

Our Reference: 2602/LG/PGAK/007/

9 March 2023

BY EMAIL

Department of Enterprise, Trade and Employment
Company Law-Accounting and Audit Policy Unit

Re: Corporate Sustainability Reporting Directive

To whom it may concern

We attach a submission from Arthur Cox LLP in response to the public consultation regarding the member state options on the transposition of the Corporate Sustainability Reporting Directive (“CSRD”) into Irish law.

In addition, and in response to the request by the Department for views from stakeholders and interested parties on the transposition of the CSRD into Irish law, we would like to take the opportunity to submit our views regarding the importance of adhering to the timeframe for implementation as set out in the CSRD.

On page 3 of the consultation document, the Department has indicated that undertakings subject to Ireland’s current non-financial reporting rules¹ (“ineligible entities” under the Companies Act 2014) are to be brought within scope of the first phase of reporting under the CSRD, for financial years commencing on or after 1 January 2024.

It is imperative that Ireland does not attempt to accelerate any companies’ required date to comply with the new sustainability reporting obligations under the CSRD beyond the timeframe set out in the CSRD. Given the increased scale and complexity of the reporting obligations under the CSRD and the European Sustainability Reporting Standards (and because the implementation of the CSRD will bring companies not already subject to the Taxonomy Regulation within its scope) it is critical that companies are brought within scope strictly within the timeframes set out in the CSRD.

CSRD Phased Implementation

Article 5.2 (a) of the CSRD provides that it will apply to large companies listed in the EU and other public-interest entities (with more than 500 employees) for financial years starting on or after 1

¹ S.I. 360/2017: European Union (Disclosure of non-financial and diversity information by certain large undertakings and groups) Regulations 2017, as amended.

January 2024. For EU-listed companies, who are already reporting in compliance with the EU Non-Financial Reporting Directive (“**NFRD**”) and subject to the Taxonomy Regulation, compliance with the CSRD is a significant but incremental increase in their compliance and reporting obligations.

Article 5.2 (b) of the CSRD provides that other large companies, including most or all of the Irish companies who are listed solely in the US, will be required to comply with the CSRD for financial years starting on or after **1 January 2025**, one year later than large public-interest entities.

Impact on Irish Incorporated Companies Listed in the US

For US-listed companies, who are not within the scope of the NFRD or subject to the Taxonomy Regulation, but are subject to a parallel compliance and disclosure regime under the NYSE and SEC rules, compliance with the CSRD and with the mandatory reporting standards, is a very complex, labour-intensive and expensive process. Accordingly, such companies will need the extra time provided by the CSRD in order to be in a position to comply with the new reporting obligations.

Although US-listed companies are not within the scope of the NFRD, when Ireland implemented the NFRD, the transposing regulations² purported to bring all large Irish-listed companies, whether listed in the EU or the US, within the scope of the NFRD. This caused huge cost and compliance issues for such companies, as both they and their advisers had no reason to believe that we would be within the scope of such reporting obligations until the transposing legislation was published.

We have been closely monitoring developments since the CSRD proposal was first published by the European Commission in 2021. We had been assured, by both the text of the CSRD and the communications from the European Commission and other EU institutions, that companies listed in the US will fall within scope for financial years starting on or after **1 January 2025**.

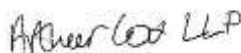
Should US-listed Irish-incorporated companies be required to comply with the CSRD earlier than required by the text of the Directive, there is a very real risk that it will not be feasible or logistically possible for them to demonstrate compliance by such earlier date, and there is no requirement under EU law for them to do so.

Given the size of the companies involved and their contribution to the Irish economy, this is an opportunity for the Department to reinforce Ireland’s reputation as a proportionate and stable jurisdiction in which to incorporate, by confirming that Ireland will introduce the CSRD in line with the CSRD implementation deadlines, which will be harmonised across all EU Member States, and not seek to accelerate these dates.

Request for Confirmation

We request that the Department please provide prompt confirmation that Ireland will introduce the CSRD in line with the CSRD implementation deadlines, and not seek to accelerate these dates for companies listed in the US.

Yours faithfully,



Arthur Cox LLP

² S.I. 360/2017: European Union (Disclosure of non-financial and diversity information by certain large undertakings and groups) Regulations 2017, as amended.



