

18 MARCH 2025

MEMORANDUM OF UNDERSTANDING

between

THE OFFICE FOR ENVIRONMENTAL PROTECTION

and

THE CLIMATE CHANGE COMMITTEE

Parties

1. The Office for Environmental Protection, Wildwood, Wildwood Drive, Worcester, WR5 2QT, and
2. The Climate Change Committee 1st Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU

1 BACKGROUND

- 1.1 The Climate Change Committee (“**CCC**”) and the Office for Environmental Protection (“**OEP**”) share common interests in respect of addressing climate change. They have separate, but related, statutory functions to scrutinise and give advice to the UK government, with roles and responsibilities as set out in section 2 below. The OEP can also take enforcement action related to this common interest.
- 1.2 Accordingly, both parties wish to enter into this Memorandum to maximise their respective contributions to addressing climate change and minimise the scope for duplicating and conflicting activity. This includes collaboration through data sharing, analysis and communication in order to increase the value of the resources available to both organisations and to avoid duplication. Specific areas where the parties intend to cooperate, and in what way, are set out in sections 2 to 8 below.
- 1.3 In accordance with section 26 of the Environment Act 2021, this Memorandum sets out how the parties intend to cooperate and avoid overlap between the exercise of their respective functions.

2 ROLES AND RESPONSIBILITIES

2.1 In summary, the roles and responsibilities of each organisation are as follows:

The CCC's role as set out in the Climate Change Act 2008

- The CCC has two Committees and corresponding secretariats, one on climate change mitigation (reducing emissions) and one on adaptation (building resilience to climate change).
- The Mitigation Committee advises the UK Government on the level of carbon budgets and scrutinises progress (reporting to the UK Government and Parliament) towards meeting the carbon budgets and the UK 2050 Net Zero target, reporting in June every year.
- The Adaptation Committee advises the UK Government on the UK Climate Change Risk Assessment, reporting every five years, and scrutinises progress (reporting to the UK Government and Parliament) on adaptation in England, including through delivering the National Adaptation Programme, reporting every two years.
- The CCC also has a statutory role as an independent adviser on climate mitigation and adaptation to the devolved administrations (Scottish Government, Welsh Government and Northern Ireland Executive).
- This role is to provide advice, analysis, information or other assistance in connection with setting and reviewing the appropriate national emissions reductions targets and pathways, monitoring the progress made towards meeting these targets, setting and reviewing national plans of adaptation to climate change and monitoring the progress towards delivering these plans.
- The detailed statutory obligations of the CCC towards each devolved government are outlined in the Climate Change (Scotland) Act 2009, the Environment (Wales) Act 2016 and the Climate Change Act (Northern Ireland) 2022 and include support to the national authorities' functions under each Act; monitoring the progress made towards meeting the objectives set by or under their respective Acts; adaptation to climate change; or any other matter relating to climate change.
- The CCC also has responsibilities to provide advice under other legislation, including the requirement to provide regular advice on the likely impacts of

onshore petroleum extraction on the UK's carbon budgets under the Infrastructure Act.

The OEP's role as set out under the Environment Act 2021

- The OEP scrutinises the UK Government's progress with its Environmental Improvement Plans, and in achieving environmental targets set under the Environment Act 2021. The OEP reports on these matters annually to the UK Government and Parliament, which considers climate change mitigation and adaptation matters insofar as they are incorporated within EIPs.
- The OEP also scrutinises progress with the Northern Ireland EIP. The OEP will report on this annually to the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Northern Ireland Assembly, which will consider climate change mitigation and adaptation matters insofar as they are incorporated within the Northern Ireland EIP.
- The OEP has functions that relate to environmental law which applies in or is being developed for England or Northern Ireland, or which concerns a matter reserved to the UK Government. The OEP's remit in relation to reserved matters can extend to the entire UK.
- The OEP will monitor the implementation of environmental law, and report to the UK Government/Northern Ireland Executive, and Parliament/the Assembly at a frequency determined by the OEP. This function of monitoring environmental law excludes certain climate change mitigation matters within the remit of the CCC as set out in Part 1 and sections 34 to 36 (Advice in connection with carbon budgets, Advice on emissions from international aviation and international shipping, and Reports on progress towards meeting the carbon budgets respectively) and 48 (Procedure for making Regulations on which the CCC provides advice) of the Climate Change Act 2008.
- The OEP may advise on changes to environmental law proposed by UK Government ministers or Northern Ireland departments, including aspects of environmental law related to climate change. The OEP must give advice about any proposed changes to environmental law, or any other matter related to the natural environment, if asked to do so by a UK Government minister or Northern Ireland department.

