

**Using the Work of an External Expert: Proposed Revised Text  
Mark Up from Exposure Draft**

**CONTENTS**

SECTION 220.....	2
PROPOSED SECTION 290.....	3
SECTION 320.....	12
PROPOSED SECTION 390.....	13
PROPOSED SECTION 5390 .....	28
GLOSSARY.....	43
CONSEQUENTIAL AMENDMENTS (MARK-UP FROM EXTANT) .....	44
EFFECTIVE DATE .....	49

## SECTION 220

### PREPARATION AND PRESENTATION OF INFORMATION

...

#### Requirements and Application Material

##### General

...

##### Using the Work of Others

**R220.7** A professional accountant who intends to use the work of others, (whether internal or external to the employing organization), or other organizations, other than external experts, shall exercise professional judgment to determine the appropriate steps to take, if any, in order to fulfill the responsibilities set out in paragraph R220.4.

**220.7 A1** ~~For the purposes of this section, the work of others excludes the work of an external expert.~~  
When a professional accountant intends to use the work of an external expert, the requirements and application material set out in Section 290 apply.

**220.7 A2** Factors to consider when a professional accountant intends to use the work of others include:

- The reputation and competence expertise of, and resources available to, the other individual or organization.
- Whether the other individual is subject to applicable professional and ethics standards.

Such information might be gained from prior association with, or from consulting others about, the other individual or organization.

...

## PROPOSED SECTION 290

### USING THE WORK OF AN EXTERNAL EXPERT

#### Introduction

- 290.1 Professional accountants are required to comply with the fundamental principles and apply the conceptual framework set out in Section 120 to identify, evaluate and address threats.
- 290.2 A professional accountant might use the work of an external expert in the performance of a professional activity for their employing organization. Using the work of such an external expert might create threats to compliance with the fundamental principles, particularly the principles of integrity, objectivity and professional competence and due care.
- 290.3 This section sets out requirements and application material relevant to applying the conceptual framework in relation to using the work of an external expert.

#### Requirements and Application Material

##### General

- 290.4 A1 A self-interest threat to compliance with the principles of integrity and professional competence and due care is created if a professional accountant performs a professional activity for which the accountant has insufficient expertise.
- 290.4 A2 An action that might be a safeguard to address such a threat is to use the work of an external expert for the professional activity who has the competence, capabilities and objectivity to deliver the work needed for such ~~service~~ activity.
- 290.4 A3 An external expert might be used to undertake specific work to support a professional activity performed by a professional accountant. Such work can be in a field that is well-established or emerging. Examples of such work include:
- The valuation of assets such as complex financial instruments, land and buildings, plant and machinery, jewelry, works of art, antiques, intangible assets, assets acquired in business combinations, and assets that may have been impaired.
  - The valuation of liabilities such as those assumed in business combinations, those from actual or threatened litigation, environmental liabilities, complex financial instruments, site clean-up liabilities, and those associated with insurance contracts or employee benefit plans.
  - The calculation of greenhouse gas emissions.
  - The measurement of pollutants emitted to air, water and soil.
  - The assessment of forward-looking information about the decarbonization plans of an entity.
  - The assessment of the application of offsetting mechanisms for an entity, such as for carbon or biodiversity.
  - The valuation of products and materials designed along principles for a sustainable economy.

- The estimation of oil and gas reserves.
- The interpretation of contracts, laws and regulations, including tax and labor laws and regulations, ~~tax treaties and bilateral agreements~~.
- The Aassessment and evaluation of IT systems, including those related to cybersecurity.

290.4 A4 This section does not apply to:

- (a) The use of the work of individuals or organizations that are engaged by the professional accountant and are under the accountant's direction, supervision and review, for example, subcontractors; and
- (b) The use of information provided by individuals or organizations that are external information sources for general use. Examples of those information sources~~They~~ include, ~~for example~~, those that provide industry or other benchmarking data or studies, such as information about employment statistics including hours worked and compensation per week by geographical area, real estate prices, carbon emissions by vehicle type, mortality tables, or other datasets for general use.

### Agreeing the Terms of Engagement with an External Expert

**R290.5** If the professional accountant has ~~identified~~determined to use an external expert ~~to use~~ for a professional activity and has identified an external expert for such purpose, the accountant shall agree the terms of engagement with the external expert, including the nature, scope and objectives of the work to be performed by the external expert.

290.5 A1 In agreeing the terms of engagement, matters that the professional accountant might discuss with the external expert include:

- The intended use and timing of the external expert's work.
- The external expert's ~~general~~planned approach to the work.
- Expectations regarding:
  - The confidentiality of the external expert's work and the inputs to that work.
  - The information to be provided by the external expert and the nature of such information.
  - The ~~expected~~ content and format of the external expert's completed work, including any assumptions made and limitations to that work.
  - The fees for the external expert's work.
  - ~~T~~Expectations regarding the external expert's communication of any non-compliance or suspected non-compliance with laws and regulations committed by the professional accountant's employing organization, or by those charged with governance, management or ~~those others~~ working for or under the direction of the employing organization, of which the external expert becomes aware when performing the work.

290.~~56~~A24 A self-interest, self-review, familiarity or advocacy threat to compliance with the principles of integrity, objectivity and professional competence and due care might be created if a

professional accountant uses an external expert who does not have the necessary competence, capabilities or objectivity to deliver the work needed for the particular professional activity.

### Evaluating the External Expert's Competence, Capabilities, and Objectivity

**R290.6** The professional accountant shall evaluate whether the external expert has the necessary competence, ~~capabilities and objectivity~~ for the accountant's purpose.

290.6 A1 Competence relates to the nature and level of expertise of the external expert.

290.6 A2 Factors that are relevant in evaluating whether the ~~competence of the~~ external expert has the necessary competence include:

- Whether the external expert's credentials, education, training, experience and reputation are relevant to, or consistent with, the nature of the work to be performed.
- Whether the external expert belongs to a relevant professional body or is subject to oversight by a regulatory body or other authority, and, if so, whether the external expert is in good standing.
- Whether any disciplinary actions have been published by a regulatory body or other authority relating to the external expert's competence.
- Whether the external expert's work is subject to legal and regulatory requirements or professional standards issued by a recognized body, or follows generally accepted principles or practices, ~~in the external expert's field or area of expertise.~~
- Whether the external expert can explain their work, including the inputs, assumptions and methodologies used.
- Whether the external expert has a history of performing similar work ~~for the professional accountant's employing organization or other clients.~~

**R290.76** The professional accountant shall evaluate whether the external expert has the necessary ~~competence~~, capabilities ~~and objectivity~~ for the accountant's purpose.

290.7 A1 Capabilities relates to the ability of the external expert to exercise their competence in the circumstances of the professional activity.

290.76 A23 Factors that are relevant in evaluating whether the ~~capabilities of the~~ external expert has the necessary capabilities include:

- The resources available to the external expert.
- Whether the external expert has sufficient time to perform the work.

**R290.86** The professional accountant shall evaluate whether the external expert has the necessary ~~competence, capabilities and~~ objectivity for the accountant's purpose.

290.8 A1 Objectivity relates to the possible effects that bias, conflict of interest, or the undue influence of, or undue reliance on, others might have on the professional or business judgment of the external expert.

290.86 A24 Factors that are relevant in evaluating identifying threats to the objectivity of the external expert for the period during which the external expert is performing the work include:

- ~~• Whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.~~
- Whether the external expert or their employing organization has an actual or potential conflict of interest or other interests in relation to the work the external expert is performing at the entity.
- ~~• Whether the professional accountant knows or is aware of any potential bias that might affect the external expert's work.~~
- ~~• Whether the external expert is charging a contingent fee, and if so, the basis for such fee.~~
- Whether the external expert will evaluate or rely on any previous judgments made or activities performed by the external expert or their employing organization in relation to the subject matter of the external expert's undertaking ~~the~~ work.

290.8 A3 The external expert's employing organization is the entity that directly employs the expert, regardless of the legal form of the employment, and does not extend to other entities that might control, or are otherwise related to, the employing organization.

290.8 A~~4~~5 Other interests that might impact the level of threat to an external expert's objectivity include significant financial interests such as those arising from compensation, fees or incentive arrangements linked to financial and non-financial information and decision-making.

290.~~86~~ A~~5~~6 Examples of previous judgments made or activities performed by an external expert or their employing organization that might create a self-review threat to the external expert's objectivity include:

- Having advised the entity on the matter for which the external expert is performing the work.
- Having produced data or other information, or having designed, developed, implemented, operated, maintained, monitored, updated or upgraded an IT system, for the entity which is then used by the external expert in performing the work or is the subject of that work.

290.8 A6 Factors that are relevant in evaluating the level of such threats to the external expert's objectivity include:

- ~~• The existence of conditions, policies and procedures established by the external expert's profession, legislation, regulation, or the external expert's employing organization, including whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.~~
- ~~• The nature and scope of the external expert's work.~~
- ~~• The existence and adequacy of any quality management system employed by the external expert.~~

290.8 A7 Examples of actions that might be safeguards to address threats to an external expert's objectivity include:

- ~~• Consulting with qualified personnel or a professional outside the professional~~

accountant's employing organization, who have the necessary expertise to evaluate the external expert's work for the intended purpose.

- Requesting the external expert to take steps to address a conflict of interest, for example, implementing measures to segregate the work from such conflict of interest.
- Restructuring or reassigning the part of the external expert's work giving rise to the threat to another external expert.

#### Sources of Information

290.96 A17 Information about the external expert's competence, capabilities and objectivity might be obtained from various sources, including:

- Personal association or experience with previous work undertaken by the external expert.
- Inquiry of others within or outside the professional accountant's employing organization who are familiar with the external expert's work.
- Discussion with the external expert about their background, including their field of expertise and business activities.
- Inquiry of the external expert's professional body or industry association.
- Articles, papers or books written by the external expert and published by a recognized publisher or in a recognized journal or other medium.
- Published records, such as legal proceedings involving the external expert.
- Inquiry of management of the professional accountant's employing organization and, if different, the entity at which the external expert is performing the work regarding any interests and relationships between the external expert and the employing organization or the entity.
- The internal controls, policies and procedures of the professional accountant's employing organization.

