

## **IESBA Post-Implementation Review (PIR) Survey**

### **Responding to Non-Compliance with Laws and Regulations (NOCLAR®)**

#### **Introduction**

*This survey is only applicable to respondents that have adopted or use or benefit from the [Responding to Non-Compliance with Laws and Regulations \(NOCLAR\)](#) provisions in the [International Code of Ethics for Professional Accountants \(including International Independence Standards\)](#) (the Code). Sections 5260 and 5360 as contained in the [International Ethics Standards for Sustainability Assurance \(including International Independence Standards\)](#) (IESSA), and conforming amendments to Sections 260 and 360 arising from the development of the IESSA, are outside the scope of this survey and only become effective in December 2026.*

1. The International Ethics Standards Board for Accountants (IESBA) is conducting a post-implementation review (PIR) of the NOCLAR provisions in Sections 260 and 360 of the Code.
2. This survey seeks to obtain input from a broad range of stakeholders to enable the IESBA to determine:
  - (a) Whether the NOCLAR provisions have achieved their intended purpose by identifying:
    - (i) Benefits from applying the provisions; and
    - (ii) Any practical challenges or questions regarding their implementation, including whether they are being consistently understood and applied; and
  - (b) What actions, if any, are needed by the IESBA to address identified matters.
3. The responses received will be analyzed for purposes of providing feedback to the IESBA and in developing recommendations for any actions.
4. Recognizing that some respondents may wish to discuss certain NOCLAR or NOCLAR-related matters on a confidential basis instead of documenting them in writing when responding to this survey, respondents are welcome to reach out to the IESBA Project Team (email [jeanneviljoen@ethicsboard.org](mailto:jeanneviljoen@ethicsboard.org) and [kamleung@ethicsboard.org](mailto:kamleung@ethicsboard.org)) to discuss such matters confidentially. In such circumstances, respondents are requested to discuss the matters on an anonymized basis.
5. The survey comment period starts on April 1 and ends on July 30.

#### **Survey Responses to be Made Public**

6. Unless confidentiality is specifically requested, respondents' submissions will be considered a matter of public record and will be posted to the IESBA's website. Where confidentiality is requested, respondents are nonetheless requested to provide any detailed input on an anonymized basis.
7. Some questions ask for details, examples or sharing of relevant reports or materials. Respondents are requested to provide such information on an anonymized basis.

#### **Survey Instructions**

8. Respondents to the survey are asked to provide their responses only on the questions applicable to

the stakeholder group to which they belong:

- [Part A](#) — Demographic Information (All Respondents)
  - [Part B](#) — Jurisdictional Standard Setters (JSS)
  - [Part C](#) — Professional Accountancy Organizations (PAOs)
  - [Part D](#) — Regulators or Oversight Bodies
  - [Part E](#) — Accounting Firms or Individual Professional Accountants in Public Practice (PAPPs)
  - [Part F](#) — Professional Accountants in Business (PAIBs)
  - [Part G](#) — Other Users or Beneficiaries of the Code
9. Respondents may respond to all questions or only selected questions or matters. All responses to this survey, whether complete or partial, will be accepted and considered as input for the IESBA Project Team's analysis.

### **Overview and Key Intended Outcomes of the IESBA NOCLAR Provisions**

10. The IESBA NOCLAR provisions establish a response framework to guide auditors, other PAPPs, and PAIBs in deciding how best to act in the public interest when they become aware of NOCLAR or suspected NOCLAR.
11. NOCLAR is any act of omission or commission, intentional or unintentional, committed by a client or employer, or by those charged with governance (TCWG), by management or by other individuals working for or under the direction of a client or employer which is contrary to the prevailing laws or regulations.
12. For a more detailed overview of the NOCLAR provisions of the Code, please access the following link [here](#).
13. Key intended outcomes of the NOCLAR provisions in the public interest include:
- Ensuring that PAs respond in a timely way to identified or suspected NOCLAR.
  - Rectifying, remediating, or mitigating the adverse consequences of identified or suspected NOCLAR to stakeholders and the general public.
  - Deterring the commission of NOCLAR.
  - Stimulating increased reporting of identified or suspected NOCLAR where required by law or regulation, or where determined appropriate under the Code in the public interest.