- The OEP may investigate and take enforcement action, including legal proceedings, in relation to serious breaches of environmental law by public authorities.
- As part of its enforcement framework, the OEP may serve information notices where it has reasonable grounds for suspecting a serious failure by a public authority to comply with environmental law. The OEP must notify the CCC in advance where it intends to issue information notices relating to greenhouse gas emissions, providing such information as the OEP considers appropriate.

3 PRINCIPLES FOR JOINT WORKING

3.1 The CCC and the OEP will cooperate under the following principles that will underpin the working relationship:

- **shared purpose** in protecting and enhancing the environment in respect of mitigating and adapting to climate change
- **respect** for each other's functions, independent points of view and unique ability to act
- **openness** between each other, for example in discussing work plans, priorities and areas of shared interest, while working in accordance with any legal requirements that limit or prevent disclosure of information
- a '**no surprises**' approach, for example by each party usually providing the other with a reasonable opportunity to see relevant advice in draft, and to offer comment, so that any occasions when the parties' advice to government is not consistent or could be seen to overlap can be managed appropriately
- **collaboration** in good faith when undertaking work of mutual interest and to avoid duplication wherever possible. Agreeing, where relevant, which organisation will lead any particular work, and which will support (and how).

4 ENGAGEMENT

4.1 The parties will each nominate a representative to act as their main point of contact for matters arising under this Memorandum.

- 4.2 The parties' representatives should meet once every two months, or at such other frequency as the parties may agree, inviting to their meetings such colleagues as they consider appropriate. The aim of such meetings shall be to discuss the parties' overall collaborative working arrangements, including: ongoing and planned projects; developments in the parties' respective work programmes; and other matters of mutual interest such as the parties' ability to act across the UK or in relation to the different national authorities or other public authorities on matters concerning climate adaptation and mitigation. The meetings will be minuted and reported to the CCC and the OEP Chief Executives.
- 4.3 The CCC adaptation and mitigation Chairs and the OEP Chair, together with the CCC and OEP Chief Executives, should also meet at least twice per year to provide strategic oversight of the parties' relationship.

5 LANGUAGE, TERMINOLOGY, INDICATORS and DATASETS

- 5.1 The CCC and the OEP will seek to agree common and consistent terminology, for use by both parties where relevant. Where agreement is not possible, the reasons should be recorded.
- 5.2 Areas for seeking to agree consistency will include, but not be limited to:
- the use of concepts and definitions such as adaptation, resilience, mitigation, natural capital, and carbon and greenhouse gas accounting
 - a common set of climate change and natural environment indicators and datasets where required (and working together to define new improved indicators and datasets where required).
- 5.3 Where relevant, the CCC and the OEP will use the agreed concepts, definitions, indicators and datasets in their reports, including in their established reporting frameworks.

6 AREAS OF COMMON INTEREST

- 6.1 The CCC has an interest in the OEP's work on:

- Scrutiny of the UK Government's and Northern Ireland Executives' plans and policies that relate to climate change mitigation and adaptation.
- Evidence and analysis on the UK Government's progress towards meeting its environmental targets, where these relate to climate change mitigation and adaptation.
- Scrutinising and advising on environmental law where these matters relate to climate change mitigation and adaptation.
- Investigations into potential breaches of environmental law where the matter relates to climate change mitigation or adaptation (and in respect of enforcement, in relation to greenhouse gas emissions in particular).

6.2 The OEP has an interest in the CCC's work on:

- The UK Government's and Northern Ireland Executives' plans and policies that contribute to climate change mitigation and adaptation and the trade-offs and synergies between them, as well as wider progress in these areas, particularly where they (or actions to achieve them) also contribute to the protection and restoration of the natural environment.
- Evidence-gathering and analysis, particularly where this indicates a statutory target may be, or has been, missed.
- Other areas of advice provided by the CCC where these relate to protection of the natural environment.