#### Additional Considerations when Evaluating Competence, Capabilities and Objectivity

290.10 A1 Evaluating whether an external expert has the necessary competence, capabilities and objectivity for the professional accountant's purpose involves exercising professional judgment and using the reasonable and informed third party test.

290.10 A2 A professional accountant might face pressure to breach the fundamental principles if the accountant encounters difficulties in concluding, or is unable to conclude, that the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose when the external expert has already performed a significant portion of their work. In such circumstances, Section 270 is relevant in considering how to address such pressure.

#### Consideration of New Information or Changes in Facts or Circumstances

**R290.11** The professional accountant shall re-evaluate whether the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose when new information or changes in facts and circumstances arise.

### Concluding on the External Expert's Competence, Capabilities and Objectivity

**R290.127** The professional accountant shall not use the work of the external expert if the accountant:

- (a) ~~The accountant is unable to obtain the information needed for the accountant's evaluation of~~ determine whether the external expert s has the necessary competence, or capabilities, or is and objectivity; ~~or~~
- (b) ~~The accountant d~~etermines that the external expert does not have the necessary competence or capabilities for the accountant's purpose; or is not competent, capable or objective.
- (c) Determines that there are threats to the external expert's objectivity that cannot be eliminated or reduced to an acceptable level.

290.12 A1 If a professional accountant uses the work of such external expert, this creates threats to the accountant's compliance with the principles of integrity, objectivity and professional competence and due care that cannot be eliminated or reduced to an acceptable level by the application of safeguards.

### **Potential Threats Arising from Using the Work of an External Expert**

290.138 A1 Threats to compliance with the fundamental principles might still be created from using the work of an external expert even if a professional accountant has satisfactorily concluded that the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose.

#### *Identifying Threats*

290.149 A1 Examples of facts and circumstances that might create threats to a professional accountant's compliance with the fundamental principles when using an external expert's work include:

- (a) Self-interest threats
  - A professional accountant has insufficient expertise to understand and explain the external expert's conclusions and findings.
  - A professional accountant has undue influence from, or undue reliance on, the external expert or multiple external experts when performing a professional activity.
  - A professional accountant has insufficient time or resources to evaluate the external expert's work.
- (b) Self-review threats
  - A professional accountant uses the work of an external expert who relies on previous judgments made by the accountant and provided to the external expert for the purposes of their work.
- (c) Advocacy threats
  - A professional accountant promotes the use of an external expert who has known bias towards conclusions potentially advantaging or disadvantaging the professional accountant's employing organization.



(de) Familiarity threats

- A professional accountant has a close personal relationship with the external expert.

(ed) Intimidation threats

- A professional accountant feels pressure to defer to the external expert's opinion due to the external expert's perceived authority.
- A professional accountant feels pressure to use the work of an particular external expert in order to meet internal or external targets and expectations.

### *Evaluating Threats*

290.1~~59~~ A1 Factors that are relevant in evaluating the level of such threats include:

- The scope and purpose of the external expert's work.
- The impact of the external expert's work on the professional accountant's engagement activity.
- The nature of the professional activity for which the external expert's work is intended to be used.
- The professional accountant's oversight relating to the use of the external expert and the external expert's work.
- The appropriateness of, and transparency over, the data, assumptions and other inputs and methods used by the external expert.
- The professional accountant's ability to understand and explain the external expert's work and its appropriateness for the intended purpose.
- Whether the external expert's work is subject to technical performance standards or other professional or industry generally accepted practices, or law or regulation.
- Whether the external expert's work, if it were to be performed by two or more parties, is not likely to be materially different.
- The consistency of the external expert's work, including the external expert's conclusions or findings, with other information.
- The availability of other evidence, including peer-reviewed academic research, to support the external expert's approach.
- Whether there is pressure being exerted by the professional accountant's employing organization to accept the external expert's conclusions or findings due to the time or cost spent by the external expert in performing the work.

### *Addressing Threats*

290.1~~64~~ A1 An example of an action that might eliminate a familiarity threat is identifying a different external expert to use.

290.1~~64~~ A2 Examples of actions that might be safeguards to address threats include:

- Consulting with qualified personnel, ~~within the employing organization or a professional outside the professional accountant's employing organization,~~ who have the necessary expertise ~~and experience~~ to evaluate the external expert's work, obtaining additional input, or challenging the appropriateness of the external expert's work for the intended purpose.
- Using another external expert to reperform the external expert's work.
- Agreeing with management of the professional accountant's employing organization additional time or resources to complete the activity.

## Other Matters

### *External Experts in Emerging Fields or Areas*

290.172 A1 Expertise in emerging fields or areas might evolve depending on how laws, regulations and generally accepted practices develop. Emerging fields might also involve multiple areas of expertise. There might therefore be limited availability of external experts in emerging fields or areas.

290.172 A2 Information relating to some of the factors relevant to evaluating the competence of an external expert in paragraph 290.6 A2 might not be available in an emerging field or area. For example, there might not be public recognition of the external expert, professional standards might not have been developed, or professional bodies might not have been established in the emerging field. In such circumstances, a factor that might assist the professional accountant in evaluating an external expert's competence is the external expert's experience in a similar field to the emerging field, or in an established field, that provides a reasonable basis for the external expert's work in the emerging field.

### *Using the Work of Multiple External Experts*

~~R290.13 When a professional accountant uses the work of more than one external expert in the performance of a professional activity, the accountant shall consider whether, in addition to the threats that might be created by using each external expert individually, the combined effect of using the work of the external experts might create additional threats or impact the level of threats.~~

### *Inherent Limitations in Evaluating an External Expert's Competence, Capabilities or Objectivity*

~~290.14 A1 Paragraph R113.3 sets out communication responsibilities for the professional accountant with respect to limitations inherent in the accountant's professional activities. When using the work of an external expert, such communication might be especially relevant when there is a lack of information to evaluate the external expert's competence, capabilities or objectivity, and there is no available alternative to that external expert.~~

### *Communicating with Management and Those Charged with Governance When Using the Work of an External Expert*

290.185 A1 The professional accountant is encouraged to communicate with management, and where appropriate, those charged with governance:

- The purpose of using an external expert and the scope of the external expert's work.

- The respective roles and responsibilities of the accountant and the external expert in the performance of the professional activity.
- Any threats to the accountant's compliance with the fundamental principles created by using the external expert's work and how they have been addressed.

*Documentation*

290.196 A1 The professional accountant is encouraged to document:

- The steps taken by the accountant to evaluate the external expert's competence, capabilities and objectivity, and the resulting conclusions.
- Any significant threats identified by the accountant in using the external expert's work and the actions taken to address the threats.
- The results of any significant discussions with the external expert.

## SECTION 320

### PROFESSIONAL APPOINTMENTS

...

#### Requirements and Application Material

...

Note to Reader: Paragraphs R320.10 and 320.10 A2 (extant 320.10 A1) are a reinstatement of the extant paragraphs.

#### Using the Work of an Expert

**R320.10** When a professional accountant intends to use the work of an expert in the course of undertaking a professional activity, the accountant shall determine whether the use is appropriate for the intended purpose.

**320.10 A1** For the purposes of this section, the work of an external expert is excluded. When a professional accountant intends to use the work of an external expert, the requirements and application material set out in Section 390 apply.

**320.10 A2** Factors to consider when a professional accountant intends to use the work of an expert include:

- The reputation and expertise of, and the resources available to, the expert.
- Whether the expert is subject to applicable professional and ethics standards.

Such information might be gained from prior association with, or from consulting others about, the expert.

...

#### Other Considerations

**320.12<sup>1</sup> A1** When a professional accountant is considering using the work of experts or the output of technology, a consideration is whether the accountant is in a position within the firm to obtain information in relation to the factors necessary to determine whether such use is appropriate.

**320.11 A2** ~~When a professional accountant intends to use the work of an expert, the requirements and application material set out in Section 390 apply.~~

...

## PROPOSED SECTION 390

### USING THE WORK OF AN EXTERNAL EXPERT

#### Introduction

- 390.1 Professional accountants are required to comply with the fundamental principles and apply the conceptual framework set out in Section 120 to identify, evaluate and address threats.
- 390.2 A professional accountant might use the work of an external expert in the performance of a professional service. Using the work of such an external expert might create threats to compliance with the fundamental principles, particularly the principles of integrity, objectivity and professional competence and due care.
- 390.3 This section sets out requirements and application material relevant to applying the conceptual framework in relation to using the work of an external expert. Section 5390 addresses using the work of an external expert in sustainability assurance or other professional services provided to the same sustainability assurance client. Other professional standards might address the competence, capabilities and objectivity of an external expert as factors that significantly affect whether the work of the external expert will be adequate for the professional accountant's purposes.

#### Requirements and Application Material

##### General

- 390.4 A1 A self-interest threat to compliance with the principles of integrity and professional competence and due care is created if a professional accountant performs a professional service for which the accountant has insufficient expertise.
- 390.4 A2 An action that might be a safeguard to address such a threat is to use the work of an external expert for the professional service who has the competence, capabilities and objectivity to deliver the work needed for such service.
- 390.4 A3 An external expert might be used to undertake specific work to support a professional service provided by a professional accountant. Such work can be in a field that is well-established or emerging. Examples of such work include:
- The valuation of assets such as complex financial instruments, land and buildings, plant and machinery, jewelry, works of art, antiques, intangible assets, assets acquired in business combinations, and assets that may have been impaired.
  - The valuation of liabilities such as those assumed in business combinations, those from actual or threatened litigation, environmental liabilities, complex financial instruments, site clean-up liabilities, and those associated with insurance contracts or employee benefit plans.
  - The calculation of greenhouse gas emissions.
  - The measurement of pollutants emitted to air, water and soil.

- The assessment of forward-looking information about the decarbonization plans of an entity.
- The assessment of the application of offsetting mechanisms for an entity, such as for carbon or biodiversity.
- The valuation of products and materials designed along principles for a sustainable economy.
- The estimation of oil and gas reserves.
- The interpretation of contracts, laws and regulations, including tax and labor laws and regulations, ~~tax treaties and bilateral agreements.~~
- The Aassessment and evaluation of IT systems, including those related to cybersecurity.

