Sixth 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. 53600/20[1]

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

1. Introduction

1. Pursuant to 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 and Article 46 § 1 of the Convention, the Verein KlimaSeniorinnen Schweiz (the "Applicant Association") submits this Sixth Communication concerning the execution of the judgment in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*.

2. The Applicant Association maintains in full the submissions, evidence and requests set out in its five previous communications under Rule 9.[2] The present Communication responds to the Swiss Government's Additional Information of 30 September 2026 (the "Swiss Submission")[3] and should be read together with the Applicant Association's earlier communications, in particular its Fifth Rule 9 Communication of 24 September 2026.[4]

3. The Applicant Association also refers to the joint Rule 9.2 Communication submitted today by the Climate Litigation Network ("CLN") and Greenpeace International and supports it in full.[5]

2. An independent national climate body could make an important contribution to the execution of the judgment as suggested by the Committee of Ministers

4. In the Swiss Submission, Switzerland states that it does not intend to establish an independent national climate body. It argues that neither additional knowledge nor greater reliance on science would make a decisive difference and that the limited added value of such a body would be disproportionate to the additional resources and coordination required (sections 2.3–2.4).

5. This response misconceives the purpose of an independent national climate body. Its principal function would not be to produce additional scientific knowledge. It would independently monitor and evaluate climate policy,

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2 Applicant Association, First Rule 9 Communication, 17 January 2025, DH-DD(2025)100 (link); Second Rule 9 Communication, 10 February 2025, DH-DD(2025)201 (link); Third Rule 9 Communication, 18 July 2025, DH-DD(2025)863 (link); Fourth Rule 9 Communication, 28 January 2026, DH-DD(2026)209 (link); and Fifth Rule 9 Communication, 24 September 2026 (link).

3 Swiss Government, Additional Information of 30 September 2026 in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20), DH-DD(2026)1240F (link) ("Swiss Submission").

4 See, most recently, Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link).

5 Climate Litigation Network and Greenpeace International, joint Rule 9.2 Communication, 13 October 2026.

identify foreseeable failures to meet targets at an early stage, communicate its findings publicly and recommend corrective action. The law should require the political authorities to respond publicly and substantively within a prescribed period (Bolz Report[6], section 5.2; Swiss Institutional Design Report[7], paras. 47, 89–95 and 109–116).

6. Moreover, Switzerland's statement that neither additional knowledge nor greater reliance on science would make a decisive difference is difficult to reconcile with the Court's emphasis on the best available science (e.g. KlimaSeniorinnen, §§ 104–120, 546 and 550).

7. Also, the added value of climate advisory bodies cannot simply be dismissed. The Bolz Report, commissioned by the Federal Office for the Environment ("FOEN") and annexed to the Swiss Submission, finds that well-designed bodies can make implementation gaps visible, strengthen transparency and political accountability, support the credibility and implementation of climate targets and provide continuity beyond short-term political cycles (Bolz Report, section 3.3). The Best Practices Report submitted by the NGOs likewise confirms the effectiveness of climate advisory bodies and devotes an entire section to evidence of their impact.[8]

8. The Bolz Report itself identifies an institutional gap in Switzerland's arrangements for integrating independent scientific expertise into climate-policy decision-making. It states:

"Climate actors outside the administration regularly publish reports on climate issues. ***Unlike in various European countries, however, there are neither reporting duties nor duties on the authorities to engage with those reports.*** *This* ***may result in objective scientific information not being sufficiently incorporated into the basis for decision-making,*** *because, when preparing proposals,* ***the administration already anticipates their political feasibility*** *(head of department/Federal Council/Parliament). Moreover, in many cases,* ***no independent scientific review subsequently takes place either ('fact***

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6 Swiss Submission, Annex 2: Urs Bolz, Walter Kälin and Monika Nuss, Externes «Begleitgremium» Klimapolitik für die Schweiz? Grundlagen für die Entscheidfindung des Bundes im Auftrag des BAFU, 22 June 2026 ("Bolz Report") (link to the full report in German).

7 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") (link to German version, link to English version).

8 Communication from NGOs (Greenpeace International and Climate Litigation Network) of 2 June 2026 in the case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (Application No. 53600/20), DH-DD(2026)743E, Annex I, section 3 ("Evidence of Impact") (link).

check')." *(Bolz Report, section 4.3; Applicant Association's translation, emphasis added)*

9. The existing opportunities for scientific and civil-society actors to participate in consultation procedures do not close this gap.[9] The Bolz Report explains that such actors remain one voice among many and that whether external scientific expertise is sought and effectively used is at the discretion of the competent administrative authorities (Bolz Report, summary and section 4.3).