**An Roinn Fiontar,
Trádála agus Fostaíochta**
Department of Enterprise,
Trade and Employment

Public Consultation on the Corporate Sustainability Reporting Directive

Member State Options in the transposition of Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting

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The Department of Enterprise, Trade and Employment is seeking the views of stakeholders on the transposition of the Corporate Sustainability Reporting Directive¹ into Irish law.

Views from stakeholders and interested parties are requested no later than 5pm on Thursday, **9th March 2023**. Submissions should be marked Corporate Sustainability Reporting Directive and should be emailed to CSRD@enterprise.gov.ie. Further queries can also be made to that email address.

The responses to the consultation will help inform the work to be undertaken by the Department on the transposition of the directive.

1. Background

The Corporate Sustainability Reporting Directive (CSRD) arises from the European Green Deal's climate change action objectives, to further enhance the disclosure by companies on climate and environmental data. The proposal for a directive was published in April 2021 and following negotiations by the European Council and the European Parliament,

¹ [EUR-Lex - 32022L2464 - EN - EUR-Lex \(europa.eu\)](#)

the agreed directive was published in the EU's official journal on the 16th of December 2022.

It expands the scope of the existing rules for non-financial reporting by very large companies and public-interest entities² to large companies, large public-interest entities, and listed SMEs (excluding micros) on a main EU stock market. It introduces mandatory reporting standards developed by EFRAG (European Financial Reporting Advisory Group) which will be adopted by the EU Commission by way of a delegated procedure. The first standards shall be adopted at the latest by June 2023.

Companies in scope will be required to report annually in their management/directors' report on environmental, social and governance (ESG) and human rights matters according to the EU mandatory standards to be known as the European Sustainability Reporting Standards³. Sustainability information will be subject to a limited assurance (audit) until the adoption of reasonable assurance standards by the Commission.

Ireland and other Member States now have 18 months to transpose the Directive i.e., July 2024⁴, with a view to mandatory requirements commencing for financial years on or after:

- 1st January 2024 for companies and public interest entities in scope of the existing rules (greater than 500 employees)⁵;
- 1st January 2025 for other large companies and public interest entities (greater than 250 employees); and

² Banks, Insurance undertakings, companies listed on a main market in the EU

³ [First Set of draft ESRS - EFRAG](#)

⁴ Measures implementing Article 3 and 4 of the directive must be in place by 1 January 2024

⁵ Only undertakings already reporting under NFRD. Under Ireland's rules these are 'ineligible entities' in the Companies Act 2014 - [S.I. No. 360/2017 - European Union \(Disclosure of Non-Financial and Diversity Information by certain large undertakings and groups\) Regulations 2017. \(irishstatutebook.ie\)](#).

- 1st January 2026 for listed SMEs, with an ‘opt out’ possible until 2028.
- 1 January 2028 for subsidiary undertakings and branches of non-EU companies

2. Member State Options

The Department requests the views of interested parties with regard to the Member State options set out in Appendix I. It is not consulting on the balance of the Directive, which has direct effect/mandatory applicability and Member States have no discretion in this regard. However, your comments and questions on all aspects of the Directive are also requested to inform the Department’s work on the transposition and future policy developments in the area.

3. Consultation Responses

Stakeholder views are welcomed from all interested parties, including companies in scope, non-governmental organisations, the research community and beyond. We ask that respondents structure their responses according to the Member State Options outlined, responding to one or more of them as appropriate. Respondents are also encouraged to provide any other views they may have on the transposition process or directive in general.

4. Information on Consultation Process

Freedom of Information Act 2014 and Publication of Submissions

The Department will make public on its website all submissions received under this consultation. Your attention is also drawn to the fact that information provided to the Department may be disclosed in response to a request under the *Freedom of Information Act 2014*. Therefore, should you consider that any information you provide is commercially sensitive, please identify same, and specify the reason for its sensitivity. The

Department will consult with you regarding information identified by you as sensitive before publishing or otherwise disclosing it.

5. General Data Protection Regulation

Respondents should note that the General Data Protection Regulation ('GDPR') entered into force in Ireland on 25th May 2018 and it is intended to give individuals more control over their personal data. The key principles under the Regulation are as follows:

- Lawfulness, fairness and transparency;
- Purpose limitation;
- Data minimisation;
- Accuracy;
- Storage limitation;
- Integrity and confidentiality;
- Accountability.

The Department of Enterprise, Trade and Employment is subject to the provisions of the Regulation in relation to personal data collected by it from 25 May 2018. Any personal information which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 to 2018.