390.4 A4 This section does not apply to:

- (a) The use of the work of an expert employed or engaged by the client to assist the client in preparing the financial or non-financial information. Such work is deemed to be information provided by management; ~~and~~
- (b) The use of the work of individuals or organizations that are engaged by the professional accountant and are under the accountant's direction, supervision and review, for example, subcontractors; and
- (cb) The use of information provided by individuals or organizations that are external information sources for general use. ~~They include, for e~~Examples of those information sources include, those that provide industry or other benchmarking data or studies, such as information about employment statistics including hours worked and compensation per week by geographical area, real estate prices, carbon emissions by vehicle type, mortality tables, or other datasets for general use.

390.4 A5 This section does not address a professional accountant's evaluation of the adequacy of an external expert's work for purposes of a professional service undertaken by the accountant, and the implications for the engagement if the accountant determines that such work is not adequate. Such implications might be addressed in other professional standards.

## Agreeing the Terms of Engagement with an External Expert

### All Professional Services

**R390.5** If the professional accountant has ~~identified-determined to use~~ an external expert ~~to use~~ for a professional service and has identified an external expert for such purpose, the accountant shall, to the extent not otherwise addressed by law, regulation or other professional standards, agree the terms of engagement with the external expert, including:

- (a) The nature, scope and objectives of the work to be performed by the external expert; and
- (b) In the context of audit, review or other assurance engagements:
  - (i) ~~The provision of~~ written information ~~needed from the external expert~~ for purposes of assisting the accountant's evaluation of the external expert's competence, capabilities and objectivity; and

(ii) A commitment from the external expert to communicate any changes to the information provided during the period covered by the audit, review or other assurance report through to the issuance of that report.

390.5 A1 In agreeing the terms of engagement, matters that the professional accountant might discuss with the external expert include:

- The intended use and timing of the external expert's work.
- The external expert's general-planned approach to the work.
- Expectations regarding:
  - The confidentiality of the external expert's work and the inputs to that work.
  - The information to be provided by the external expert and the nature of such information.
  - The ~~expected~~ content and format of the external expert's completed work, including any assumptions made and limitations to that work.
  - The fees for the external expert's work.
  - ~~Expectations regarding~~ The external expert's communication of any non-compliance or suspected non-compliance with laws and regulations committed by the client, or by those charged with governance, management or ~~those others~~ working for or under the direction of the client, of which the external expert becomes aware when performing the work.

390.56 A24 A self-interest, self-review, familiarity or advocacy threat to compliance with the principles of integrity, objectivity and professional competence and due care might be created if a professional accountant uses an external expert who does not have the necessary competence, capabilities or objectivity to deliver the work needed for the particular professional service.

## Evaluating the External Expert's Competence, Capabilities, and Objectivity

### *All Professional Services*

**R390.6** The professional accountant shall evaluate whether the external expert has the necessary competence, ~~capabilities and objectivity~~ for the accountant's purpose.

390.6 A1 Competence relates to the nature and level of expertise of the external expert.

390.6 A2 Factors that are relevant in evaluating whether the ~~competence of the~~ external expert has the necessary competence include:

- Whether the external expert's credentials, education, training, experience and reputation are relevant to, or consistent with, the nature of the work to be performed.
- Whether the external expert belongs to a relevant professional body or is subject to oversight by a regulatory body or other authority, and, if so, whether the external expert is in good standing.
- Whether any disciplinary actions have been published by a regulatory body or other authority relating to the external expert's competence.

- Whether the external expert's work is subject to legal and regulatory requirements or professional standards issued by a recognized body, or follows generally accepted principles or practices, in the external expert's field or area of expertise.
- Whether the external expert can explain their work, including the inputs, assumptions and methodologies used.
- Whether the external expert has a history of performing similar work ~~for the professional accountant's firm or other clients.~~

**R390.76** The professional accountant shall evaluate whether the external expert has the necessary ~~competence, capabilities and objectivity~~ for the accountant's purpose.

390.7 A1 Capabilities relates to the ability of the external expert to exercise their competence in the circumstances of the professional service.

390.76 A23 Factors that are relevant in evaluating whether the ~~capabilities of the~~ external expert has the necessary capabilities include:

- The resources available to the external expert.
- Whether the external expert has sufficient time to perform the work.

**R390.86** The professional accountant shall evaluate whether the external expert has the necessary ~~competence, capabilities and~~ objectivity for the accountant's purpose.

390.8 A1 Objectivity relates to the possible effects that bias, conflict of interest, or the undue influence of, or undue reliance on, others might have on the professional or business judgment of the external expert.

390.86 A24 Factors that are relevant in ~~evaluating identifying threats to~~ the objectivity of the external expert for the period during which the external expert is performing the work include:

- ~~Whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.~~
- Whether the external expert or their employing organization has an actual or potential conflict of interest in relation to the work the external expert is performing at the entity.
- ~~Whether the professional accountant knows or~~ is aware of any potential bias that might affect the external expert's work.
- Whether the external expert is charging a contingent fee, and if so, the basis for such fee.
- Whether the external expert will evaluate or rely on any previous judgments made or activities performed by the external expert or their employing organization in undertaking relation to the subject matter of the external expert's ~~the~~ work.

390.8 A3 The external expert's employing organization is the entity that directly employs the expert, regardless of the legal form of the employment, and does not extend to other entities that might control, or are otherwise related to, the employing organization.

390.86 A45 Examples of previous judgments made or activities performed by an external expert or their employing organization that might create a self-review threat to the external expert's objectivity include:



- Having advised the entity on the matter for which the external expert is performing the work.
- Having produced data or other information, or having designed, developed, implemented, operated, maintained, monitored, updated or upgraded an IT system, for the entity which is then used by the external expert in performing the work or is the subject of that work.

390.8 A5 Factors that are relevant in evaluating the level of such threats to the external expert's objectivity include:

- The existence of conditions, policies and procedures established by the external expert's profession, legislation, regulation, or the external expert's employing organization, including whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.
- The nature and scope of the external expert's work.
- The existence and adequacy of any quality management system employed by the external expert.

390.8 A6 Examples of actions that might be safeguards to address threats to an external expert's objectivity include:

- Consulting with qualified personnel, or a professional outside the professional accountant's firm, who have the necessary expertise to evaluate the external expert's work for the intended purpose.
- Requesting the external expert to take steps to address a conflict of interest, for example, implementing measures to segregate the work from such conflict of interest.
- Restructuring or reassigning the part of the external expert's work giving rise to the threat to another external expert.

Sources of Information

390.96 A16 Information about the external expert's competence, capabilities and objectivity might be obtained from various sources, including:

- Personal association or experience with previous work undertaken by the external expert.
- Inquiry of others within or outside the professional accountant's firm who are familiar with the external expert's work.
- Discussion with the external expert about their background, including their field of expertise and business activities.
- Inquiry of the external expert's professional body or industry association.
- Articles, papers or books written by the external expert and published by a recognized publisher or in a recognized journal or other medium.
- Published records, such as legal proceedings involving the external expert.

- Inquiry of the client and, if different, the entity at which the external expert is performing the work regarding any interests and relationships between the external expert and the client or the entity.
- The system of quality management of the professional accountant's firm.

Additional Considerations when Evaluating Competence, Capabilities and Objectivity

390.10 A1 Evaluating whether an external expert has the necessary competence, capabilities and objectivity for the professional accountant's purpose involves exercising professional judgment and using the reasonable and informed third party test.

390.10 A2 A professional accountant might face pressure to breach the fundamental principles if the accountant encounters difficulties in concluding, or is unable to conclude, that the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose when the external expert has already performed a significant portion of their work. In such circumstances, Section 270 is relevant in considering how to address such pressure.

Additional Objectivity Considerations for Audit Engagements, Review Engagements or and Other Assurance Engagements Outside the Scope of Part 5

390.~~117~~ A1 Stakeholders have heightened expectations regarding the objectivity of an external expert whose work is used in an audit engagement, review engagement or other assurance engagement outside the scope of Part 5. Therefore, paragraphs R390.~~128~~ to R390.~~194~~ set out further actions in evaluating the objectivity of an external expert in an audit engagement, review engagement, or other assurance engagement outside the scope of Part 5, pursuant to paragraph R390.~~86~~.

Audit and Review Engagements for Clients that are Not Public Interest Entities and All Other Assurance Engagements Outside the Scope of Part 5

**R390.12** The professional accountant shall request the external expert to provide:

- (A)** To the best of their knowledge and belief;
- (B)** In relation to the entity at which the external expert is performing the work; and
- (C)** From the beginning of the period covered by the audit, review or other assurance report until the completion of the external expert's work,  
information about:
  - (i)** Any direct financial interest or material indirect financial interest in the entity held by the external expert, their immediate family, or the external expert's employing organization;
  - (ii)** Any actual or potential conflicts of interest the external expert, their immediate family or the external expert's employing organization might have ~~with~~ in relation to the work the external expert is performing at the entity; and
  - (iii)** Any previous or current engagements between the external expert or their employing organization and the entity.

**R390.13** The professional accountant shall also consider requesting the external expert to provide:

(a) To the best of their knowledge and belief; and

(b) From the beginning of the period covered by the audit, review or other assurance report until the completion of the external expert's work.

information about any additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the entity at which the external expert is performing the work.

390.13 A1 Additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the entity at which the external expert is performing the work, include those set out in paragraph R390.14.

390.13 A2 Factors that are relevant in determining whether to request information about any additional interests, relationships or circumstances from the external expert include:

- The scale of the external expert's practice.
- The range of services offered by the external expert.
- How long the external expert has been practicing.