6.3 Both parties will also provide regular updates on engagement with the forthcoming Northern Ireland Climate Commissioner, which is to be established as an independent office to oversee and report on the operations of the Climate Change (Northern Ireland) Act 2022. The purpose of regular updates will be to minimise the scope for duplicating and conflicting activity across the three bodies on work in Northern Ireland.

7 REPORTING PROCESSES

7.1 On climate adaptation, the CCC must provide advice to the UK Government on the Climate Change Risk Assessment report every five years, no later than six months before the last date for which the Government is required to lay the report before Parliament under the Climate Change Act 2008. The CCC must also report every two

years on progress towards adapting to climate change in England under the Climate Change Act 2008, undertake statutory reporting under the Climate Change (Northern Ireland) Act 2022 and Climate Change (Scotland) Act 2009, as well as ad-hoc progress reporting where requested by devolved administrations.

- 7.2 On climate mitigation, the CCC provides advice to the UK Government every five years on setting all remaining carbon budgets up to 2050. The CCC also provides advice to the Scottish and Welsh Governments on reviewing their annual targets or setting their carbon budgets respectively, and to the Northern Ireland Executive on setting all carbon budgets up to 2050, as well as reviewing the 2050 target and all interim targets where appropriate. The CCC must report on the UK Government's progress in reducing UK greenhouse gas emissions every year and the devolved administrations' progress in meeting their respective emissions targets or carbon budgets following the conclusion of each carbon budgetary period or target date.
- 7.3 The CCC must lay its mitigation progress reports before Parliament (and the devolved legislatures) no later than 30 June in those years for the former and up to six months after the government statement of progress on a target for the latter.
- 7.4 The OEP must report annually on the UK Government's progress in improving the natural environment in accordance with the current EIP, and towards meeting targets set under the Environment Act 2021. It must also report annually on progress made with DAERA's EIP. It must lay its reports before Parliament or the Assembly (as appropriate) no later than six months after the relevant government has laid its Environmental Improvement Plan annual progress report under the Environment Act 2021.
- 7.5 Beyond these legal reporting requirements, the CCC and the OEP will seek to agree the sequencing/timing of their respective reports where the parties consider this mutually advantageous. When this occurs, they will seek to agree to a logical timetable for this to facilitate collaboration, and to allow for each party's analysis to feed into the other party's relevant reports, as appropriate.
- 7.6 Where practicable and subject to confidentiality, resource and timing constraints, the CCC and the OEP will seek to allow each other reasonable opportunity to comment

on their draft reports as set out below before publication and will work collaboratively to develop methodologies where required. Any work shared in confidence is not to be circulated outside of the respective organisations without expressed permission. The relevant reports are:

The CCC lead

- Progress report in relation to climate change adaptation in England.
- Progress report in relation to climate change adaptation in Northern Ireland.
- Reports covering the advice of the Adaptation Committee on the UK Climate Change Risk Assessment, published every five years.
- Progress report on climate change mitigation, scrutinising the UK Government's progress in meeting the carbon budgets.
- Progress report on climate change mitigation in Northern Ireland.
- Relevant sections of carbon budget (mitigation) advice reports.
- Relevant sections of other CCC reports that may be relevant to the OEP including the advice, analysis and information requested by the devolved administrations, and other thematic research and analysis.

The OEP lead

- Report in relation to the UK Government's progress with the current Environmental Improvement Plan for England and towards meeting environmental targets as set under the Environment Act 2021.
- Report in relation to the Northern Ireland Government's progress with the current Environmental Improvement Plan for Northern Ireland.
- Reports on the implementation of environmental law, relating to matters concerned with climate change adaptation or mitigation. These are to be published and laid before Parliament or the Assembly (as appropriate).
- Advice on proposed changes to environmental law, or other matters concerned with the natural environment, where relating to matters concerned with climate change adaptation or mitigation.
- Thematic and sector focussed reports, where relating to matters concerned with climate change adaptation or mitigation.