Appendix I

Consultation by the Department of Enterprise, Trade and Employment on Member State Options under the Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability Reporting

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
Article 1 – Amendments to Directive 2013/34/EU the Accounting Directive		
Article 1 Scope (Amended) <i>New point 3 last subparagraph (New)</i>		
Member States <u>may</u> choose not to apply the coordination measures referred to in the first subparagraph of this paragraph to the undertakings listed in points (2) to (23) of Article 2(5) of Directive 2013/36/EU of the European Parliament and of the Council.	<p>The new requirements for sustainability reporting under the directive apply to large companies and large public-interest entities and listed SMEs.</p> <p>This option allows Member States to exclude certain undertakings on a case-by-case basis. The list of</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	undertakings relevant to Ireland’s transposition in Article 2 ⁶ are central banks; post office institutions; the Strategic Banking Corporation of Ireland, credit unions and friendly societies.	
<p>Article 19a – Sustainability Reporting (New) <i>Point 3 last subparagraph (New)</i></p>		
<p>Member States <u>may</u> allow information relating to impending developments or matters in the course of negotiation to be omitted in exceptional cases where, in the duly justified opinion of the members of the administrative,</p>	<p>The new Article 19a on Sustainability Reporting replaces the existing Article 19a. Article 19a sets out substantially enhanced requirements for sustainability reporting by undertakings in scope of the Directive. The information to be</p>	<p>Yes. It is noted that the current non-financial reporting regulations permit the omission of “<i>information relating to impending developments or matters in the course of negotiation whose disclosure, in the opinion of the directors, could seriously prejudice the applicable company’s competitive position, provided that such omission does not prevent a fair and balanced understanding of the applicable company’s</i></p>

⁶ [EUR-Lex - 02013L0036-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/dir/2022/2464/oj)

