Switzerland. The Vice-Director of the Federal Office for the Environment and Head of its Climate Division has unequivocally stated that Switzerland will miss its 2030 climate targets "massively".[40] Federal Councillor Albert Rösti has likewise acknowledged the serious risk of non-attainment, while indicating that financing for a significant component of the Government's intended pathway has not been identified.[41]

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[36] *KlimaSeniorinnen*, paras. 559, 573.
[37] FOEN, information published on 13 April 2026, "2030 reduction target (for the years 2021 to 2030)" (link); Applicant Association, Fifth Rule 9 Communication, 24 September 2026, para. 39 (link).
[38] Applicant Association, Fifth Rule 9 Communication, 24 September 2026, para. 36 (link).
[39] Ibid, para. 51.
[40] Ibid, para. 72.
[41] Ibid, para. 71.

31. As the Applicant Association noted in its September 2026 Rule 9.2 Submission, Switzerland's stated pathway to meeting its 2030 target relies heavily on foreign emission reductions transferred under Article 6.2 of the Paris Agreement. However, only a negligible proportion of the required outcomes has been transferred so far, and available evidence indicates that Switzerland is unlikely to secure and transfer the required volume in time. As noted in paragraph 27 of this submission, 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. Switzerland is also not on track to make up the prospective shortfall through additional domestic reductions. Finally, there is uncertainty as to whether the foreign mitigation outcomes relied upon represent effective and verifiable emissions reductions.[42]

32. The NGOs and the Applicant Association have therefore previously submitted that no evidence demonstrates that Switzerland's 2030 target will, or is likely to, be effectively achieved within the meaning of paragraphs 550(c) and 550(e) of the judgment. This goes directly to the effectiveness of Switzerland's climate framework and illustrates precisely why the safeguards identified by the Committee of Ministers are necessary: an effective independent national mechanism should be capable of identifying, at an early stage, when policies and measures are failing to deliver the emissions reductions required by law, and of triggering an accountable response.

33. Taken together, the evidence reveals that Switzerland has not shown that its existing measures can achieve even the emissions reductions required by its own legal framework. To the contrary, the available evidence indicates a widening gap between Switzerland's stated targets, which are in themselves insufficient as ruled by the Court, and the measures actually being implemented to achieve them.

IV. The Committee of Ministers should maintain supervision, insist on the establishment of an independent national monitoring mechanism or request the adoption of alternative measures capable of ensuring compliance with the judgment

34. The Committee of Ministers should actively supervise the execution of the judgment until Switzerland demonstrates full and effective implementation of the judgment. This should include supervision not only of the establishment, independence and functioning of an actual national mechanism, but also the substantive climate measures adopted by Switzerland.

35. The importance of an independent monitoring mechanism is apparent in the Court's recent environmental case law. In *Cannavacciuolo and Others v. Italy*, concerning the long-standing environmental crisis in the Campania region, the Court provided detailed instructions mandating a "comprehensive strategy" – bringing together existing or envisaged measures at "every level of the State apparatus" – to address the

[42] Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link), para. 55.

environmental harm at issue.[43] It expressly required the establishment of a domestic mechanism to monitor the implementation and impact of measures adopted under a comprehensive strategy and to assess compliance with the applicable time-frames. Crucially, the Court did not regard the mere existence of a monitoring mechanism as sufficient. It required safeguards guaranteeing its independence and required its findings to be made publicly available. The Court's reasoning was expressly linked to the authorities' previous failure to respond promptly to a known problem, delays in implementing measures, and the absence of information concerning the tangible implementation of others.[44]

36. Similarly, in the present case, Switzerland has repeatedly ignored and refused to amend its climate policies in line with the judgment (see Section III above).