10. A climate advisory body is also institutionally and legally feasible in Switzerland. Both the Bolz Report and the Swiss Institutional Design Report identify models that can be integrated into Switzerland's existing political and constitutional framework (Bolz Report, section 6.2; Swiss Institutional Design Report, paras. 49–62). The establishment of an intercantonal Scientific Climate Council by six French-speaking cantons further demonstrates that institutionalised scientific climate advice is considered useful and can operate within Swiss federalism (Bolz Report, section 2.3.2; Swiss Institutional Design Report, Infobox 2 following para. 48).

11. An independent national climate body would not itself discharge Switzerland's substantive obligations under the judgment. It would, however, make an important institutional contribution to execution. This is precisely why the Committee of Ministers considered that such a mechanism could significantly contribute to implementation and facilitate its supervisory role.[10] The overview table below illustrates how such a body could contribute in practice to the implementation of the obligations arising from the judgment.

3. Switzerland's proposed measures do not constitute an adequate alternative

12. If Switzerland declines to establish an independent national climate body, it must ensure effective implementation of the judgment by other means.

13. Switzerland proposes regular exchanges between the existing scientific network Forum for Climate and Global Change ("ProClim") and Federal

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9 Article 8 § 1 of the Federal Act of 18 March 2005 on the Consultation Procedure (Vernehmlassungsgesetz, "VlG"; SR 172.061) requires submissions to be noted, weighed and evaluated. However, this creates neither a legal entitlement to substantive consideration of a submission nor an obligation to explain how it was weighted or reflected in the proposal. See Swiss Federal Council, Message on the Amendment of the Consultation Procedure Act, 6 November 2013, BBl 2013 8875, p. 8905 (link).

10 Ministers' Deputies, Decisions CM/Del/Dec(2025)1537/H46-37, 17 September 2025, decision 5; Ministers' Deputies, Notes on the Agenda CM/Notes/1537/H46-37, 17 September 2025, Secretariat's analysis.

Councillor Albert Rösti, the head of the Federal Department of the Environment, Transport, Energy and Communications ("DETEC"). The authorities also intend to examine, in connection with the revision of the CO_2 Act for the period after 2030, whether to "clarify" the evaluation of climate-policy instruments, "specify" the monitoring of implementation and introduce binding deadlines (Swiss Submission, section 2.3).

14. These measures are not a functionally equivalent alternative.

- ProClim, in its present form, has no self-standing statutory mandate, and its existing mandate, resources and expertise are not designed for the continuous monitoring and evaluation of climate policy or for independent public reporting. It is also institutionally close to the federal administration (Swiss Institutional Design Report, Infobox 1 following para. 48; see also Bolz Report, section 6.3.2). Regular exchanges with the head of DETEC would not remedy these deficiencies or establish a public and legally structured duty to respond.
- Nor can internal administrative monitoring replace independent scientific assessment and public accountability (Bolz Report, section 6.3.3; Swiss Institutional Design Report, Infobox 1 following para. 48, paras. 114–116). Measures linked to climate legislation for the period after 2030 would also come too late to address the already foreseeable failure to attain the 2030 target.[11]

15. If no national climate body is established, the alternatives identified in the Bolz Report should not be regarded as a best-practice substitute for a well-designed independent body. They nevertheless go substantially further than the measures now proposed. They include an institutionalised round table whose findings the Federal Council would be required to address (section 6.3.1); expanded mandates for existing organisations and safeguards for the independent publication of their findings (section 6.3.2); an independent and publicly accessible evaluation framework (section 6.3.3); and regular public reporting and accountability by the Federal Council concerning the attainment of climate targets (section 6.3.4). Switzerland's proposals fall materially short even of these limited alternatives.

[11] Applicant Association, Fifth Rule 9 Communication, 24 September 2026 (link), paras. 75–81.

16. Rejecting a body that could make an important contribution to execution, while failing to provide a sufficiently robust and functionally equivalent alternative, neither adequately addresses the institutional gap identified by the Committee of Ministers nor ensures the effective implementation of the judgment in law and in practice.

17. The overview below therefore identifies the principal elements of execution that remain outstanding and indicates how an independent national climate body could contribute to their implementation.

4. Overview of the execution of the judgment

18. The following table summarises the Applicant Association's assessment, as set out in its previous Rule 9 Communications, of Switzerland's progress in executing the judgment and identifies the measures that remain outstanding.