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>management and supervisory bodies, acting within the competences assigned to them by national law and having collective responsibility for that opinion, the disclosure of such information would be seriously prejudicial to the commercial position of the undertaking, provided that such omission does not prevent a fair and balanced understanding of the undertaking’s development, performance and position, and the impact of its activity.</p>	<p>reported should be clearly identifiable within the undertaking’s management report (ie the directors’ report). This option allows Member States to permit undertakings to exclude commercially sensitive information from the sustainability reporting under certain circumstances.</p>	<p><i>development, performance, position and impact of its activity.”</i></p>
<p><i>Point 9 subparagraph three (New)</i></p>		
<p>The Member State by whose national law the exempted subsidiary undertaking is governed <u>may</u> require that the</p>	<p>Point 9 sets out exemptions from sustainability reporting for subsidiary undertakings where a parent in the EU includes</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>consolidated management report or, where applicable, the consolidated sustainability report, of the parent undertaking is published in a language that that Member State accepts, and that any necessary translation into such language is provided. Any translation that has not been certified shall include a statement to that effect.</p>	<p>information on the subsidiary in the consolidated management report drawn up under Article 29 and 29a or, if the parent is in a third country equivalent consolidated sustainability report. Member States have the option to require that the consolidated management/sustainability report is published in an accepted language.</p>	
<p>Article 29a. – Consolidated Sustainability Reporting (New) <i>Point 3 last subparagraph (New)</i></p>		
<p>Member States <u>may</u> allow information relating to impending developments or matters in the course of negotiation to be omitted in</p>	<p>The new Article 29a on Consolidated Sustainability Reporting replaces the existing Article 29a. Article 29a, similar to Article 19a, sets out substantially</p>	<p>Yes. It is noted that the current non-financial reporting regulations permit the omission of “<i>information relating to impending developments or matters in the course of negotiation whose disclosure, in the opinion of the directors, could seriously prejudice the applicable</i></p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>exceptional cases where, in the duly justified opinion of the members of the administrative, management and supervisory bodies, acting within the competences assigned to them by national law and having collective responsibility for that opinion, the disclosure of such information would be seriously prejudicial to the commercial position of the group, provided that such omission does not prevent a fair and balanced understanding of the group's development, performance, and position, and the impact of its activity.</p>	<p>enhanced requirements for consolidated sustainability reporting by undertakings in scope of the Directive. The information to be reported should be clearly identifiable within the group management (directors) report. This option allows Member States to permit undertakings to exclude commercially sensitive information from the sustainability reporting under certain circumstances.</p>	<p><i>company's competitive position, provided that such omission does not prevent a fair and balanced understanding of the applicable company's development, performance, position and impact of its activity."</i></p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<i>Point 8 subparagraph (New)</i>		
<p>The Member State by whose national law the exempted parent undertaking is governed <u>may</u> require that the consolidated management report or, where applicable, the consolidated sustainability report of the parent undertaking is published in a language that that Member State accepts, and that any necessary translation into such language is provided. Any translation that has not been certified shall include a statement to that effect.</p>	<p>As in Article 19a, Member States have the option to require that the consolidated management/sustainability report is published in an accepted language.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Article 30 General Publication (Amended) <i>Point 1 subparagraph 2 (New)</i></p>		
<p>Member States <u>may</u> require undertakings subject to Articles 19a and 29a to make the management report available to the public on their website, free of charge. Where an undertaking does not have a website, Member States <u>may</u> require it to make a written copy of its management report available upon request.</p>	<p>Article 30 of the Accounting Directive sets out the publication requirements for annual financial statements and management reports (i.e. the directors’ report). As a general rule, the management report must be filed with the Companies Registration Office.</p> <p>This option allows Member States to require undertakings in scope of the requirements for sustainability reporting to publish the management report on their website or make a copy available upon request.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<i>Point 1 subparagraph 4 (Existing)</i>		
<p>Member States <u>may</u>, however exempt undertakings from the obligation to publish the management report where a copy of all or part of any such report can be easily obtained upon request at a price not exceeding its administrative cost.</p>	<p>As stated above as a general rule, the management report must be filed with the Companies Registration Office. Member States may exempt undertakings from this requirement provided the report can be readily obtained from the undertaking at a price not exceeding its administrative cost.</p> <p>This option is not new and was not taken in the transposition of Directive 2013/34/EU but it is repeated here for completeness.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Article 34.3 General Requirement Auditing (Amended) <i>Point 3 (New)</i></p>		
<p>Member States <u>may</u> allow a statutory auditor or an audit firm other than the one(s) carrying out the statutory audit of financial statements to express the opinion referred to in point (aa) of the second subparagraph of paragraph 1.</p> <p>(i.e. the opinion on the compliance with sustainability reporting)</p>	<p>Article 34 of the Accounting Directive sets out the general requirement for the statutory audit of financial statements of undertakings. It is amended to provide for the assurance (audit) of sustainability reporting by undertakings.</p> <p>This option allows Member States to permit undertakings to engage separate statutory auditors/audit firms to carry out the statutory audit of financial statements and the assurance of the sustainability reporting.</p>	<p>Yes, it may be helpful for reporting undertakings to have the option to engage separate statutory auditors/audit firms to carry out the statutory audit of financial statements and the assurance of the sustainability reporting, for example where the statutory auditor/audit firm carrying out the statutory audit of financial statements is not in a position to carry out the assurance of the sustainability reporting.</p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<i>Points 4 and 5 Independent Assurance Services Provider (New)</i>		