#### Audit and Review Engagements for Clients that are Public Interest Entities

**R390.148** The professional accountant shall request the external expert to provide:

(A); To the best of their knowledge and belief;

(B) in relation to the entity at which the external expert is performing the work; and with respect to

(C) From the beginning of the period covered by the audit or review assurance report until the completion of the external expert's work and the engagement period,

information about:

- (a) Any direct financial interest or material indirect financial interest in the entity held by the external expert, their immediate family, or the external expert's employing organization in the entity;
- (b) Any loan, or guarantee of a loan, made to the entity by the external expert, their immediate family, or the external expert's employing organization, other than where the loan or guarantee is immaterial to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity;
- (c) Any loan, or a guarantee of a loan, accepted by the external expert, their immediate family, or the external expert's employing organization from the entity if it is a bank or similar institution, other than where the loan or guarantee is made under normal lending procedures, terms and conditions;
- (d) Any loan, or a guarantee of a loan, accepted by the external expert, their immediate family, or the external expert's employing organization from the entity if it is not a bank or similar institution, other than where the loan or guarantee is immaterial to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity;

- (e) Any close business relationship between the external expert, their immediate family, or the external expert's employing organization and the entity or its management, other than where the financial interest, if any, is immaterial and the business relationship is insignificant to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity or its management;
- (f) Any previous or current engagements between the external expert or their employing organization and the entity;
- (jg) Any fee or contingent fee or dependency on fees or other types of remuneration due to or recently received by the external expert or their employing organization from the entity;
- (kh) Any gifts or other benefits ~~received-accepted~~ by the external expert, their immediate family or the external expert's employing organization from the entity other than those that are trivial and inconsequential;
- (i) Any actual or potential litigation between the external expert or their employing organization and the entity;
- (ii) Any position currently or previously held by the external expert as a director, officer or employee of the entity;
- (hk) Any position currently or previously held by the external expert's immediate family or by management of the external expert's employing organization as a director or officer of the entity, or an employee in a position to exert significant influence over the preparation of the entity's financial or non-financial information on which the professional accountant will express an opinion or conclusion, or the records underlying such information;
  - ~~(i) Held by the external expert or their immediate family;~~
  - ~~(ii) Held or previously held by the external expert; or~~
  - ~~(iii) Held or previously held by management of the external expert's employing organization;~~
- (il) Any previous public statements by the external expert or their employing organization which advocated for the entity;
- (m) The nature and extent of any interests and relationships between the controlling owners, if any, of the external expert's employing organization and the entity; and
- (lo) Any actual or potential conflict of interest the external expert, their immediate family or their external expert's employing organization might have in relation to the work the external expert is performing at the entity; and

with respect to (g) the length of the relationship of How long the external expert and their employing organization ~~have been associated~~ with the entity;

- (i) How long the association has been.

Considerations Relating to an External Expert's Team and Where the Client is Not the Entity at Which the External Expert is Performing the Work

All audit engagements, review engagements, and other assurance engagements outside the scope of Part

**R390.915** Where the external expert uses a team to carry out the work, the professional accountant shall request the external expert to have all members of the external expert's team provide the information set out in paragraphs ~~R390.128 to R390.14, as applicable~~, in relation to the entity at which the external expert is performing the work ~~and with respect to the period covered by the audit or assurance report and the engagement period.~~

**R390.1116** Where the ~~professional accountant's~~ client is not the entity at which the external expert is performing the work, the professional accountant shall also request the external expert to ~~disclose~~provide:

(A) To the best of their knowledge and belief;

(B) in relation to the client; and

(C) From the beginning of the period covered by the audit, or review or other assurance report until the completion of the external expert's work, and the engagement period,

~~information about interests, relationships or circumstances of which they are aware between the external expert, their immediate family or the external expert's employing organization and the client.~~

~~390.11 A1 Examples of interests, relationships or circumstances between the external expert and the client that might be included in the evaluation of the external expert's objectivity include:~~

(i) Any direct financial interest or material indirect financial interest in the client held by the external expert, their immediate family, or the external expert's employing organization;

~~• Any interests or relationships of the external expert, their immediate family or the external expert's employing organization with the client and those entities over which it has direct or indirect control.~~

(ii) Any actual or potential conflicts of interest the external expert, their immediate family or the external expert's employing organization might have with the client; and

(iii) Any previous or current engagements between the external expert or their employing organization and the client.

**R390.17** The professional accountant shall also consider requesting the external expert to provide:

(a) To the best of their knowledge and belief; and

(b) From the beginning of the period covered by the audit, review or other assurance report until the completion of the external expert's work.

information about any additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the client.

390.17 A1 Additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the client include those set out in paragraph R390.14.

390.17 A2 Factors that are relevant in determining whether to request information about any additional interests, relationships or circumstances from the external expert include:

• The scale of the external expert's practice.

- The range of services offered by the external expert.
- How long the external expert has been practicing.
- Whether the client is a public interest entity.
- The nature of the relationship between the client and the entity at which the external expert is performing the work.
- The scale and complexity of the client's operations.

390.174 A32 Information about interests, relationships or circumstances between ~~an~~the external expert or their employing organization and the client might be obtained from inquiry of the client, if the circumstances of the engagement permit disclosure of the use of the external expert to the client.

#### Potential Threats to the External Expert's Objectivity

390.18 A1 Self-interest, familiarity or intimidation threats to the external expert's objectivity might be created by the interests, relationships or circumstances disclosed pursuant to paragraphs R390.12 to R390.17, as applicable.

390.18 A2 Factors that are relevant in evaluating the level of such threats to the external expert's objectivity include, in addition to those set out in paragraph 390.8 A5:

- Whether the financial interest is direct or indirect, and whether such financial interest is material to the external expert, their immediate family, or the external expert's employing organization, as applicable.
- Whether the financial interest allows the external expert, their immediate family, or the external expert's employing organization, as applicable, to control or significantly influence the entity at which the external expert is performing the work.
- The materiality or significance of the close business relationship between the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity or its management.
- The significance of any fees due to or recently received by the external expert or their employing organization from the entity.
- The role of the individual within the external expert's team.
- The nature and value of the gifts or other benefits to the external expert, their immediate family or the external expert's employing organization.
- The materiality or significance of the litigation and whether the litigation relates to prior work performed by the external expert at the entity.
- The length of time since the external expert left the entity as a director, officer or employee of the entity.
- The position in the entity held by the external expert's immediate family or the management of the external expert's employing organization.
- The nature of any advocacy for the entity if the external expert or their employing organization made any previous statement advocating for the entity.

390.18 A3 Examples of actions that might eliminate the threats to the external expert's objectivity include requesting the external expert to:

- End the close business relationship.
- Remove the individual concerned from the external expert's team.
- Decline the gifts or other benefits offered by the entity.

390.18 A4 Examples of actions that might be safeguards to address the threats to the external expert's objectivity include, in addition to those set out in paragraph 390.86 A610, requesting the external expert to:

- Dispose of enough of the financial interest so that the remaining interest is no longer material.
- Reduce the significance of the close business relationship.
- Structure the responsibilities of the individual concerned so that they do not deal with matters that are within the responsibility of the immediate family member who is serving as a director or officer of the entity, or an employee in a position to exert significant influence over the preparation of the entity's financial or non-financial information on which the professional accountant will express an opinion or conclusion, or the records underlying such information.
- Returning the gifts or other benefits to the entity as soon as possible after they were accepted.

#### Consideration of New Information or Changes in Facts or Circumstances

##### All Professional Services

**R390.19** The professional accountant shall re-evaluate whether the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose when new information or changes in facts and circumstances arise.

##### Audit, Review and Other Assurance Engagements

**R390.1020** In relation to the information provided by the external expert The professional accountant shall request the external expert to communicate any changes in facts or circumstances regarding the matters set out in paragraphs R390.128 to R390.17, the professional accountant shall evaluate any changes communicated pursuant to paragraph R390.5(b)(ii) that might arise during the period covered by the audit, review or other assurance report through to the issuance of that report and the engagement period.

#### Concluding on the External Expert's Competence, Capabilities and Objectivity

##### All Professional Services

**R390.2112** The professional accountant shall not use the work of the external expert if the accountant:

- The accountant is unable to determine whether obtain the information needed for the accountant's evaluation of the external expert's has the necessary competence or, capabilities, or is objective and objectivity; or

- (b) ~~The accountant d~~Determines that the external expert does is-not have the necessary competence, or capabilities or objective for the accountant's purposes; or
- (c) Determines that there are threats to the external expert's objectivity that cannot be eliminated or reduced to an acceptable level.

390.21 A1 Circumstances in which a professional accountant would be unable to determine whether the external expert has the necessary competence, or capabilities, or is objective, include where:

- The external expert is unable to provide any of the information requested in paragraphs R390.12 to R390.17 because of a confidentiality restriction in law or regulation.
- In relation to specific information requested in paragraphs R390.12 to R390.17<sup>21</sup> concerning the external expert's immediate family member or employing organization, the external expert is unable to obtain their consent to such disclosure.

390.21 A2 If a professional accountant uses the work of such external expert, this creates threats to the accountant's compliance with the principles of integrity, objectivity and professional competence and due care that cannot be eliminated or reduced to an acceptable level by the application of safeguards.

## Potential Threats Arising from Using the Work of an External Expert

### *All Professional Services*

390.~~22~~<sup>13</sup> A1 Threats to compliance with the fundamental principles might still be created from using the work of an external expert even if a professional accountant has satisfactorily concluded that the external expert has the necessary competence, capabilities and objectivity for the accountant's purpose.

### *Identifying Threats*

390.~~23~~<sup>14</sup> A1 Examples of facts and circumstances that might create threats to a professional accountant's compliance with the fundamental principles when using an external expert's work include:

(a) Self-interest threats

- A professional accountant has insufficient expertise to understand and explain the external expert's conclusions and findings.
- A professional accountant has undue influence from, or undue reliance on, the external expert or multiple external experts when ~~performing~~ providing a professional service.
- A professional accountant has insufficient time or resources to evaluate the external expert's work.

(b) Self-review threats

- A professional accountant uses the work of an external expert who relies on previous judgments made by the accountant and provided to the external expert for the purposes of their work.



~~(c)(b)~~ Advocacy threats

- A professional accountant promotes the use of an external expert who has known bias towards conclusions potentially advantaging or disadvantaging the client.

~~(d)(e)~~ Familiarity threats

- A professional accountant has a close personal relationship with the external expert.

~~(e)(d)~~ Intimidation threats

- A professional accountant feels pressure to defer to the external expert's opinion due to the external expert's perceived authority.
- A professional accountant feels pressure to use the work of a particular external expert in order to meet internal or external targets and expectations.