### **Part A – Demographic Information (All Respondents)**

1. Please indicate if you are responding as an individual or on behalf of your organization?
- (a) If you are responding as an individual:
- (i) Please indicate your jurisdiction
- (ii) Approximate years of professional experience:
- Less than 5 years

- 5–10 years
  - 11–20 years
  - More than 20 years
- (b) If you are responding on behalf of your organization, please indicate the jurisdictional profile which best represents your situation, i.e., from which jurisdictional perspective are you providing your responses?
- Global
  - Regional (*Please specify*)
  - Multiple jurisdictions (*Please specify*)
  - Single jurisdiction (*Please specify*): **Germany**
2. Please indicate the stakeholder category to which you belong, i.e., from which perspective are you providing your responses? *If you or your organization has one or more roles (e.g., JSS and Regulator), please respond to all relevant parts of the survey.*
- **JSS (Complete Part B)** (*Please indicate the users of your standards as a JSS, e.g., individual PAPPs, professional accountants in business (PAIBs) and/or accounting firms (including audit firms)*)  
  
**Individual professional accountants/auditors in public practice and accounting/auditing firms in public practice (PAPPs).**
  - **PAOs (Complete Part C)** (*Please indicate whether your members are PAPPs and/or PAIBs:*  
**PAPPs, only. German law does not provide for PAIBs.**
  - **Regulators or oversight bodies (Complete Part D)** (*Please indicate which of the following you regulate or oversee (select all that apply): PAPPs (including auditors), PAIBs, accounting firms (including audit firms), none of the above*)  
  
**Individual professional accountants/auditors in public practice and accounting/auditing firms in public practice (PAPPs).**
  - **Accounting firms and individual PAPPs (Complete Part E)**
  - **PAIBs (Complete Part F)**
  - **Other users or beneficiaries of the Code (Please specify)** (e.g., investors or other users of financial statements, those charged with governance, academics) (**Complete Part G**)
3. Please provide the following information (*Personal information will not be made public and will only be used by the Project Team to follow up if clarification on your responses is needed*):
- Your organization's name, if any (if you are responding on behalf of an organization<sup>1</sup>):

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<sup>1</sup> If you respond on behalf of a global organization, the jurisdiction (or name of the country) in which you work. If you are responding on behalf of a global organization, please indicate "Global" as your jurisdiction.

**Wirtschaftsprüferkammer (WPK)**

- Your name and job title / role:  
**Dr. Michael Hüning, Chief Executive Officer**
- Your email address: **michael.huening@wpk.de**
- Your jurisdiction: **Germany**

## Part B – Jurisdictional Standard Setters (JSS)

### Adoption status and effective date

*Note:*

*Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements.*

*Convergence is where a jurisdiction aligns its national ethics (including independence) standards or provisions with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standard or provisions.*

4. Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)?  
(Please choose the most representative answer)
  - (a) Yes, through full adoption with no modifications (Please provide (i) information on the effective date, and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)
  - (b) Yes, through adoption with modifications (Please (i) describe the nature of, and reasons for, the modifications, (ii) provide information on the effective date, and (iii) provide links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)
  - (c) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions (Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)

**WPK has determined that the NOCLAR provisions of the Code are, in their essential components, reflected in German law in a principles-based way (to a supplementary extent in EU law and except for PAIB since German law does provide for PAIPP, only).**

**The WPK Professional Charter for German Public Auditors has always contained a provision (Section 14(2)), requiring auditors to draw their clients' attention to any legal violation identified in the course of their professional duties. German law does not allow for PAIB to date, instead for PAPP, only.**

**To feed this general remark with more details:**

**The key contents of the IESBA NOCLAR project have been incorporated into the application guidance to Section 14(2) of the WPK Professional Charter. By doing so, the Executive Board of the WPK has issued a binding interpretation of how it applies this general provision in practice (a so-called self-binding of the administration). However, certain NOCLAR provisions were not explicitly addressed - either because existing regulations already cover them (for example, communication with a successor auditor**

in the event of a change of engagement) or because statutory confidentiality obligations prevent such communication.