<p>Member States <u>may</u> allow an independent assurance services provider established in their territory to express the opinion referred to in point (aa) of the second subparagraph of paragraph 1, provided that such independent assurance services provider is subject to requirements that are equivalent to those set out in Directive 2006/43/EC of the European Parliament and of the Council as regards the assurance of sustainability reporting as defined in point 22 of Article 2 of that Directive, in particular the requirements on:</p>	<p>This option allows Member States to introduce a new category of Independent Assurance Services Provider (IASP) to provide for the assurance of sustainability reporting by undertakings. IASPs must be subject to equivalent requirements to statutory auditors in respect of this assurance work including in respect of training, education, quality assurance and investigations and sanctions. In due course Member States that exercise the option to introduce IASPs must also exercise the option to permit separate statutory auditors/audit firms to carry out the audit of financial</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>(a) training and examination, ensuring that independent assurance services providers acquire the necessary expertise concerning sustainability reporting and the assurance of sustainability reporting;</p> <p>(b) continuing education;</p> <p>(c) quality assurance systems;</p> <p>(d) professional ethics, independence, objectivity, confidentiality and professional secrecy;</p> <p>(e) appointment and dismissal;</p>	<p>statements and assurance of sustainability reporting. Member states that exercise the option to introduce IASPs must also in due course provide for home/host model of oversight of IASPs with other Member States.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>(f) investigations and sanctions;</p> <p>(g) the organisation of the work of the independent assurance services provider, in particular in terms of sufficient resources and personnel and the maintenance of client account records and files; and</p> <p>(h) reporting irregularities.</p> <p>Member States shall ensure that, where an independent assurance services provider expresses the opinion referred to in point (aa) of the second subparagraph of paragraph 1 of this Article, that opinion is</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>prepared in accordance with Articles 26a, 27a and 28a of Directive 2006/43/EC and that, where applicable, the audit committee, or a dedicated committee, reviews and monitors the independence of the independent assurance services provider in accordance with point (e) of Article 39(6) of Directive 2006/43/EC.</p> <p>Member States shall ensure that independent assurance services providers accredited before 1 January 2024 for the assurance of sustainability reporting, in accordance with Regulation (EC) No 765/2008, are not subject to the training</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>and examination requirements referred to in point (a) of the first subparagraph of this paragraph.</p> <p>Member States shall ensure that independent assurance services providers that on 1 January 2024 are undergoing the accreditation process in accordance with the relevant national requirements are not subject to the training and examination requirements referred to in point (a) of the first subparagraph as regards the assurance of sustainability reporting, provided they complete that process by 1 January 2026.</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Member States shall ensure that the independent assurance services providers referred to in the third and fourth subparagraphs acquire the necessary knowledge in sustainability reporting and the assurance of sustainability reporting via the continuing education requirement referred to in point (b) of the first subparagraph.</p> <p>If a Member State, pursuant to the first subparagraph, decides to allow an independent assurance services provider to express the opinion referred to in point (aa) of the second</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>subparagraph of paragraph 1, it shall also allow a statutory auditor other than the one(s) carrying out the statutory audit of financial statements to do so, as provided for in paragraph 3.</p> <p>5. From 6 January 2027, a Member State that has made use of the option provided for in paragraph 4 (the “host Member State”) shall allow independent assurance services provider established in a Member State other than the host Member State (the “home Member State”) to carry out the assurance of sustainability reporting.</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>The home Member State shall be responsible for the supervision of the independent assurance services providers established in its territory, unless the host Member State decides to supervise the assurance of sustainability reporting carried out by independent assurance services providers in its territory.</p> <p>If the host Member State decides to supervise the assurance of sustainability reporting carried out in its territory by independent assurance services providers registered in another Member</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>State, the host Member State shall:</p> <p>(a) not impose more stringent requirements or liability on such independent assurance services providers than those required for assurance of sustainability reporting by the national laws for the independent assurance services providers or auditors established in that host Member State; and</p> <p>(b) inform other Member States about its decision to supervise the assurance of sustainability reporting carried out by independent assurance</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
services providers established in other Member States.		
Article 40a Sustainability Reports concerning third-country undertakings (New) <i>Point 1 last subparagraph (new)</i>		
<p>Member States <u>may</u> require subsidiary undertakings or branches referred to in the first and third subparagraphs to send them information about the net turnover generated in their territory and in the Union by the third-country undertakings.</p>	<p>This is a new Article 40a inserted into the Accounting Directive on sustainability reports concerning third country undertakings. This option underpins the requirement for sustainability reports by large subsidiaries and branches operating in the EU (turnover > €40 million) of non-EU companies (turnover in the EU > €150 million). It permits Member States to require subsidiary undertakings and branches to send information about net turnover generated in</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	the Member State and in the EU.	
Article 3 Amendments to Directive 2006/43/EC the Audit Directive		