### Evaluating Threats

390.2415 A1 Factors that are relevant in evaluating the level of such threats include:

- The scope and purpose of the external expert's work.
- The impact of the external expert's work on the professional accountant's engagement.
- The nature of the professional service for which the external expert's work is intended to be used.
- The professional accountant's oversight relating to the use of the external expert and the external expert's work.
- The appropriateness of, and transparency over, the data, assumptions and other inputs and methods used by the external expert.
- The professional accountant's ability to understand and explain the external expert's work and its appropriateness for the intended purpose.
- Whether the external expert's work is subject to technical performance standards or other professional or industry generally accepted practices, or law or regulation.
- Whether the external expert's work, if it were to be performed by two or more parties, is not likely to be materially different.
- The consistency of the external expert's work, including the external expert's conclusions or findings, with other information.
- The availability of other evidence, including peer-reviewed academic research, to support the external expert's approach.
- Whether there is pressure being exerted by the professional accountant's firm to accept the external expert's conclusions or findings due to the time or cost spent by the external expert in performing the work.

### Addressing Threats

390.2516 A1 An example of an action that might eliminate a familiarity threat is identifying a different

external expert to use.

390.2516 A2 Examples of actions that might be safeguards to address threats include:

- Consulting with qualified personnel, or a professional outside the professional accountant's firm, who have the necessary expertise ~~and experience~~ to evaluate the external expert's work, obtaining additional input, or challenging the appropriateness of the external expert's work for the intended purpose.
- Using another external expert to reperform the external expert's work.
- Agreeing with the client additional time or resources to complete the engagement.

## Other Matters

### *External Experts in Emerging Fields or Areas*

390.2617 A1 Expertise in emerging fields or areas might evolve depending on how laws, regulations and generally accepted practices develop. Emerging fields might also involve multiple areas of expertise. There might therefore be limited availability of external experts in emerging fields or areas.

390.2617 A2 Information relating to some of the factors relevant to evaluating the competence of an external expert in paragraph 390.6 A2 might not be available in an emerging field or area. For example, there might not be public recognition of the external expert, professional standards might not have been developed, or professional bodies might not have been established in the emerging field. In such circumstances, a factor that might assist the professional accountant in evaluating an external expert's competence is the external expert's experience in a similar field to the emerging field, or in an established field, that provides a reasonable basis for the external expert's work in the emerging field.

### *Using the Work of Multiple External Experts*

~~**R390.18** When a professional accountant uses the work of more than one external expert in the performance of a professional service, the accountant shall consider whether, in addition to the threats that might be created by using each external expert individually, the combined effect of using the work of the external experts might create additional threats or impact the level of threats.~~

### *Inherent Limitations in Evaluating an External Expert's Competence, Capabilities or Objectivity*

~~390.19 A1 Paragraph R113.3 sets out communication responsibilities for the professional accountant with respect to limitations inherent in the accountant's professional services. When using the work of an external expert, such communication might be especially relevant when there is a lack of information to evaluate the external expert's competence, capabilities or objectivity, and there is no available alternative to that external expert.~~

*Communicating with Management and Those Charged with Governance When Using the Work of an External Expert*

390.2~~79~~<sup>81</sup> A1 The professional accountant is encouraged to communicate with management, and where appropriate, those charged with governance:

- The purpose of using an external expert and the scope of the external expert's work.
- The respective roles and responsibilities of the accountant and the external expert in the performance of the professional service.
- Any threats to the accountant's compliance with the fundamental principles created by using the external expert's work and how they have been addressed.

*Documentation*

390.2~~81~~<sup>84</sup> A1 The professional accountant is encouraged to document:

- The steps taken by the accountant to evaluate the external expert's competence, capabilities and objectivity, and the resulting conclusions.
- Any significant threats identified by the accountant in using the external expert's work and the actions taken to address the threats.
- The results of any significant discussions with the external expert.

## PROPOSED SECTION 5390

### USING THE WORK OF AN EXTERNAL EXPERT

#### Introduction

- 5390.1 Sustainability assurance practitioners are required to comply with the fundamental principles and apply the conceptual framework set out in Section 5120 to identify, evaluate and address threats.
- 5390.2 A sustainability assurance practitioner might use the work of an external expert in the performance of a professional service. Using the work of such an external expert might create threats to compliance with the fundamental principles, particularly the principles of integrity, objectivity and professional competence and due care.
- 5390.3 This section sets out requirements and application material relevant to applying the conceptual framework in relation to using the work of an external expert. Other professional standards might address the competence, capabilities and objectivity of an external expert as factors that significantly affect whether the work of the external expert will be adequate for the sustainability assurance practitioner's purposes.

#### Requirements and Application Material

##### General

- 5390.4 A1 A self-interest threat to compliance with the principles of integrity and professional competence and due care is created if a sustainability assurance practitioner performs a professional service for which the practitioner has insufficient expertise.
- 5390.4 A2 An action that might be a safeguard to address such a threat is to use the work of an external expert for the professional service who has the competence, capabilities and objectivity to deliver the work needed for such service.
- 5390.4 A3 An external expert might be used to undertake specific work to support a professional service provided by a sustainability assurance practitioner. Such work can be in a field that is well-established or emerging. Examples of such work include:
- The valuation of assets such as complex financial instruments, land and buildings, plant and machinery, jewelry, works of art, antiques, intangible assets, assets acquired in business combinations, and assets that may have been impaired.
  - The valuation of liabilities such as those assumed in business combinations, those from actual or threatened litigation, environmental liabilities, complex financial instruments, site clean-up liabilities, and those associated with insurance contracts or employee benefit plans.
  - The calculation of greenhouse gas emissions.
  - The measurement of pollutants emitted to air, water and soil.
  - The assessment of forward-looking information about the decarbonization plans of an entity.

- The assessment of the application of offsetting mechanisms for an entity, such as for carbon or biodiversity.
- The valuation of products and materials designed along principles for a sustainable economy.
- The estimation of oil and gas reserves.
- The interpretation of contracts, laws and regulations, including tax and labor laws and regulations, ~~tax treaties and bilateral agreements.~~
- The Assessment and evaluation of IT systems, including those related to cybersecurity.
- The accounting for specific matters such as financial instruments or carbon credits.
- Consideration of the methodologies or classification systems used to measure a product's impact on the environment.
- Assessment or measurement of impacts of activities, products or services on the environment, economy and social or cultural conditions.

5390.4 A4 This section does not apply to:

- (a) The use of the work of an expert employed or engaged by the sustainability assurance client to assist the client in preparing the financial or non-financial information. Such work is deemed to be information provided by management; ~~and~~
- (b) The use of the work of individuals or organizations that are engaged by the sustainability assurance practitioner and are under the practitioner's direction, supervision and review, for example, subcontractors; and
- (cb) The use of information provided by individuals or organizations that are external information sources for general use. ~~They include, for e~~Examples of those information sources include; those that provide industry or other benchmarking data or studies, such as information about employment statistics including hours worked and compensation per week by geographical area, real estate prices, carbon emissions by vehicle type, mortality tables, or other datasets for general use.

5390.4 A5 This section does not address a sustainability assurance practitioner's evaluation of the adequacy of an external expert's work for purposes of a professional service undertaken by the practitioner, and the implications for the engagement if the practitioner determines that such work is not adequate. Such implications might be addressed in other professional standards.

## Agreeing the Terms of Engagement with an External Expert

### All Professional Services

**R5390.5** If the sustainability assurance practitioner has ~~identified-determined to use~~ an external expert ~~to use~~ for a professional service and has identified an external expert for such purpose, the practitioner shall, to the extent not otherwise addressed by law, regulation or other professional standards, agree the terms of engagement with the external expert, including:

- (a) The nature, scope and objectives of the work to be performed by the external expert; and
- (b) In the context of sustainability or other assurance engagements;

- (i) ~~the~~ provision of written information ~~needed from the external expert~~ for purposes of assisting the ~~practitioner's~~ evaluation of the external expert's competence, capabilities and objectivity ~~;~~ and
- (ii) A commitment from the external expert to communicate any changes to the information provided during the period covered by the sustainability assurance or other assurance report through to the issuance of that report.

5390.5 A1 In agreeing the terms of engagement, matters that the sustainability assurance practitioner might discuss with the external expert include:

- The intended use and timing of the external expert's work.
- The external expert's general-planned approach to the work.
- Expectations regarding:
  - The confidentiality of the external expert's work and the inputs to that work.
  - The information to be provided by the external expert and the nature of such information.
  - The ~~expected~~ content and format of the external expert's completed work, including any assumptions made and limitations to that work.
  - The fees for the external expert's work.
  - ~~Expectations regarding~~ The external expert's communication of any non-compliance or suspected non-compliance with laws and regulations committed by the sustainability assurance client, or by those charged with governance, management or those others working for or under the direction of the client, of which the external expert becomes aware when performing the work.

5390.56 A24 A self-interest, self-review, familiarity or advocacy threat to compliance with the principles of integrity, objectivity and professional competence and due care might be created if a sustainability assurance practitioner uses an external expert who does not have the necessary competence, capabilities or objectivity to deliver the work needed for the particular professional service.

## Evaluating the External Expert's Competence, Capabilities, and Objectivity

### All Professional Services

**R5390.6** The sustainability assurance practitioner shall evaluate whether the external expert has the necessary competence, ~~capabilities and objectivity~~ for the practitioner's purpose.

5390.6 A1 Competence relates to the nature and level of expertise of the external expert.

5390.6 A2 Factors that are relevant in evaluating whether the competence of the external expert has the necessary competence include:

- Whether the external expert's credentials, education, training, experience and reputation are relevant to, or consistent with, the nature of the work to be performed.

- Whether the external expert belongs to a relevant professional body ~~or is subject to oversight by a regulatory body or other authority~~, and, if so, whether the external expert is in good standing.
- Whether any disciplinary actions have been published by a regulatory body or other authority relating to the external expert's competence.
- Whether the external expert's work is subject to legal and regulatory requirements or professional standards issued by a recognized body, or follows generally accepted principles or practices, in the external expert's field or area of expertise.
- Whether the external expert can explain their work, including the inputs, assumptions and methodologies used.
- Whether the external expert has a history of performing similar work ~~for the sustainability assurance practitioner's firm or other clients.~~

**R5390.76** The sustainability assurance practitioner shall evaluate whether the external expert has the necessary ~~competence~~, capabilities ~~and objectivity~~ for the practitioner's purpose.

**5390.7A1** Capabilities relates to the ability of the external expert to exercise their competence in the circumstances of the professional service.

**5390.76 A23** Factors that are relevant in evaluating ~~whether the capabilities of~~ the external expert ~~include~~has the necessary capabilities include:

- The resources available to the external expert.
- Whether the external expert has sufficient time to perform the work.

