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Trádála agus Fostaíochta**
Department of Enterprise,
Trade and Employment

Public Consultation on the Corporate Sustainability Reporting Directive

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

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

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

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

1. Background

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

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

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

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

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

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

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

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

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

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

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

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

2. Member State Options

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

3. Consultation Responses

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

4. Information on Consultation Process

Freedom of Information Act 2014 and Publication of Submissions

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

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

5. General Data Protection Regulation

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

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

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



Appendix I

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

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	on a case-by-case basis. The list of undertakings relevant to Ireland's transposition in Article 2 ⁶ are central banks; post office institutions; the Strategic Banking Corporation of Ireland, credit unions and friendly societies.	
Article 19a – Sustainability Reporting (New) <i>Point 3 last subparagraph (New)</i>		
Member States <u>may</u> allow information relating to impending developments or matters in the course of negotiation to be omitted in exceptional cases where, in the	The new Article 19a on Sustainability Reporting replaces the existing Article 19a. Article 19a sets out substantially enhanced requirements for sustainability reporting by	BPMI agrees that the government of Ireland should permit undertakings to exclude commercially sensitive information from the sustainability reporting under certain circumstances. This is a sensible approach.

⁶ [EUR-Lex - 02013L0036-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2022/1013/oj)

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>national law the exempted subsidiary undertaking is governed <u>may</u> require that the consolidated management report or, where applicable, the consolidated sustainability report, of the parent undertaking is published in a language that that Member State accepts, and that any necessary translation into such language is provided. Any translation that has not been certified shall include a statement to that effect.</p>	<p>sustainability reporting for subsidiary undertakings where a parent in the EU includes information on the subsidiary in the consolidated management report drawn up under Article 29 and 29a or, if the parent is in a third country equivalent consolidated sustainability report. Member States have the option to require that the consolidated management/sustainability report is published in an accepted language.</p>	
<p>Article 29a. – Consolidated Sustainability Reporting (New) <i>Point 3 last subparagraph (New)</i></p>		
<p>Member States <u>may</u> allow</p>	<p>The new Article 29a on</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>information relating to impending developments or matters in the course of negotiation to be omitted in exceptional cases where, in the duly justified opinion of the members of the administrative, management and supervisory bodies, acting within the competences assigned to them by national law and having collective responsibility for that opinion, the disclosure of such information would be seriously prejudicial to the commercial position of the group, provided that such omission does not prevent a fair and balanced understanding of the group's</p>	<p>Consolidated Sustainability Reporting replaces the existing Article 29a. Article 29a, similar to Article 19a, sets out substantially enhanced requirements for consolidated sustainability reporting by undertakings in scope of the Directive. The information to be reported should be clearly identifiable within the group management (directors) report. This option allows Member States to permit undertakings to exclude commercially sensitive information from the sustainability reporting under certain circumstances.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
development, performance, and position, and the impact of its activity.		
<i>Point 8 subparagraph (New)</i>		
The Member State by whose national law the exempted parent undertaking is governed <u>may</u> require that the consolidated management report or, where applicable, the consolidated sustainability report of the parent undertaking is published in a language that that Member State accepts, and that any necessary translation into such language is provided. Any	As in Article 19a, Member States have the option to require that the consolidated management/sustainability report is published in an accepted language.	

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	States to require undertakings in scope of the requirements for sustainability reporting to publish the management report on their website or make a copy available upon request.	
<i>Point 1 subparagraph 4 (Existing)</i>		
Member States <u>may</u> , however exempt undertakings from the obligation to publish the management report where a copy of all or part of any such report can be easily obtained upon request at a price not exceeding its administrative cost.	As stated above as a general rule, the management report must be filed with the Companies Registration Office. Member States may exempt undertakings from this requirement provided the report can be readily obtained from the undertaking at a price not exceeding its administrative cost.	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	This option is not new and was not taken in the transposition of Directive 2013/34/EU but it is repeated here for completeness.	
Article 34.3 General Requirement Auditing (Amended) <i>Point 3 (New)</i>		
<p>Member States <u>may</u> allow a statutory auditor or an audit firm other than the one(s) carrying out the statutory audit of financial statements to express the opinion referred to in point (aa) of the second subparagraph of paragraph 1.</p> <p>(i.e. the opinion on the</p>	<p>Article 34 of the Accounting Directive sets out the general requirement for the statutory audit of financial statements of undertakings. It is amended to provide for the assurance (audit) of sustainability reporting by undertakings.</p> <p>This option allows Member States</p>	<p>BPFI agrees the government of Ireland should allow companies in scope to use different auditors.</p>