For statutory audits of public interest entities, Articles 7 and 12 of the Regulation (EU) No. 537/2014 - which also directly applies in Germany - contain provisions on dealing with legal violations by clients. These provisions directly reflect the key aspects of NOCLAR within the regulation itself. An additional provision concerning the competent authorities to which relevant legal violations must be reported if the client fails to act, is currently set out in Section 323(5) of the German Commercial Code.

The amendments to the application guidance on Section 14(2) of the BS W/vBP were approved by the WPK Board of Management on October 9, 2019, and subsequently published.

<https://www.wpk.de/fileadmin/documents/Wissen/Rechtsvorschriften/BS-WPvBP.pdf>

- (d) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR (*Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions*)
- (e) Not adopted (*Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please provide details, including timing*)

If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

**The IESBA NOCLAR provisions were not translated but transferred to German law.**

#### **Guidance and educational materials**

5. What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? (*Select all that apply and provide links*)

- Technical guidance (e.g., FAQs):

**The key contents of the IESBA NOCLAR project have been incorporated into the application guidance to Section 14(2) of the WPK Professional Charter. By doing so, the Executive Board of the WPK has issued a binding interpretation of how it applies this general provision in practice (a so-called *self-binding of the administration*). For additional guidance materials, please refer to section “Articles, publications or newsletters”.**

- Education/training programs (e.g., webinars, CPD programs)
- Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples):

**Various articles on the IESBA’s NOCLAR standard and its effects on the German profession published, particularly:**

- **WPK Guidance: Non-Compliance with Laws and Regulations (NOCLAR), Änderungen am IESBA Code of Ethics in Kraft getreten, WPK-Magazin 3/2017, 44 ff.**

- **WP/StB/RA Prof. Dr. Jens Poll: NOCLAR und die veränderte Rolle des Wirtschaftsprüfers im Umgang mit Gesetzesverstößen, WPg 17/2017, 986 ff.**
- **WP Prof. Dr. Wienand Schruoff, WP Heiko Spang: Künftige Meldepflicht des Abschlussprüfers bei Gesetzesverstößen des Mandanten, WPK Magazin 2/2016, 61 ff.**
- **WP/StB/RA Prof. Dr. Jens Poll: Die Rolle des Wirtschaftsprüfers bei der Entdeckung von Gesetzesverstößen, WPg 24/2015, 1271 ff.**
- Other (*Please specify*)
- None

#### Other support

6. Does your organization provide guidance to individual professional accountants, accounting firms, or other users of your standards in the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? (*Select all that apply*)
- Ethics hotline or equivalent (e.g., for technical queries):  
**Technical Support for WPK's members by responding to their oral and written inquiries on technical matters in relation to NOCLAR (including a telephone service).**
  - Discussion forum (e.g., for sharing knowledge)
  - Whistleblower hotline (e.g., to report actual or suspected NOCLAR)
  - Other (*Please specify*)
  - None

#### Inquiries and questions

7. Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? (*Please provide details, including from which stakeholder groups the inquiries or questions arose*):
- Requests from our members relate to the provisions of the EU Regulation mentioned above, the relevant provisions of the German Commercial Code (HGB), and Section 14(2) BS WP/vBP together with its application guidance.**

#### Level of understanding

8. Do users of your organization's standards have an overall understanding of the local NOCLAR provisions? (*Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by users of your standards*)
- **Yes, due to WPK's extensive guidance material published.**
  - Somewhat
  - No
  - Not known or no data available

## Legal protection

9. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.

**There are relevant provisions in the Whistleblower Protection Act (Hinweisgeberschutzgesetz (HinSchG)).**

If yes, is the protection under the relevant law or regulation perceived to be effective? Please explain your response.

**We are unable to assess this question.**

## Observed outcomes (benefits and challenges)

10. Has your organization observed any trend in instances of NOCLAR reported or escalated?

**We are unable to assess this question.**

*If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.*

11. Based on your organization's observations, has the application of the local NOCLAR provisions been effective in deterring the commission of NOCLAR, or rectifying, remediating or mitigating the consequences of NOCLAR? *(Please explain the basis for your response and provide any relevant details, including any supporting materials or reports)*

**We are unable to assess this question.**

12. Has your organization observed any challenges in the application of the local NOCLAR provisions? *(Please provide details, including specific provisions that caused particular challenges and why, as well as any actions taken to address them)*

**We are unable to assess this question.**

13. Has your organization observed any trends where professional accountants or accounting firms encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?

- Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.))*
- Yes, the provisions were only partially applied *(Please explain which provisions were not applied and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.))*
- No, not observed: **No, not observed.**

## Other comments

14. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*

**IESBA could, for example, conduct interviews with relevant stakeholders involved in NOCLAR**



**and publish them in a summarized and accessible format on its website. This would help keep the topic current and visible, even though the related standards were adopted several years ago.**

**Other than that, in our view, no additional implementation guidance or other supporting materials from IESBA are necessary. In general, the continuous expansion of the Code has made it increasingly complex and detailed. As a result, it creates significant compliance costs and leads to uncertainty regarding both the interpretation and implementation of the new requirements. More importantly, it risks turning compliance with increasingly detailed requirements into a box-ticking exercise. This undermines the ethical decision-making and professional judgment that should remain at the core of a principles-based Code.**

15. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?

**No additional comments.**

## Part C – Professional Accountancy Organizations (PAOs)

### Adoption status and effective date

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4. Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)? *(Please choose the most representative answer)*
  - (a) Yes, through full adoption with no modifications *(Please provide (i) information on the effective date and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)*
  - (b) Yes, through adoption with modifications *(Please (i) describe the nature of, and reasons for the modifications, (ii) provide information on the effective date, and (iii) provide links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)*
  - (c) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)*

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**To feed this general remark with more details:**

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in the event of a change of engagement) or because statutory confidentiality obligations prevent such communication.

For statutory audits of public interest entities, Articles 7 and 12 of the Regulation (EU) No. 537/2014 - which also directly applies in Germany - contain provisions on dealing with legal violations by clients. These provisions directly reflect the key aspects of NOCLAR within the regulation itself. An additional provision concerning the competent authorities to which relevant legal violations must be reported if the client fails to act, is currently set out in Section 323(5) of the German Commercial Code.

The amendments to the application guidance on Section 14(2) of the BS W/vBP were approved by the WPK Board of Management on October 9, 2019, and subsequently published.

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- (d) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR (*Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions*)
- (e) Not adopted (*Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please provide details, including timing*)

If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

**The IESBA NOCLAR provisions were not translated but transferred to German law.**

#### **Guidance and educational materials**

5. What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? (*Select all that apply and provide links*)

- Technical guidance (e.g., FAQs)

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- Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)

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- **WP/StB/RA Prof. Dr. Jens Poll: Die Rolle des Wirtschaftsprüfers bei der Entdeckung von Gesetzesverstößen, WPg 24/2015, 1271 ff.**
- Other *(Please specify)*
- None

#### Other support

6. Does your organization provide guidance to individual members and accounting firms in the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? *(Select all that apply)*
- Ethics hotline or equivalent (e.g., for technical queries, application questions on the local NOCLAR provisions)
- Technical Support for WPK's members by responding to their oral and written inquiries on technical matters in relation to NOCLAR (including a telephone service).**
- Discussion forum (e.g., for sharing knowledge)
  - Whistleblower hotline (e.g., to report actual or suspected NOCLAR)
  - Other *(Please specify)*
  - None

#### Inquiries and questions

7. Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? *(Please provide details, including from which stakeholder groups the inquiries or questions arose)*
- Requests from our members relate to the provisions of the EU Regulation mentioned above, the relevant provisions of the German Commercial Code (HGB), and Section 14(2) BS WP/vBP together with its application guidance.**

#### Level of understanding

8. Do your organization's members have an overall understanding of the local NOCLAR provisions? *(Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by its members)*
- **Yes, due to WPK's extensive guidance material published.**
  - Somewhat
  - No
  - Not known or no data available

## Enforcement

9. Does your organization enforce the local NOCLAR provisions?

- Yes (*Please specify (i) when enforcement started, (ii) details such as disciplinary cases against members (the information may be anonymized), and (iii) links to relevant published reports*)

**The provisions of our local NOCLAR provisions are enforced by WPK's disciplinary oversight division and WPK's quality assurance division.**

- No (*Please specify (i) why your organization does not enforce the local NOCLAR provisions, (ii) which organization enforces the local NOCLAR provisions, and (iii) whether your organization receives reports from them*)

## Appropriate authority

10. Does your organization have the authority to investigate NOCLAR or suspected NOCLAR that is reported to it and take any necessary action?