**R5390.86** The sustainability assurance practitioner shall evaluate whether the external expert has the necessary ~~competence, capabilities and~~ objectivity for the practitioner's purpose.

**5390.8 A1** Objectivity relates to the possible effects that bias, conflict of interest, or the undue influence of, or undue reliance on, others might have on the professional or business judgment of the external expert.

**5390.86 A24** Factors that are relevant in ~~evaluating identifying threats to~~ the objectivity of the external expert ~~for the period during which the external expert is performing the work~~ include:

- ~~Whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.~~
- Whether the external expert or their employing organization has an actual or potential conflict of interest in relation to the work the external expert is performing at the entity.
- Whether the sustainability assurance practitioner ~~knows or~~ is aware of any potential bias that might affect the external expert's work.
- Whether the external expert is charging a contingent fee, and if so, the basis for such fee.
- Whether the external expert will evaluate or rely on any previous judgments made or activities performed by the external expert or their employing organization in ~~undertaking relation to the subject matter of the external expert's~~ the work.

5390.8 A3 The external expert's employing organization is the entity that directly employs the expert, regardless of the legal form of the employment, and does not extend to other entities that might control, or are otherwise related to, the employing organization.

5390.~~86~~ A~~45~~ Examples of previous judgments made or activities performed by an external expert or their employing organization that might create a self-review threat to the external expert's objectivity include:

- Having advised the entity on the matter for which the external expert is performing the work.
- Having produced data or other information, or having designed, developed, implemented, operated, maintained, monitored, updated or upgraded an IT system, for the entity which is then used by the external expert in performing the work or is the subject of that work.

5390.8 A5 Factors that are relevant in evaluating the level of such threats to the external expert's objectivity include:

- The existence of conditions, policies and procedures established by the external expert's profession, legislation, regulation, or the external expert's employing organization, including whether the external expert is subject to ethics standards issued by a body responsible for issuing such standards in the external expert's field of expertise.
- The nature and scope of the external expert's work.
- The existence and adequacy of any quality management system employed by the external expert.

5390.8 A6 Examples of actions that might be safeguards to address threats to an external expert's objectivity include:

- Consulting with qualified personnel, or a professional outside the sustainability assurance practitioner's firm, who have the necessary expertise to evaluate the external expert's work for the intended purpose.
- Requesting the external expert to take steps to address a conflict of interest, for example, implementing measures to segregate the work from such conflict of interest.
- Restructuring or reassigning the part of the external expert's work giving rise to the threat to another external expert.

#### Sources of Information

5390.~~96~~ A~~16~~ Information about the external expert's competence, capabilities and objectivity might be obtained from various sources, including:

- Personal association or experience with previous work undertaken by the external expert.
- Inquiry of others within or outside the sustainability assurance practitioner's firm who are familiar with the external expert's work.
- Discussion with the external expert about their background, including their field of expertise and business activities.



- Inquiry of the external expert's professional body or industry association.
- Articles, papers or books written by the external expert and published by a recognized publisher or in a recognized journal or other medium.
- Published records, such as legal proceedings involving the external expert.
- Inquiry of the sustainability assurance client and, if different, the entity at which the external expert is performing the work regarding any interests and relationships between the external expert and the client or the entity.
- The system of quality management of the sustainability assurance practitioner's firm.

*Additional Considerations when Evaluating Competence, Capabilities and Objectivity*

5390.10 A1 Evaluating whether an external expert has the necessary competence, capabilities and objectivity for the sustainability assurance practitioner's purpose involves exercising professional judgment and using the reasonable and informed third party test.

5390.10 A2 A sustainability assurance practitioner might face pressure to breach the fundamental principles if the practitioner encounters difficulties in concluding, or is unable to conclude, that the external expert has the necessary competence, capabilities and objectivity for the practitioner's purpose when the external expert has already performed a significant portion of their work. In such circumstances, Section 270 is relevant in considering how to address such pressure.

*Additional Objectivity Considerations for Sustainability or Other Assurance Engagements*

5390.117 A1 Stakeholders have heightened expectations regarding the objectivity of an external expert whose work is used in a sustainability or other assurance engagement. Therefore, paragraphs R5390.128 to R5390.1944 set out further actions in evaluating the objectivity of an external expert in a sustainability or other assurance engagement pursuant to paragraph R5390.86.

*Sustainability or Other Assurance Engagements for the Same Sustainability Assurance Client that are Not Public Interest Entities*

**R5390.12** The sustainability assurance practitioner shall request the external expert to provide:

(A) To the best of their knowledge and belief;

(B) In relation to the entity at which the external expert is performing the work; and

(C) From the beginning of the period covered by the assurance report until the completion of the external expert's work.

information about:

(a) Any direct financial interest or material indirect financial interest in the entity held by the external expert, their immediate family, or the external expert's employing organization;

(b) Any actual or potential conflict of interest the external expert, their immediate family or the external expert's employing organization might have in relation to the work the external expert is performing at the entity; and

- (c) Any previous or current engagements between the external expert or their employing organization and the entity.

**R5390.13** The sustainability assurance practitioner shall also consider requesting the external expert to provide:

- (a) To the best of their knowledge and belief; and  
(b) From the beginning of the period covered by the assurance report until the completion of the external expert's work,

information about any additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the entity at which the external expert is performing the work.

5390.13 A1 Additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the entity at which the external expert is performing the work, include those set out in paragraph R5390.14.

5390.13 A2 Factors that are relevant in determining whether to request information about any additional interests, relationships or circumstances from the external expert include:

- The scale of the external expert's practice.
- The range of services offered by the external expert.
- How long the external expert has been practicing.

Sustainability or Other Assurance Engagements for the Same Sustainability Assurance Client that are Public Interest Entities

**R5390.148** The sustainability assurance practitioner shall request the external expert to provide:

- (A) To the best of their knowledge and belief;  
(B) , in relation to the entity at which the external expert is performing the work; and with respect to  
(C) From the beginning of period covered by the assurance report until the completion of the external expert's work and the engagement period,

information about:

- (a)** Any direct financial interest or material indirect financial interest in the entity held by the external expert, their immediate family, or the external expert's employing organization ~~in the entity~~;
- (b)** Any loan, or guarantee of a loan, made to the entity by the external expert, their immediate family, or the external expert's employing organization, other than where the loan or guarantee is immaterial to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity;
- (c)** Any loan, or ~~a~~ guarantee of a loan, accepted by the external expert, their immediate family, or the external expert's employing organization from the entity if it is a bank or similar institution, other than where the loan or guarantee is made under normal lending procedures, terms and conditions;

- (d) Any loan, or ~~a~~ guarantee of a loan, accepted by the external expert, their immediate family, or the external expert's employing organization from the entity if it is not a bank or similar institution, other than where the loan or guarantee is immaterial to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity;
  - (e) Any close business relationship between the external expert, their immediate family, or the external expert's employing organization and the entity or its management, other than where the financial interest, if any, is immaterial and the business relationship is insignificant to the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity or its management;
  - (f) Any previous or current engagements between the external expert or their employing organization and the entity;
  - ~~(ig)~~ Any fee or contingent fee or dependency on fees or other types of remuneration due to or recently received by the external expert or their employing organization from the entity;
  - ~~(kh)~~ Any gifts or other benefits ~~received-accepted~~ by the external expert, their immediate family or the external expert's employing organization from the entity other than those that are trivial and inconsequential;
  - ~~(i)~~ Any actual or potential litigation between the external expert or their employing organization and the entity;
  - ~~(j)~~ Any position currently or previously held by the external expert as a director, officer or employee of the entity;
  - ~~(hk)~~ Any position currently or previously held by the external expert's immediate family or by management of the external expert's employing organization as a director or officer of the entity, or an employee in a position to exert significant influence over the preparation of the entity's financial or non-financial information on which the sustainability assurance practitioner will express an opinion or conclusion, or the records underlying such information.;
  - ~~(i)~~ Held by the external expert or their immediate family;
  - ~~(ii)~~ Held or previously held by the external expert; or
  - ~~(iii)~~ Held or previously held by management of the external expert's employing organization;
  - ~~(ii)~~ Any previous public statements by the external expert or their employing organization which advocated for the entity;
  - (m) The nature and extent of any interests and relationships between the controlling owners, if any, of the external expert's employing organization and the entity: and
  - ~~(ln)~~ Any actual or potential conflict of interest the external expert, their immediate family or their external expert's employing organization might have in relation to the work the external expert is performing at the entity; and
- with respect to (g) the length of the relationship of ~~How long~~ the external expert and their employing organization ~~have been associated~~ with the entity.;

- (o) How long the association has been.

Considerations Relating to an External Expert's Team and Where the Client is Not the Entity at Which the External Expert is Performing the Work

All sustainability or other assurance engagements for the same sustainability assurance client

**R5390.159** Where the external expert uses a team to carry out the work, the sustainability assurance practitioner shall request the external expert to have all members of the external expert's team provide the information set out in paragraphs s R5390.128 to R5390.14, as applicable, in relation to the entity at which the external expert is performing the work ~~and with respect to the period covered by the assurance report and the engagement period.~~

**R5390.1416** Where the sustainability assurance practitioner's client is not the entity at which the external expert is performing the work, the sustainability assurance practitioner shall also request the external expert to ~~disclose~~ provide:

(A) To the best of their knowledge and belief;

(B) In relation to the client; and

(C) From the beginning of the period covered by the assurance report until the completion of the external expert's work, and the engagement period,

information about: ~~interests, relationships or circumstances of which they are aware between the external expert, their immediate family or the external expert's employing organization and the client.~~

~~5390.11 A1 Examples of interests, relationships or circumstances between the external expert and the sustainability assurance client that might be included in the evaluation of the external expert's objectivity include:~~

(a) Any direct financial interest or material indirect financial interest in the sustainability assurance client held by the external expert, their immediate family, or the external expert's employing organization;

~~• Any interests or relationships of the external expert, their immediate family or the external expert's employing organization with the sustainability assurance client and those entities over which it has direct or indirect control.~~

(b) Any actual or potential conflicts of interest the external expert, their immediate family or the external expert's employing organization might have with the sustainability assurance client; and

(c) Any previous or current engagements between the external expert or their employing organization and the client.