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
compliance with sustainability reporting)	to permit undertakings to engage separate statutory auditors/audit firms to carry out the statutory audit of financial statements and the assurance of the sustainability reporting.	
<i>Points 4 and 5 Independent Assurance Services Provider (New)</i>		
Member States <u>may</u> allow an independent assurance services provider established in their territory to express the opinion referred to in point (aa) of the second subparagraph of paragraph 1, provided that such independent assurance services provider is subject to requirements that are	This option allows Member States to introduce a new category of Independent Assurance Services Provider (IASP) to provide for the assurance of sustainability reporting by undertakings. IASPs must be subject to equivalent requirements to statutory auditors in respect of this assurance work including in respect of training, education,	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>equivalent to those set out in Directive 2006/43/EC of the European Parliament and of the Council as regards the assurance of sustainability reporting as defined in point 22 of Article 2 of that Directive, in particular the requirements on:</p> <p>(a) training and examination, ensuring that independent assurance services providers acquire the necessary expertise concerning sustainability reporting and the assurance of sustainability reporting;</p> <p>(b) continuing education;</p>	<p>quality assurance and investigations and sanctions. In due course Member States that exercise the option to introduce IASPs must also exercise the option to permit separate statutory auditors/audit firms to carry out the audit of financial statements and assurance of sustainability reporting. Member states that exercise the option to introduce IASPs must also in due course provide for home/host model of oversight of IASPs with other Member States.</p>	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>(c) quality assurance systems;</p> <p>(d) professional ethics, independence, objectivity, confidentiality and professional secrecy;</p> <p>(e) appointment and dismissal;</p> <p>(f) investigations and sanctions;</p> <p>(g) the organisation of the work of the independent assurance services provider, in particular in terms of sufficient resources and personnel and the maintenance of client account records and files; and</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>(h) reporting irregularities.</p> <p>Member States shall ensure that, where an independent assurance services provider expresses the opinion referred to in point (aa) of the second subparagraph of paragraph 1 of this Article, that opinion is prepared in accordance with Articles 26a, 27a and 28a of Directive 2006/43/EC and that, where applicable, the audit committee, or a dedicated committee, reviews and monitors the independence of the independent assurance services provider in accordance</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>with point (e) of Article 39(6) of Directive 2006/43/EC.</p> <p>Member States shall ensure that independent assurance services providers accredited before 1 January 2024 for the assurance of sustainability reporting, in accordance with Regulation (EC) No 765/2008, are not subject to the training and examination requirements referred to in point (a) of the first subparagraph of this paragraph.</p> <p>Member States shall ensure that independent assurance services providers that on 1</p>		

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>sustainability reporting and the assurance of sustainability reporting via the continuing education requirement referred to in point (b) of the first subparagraph.</p> <p>If a Member State, pursuant to the first subparagraph, decides to allow an independent assurance services provider to express the opinion referred to in point (aa) of the second subparagraph of paragraph 1, it shall also allow a statutory auditor other than the one(s) carrying out the statutory audit of financial statements to do so, as provided for in</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>paragraph 3.</p> <p>5. From 6 January 2027, a Member State that has made use of the option provided for in paragraph 4 (the “host Member State”) shall allow independent assurance services provider established in a Member State other than the host Member State (the “home Member State”) to carry out the assurance of sustainability reporting.</p> <p>The home Member State shall be responsible for the supervision of the independent assurance services providers established in its territory,</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>unless the host Member State decides to supervise the assurance of sustainability reporting carried out by independent assurance services providers in its territory.</p> <p>If the host Member State decides to supervise the assurance of sustainability reporting carried out in its territory by independent assurance services providers registered in another Member State, the host Member State shall:</p> <p>(a) not impose more stringent</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>requirements or liability on such independent assurance services providers than those required for assurance of sustainability reporting by the national laws for the independent assurance services providers or auditors established in that host Member State; and</p> <p>(b) inform other Member States about its decision to supervise the assurance of sustainability reporting carried out by independent assurance services providers established in other Member States.</p>		

