WHEN GLOBAL EMISSIONS REACH THE COURT ROOM: A SWISS COURT OPENS THE DOOR TO CLIMATE CLAIMS

On 17 December 2025, the Cantonal Court of Zug issued an incidental ruling on a case brought by four Indonesian individuals, residents of Pari Island, against the Swiss cement producer Holcim. In essence, the Plaintiffs argued that Holcim's disproportionate carbon dioxide ("CO_2") emissions had infringed their personality rights. On this basis, they sought an order requiring Holcim to reduce its CO_2 emissions, along with compensation for both current and future harm.

At this stage, the Cantonal Court of Zug limited its analysis strictly to the question of whether the Plaintiffs' claim was to be heard at all. The court did not address or evaluate the substantive merits of the case. As a result, any further assessment regarding the legitimacy of the Plaintiffs' claims or the potential liability of Holcim will only take place if the current decision is confirmed by the appellate courts. The litigation's progress and review of the claims depend on the appellate outcome and must still meet Swiss law's standards for extra-contractual liability.

KEY FINDINGS OF THE RULING

CIVIL JURISDICTION OF SWISS COURTS CONFIRMED FOR CLIMATE CLAIMS AGAINST SWISS COMPANIES

The Cantonal Court of Zug confirmed that Swiss civil courts have jurisdiction to hear claims alleging personality infringements and property damage caused by climate change when the defendant is domiciled in Switzerland and the plaintiffs are foreign residents. The court applied the Lugano Convention to determine international jurisdiction and concluded that the defendant, Holcim, being domiciled in Zug, may be sued in Switzerland under the Convention's general rule that a defendant is to be sued at its place of domicile. The presence of an international element (plaintiffs domiciled in Indonesia) brought the dispute within the Convention's territorial and personal scope. At the national and cantonal level, the tribunal of Zug was held to be the appropriate forum under Swiss private international law and domestic procedural rules by reference to Holcim's seat.

Beyond international and domestic jurisdiction, the court found that the matter falls within the material scope of civil and commercial law rather than public law. Claims for personality rights and tortious damages were characterized as inherently civil in nature as they do not entail the exercise of sovereign powers. The court therefore treated the action as a private-law dispute subject to ordinary civil procedure under Swiss procedural rules emphasizing that the mere fact that the Plaintiffs' claims may incidentally serve collective or public interests does not qualify them as matters of public law.

NO EXCLUSION FOR GLOBAL OR COLLECTIVE HARM

The court addressed the argument raised by Holcim that climate harms are inherently global or collective and therefore unsuitable for adjudication in individual civil suits. It however rejected a categorical exclusion of claims on that basis. The mere global or collective character of climate change does not automatically bar private law claims where plaintiffs allege concrete, individualized injuries that can be linked to the defendant's conduct.

The decision clarifies that courts can rule on claims seeking relief for localized impacts of global emissions, provided plaintiffs identify personal or property harms and articulate a plausible causal connection to the defendant's emissions. The court emphasized that collective dimensions of harm may affect the complexity of proof and remedy design but do not negate the existence of a private-law dispute. Thus, global scope alone is not a jurisdictional or admissibility bar, *per se*.

This approach preserves access to civil remedies for communities and individuals who suffer localized consequences of climate change while leaving open the difficult questions of causation, apportionment and appropriate remedies for later stages of the litigation.

SUFFICIENT INTEREST TO SUE RECOGNIZED

The court then examined whether the Plaintiffs possessed an interest worthy of protection – a prerequisite for admissibility under Swiss civil procedure. It accepted that the Plaintiffs plausibly alleged concrete and personal harms from sea-level rise and increased flooding attributable to climate change. Under the doctrine of double relevance, the court treated the Plaintiffs' factual allegations as sufficiently established for the limited purpose of assessing admissibility, meaning those facts were presumed true at this stage.

The court found that residents could bring claims for personal and property harm from global greenhouse gas emissions. The Plaintiffs' specific allegations – flooding, property threats, and the need for protective measures – were concrete enough to meet the legal standard for judicial review.

The court clarified that its ruling addresses only admissibility, not final liability. A finding of admissibility allows the case to move forward but does not determine causation, attribution, or liability yet, so significant hurdles remain before any liability ruling can be made.

CLIMATE CLAIMS MUST BE CLEARLY AND SUFFICIENTLY DEFINED

The court stressed that legal conclusions and remedies must be articulated with sufficient precision to be admissible. Claimant's prayer for relief must be concrete, clear and precise to draft an enforceable order. Vague, overly broad or indeterminate injunctions are procedurally defective.

Applying this principle, the court scrutinized the prayers sought and acknowledged that they were specified in measurable terms (e.g., scope of emissions, baseline year, percentage reductions, timelines) so that compliance and potential sanctions could be meaningfully assessed. In this context, the court signaled that remedies must be framed in operational terms – in this case, absolute or relative emission reduction targets tied to a clear baseline and time horizon – if they are to be considered admissible and enforceable.

SWISS LAW APPLIES

The court further determined that Swiss substantive law governs the dispute under the Swiss Private International Law Act because both parties tacitly referred to Swiss legal principles in their pleadings, constituting a tacit choice of the forum's law. The court therefore proceeded on the basis that Swiss tort and personality-rights law will be applied to assess liability, causation, damages and available injunctive relief.

KEY IMPACTS FOR SWISS-BASED COMPANIES

If upheld in upcoming appeal proceedings, the Cantonal Court of Zug's ruling will impact the Swiss legal landscape and Swiss-based companies. Key takeaways can be summarized as follows:

- **Potential Liability for Global Impacts:** The court rejected a categorical bar to claims based on the global or collective nature of climate harm, allowing localized harms from global emissions to be litigated. Swiss-based Multinationals may face liability claims for distant, cumulative impacts where plaintiffs can plausibly allege individualized harm and a causal link to corporate emissions; this expands the substantive risk landscape beyond local operations.

- **Increased Litigation Risk:** The ruling confirms that foreign plaintiffs can bring climate claims in Switzerland against Swiss-domiciled corporations, increasing the pool of potential claimants and venues for suits. Swiss companies face a higher probability of being sued for climate-related harms, including by communities in the Global South, which may lead to a higher cross-border litigation risk.

CONCLUSION

Although procedural, the decision is a landmark admissibility ruling in Switzerland and is likely to encourage similar suits and strategic litigation tactics against Swiss firms. The Cantonal Court of Zug confirmed that:

- Swiss civil courts can hear climate-related claims against a Swiss-domiciled corporate defendant brought by foreign residents;
- plaintiffs alleging concrete local harms have a sufficient interest to sue at the admissibility stage; and
- claims must be pleaded with operational precision to be enforceable.

This ruling marks a turning point in Swiss climate litigation, confirming that civil courts can adjudicate claims for foreign climate damages against Swiss private companies. This preliminary ruling gives a clear signal on the necessity to make targets legally robust and integrate litigation scenarios into enterprise risk planning to limit exposure and preserve strategic flexibility.

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