- Yes (*Please provide details, including the (i) nature of the NOCLAR matters that have been reported to your organization, and the (ii) actions taken (the information may be anonymized)*)
- No

**WPK is not a general whistleblower institution according to the Whistleblower Protection Act (Hinweisgeberschutzgesetz (HinSchG)). However, WPK investigates notifications concerning audit firms.**

## Legal protection

11. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.

**There are relevant provisions in the Whistleblower Protection Act (Hinweisgeberschutzgesetz (HinSchG)).**

If yes, is the protection under the relevant law or regulation perceived to be effective? Please explain your response.

**We are unable to assess this question.**

## Observed outcomes (benefits and challenges)

12. Has your organization observed any trend in instances of NOCLAR reported or escalated?

**We are unable to assess this question.**

*If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.*

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*details, including any supporting materials or reports)*

**We are unable to assess this question.**

14. Has your organization observed any challenges in the application of the local NOCLAR provisions? *(Please provide details, including specific provisions that caused particular challenges and why, as well as any actions taken to address them)*

**We are unable to assess this question.**

15. Has your organization observed any trends where members or accounting firms encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?
- Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*
  - Yes, the provisions were only partially applied *(Please explain which provisions were not applied, and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.)*
  - No, not observed: **No, not observed.**

**Other comments**

16. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*

**IESBA could, for example, conduct interviews with relevant stakeholders involved in NOCLAR and publish them in a summarized and accessible format on its website. This would help keep the topic current and visible, even though the related standards were adopted several years ago.**

**Other than that, in our view, no additional implementation guidance or other supporting materials from IESBA are necessary. In general, the continuous expansion of the Code has made it increasingly complex and detailed. As a result, it creates significant compliance costs and leads to uncertainty regarding both the interpretation and implementation of the new requirements. More importantly, it risks turning compliance with increasingly detailed requirements into a box-ticking exercise. This undermines the ethical decision-making and professional judgment that should remain at the core of a principles-based Code.**

17. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?

**No additional comments.**

## Part D – Regulators or Oversight Bodies

### Adoption status and effective date

*Note:*

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4. Has your organization adopted the NOCLAR provisions of the Code (IESBA NOCLAR provisions)?  
(Please choose the most representative answer)
- (a) Yes, with no modifications (Please provide (i) information on the effective date and (ii) links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)
  - (b) Yes, with modifications (Please (i) describe the nature of, and reasons for the modifications, (ii) provide information on the effective date, and (iii) provide links to the local NOCLAR provisions or the specific announcement of the adoption or issuance of the local NOCLAR provisions)
  - (c) No, but the local NOCLAR provisions are converged with the IESBA NOCLAR provisions (Please (i) provide information on the effective date, (ii) provide links to the local NOCLAR provisions or the specific announcement of the issuance of the local NOCLAR provisions, and (iii) describe any significant differences between the local NOCLAR provisions and the IESBA NOCLAR provisions)

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- (d) No, there are provisions in relevant law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between the relevant law or regulation or ethical framework and the IESBA NOCLAR provisions)*
- (e) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA NOCLAR provisions, please provide details including timing)*

If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

**The IESBA NOCLAR provisions were not translated but transferred to German law.**

## **Guidance and educational materials**

5. What guidance or educational materials has your organization issued, or what programs has your organization developed, to support understanding of the local NOCLAR provisions in your jurisdiction? *(Select all that apply and provide links)*

- Technical guidance (e.g., FAQs)

**The key contents of the IESBA NOCLAR project have been incorporated into the application guidance to Section 14(2) of the WPK Professional Charter. By doing so, the Executive Board of the WPK has issued a binding interpretation of how it applies this general provision in practice (a so-called *self-binding of the administration*). For additional guidance materials, please refer to section “Articles, publications or newsletters”.**

- Education/training programs (e.g., webinars, CPD programs)
- Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)

**Various articles on the IESBA’s NOCLAR standard and its effects on the German profession published, particularly:**

- **WPK Guidance: Non-Compliance with Laws and Regulations (NOCLAR), Änderungen am IESBA Code of Ethics in Kraft getreten, WPK-Magazin 3/2017, 44 ff.**
- **WP/StB/RA Prof. Dr. Jens Poll: NOCLAR und die veränderte Rolle des**