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>Article 40a Sustainability Reports concerning third-country undertakings (New) <i>Point 1 last subparagraph (new)</i></p>		
<p>Member States <u>may</u> require subsidiary undertakings or branches referred to in the first and third subparagraphs to send them information about the net turnover generated in their territory and in the Union by the third-country undertakings.</p>	<p>This is a new Article 40a inserted into the Accounting Directive on sustainability reports concerning third country undertakings. This option underpins the requirement for sustainability reports by large subsidiaries and branches operating in the EU (turnover > €40 million) of non-EU companies (turnover in the EU > €150 million). It permits Member States to require subsidiary undertakings and branches to send information about net turnover generated in the Member State and in the EU.</p>	<p>BPFI believes this should not be required, and we note this would be challenging to manage in practice. We recommend that in considering this provision, government consider the following necessary principles to be applied, should this provision be required.</p> <ul style="list-style-type: none"> - Requested only for limited and defined purposes which are demonstrably necessary for achieving specified aims of the Directive; - Duplication in relation to different jurisdictions is avoided (for example, where a third country entity has multiple branch presences in different EU countries); - Flexibility in terms of the manner in which the information is compiled or presented in order to avoid the imposition of significant costs or

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
		<p>systems burdens on firms in compiling the information;</p> <ul style="list-style-type: none"> - The timing and frequency with which information is requested is framed so as to avoid significant additional cost or difficulty for firms; and no legal liability should attach to the provision of the information. - Moreover, confidential or commercial information should not be requested, and any information received should remain confidential to the Member State which requested it. <p>Separately, we note that reporting requirements should not apply in relation to third country entities with securities admitted to trading on a regulated market, as these are subject to other provisions of the CSRD and the turnover tests at Article 40a are not relevant for these purposes.</p>

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

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

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

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
<p>exempt, until 31 December 2025, persons who carry out quality assurance reviews relating to the assurance of sustainability reporting from the requirement to have relevant experience in sustainability reporting and in the assurance of sustainability reporting or in other sustainability-related services.’;</p>	<p>The amendments to Article 29, which governs quality assurance systems for statutory audit, allow where applicable for quality assurance of sustainability reporting.</p> <p>This option permits Member States to allow for a transition period for persons carrying out quality assurance reviews on sustainability reporting by exempting them until the end of 2025 from the requirement to have relevant experience in sustainability reporting or the</p>	

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

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	where criminal law already applies. It was not exercised in the transposition of Directive 2014/56/EU.	
Article 39 Audit Committee (Amended) <i>Paragraph 4a (New)</i>		
Member States <u>may</u> allow the functions assigned to the audit committee relating to sustainability reporting and relating to the assurance of sustainability reporting to be performed by the administrative or supervisory body as a whole or by a dedicated body established by the administrative or supervisory body.	The amendments to Article 39, which governs the rules for Audit Committees of public interest entities, allow for the extension of certain audit committee functions to include assurance of sustainability reporting. This option permits Member States to allow these functions to be assigned to the board of directors of the public-interest for example or another dedicated body	

Member State Option	Background Information	Do you consider that Ireland should exercise this option? Please provide reasons for your answer.
	<p>established by the public interest entity. It is similar to an option at Article 39(4) which applies to statutory audit. This option was not exercised in the transposition of Directive 2014/56/EU.</p>	

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

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

- BPFi welcomes the Corporate Sustainability Reporting Directive (CSRD); as a key pillar of the evolving SF Regime, this regulation will ensure transparent, standardised disclosures from non-financial corporates, essential for allowing banks and other financial market participants to assess the sustainability profile of their portfolios and allocate capital effectively, thus fulfilling the European Green Deal objectives, and those of the government in Ireland, as outlined in the Climate Action Plan.
- We appreciate the opportunity to comment on the delegated provisions and more generally.
- Regarding CSRD obligations for large non-EU companies, BPFi proposes that government seek clarification on timing from the European Commission. According to official communications from the EU institutions (see examples [here](#) and [here](#)), the CSRD will apply to large companies already subject to the NFRD as of 1 January 2024 and to large companies not presently subject to the NFRD as of 1 January 2025.
- However, industry experts have expressed concerns that this distinction may not be applicable to large non-EU companies with securities listed in the EU. These non-EU companies who list securities in the EU and with more than 500 employees, might be required to report as of 1 January 2024 even if not currently subject to the NFRD, contradicting previous communications from the EU institutions.
- Given the even greater resources and time that non-NFRD companies need to prepare sustainability reports according to the new European Sustainability Reporting Standards (ESRS), BPFi would welcome opportunity to discuss with DETE to clarify when they are seeking to apply the CSRD to different categories of non-EU companies registered in Ireland.

END