**R5390.17** The sustainability assurance practitioner shall also consider requesting the external expert to provide:

(a) To the best of their knowledge and belief; and

(b) From the beginning of the period covered by the assurance report until the completion of the external expert's work.

information about any additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the client.

5390.17 A1 Additional interests, relationships or circumstances between the external expert, their immediate family or the external expert's employing organization and the client include those set out in paragraph R5390.14.

5390.17 A2 Factors that are relevant in determining whether to request information about any additional interests, relationships or circumstances from the external expert include:

- The scale of the external expert's practice.
- The range of services offered by the external expert.
- How long the external expert has been practicing.
- Whether the client is a public interest entity.
- The nature of the relationship between the client and the entity at which the external expert is performing the work.
- The scale and complexity of the client's operations.

5390.17 A32 Information about interests, relationships or circumstances between ~~an~~ the external expert or their employing organization and the sustainability assurance client might be obtained from inquiry of the client, if the circumstances of the engagement permit disclosure of the use of the external expert to the client.

#### Potential Threats to the External Expert's Objectivity

5390.18 A1 Self-interest, familiarity or intimidation threats to the external expert's objectivity might be created by the interests, relationships or circumstances disclosed pursuant to paragraphs R5390.12 to R5390.17, as applicable.

5390.18 A2 Factors that are relevant in evaluating the level of such threats to the external expert's objectivity include, in addition to those set out in paragraph 5390.8 A5:

- Whether the financial interest is direct or indirect, and whether such financial interest is material to the external expert, their immediate family, or the external expert's employing organization, as applicable.
- Whether the financial interest allows the external expert, their immediate family, or the external expert's employing organization, as applicable, to control or significantly influence the entity at which the external expert is performing the work.
- The materiality or significance of the close business relationship between the external expert, their immediate family or the external expert's employing organization, as applicable, and the entity or its management.
- The significance of any fees due to or recently received by the external expert or their employing organization from the entity.
- The role of the individual within the external expert's team.
- The nature and value of the gifts or other benefits to the external expert, their immediate family or the external expert's employing organization.

- The materiality or significance of the litigation and whether the litigation relates to prior work performed by the external expert at the entity.
- The length of time since the external expert left the entity as a director, officer or employee of the entity.
- The position in the entity held by the external expert's immediate family or the management of the external expert's employing organization.
- The nature of any advocacy for the entity if the external expert or their employing organization made any previous statement advocating for the entity.

5390.18 A3 Examples of actions that might eliminate the threats to the external expert's objectivity include requesting the external expert to:

- End the close business relationship.
- Remove the individual concerned from the external expert's team.
- Decline the gifts or other benefits offered by the entity.

5390.18 A4 Examples of actions that might be safeguards to address the threats to the external expert's objectivity include, in addition to those set out in paragraph 5390.8 A6, requesting the external expert to:

- Dispose of enough of the financial interest so that the remaining interest is no longer material.
- Reduce the significance of the close business relationship.
- Structure the responsibilities of the individual concerned so that they do not deal with matters that are within the responsibility of the immediate family member who is serving as a director or officer of the entity, or an employee in a position to exert significant influence over the preparation of the entity's financial or non-financial information on which the sustainability assurance practitioner will express an opinion or conclusion, or the records underlying such information.
- Returning the gifts or other benefits to the entity as soon as possible after they were accepted.

#### Consideration of New Information or Changes in Facts or Circumstances

##### All Professional Services

**R5390.19** The sustainability assurance practitioner shall re-evaluate whether the external expert has the necessary competence, capabilities and objectivity for the practitioner's purpose when new information or changes in facts and circumstances arise.

**R5390.1020** In relation to the information provided by the external expert The sustainability assurance practitioner shall request the external expert to communicate any changes in facts or circumstances regarding the matters set out in paragraphs R5390.128 to R5390.17, the sustainability assurance practitioner shall evaluate any changes communicated pursuant to

paragraph R5390.5(b)(ii) that might arise during the period covered by the assurance report through to the issuance of that report and the engagement period.

### **Concluding on the External Expert's Competence, Capabilities and Objectivity**

#### *All Professional Services*

**R5390.2142** The sustainability assurance practitioner shall not use the work of the external expert if the practitioner:

- (a) The practitioner is unable to determine whether obtain the information needed for the practitioner's evaluation of the external expert's has the necessary competence or, capabilities, or is objective and objectivity; or
- (b) The practitioner determines that the external expert is does not have the necessary competence, or capabilities or objective for the practitioner's purpose; or
- (c) Determines that there are threats to the external expert's objectivity that cannot be eliminated or reduced to an acceptable level.

5390.21 A1 Circumstances in which a sustainability assurance practitioner would be unable to determine whether the external expert has the necessary competence or capabilities, or is objective, include where:

- The external expert is unable to provide any of the information requested in paragraphs R5390.12 to R5390.17 because of a confidentiality restriction in law or regulation.
- In relation to specific information requested in paragraphs R5390.12 to R5390.17 concerning the external expert's immediate family member or employing organization, the external expert is unable to obtain their consent to such disclosure.

390.21 A2 If a sustainability assurance practitioner uses the work of such external expert, this creates threats to the practitioner's compliance with the principles of integrity, objectivity and professional competence and due care that cannot be eliminated or reduced to an acceptable level by the application of safeguards.

### **Potential Threats Arising from Using the Work of an External Expert**

#### *All Professional Services*

**5390.2243 A1** Threats to compliance with the fundamental principles might still be created from using the work of an external expert even if a sustainability assurance practitioner has satisfactorily concluded that the external expert has the necessary competence, capabilities and objectivity for the practitioner's purpose.

#### *Identifying Threats*

**5390.2314 A1** Examples of facts and circumstances that might create threats to a sustainability assurance practitioner's compliance with the fundamental principles when using an external expert's work include:

(a) Self-interest threats

- A sustainability assurance practitioner has insufficient expertise to understand and explain the external expert's conclusions and findings.
- A sustainability assurance practitioner has undue influence from, or undue reliance on, the external expert or multiple external experts when performing-providing a professional service.
- A sustainability assurance practitioner has insufficient time or resources to evaluate the external expert's work.

(b) Self-review threats

- A sustainability assurance practitioner uses the work of an external expert who relies on previous judgments made by the practitioner and provided to the external expert for the purposes of their work.

~~(b)~~(c) Advocacy threats

- A sustainability assurance practitioner promotes the use of an external expert who has known bias towards conclusions potentially advantaging or disadvantaging the sustainability assurance client.

~~(e)~~(d) Familiarity threats

- A sustainability assurance practitioner has a close personal relationship with the external expert.

~~(d)~~(e) Intimidation threats

- A sustainability assurance practitioner feels pressure to defer to the external expert's opinion due to the external expert's perceived authority.
- A sustainability assurance practitioner feels pressure to use the work of a particular external expert in order to meet internal or external targets and expectations.

*Evaluating Threats*

5390. 2415 A1 Factors that are relevant in evaluating the level of such threats include:

- The scope and purpose of the external expert's work.
- The impact of the external expert's work on the sustainability assurance practitioner's engagement.
- The nature of the professional service for which the external expert's work is intended to be used.
- The sustainability assurance practitioner's oversight relating to the use of the external expert and the external expert's work.
- The appropriateness of, and transparency over, the data, assumptions and other inputs and methods used by the external expert.
- The sustainability assurance practitioner's ability to understand and explain the external expert's work and its appropriateness for the intended purpose.



- Whether the external expert's work is subject to technical performance standards or other professional or industry generally accepted practices, or law or regulation.
- Whether the external expert's work, if it were to be performed by two or more parties, is not likely to be materially different.
- The consistency of the external expert's work, including the external expert's conclusions or findings, with other information.
- The availability of other evidence, including peer-reviewed academic research, to support the external expert's approach.
- Whether there is pressure being exerted by the sustainability assurance practitioner's firm to accept the external expert's conclusions or findings due to the time or cost spent by the external expert in performing the work.

#### *Addressing Threats*

5390.2516 A1 An example of an action that might eliminate a familiarity threat is identifying a different external expert to use.

5390.2516 A2 Examples of actions that might be safeguards to address threats include:

- Consulting with qualified personnel, or a professional outside the sustainability assurance practitioner's firm, who have the necessary expertise ~~and experience~~ to evaluate the external expert's work, obtaining additional input, or challenging the appropriateness of the external expert's work for the intended purpose.
- Using another external expert to reperform the external expert's work.
- Agreeing with the sustainability assurance client additional time or resources to complete the engagement.

#### **Other Matters**

##### *External Experts in Emerging Fields or Areas*

5390.2617 A1 Expertise in emerging fields or areas might evolve depending on how laws, regulations and generally accepted practices develop. Emerging fields might also involve multiple areas of expertise. There might therefore be limited availability of external experts in emerging fields or areas.

5390.2617 A2 Information relating to some of the factors relevant to evaluating the competence of an external expert in paragraph 5390.6 A2 might not be available in an emerging field or area. For example, there might not be public recognition of the external expert, professional standards might not have been developed, or professional bodies might not have been established in the emerging field. In such circumstances, a factor that might assist the sustainability assurance practitioner in evaluating an external expert's competence is the external expert's experience in a similar field to the emerging field, or in an established field, that provides a reasonable basis for the external expert's work in the emerging field.

##### ~~*Using the Work of Multiple External Experts*~~

~~**R5390.18**—When a sustainability assurance practitioner uses the work of more than one external expert~~

~~in the performance of a professional service, the practitioner shall consider whether, in addition to the threats that might be created by using each external expert individually, the combined effect of using the work of the external experts might create additional threats or impact the level of threats.~~

~~*Inherent Limitations in Evaluating an External Expert's Competence, Capabilities or Objectivity*~~

~~5390.19 A1 Paragraph R5113.3 sets out communication responsibilities for the sustainability assurance practitioner with respect to limitations inherent in the practitioner's professional services. When using the work of an external expert, such communication might be especially relevant when there is a lack of information to evaluate the external expert's competence, capabilities or objectivity, and there is no available alternative to that external expert.~~

*Communicating with Management and Those Charged with Governance When Using the Work of an External Expert*

5390.270 A1 The sustainability assurance practitioner is encouraged to communicate with management, and where appropriate, those charged with governance:

- The purpose of using an external expert and the scope of the external expert's work.
- The respective roles and responsibilities of the sustainability assurance practitioner and the external expert in the performance of the professional service.
- Any threats to the practitioner's compliance with the fundamental principles created by using the external expert's work and how they have been addressed.