Required under the *KlimaSeniorinnen* judgment:	Measures taken by Switzerland (as of 6 October 2026):	Status of implementation	Potential role of an independent national climate body
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	Formal target framework in place	
Calculation of 1.5°C-compatible, fair national CO_2 budget (or application of another equivalent method) as the basis for the timeline for achieving climate neutrality (§§106, 436, 442, 545, 550(a), 550(b), 550(e), 570–573) → A CO_2 budget shows how much of the remaining global CO_2 budget Switzerland **is entitled to**	- No fair-share, 1.5°C-aligned national CO_2 budget (or equivalent quantification) has been produced. - 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**	Not implemented	- Independently establish or analyse national emissions pathways and national CO_2 budgets - Assess ambition and fairness *(e.g. Swiss Institutional Design Report, paras. 110 and 113)*
Public disclosure of the national CO_2 budget calculation (§554(a))	- No national CO_2 budget or equivalent fair-share quantification published	Not implemented	- Publish its own independent assessment of the national CO_2 budget without prior governmental approval *(e.g. Swiss Institutional Design Report, paras. 110 and 115–116; Bolz Report, sections 5.1.4 and 5.2)*
Revision of the target timeline for achieving carbon neutrality on the basis of the national CO_2 budget (§§550(a), 550(b), 550(d), 550(e))	- No adjustment of the climate targets	Not implemented	- Assess consistency of target timeline with national CO_2 budget - Recommend corrective action - Publish findings - Trigger a legally required, reasoned public response from the Federal Council and formal parliamentary consideration *(e.g. Swiss Institutional Design Report, paras. 90–95 and 113–115; Bolz Report, section 5.1.4 and 5.2)*
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))	- Available evidence demonstrates that the 2030 climate target is highly likely to be missed	Not implemented	- Continuously and independently assess Switzerland's actual emissions trajectory and prospective compliance - Recommend corrective action - Publish findings - Trigger a legally required, reasoned public response from the Federal Council and formal parliamentary consideration *(e.g. Swiss Institutional Design Report, paras. 90–95 and 114–115; Bolz Report, sections 5.1.1 and 5.2.)*

Regular review and updating of climate targets on the basis of the best available science (§550(d))	- No review or updating of climate targets	Not implemented	- Regularly review national emissions reduction pathways - Recommend corrective action - Publish findings - Trigger a legally required, reasoned public response from the Federal Council and formal parliamentary consideration *(e.g. Swiss Institutional Design Report, paras. 110 and 113–115; Bolz Report, section 5.1.4 and 5.2)*
Inclusion of consumption-based emissions occurring abroad (§280[12])	- Partial inclusion only (e.g. limits for embodied energy in buildings; strengthening of the circular economy)	Partly implemented	- Assess whether Switzerland's targets and measures adequately reflect its overall GHG footprint - Publish recommendations
Timely, appropriate and consistent devising and implementation of climate-mitigation measures to achieve the climate targets (§550(e))	- Regulatory gap 2025–2030 formally closed - Public consultation on climate legislation for 2031–2040 planned for the first half of 2027	Formal regulatory framework in place for 2025–2030	
	- Implementation of several legislative measures delayed, weakened or left incomplete - Available evidence demonstrates that the 2030 climate target is highly likely to be missed	Not effectively implemented in practice	- Assess proposed climate legislation and measures *ex ante* for their effectiveness and compatibility with climate targets - Monitor the effectiveness of adopted measures and progress towards targets - Identify deviations and structural implementation deficits at an early stage - Recommend corrective action - Publish findings - Trigger a legally required, reasoned public response from the Federal Council and formal parliamentary consideration *(e.g. Swiss Institutional Design Report, paras. 90–95 and 113–115; Bolz Report, sections 5.1.4 and 5.2)*
Access to justice in climate change related cases and courts' assessments of the merits of such cases (§639)	- Cantonal Court of Zug declares civil climate lawsuit against carbon major admissible[13] - Switzerland reports no relevant developments in domestic caselaw	Full implementation not yet demonstrated	- No direct institutional role. The body's independent scientific assessments could inform judicial decision-making.

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

13 Cantonal Court of Zug, Decision of 17 December 2025 (link to unofficial English translation, link to German original). The judgment is not final; an appeal is pending.

5. Conclusion and requests

19. Switzerland has not demonstrated that the measures announced are capable of closing the institutional gap identified by the Committee of Ministers. As the overview table above shows, the substantive deficiencies in the execution of the judgment identified in the Applicant Association's previous Rule 9 Communications also remain outstanding. Accordingly, the violations of Articles 8 and 6 § 1 of the Convention found by the Court have not yet been remedied.

20. Against that background, while maintaining the substantive requests made in its Fifth Rule 9 Communication, the Applicant Association respectfully invites the Committee of Ministers:

- to request the Respondent to provide evidence demonstrating actual and prospective compliance with the requirements identified in § 550(a)–(e) of the judgment;
- 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 domestic emissions reductions with highest possible ambition;
- to request the Respondent 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;
- to intensify its supervision under the enhanced procedure and, in the absence of sufficient progress, to consider adopting an interim resolution; and
- to continue its supervision until Switzerland has demonstrated, in law and in practice, full compliance with the obligations arising from the judgment.

Zurich, Lausanne, 13th of October 2026

Yours faithfully,



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