37. The problem identified by the Court in *KlimaSeniorinnen* is likewise not simply a lack of dialogue or access to scientific expertise. It concerns the absence of an effective framework capable of ensuring that Switzerland's climate policy is based on the best available evidence, that the measures adopted are sufficiently ambitious and appropriately updated, and that progress towards the necessary emissions reductions is effectively monitored. The Committee of Ministers has itself recognised this institutional dimension in its September 2025 decision. The accompanying Notes expressly observed 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. They further explained that such a mechanism would facilitate the Committee's supervisory role because the Committee cannot itself monitor Swiss climate policy in detail over several decades.[45] Switzerland's present proposal does not answer that concern. On the contrary, the measures described by the Swiss authorities confirm the absence of the very independence that the Committee of Ministers identified as necessary. The Swiss proposal is therefore deficient not merely because it opts for alternative institutional arrangements. It is deficient because those arrangements do not provide the safeguards necessary for the proposed mechanism to perform the function the Committee of Ministers identified. Dialogue between scientific actors and political authorities may improve communication. It does not, however, create an institution that can independently assess whether the Government's climate measures are sufficient, identify a gap between commitments and implementation, and require that gap to be addressed in light of the judgment. This need is all the more clear in light of Switzerland's express statement that "neither additional knowledge nor greater reliance on science will make the difference".[46]

[43] *Cannavacciuolo and Others v. Italy* (Application No. 51567/14), para 494-498.
[44] Ibid, para 499.
[45] Committee of Ministers, 'Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (Application No. 53600/20): Notes on the Agenda' (2025) HUDOC-EXEC 004-65565.
[46] 1577e réunion (Décembre 2026) (DH) - Règle 8.2a - Communication des autorités (01/10/2026) relative à l'affaire Verein KlimaSeniorinnen Schweiz et autres c. Suisse (Requête n° 53600/20) [french only] (Annex 2 link, sec. 2.3).

38. The Committee of Ministers' execution practice shows that an independent institutional mechanism is not merely an additional forum for dialogue. In a range of structural cases, the Committee of Ministers has examined not simply whether a body has been created, but whether it has the independence, mandate, resources, and operational capacity necessary to perform the function identified in the relevant judgment.[47]

39. The *Kaverzin* and *Afanasyev*[48] group of cases concerning Ukraine is an example. Following the Court's findings concerning systemic torture and ineffective investigations into allegations of ill-treatment by law-enforcement officials, Ukraine established the State Bureau of Investigations ("SBI") as an institution separate from the structures whose conduct it was required to investigate. The execution process did not end with the SBI's formal creation. The Committee of Ministers looked at its operational design, such as ensuring that the body had a sufficient budget, that its agents had independence from the local Prosecutor General's Office and expertise,[49] and continued to examine whether the institution was operating effectively and independently, including issues concerning its investigative functions and institutional capacity.

40. The Committee of Ministers has maintained constant and active supervision over this structural mechanism for over 11 years since the *Kaverzin* grouping was established. Likewise, the Court's reasoning in *Cannavacciuolo* makes clear that monitoring mechanisms are intended precisely to address the risk that measures may exist formally while implementation is delayed, incomplete or ineffective.

41. In the present situation, climate governance operates over decades, while the judgment's required measures must be assessed against evolving scientific evidence (the "best available science"), emissions data, and the State's actual progress towards its mitigation objectives.[50] A mechanism that is independent at the time of its creation may later be weakened through changes to its mandate, funding, composition, or relationship with the executive. Equally, a formally independent body may fail to discharge its mandate effectively in practice. The Committee of Ministers must therefore retain the ability to examine not only whether an institution has been established, but whether it remains independent, whether it is actually carrying out the functions assigned to it, and whether the authorities respond appropriately to its findings.

42. In the *Tsintsabadze* and *Merabishvili* group of cases, the Court identified structural deficiencies concerning deaths, torture and other ill-treatment and ineffective investigations, including deficiencies in the independence and effectiveness of

[47] See e.g., *Torreggiani and Others v. Italy* (Application No. 43517/09); *Khlaifia and Others v. Italy* (Application No. 16483/12); *El-Masri v. the Former Yugoslav Republic of Macedonia* (Application No. 39630/09); *Beka-Koulocheri v. Greece* (Application No. 38878/03); L. v. Lithuania Case (Application No. 27527/03); *Aslakhanova and Others v. Russia* (Application No. 2944/06).
[48] Committee of Ministers, *Kaverzin v. Ukraine*, HUDOC-EXEC 004-31569.
[49] Committee of Ministers, *Kaverzin v. Ukraine*, HUDOC-EXEC 004-31569 CM/Notes/1288/H46-32 (Kaverzin v. Ukraine), 1288th Human Rights Meeting (6–7 June 2017).
[50] *KlimaSeniorinnen*, paras. 550, 572.