*Documentation*

5390.281 A1 The sustainability assurance practitioner is encouraged to document:

- The steps taken by the practitioner to evaluate the external expert's competence, capabilities and objectivity, and the resulting conclusions.
- Any significant threats identified by the practitioner in using the external expert's work and the actions taken to address the threats.
- The results of any significant discussions with the external expert.

## GLOSSARY

Note to Reader: No change from the September 2024 Mark-up from Exposure Draft

Expert	An individual possessing expertise that is outside the professional accountant's or sustainability assurance practitioner's competence. Where appropriate, the term also refers to the individual's organization.
Expertise	<u>Skills, K</u> nowledge and <u>skills-experience</u> in a particular field.
External Expert	<p>An expert engaged by a <u>professional accountant</u>, professional accountant's employing organization or firm, or by a sustainability assurance practitioner.</p> <p><i>In the context of audit engagements, an expert (who is not a partner or a member of the professional staff, including temporary staff, of the firm or a network firm) possessing expertise in a field other than accounting or auditing, whose work in that field is used to assist the professional accountant in obtaining sufficient appropriate audit evidence.</i></p> <p><i>In the context of <u>other</u> assurance engagements, including sustainability assurance engagements, an expert (who is not an engagement leader, a partner or a member of the professional staff, including temporary staff, of the firm or a network firm) possessing expertise in a field other than assurance, whose work in that field is used to assist the professional accountant or sustainability assurance practitioner in obtaining sufficient appropriate evidence.</i></p> <p><u><i>In the context of audit and other assurance engagements, E</i></u>external experts are not members of the engagement team, audit team, review team, <u><i>assurance team</i></u>, or sustainability assurance team.</p> <p><i>Sections 290, 390 and 5390 set out the requirements and application material addressing the use of the work of an external expert.</i></p>

## CONSEQUENTIAL AMENDMENTS (MARK-UP FROM EXTANT)

Note to Reader: The following consequential amendments have been made to the extant Code as a result of the new definition of “Expertise” in the Glossary. No change from the September 2024 Mark-up from Exposure Draft.

## PART 1 - COMPLYING WITH THE CODE, FUNDAMENTAL PRINCIPLES AND CONCEPTUAL FRAMEWORK

### SECTION 120

#### THE CONCEPTUAL FRAMEWORK

...

#### Requirements and Application Material

...

120.5 A5 Professional judgment is required when the professional accountant applies the conceptual framework in order to make informed decisions about the courses of actions available, and to determine whether such decisions are appropriate in the circumstances. In making this determination, the accountant might consider matters such as whether:

- The accountant's expertise ~~and experience are~~ is sufficient to reach a conclusion.
- There is a need to consult with others with relevant expertise ~~or experience~~.
- The accountant's own preconception or bias might be affecting the accountant's exercise of professional judgment.

...

## PART 2 - PROFESSIONAL ACCOUNTANTS IN BUSINESS

### SECTION 230

#### ACTING WITH SUFFICIENT EXPERTISE

...

#### Requirements and Application Material

...

**R230.3** A professional accountant shall not intentionally mislead an employing organization as to the level of expertise ~~or experience~~ possessed.

...

*[Section 280, effective for tax planning activities beginning after June 30, 2025, will be added after paragraph 270.4 A1]*

### SECTION 280

## TAX PLANNING ACTIVITIES

...

### Requirements and Application Material

...

#### *Professional Accountants' Public Interest Role in Relation to Tax Planning Activities*

280.4 A1 Professional accountants play an important role in tax planning by contributing their expertise ~~and experience~~ to assist employing organizations in meeting their tax planning goals while complying with tax laws and regulations. In doing so, accountants help to facilitate a more efficient and effective operation of a jurisdiction's tax system, which is in the public interest.

280.4 A2 Employing organizations are entitled to organize their affairs for tax planning purposes. While there are a variety of ways to achieve such purposes, employing organizations have a responsibility to pay taxes as determined by the relevant tax laws and regulations. In this regard, professional accountants' role is to use their expertise ~~and experience~~ to assist their employing organizations in achieving their tax planning goals and meeting their tax obligations. However, when accountants provide such assistance, it might involve certain tax minimization arrangements that, although not prohibited by tax laws and regulations, might create threats to compliance with the fundamental principles.

...

#### Potential Threats Arising from Performing a Tax Planning Activity

...

- 280.19 A2 Factors that are relevant in evaluating the level of such threats include:
- The degree of transparency regarding the underlying business transaction or circumstances, including, where applicable, the identity of the ultimate beneficiaries.
  - Whether the tax planning arrangement has a clear economic purpose and substance based on the underlying business transaction or circumstances.
  - The nature and complexity of the underlying business transaction or circumstances.
  - The complexity or clarity of the relevant tax laws and regulations.
  - Whether the professional accountant knows, or has reason to believe, that the tax planning arrangement would be contrary to the intent of the relevant tax legislation.
  - The number of jurisdictions involved and the nature of their tax regimes.
  - The extent of the professional accountant's expertise ~~and experience~~ in the relevant tax areas.
  - The significance of the potential tax savings.
  - The nature and significance of any incentives offered to the professional accountant to develop the arrangement.

- The extent to which the professional accountant is aware that the tax planning arrangement reflects an established practice that has not been challenged by the relevant tax authorities.
- Whether there is pressure being exerted on the professional accountant.
- The degree of urgency in implementing the tax planning arrangement.
- Whether it is a tax planning arrangement used for multiple clients with little modification for the employing organization's specific circumstances.
- The organizational culture of the employing organization.

...

*[Section 380, effective for tax planning activities beginning after June 30, 2025, will be added after paragraph 360.40 A1]*

## **SECTION 380**

### **TAX PLANNING SERVICES**

#### **Introduction**

...

#### **Requirements and Application Material**

...

##### *Professional Accountants' Public Interest Role in Relation to Tax Planning Services*

380.4 A1 Professional accountants play an important role in tax planning by contributing their expertise ~~and experience~~ to assist clients in meeting their tax planning goals while complying with tax laws and regulations. In doing so, accountants help to facilitate a more efficient and effective operation of a jurisdiction's tax system, which is in the public interest.

380.4 A2 Clients are entitled to organize their affairs for tax planning purposes. While there are a variety of ways to achieve such purposes, clients have a responsibility to pay taxes as determined by the relevant tax laws and regulations. In this regard, professional accountants' role is to use their expertise ~~and experience~~ to assist their clients in achieving their tax planning goals and meeting their tax obligations. However, when accountants provide such assistance, it might involve certain tax minimization arrangements that, although not prohibited by tax laws and regulations, might create threats to compliance with the fundamental principles.

...

#### **Potential Threats Arising from Providing a Tax Planning Service**

...

380.19 A2 Factors that are relevant in evaluating the level of such threats include:

- The degree of transparency of the client, including, where applicable, the identity of the ultimate beneficiaries.

- Whether the tax planning arrangement has a clear economic purpose and substance based on the underlying business transaction or circumstances.
- The nature and complexity of the underlying business transaction or circumstances.
- The complexity or clarity of the relevant tax laws and regulations.
- Whether the professional accountant knows, or has reason to believe, that the tax planning arrangement would be contrary to the intent of the relevant tax legislation.
- The number of jurisdictions involved and the nature of their tax regimes.
- The extent of the professional accountant's expertise ~~and experience~~ in the relevant tax areas.
- The significance of the potential tax savings.
- The nature and amount of the fee for the tax planning service.
- The extent to which the professional accountant is aware that the tax planning arrangement reflects an established practice that has not been challenged by the relevant tax authorities.
- Whether there is pressure being exerted by the client or another party on the professional accountant.
- The degree of urgency in implementing the tax planning arrangement.
- Whether it is a tax planning arrangement used for multiple clients with little modification for the client's specific circumstances.
- The known previous behavior or reputation of the client, including its organizational culture.

380.19 A3 Examples of actions that might eliminate such threats include:

- Referring the client to an expert outside the professional accountant's firm who has the necessary expertise ~~and experience~~ to advise the client on the tax planning arrangement.
- Advising the client to structure the tax planning arrangement so that it is consistent with an existing interpretation or ruling issued by the relevant tax authorities.
- Obtaining an advance ruling from the relevant tax or other authorities, where possible.
- Advising the client not to pursue the tax planning arrangement.

...

## **PART 4A – INDEPENDENCE FOR AUDIT AND REVIEW ENGAGEMENTS**

### **SECTION 600**

#### **PROVISION OF NON-ASSURANCE SERVICES TO AN AUDIT CLIENT**

##### **Introduction**

...

600.2 Firms and network firms might provide a range of non-assurance services to their audit clients, consistent with their ~~skills and~~ expertise. Providing non-assurance services to audit clients might create threats to compliance with the fundamental principles and threats to independence.

...

## **PART 4B – INDEPENDENCE FOR ASSURANCE ENGAGEMENTS OTHER THAN AUDIT AND REVIEW ENGAGEMENTS**

### **SECTION 950**

#### **PROVISION OF NON-ASSURANCE SERVICES TO ASSURANCE CLIENTS**

##### **Introduction**

...

950.2 Firms might provide a range of non-assurance services to their assurance clients, consistent with their ~~skills and~~ expertise. Providing certain non-assurance services to assurance clients might create threats to compliance with the fundamental principles and threats to independence.

...



## EFFECTIVE DATE

Note to Reader: The effective date of these provisions for *Using the Work of an External Expert* is aligned with the International Ethics Standards for Sustainability Assurance (including International Independence Standards) (IESSA) and ethics standards for sustainability reporting, given that Section 5390 is an integral part of the IESSA.

- The provisions in Part 2 will be effective as of December 15, 2026.
- The provisions in Part 3 will be effective for audit engagements, review engagements, and other assurance engagements outside the scope of Part 5 for periods beginning on or after December 15, 2026, or as at a specific date on or after December 15, 2026.
- The provisions in Part 5 will be effective for sustainability assurance and other assurance engagements for the same sustainability assurance client for periods beginning on or after December 15, 2026, or as at a specific date on or after December 15, 2026.

Early adoption is permitted and encouraged.