**Wirtschaftsprüfers im Umgang mit Gesetzesverstößen, WPg 17.2017, 986 ff.**

• **WP Prof. Dr. Wienand Schruoff, WP Heiko Spang: Künftige Meldepflicht des Abschlussprüfers bei Gesetzesverstößen des Mandanten, WPK Magazin 2/2016, 61 ff.**

• **WP/StB/RA Prof. Dr. Jens Poll: Die Rolle des Wirtschaftsprüfers bei der Entdeckung von Gesetzesverstößen, WPg 24/2015, 1271 ff.**

- Other (*Please specify*)
- None

#### **Other support**

6. Does your organization provide guidance to individual professional accountants or accounting firms in the application of the local NOCLAR provisions if they seek such assistance, e.g., in dealing with a NOCLAR matter? (*Select all that apply*)

- Ethics hotline or equivalent(e.g., for technical queries, application questions on the local NOCLAR provisions)

**Technical Support for WPK's members by responding to their oral and written inquiries on technical matters in relation to NOCLAR (including a telephone service).**

- Discussion forum (e.g., for sharing knowledge)
- Whistleblower hotline (e.g., to report actual or suspected NOCLAR)
- Other (*Please specify*)
- None

#### **Inquiries and questions**

7. Which specific provisions in the local NOCLAR provisions has your organization commonly received inquiries or questions about? (*Please provide details including which stakeholder groups the inquires or questions arose*)

**Requests from our members relate to the provisions of the EU Regulation mentioned above, the relevant provisions of the German Commercial Code (HGB), and Section 14(2) BS WP/vBP together with its application guidance.**

#### **Level of understanding**

8. Do the professional accountants or accounting firms that your organization regulates or oversees have an overall understanding of the local NOCLAR provisions? (*Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by professional accountants or accounting firms you regulate or oversee*)

- **Yes, due to WPK's extensive guidance material published.**
- Somewhat
- No
- Not known or no data available

### Enforcement

9. Does your organization enforce the local NOCLAR provisions?

- Yes (*Please specify (i) when enforcement started, provide (ii) details such as disciplinary cases against professional accountants/accounting firms (information may be anonymized if not public), and (iii) links to relevant published reports*)

**The provisions of our local NOCLAR provisions are enforced by WPK's disciplinary oversight division and WPK's quality assurance division.**

- No (*Please specify (i) why your organization does not enforce the local NOCLAR provisions, (ii) which organization enforces the local NOCLAR provisions, and (iii) whether your organization receives reports from them*)

### Authority to investigate

10. Does your organization have the authority to investigate NOCLAR or suspected NOCLAR that is reported to it and take any necessary action?

- Yes (*Please provide details, including the (i) nature of the NOCLAR matters that have been reported to your organization, and the (ii) actions taken (the information may be anonymized if not public)*)
- No

**WPK is not a general whistleblower institution according to the Whistleblower Protection Act (Hinweisgeberschutzgesetz (HinSchG)). However, WPK investigates notifications concerning audit firms.**

### Legal protection

11. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.

**There are relevant provisions in the Whistleblower Protection Act (Hinweisgeberschutzgesetz (HinSchG)).**

If yes, is the protection under the relevant law and regulation perceived to be effective? Please explain your response.

**We are unable to assess this question.**

### Observed outcomes (benefits and challenges)

12. Has your organization observed any trend in instances of NOCLAR reported or escalated?

*If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.*

**We are unable to assess this question.**

13. Based on your organization's observations, has the application of the local NOCLAR provisions been

effective in deterring the commission of NOCLAR, or rectifying, remediating or mitigating the consequences of NOCLAR? *(Please explain the basis for your response and provide any relevant details including any supporting materials or reports)*

**We are unable to assess this question.**

14. Has your organization observed any challenges in the application of the local NOCLAR provisions? *(Please provide details, including specific provisions that caused particular challenges and why, as well as any action taken to address them)*