- Reports on the investigation of alleged or suspected failures of public authorities to comply with the provisions of the Climate Change Act. Under section 33 of the Environment Act 2021, the OEP must produce, and may publish, a report for each enforcement investigation it undertakes, unless it has applied for an environmental review, judicial review or statutory review.

7.7 Where practical, both parties also agree to share other draft material for comment where the content is of significant interest to both parties – for example written correspondence with parliamentary committees – on matters where there is a clear common interest.

7.8 The OEP may use the CCC's progress reports for climate change (mitigation and adaptation) as inputs into the relevant areas of its annual reports on the respective England and Northern Ireland Environmental Improvement Plans and targets. Similarly, the CCC may use the OEP's published reports where they are relevant to its work. To facilitate this, where required the CCC and the OEP will share relevant underlying methodologies, data and analysis used for their respective progress reporting with each other in a timely manner where practicable and permissible in accordance with relevant confidentiality requirements.

8 SHARING DATA AND INFORMATION SOURCES

8.1 The CCC and the OEP agree to share relevant data, models, and information, whilst taking account of the differing needs related to different datasets. Specific issues the parties will take into account on a case-by-case basis include:

- transparency and confidentiality
- respecting third party rights
- principles governing the sharing of personal data.

8.2 When the CCC and the OEP receive freedom of information requests relating to the other party's information, they will endeavour to consult the other party in advance of responding to the requestor. This consultation will aim to afford the other party reasonable opportunity to comment, whilst retaining ultimate responsibility for how to respond to requests, including whether to disclose the information concerned.

- 8.3 The parties may enter into data sharing agreements to set out their respective roles and responsibilities in respect of specific datasets, models and information they may share, and the publication of subsequent work using these datasets, models and information.
- 8.4 The CCC and the OEP will regularly update and consult with each other on work plans and when commissioning work with a shared interest, and may choose to collaborate on or co-fund commissioned work.

9 DISAGREEMENTS

- 9.1 Where there are disagreements or disputes between the CCC and the OEP in connection with this Memorandum, these should firstly be resolved by consultation between the parties' representatives.
- 9.2 If disagreements or disputes cannot be resolved within a reasonable time at this level they should be escalated to the parties' Directors of Analysis (or equivalent) then, if necessary, to their Chief Executives.
- 9.3 If a disagreement or dispute cannot be resolved at Chief Executive level, it may be left unresolved (as a reflection of the parties' distinct legal identities and independence) and the different views of each organisation should be noted. In practice, Chairs and Chief Executives may discuss this through the regular engagement process (see paragraph 4.3).

10 STATUS

- 10.1 This Memorandum is prepared in fulfilment of a statutory requirement in the Environment Act 2021. It is not itself intended to be legally binding but forms the basis of an agreement to cooperate.

10.2 Nothing in this Memorandum shall be construed as fettering the OEP's discretion in connection with exercising its statutory functions to scrutinise, investigate or, if necessary, take enforcement action in respect of the CCC. Nor does this Memorandum supersede the CCC's duties under the Environment Act 2021 in respect of its dealings with the OEP or fetter the CCC's discretion to carry out its statutory duties under the Climate Change Act 2008.

11 REVIEW

11.1 This is the second version of this Memorandum, which commenced on 18 March 2025. The first version of this Memorandum commenced on 20 June 2022.

11.2 The Memorandum will be reviewed every two years, or when changes to either party's legislation or directions are made as needed. It will also be reviewed if the principles described above need to be altered and/or cease to be relevant for any other reason.

11.3 Following the review, the parties will update the Memorandum if considered appropriate. Any amendment to this Memorandum will only take effect once agreed in writing and signed on behalf of both parties.

12 PUBLICATION

12.1 The CCC and the OEP shall publish this Memorandum, and any subsequent versions amended in accordance with paragraph 11.2, on their respective websites.

Signed on behalf of the CCC:



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Date: 17 March 2025

Name and job title: Emma Pinchbeck, Chief Executive

Signed on behalf of the OEP:



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Date: 18 March 2025

Name and job title: Natalie Prosser, Chief Executive