Article 12 Combination of practical training and theoretical instruction (replaced)		
<i>Point 1 (existing)</i>		
<p>1. Member States <u>may</u> provide that periods of theoretical instruction in the subjects referred to in Article 8(1) and (2) shall count towards the periods of professional activity referred to in Article 11, provided that such instruction is attested by an examination recognised by the Member State. Such instruction shall not last less than one year, nor may it reduce the period of</p>	<p>This Article and option allows Member States to permit that periods of study can count towards professional activity periods required in Article 11 which governs qualifications through long term practical experience of statutory auditors. There is no substantive change to this option and it is not concerned with sustainability reporting but it is amended to take account of new cross-references in Article 8 arising</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>professional activity by more than four years.</p> <p>2. The period of professional activity and practical training shall not be shorter than the course of theoretical instruction together with the practical training required under the first subparagraph of Article 10(1).’;</p>	<p>from the amending Directive. It was not exercised in the transpositions of Directive 2006/43/EC and Directive 2014/56/EU however it is repeated here for completeness.</p>	
<p>Article 26a Assurance Standards for sustainability reporting (New) <i>Point 2 (New)</i></p>		
<p>2. Member States <u>may</u> apply national assurance standards, procedures or requirements as long as the Commission has not adopted an assurance standard covering the same</p>	<p>Article 26a is a new article inserted into the Audit Directive which sets out the requirement for the audit of sustainability reporting to be done in accordance with assurance</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>subject matter.</p> <p>Member States shall communicate the national assurance standards, procedures or requirements to the Commission at least three months before their entry into force.</p>	<p>standards which will be developed by the EU Commission. This option permits Member States to apply national standards in the event that the Commission has not adopted a standard on the same subject matter.</p>	
<p>Article 28a Assurance Report on sustainability reporting (New) <i>Point 5 (New)</i></p>		
<p>5. Member States <u>may</u> require that, where the same statutory auditor carries out the statutory audit of annual financial statements and the assurance of sustainability reporting, the assurance report on sustainability reporting may</p>	<p>Article 28a is a new article inserted into the Audit Directive which sets out the requirements for the assurance report by statutory auditors/audit firms of sustainability reporting to be done in accordance with assurance standards which will be</p>	<p>From a practical perspective, it would be helpful if the assurance report could be included as a separate section of the audit report where the same statutory auditors/audit firm carries out statutory audit of the financial statements and the assurance of sustainability reporting.</p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>be included as a separate section of the audit report.</p>	<p>developed by the EU Commission (or any national standard if relevant).</p> <p>This option permits Member States to provide that where the same statutory auditor/audit firm carries out the statutory audit of the financial statements and the assurance of sustainability reporting, the assurance report may be included as a separate section of the audit report.</p>	
<p>Article 29 Quality Assurance Systems (Amendment)</p> <p><i>Point 2a (New)</i></p>		
<p>2a. Member States <u>may</u> exempt, until 31 December 2025, persons who carry out</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>quality assurance reviews relating to the assurance of sustainability reporting from the requirement to have relevant experience in sustainability reporting and in the assurance of sustainability reporting or in other sustainability-related services.’;</p>	<p>The amendments to Article 29, which governs quality assurance systems for statutory audit, allow where applicable for quality assurance of sustainability reporting.</p> <p>This option permits Member States to allow for a transition period for persons carrying out quality assurance reviews on sustainability reporting by exempting them until the end of 2025 from the requirement to have relevant experience in sustainability reporting or the assurance of same.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Article 30 Systems of Investigations and Sanctions (Amended) <i>Point 2 second subparagraph (existing)</i></p>		
<p>Member States <u>may</u> decide not to lay down rules for administrative sanctions for infringements which are already subject to national criminal law. In that event, they shall communicate to the Commission the relevant criminal law provisions.’;</p>	<p>The amendments to Article 30, which governs systems of investigations and sanctions for breaches of statutory audit rules, allow for the extension of investigation and sanctions systems to assurance of sustainability reporting.</p> <p>This option is not amended directly and allows Member States not to provide for an administrative sanction regime where criminal law already applies. It was not exercised in the transposition of Directive 2014/56/EU.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Article 39 Audit Committee (Amended) <i>Paragraph 4a (New)</i></p>		
<p>Member States <u>may</u> allow the functions assigned to the audit committee relating to sustainability reporting and relating to the assurance of sustainability reporting to be performed by the administrative or supervisory body as a whole or by a dedicated body established by the administrative or supervisory body.</p>	<p>The amendments to Article 39, which governs the rules for Audit Committees of public interest entities, allow for the extension of certain audit committee functions to include assurance of sustainability reporting. This option permits Member States to allow these functions to be assigned to the board of directors of the public-interest for example or another dedicated body established by the public interest entity. It is similar to an option at Article 39(4) which applies to statutory audit. This option was not exercised in the transposition</p>	<p>Yes, this option would be helpful. In some undertakings responsibility for sustainability reporting may fall within the remit of a body other than the audit committee – the entire board, another board committee or a dedicated board committee or body (e.g. a sustainability or ESG committee).</p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	of Directive 2014/56/EU.	

Please provide any further views you have in relation to the transposition and development of future policy in this area.

e.g Scope and Phasing, Assurance (Audit), Oversight and Sanctions.

We refer to our correspondence (attached) regarding the importance of adhering to the timeframe for implementation as set out in the EU Directive.

END