**We are unable to assess this question.**

15. Has your organization observed any trends where professional accountants or accounting firms your organization oversees encountered NOCLAR or suspected NOCLAR but did not apply the local NOCLAR provisions in whole or in part?
- Yes, the provisions were not applied in whole *(Please explain why the provisions were not applied (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.))*
  - Yes, the provisions were only partially applied *(Please explain which provisions were not applied, and why (e.g., lack of evidence for suspected NOCLAR, confidentiality issues, etc.))*
  - No, not observed: **No, not observed.**

#### **Other comments**

16. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*

**IESBA could, for example, conduct interviews with relevant stakeholders involved in NOCLAR and publish them in a summarized and accessible format on its website. This would help keep the topic current and visible, even though the related standards were adopted several years ago.**

**Other than that, in our view, no additional implementation guidance or other supporting materials from IESBA are necessary. In general, the continuous expansion of the Code has made it increasingly complex and detailed. As a result, it creates significant compliance costs and leads to uncertainty regarding both the interpretation and implementation of the new requirements. More importantly, it risks turning compliance with increasingly detailed requirements into a box-ticking exercise. This undermines the ethical decision-making and professional judgment that should remain at the core of a principles-based Code.**

17. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions, or on matters of translation)?

**No additional comments.**

## Part E – Accounting Firms or individual PAPPs

### Adoption status and effective date

*Note:*

*Adoption (full or with modifications) refers to the formal acceptance and incorporation of the IESBA standards into a jurisdiction's national laws, regulations or professional requirements or, if your firm belongs to a network, your network's policies and methodologies.*

*Convergence is where a jurisdiction aligns its national ethics (including independence) standards with the IESBA standards through a process that seeks to eliminate or minimize differences between the IESBA and national standards or provisions. This includes a process where an IESBA standard is used as a basis to develop the local standards or provisions.*

4. Has your firm implemented global, regional or local policies and methodologies that adopt the NOCLAR provisions of the Code (IESBA NOCLAR provisions) or the locally adopted version of the IESBA NOCLAR provisions, as applicable? *(Please choose the most representative answer)*
  - (a) Yes, through full adoption with no modifications *(Please provide (i) information on the effective date and (ii) details of your firm's NOCLAR policies and methodologies)*
  - (b) Yes, through adoption with modifications *(Please (i) describe the nature of, and reasons for the modifications, (ii) provide information on the effective date and (iii) provide details of your firm's NOCLAR policies and methodologies)*
  - (c) No, our firm's policies and methodologies implement local NOCLAR provisions that are converged with the IESBA NOCLAR provisions *(Please (i) provide information on the effective date, (ii) provide details of your firm's NOCLAR policies and methodologies, and (iii) describe any significant differences between your firm's NOCLAR policies and methodologies and the IESBA NOCLAR provisions)*
  - (d) No, our firm's policies and methodologies are based on law or regulation or a different ethical framework that address NOCLAR *(Please describe any significant differences between your firm's NOCLAR policies and methodologies and the IESBA NOCLAR provisions)*
  - (e) Not adopted *(Please specify reasons. If there is a plan to adopt the IESBA or local NOCLAR provisions, please provide details, including timing)*

If you have answered (a), (b) or (c), were the IESBA NOCLAR provisions translated into the local NOCLAR provisions? If yes, please indicate the language of translation.

5. This question is for global networks.

Where an individual firm is part of a global network and the network has adopted the IESBA NOCLAR provisions, how are these provisions implemented across network firms in the following situations:

- The jurisdiction in which the individual firm is based has not adopted the IESBA NOCLAR provisions *(Please describe the circumstances and how this interacts with the network policies)*

- The jurisdiction in which the individual firm is based has provisions in relevant law or regulation or another ethical framework that address NOCLAR (*Please describe the circumstances and how this interacts with the network policies*)

#### **Guidance and Educational Materials**

6. What guidance or educational materials has your firm or network issued, or what programs has your firm or network developed, to support understanding of the NOCLAR policies and methodologies of the firm or network? (*Select all that apply and provide links*)

- Technical guidance (e.g., FAQs)
- Education/training programs (e.g., webinars)
- Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)
- Other (*Please specify*)
- None

#### **Other support**

7. If your firm is part of a network, does the network provide guidance to network firms in the application of the network's NOCLAR policies and methodologies? (*Select all that apply*)