prosecutorial and investigative structures.[51] In response, Georgia established and strengthened the State Inspector's Service, an institution with a specialised investigative function concerning offences committed by law-enforcement officials, and the Committee of Ministers welcomed measures to strengthen its independence and effectiveness while calling for its remit to be broadened. However, in 2021, Parliament abolished the Service and transferred its functions to two new bodies, prompting serious concern from the Committee, which continued to examine whether the successor arrangements preserved the required independence and effectiveness.[52] This experience shows that institutional independence is not a one-time characteristic: it must withstand political and institutional change, and the Committee must assess whether it remains effective in practice.

43. Switzerland's refusal to establish an independent national monitoring mechanism warrants continued enhanced supervision. The Committee of Ministers should require Switzerland to establish an independent mechanism that incorporates the safeguards identified by the NGOs and the Applicant Association in their submissions and in the accompanying reports, and, consistently with the Committee's past practice in supervising independent national mechanisms, including guarantees of independence, a sufficiently detailed legal mandate, and the capacity to monitor and evaluate progress towards climate targets and recommend remedial measures. If Switzerland maintains that it can meet its Article 8 obligations through another institutional arrangement, the Committee should require Switzerland to present concrete alternative options and demonstrate how they would provide equivalent safeguards and functions to ensure that its climate policies meet the substantive requirements of the judgment. The Committee should then assess those options and continue supervising the mechanism's establishment and effective functioning until it is satisfied that Switzerland has fully implemented the judgment.

V. Article 6(1) remains unimplemented

44. The NGOs suggest that the Committee should maintain its position of requesting updated information on developments in domestic case law, both regarding the capacity of associations to bring climate change-related claims and the assessment of the merits of such claims.

[51] *Tsintsabadze v. Georgia* (Application No. 35403/06); *Merabishvili v. Georgia* (Application No. 72508/13).
[52] Committee of Ministers, *Tsintsabadze group v. Georgia* (Application No. 35403/06). CM/Notes/1553/H46-18 (1553rd meeting, 9–11 March 2026) (DH)

VI. Requests to the Committee of Ministers

45. Having regard to the arguments set out above, the efforts made by the NGOs and the Applicant Association to enter into a constructive dialogue through the submission of two expert reports on the feasibility of and best practices for a national climate advisory body, and Switzerland's decision not to establish such a body without proposing comparably robust alternative measures, the NGOs respectfully invite the Committee of Ministers to:

1. Continue its supervision until Switzerland has demonstrated, in law and in practice, full compliance with the obligations arising from the judgment;
2. Express concern that Switzerland has decided not to establish an independent national monitoring mechanism and has not set out the measures necessary to ensure full implementation of the judgment;
3. Request Switzerland to provide an action plan setting out the measures necessary to implement the judgment, which go to (i) the sufficiency of its emissions reduction targets; (ii) the safeguards it puts in place, including through an independent national climate body, to ensure the sufficiency of its targets; (iii) the implementation of its targets in practice; and (iv) access to court in climate matters;
4. Request Switzerland to provide concrete evidence demonstrating actual and prospective compliance with the requirements of the judgment, including evidence concerning the quantification of its national emissions limitations by reference to a fair-share, 1.5°C-aligned national carbon budget or equivalent method of quantification;
5. Request Switzerland to provide evidence of the measures adopted to address the projected 2030 emissions shortfall, including evidence that measures previously delayed, weakened or left incomplete have been effectively implemented, giving priority to domestic emissions reductions with highest possible ambition;
6. Request Switzerland to provide evidence demonstrating the availability, timely transfer and mitigation effectiveness of the foreign emission reductions on which it relies under Article 6.2 of the Paris Agreement, and to explain how this reliance is consistent with its obligations under the Convention;
7. Request Switzerland to reconsider its decision and either establish an independent national climate body or put in place, without delay, a sufficiently robust alternative capable of performing the same essential functions; and
8. Decide to intensify its supervision within the enhanced procedure and, in the absence of sufficient progress, to consider adopting an interim resolution.