- Ethics hotline or equivalent(e.g., for technical queries, application questions on the network's NOCLAR policies and methodologies)
- Discussion forum (e.g., knowledge sharing)
- Other (*Please specify*)
- None

#### **Level of understanding by auditors**

8. Do audit partners and staff within your firm have an overall understanding of your firm's NOCLAR policies and methodologies? (*Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by its audit personnel*)

- Yes
- Somewhat
- No
- Not known or no data available

#### **Level of understanding by non-auditors (i.e., consulting/advisory)**

9. Do non-audit partners and staff within your firm have an overall understanding of your firm's NOCLAR policies and methodologies? (*Please explain the basis for your response, including how your organization evaluates the overall understanding of the local NOCLAR provisions by its non-audit*

personnel)

- Yes
- Somewhat
- No
- Not known or no data available

**Practical experience (benefits and challenges)**

10. Have you or your firm encountered any NOCLAR or suspected NOCLAR (i) at a client, or (ii) within the firm?
- Yes, *(Where possible, please provide details such as (i) general nature of the NOCLAR or suspected NOCLAR, (ii) whether the client was an audit or non-audit client, (iii) to whom it was communicated, and (iv) how the matter has been addressed (information provided may be anonymized))*
  - No
11. Have you or your firm observed any trend in instances of NOCLAR reported or escalated?
- If so, please describe the trend and indicate the period for which this trend has been observed, as well as the general nature of the NOCLAR commonly observed.*
12. What benefits have you or your firm experienced as a result of the implementation of its NOCLAR policies and methodologies? *(Please explain the basis for your response, e.g., do partners and staff feel better equipped to hold a conversation on a NOCLAR matter with their client; the standard helpful in guiding partners and staff as to how to respond to a NOCLAR or suspected NOCLAR matter? )*
13. Which aspects of the IESBA NOCLAR provisions or the local NOCLAR provisions has your firm found most challenging to apply when responding to a NOCLAR or suspected NOCLAR? *(Please provide details, including whether the challenges were for (i) audit partners and staff, and (ii) non-audit partners and staff)*
14. Has your firm's whistleblowing policy been used by personnel within the firm to respond to a NOCLAR or suspected NOCLAR? If so, why was this used instead of escalating the matter to a supervisor or above? *(Please provide details (information provided may be anonymized))*

**Legal protection**

15. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.
- If yes, is the protection under the relevant law and regulation perceived to be effective? *(Please explain your response)*

**Other comments**

16. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*

17. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on matters of translation)?

## Part F – Professional Accountants in Business (PAIBs)

*This section refers to the “local NOCLAR provisions” issued by your professional accountancy organization, a regulator or the local standard setter responsible for promulgating ethics standards for PAIBs, where those local provisions are based on the NOCLAR provisions in the IESBA Code.*

### Guidance and educational materials

4. What guidance or educational materials have you received or accessed on the local NOCLAR provisions? *(Select all that apply and provide links)*
  - Technical guidance (e.g., FAQs)
  - Education/training programs (e.g., webinars, CPD programs)
  - Articles, publications or newsletters (e.g., updates about standards, case studies or illustrative examples)
  - Other *(Please specify)*
  - None
5. From which organizations have you received guidance or educational materials on the local NOCLAR provisions? *(Select all that apply)*
  - Professional Accounting Organization (PAO)
  - Regulator or oversight body
  - Accounting firms
  - Other
  - None

### Other support

6. Do you have access to guidance on the application of the local NOCLAR provisions if you seek such assistance, e.g., in dealing with a NOCLAR or suspected NOCLAR? *(Select all that apply)*
  - Ethics hotline or equivalent (e.g., for technical queries, application questions on the local NOCLAR provisions)
  - Discussion forum (e.g., for sharing knowledge)
  - Whistleblower hotline (e.g., to report actual or suspected NOCLAR)
  - Other *(Please specify)*
  - None

### Inquiries and questions

7. Which specific provisions in the local NOCLAR provisions have you inquired or raised questions about? *(Please provide details)*

### Integration into internal framework



8. Has your employing organization made changes to its governance mechanisms, ethics policies and procedures, or internal code of conduct in response to the issuance of the local NOCLAR provisions?
- Yes (*Please describe*)
  - No
  - Not known

#### **Level of understanding**

9. Do you have an overall understanding of the local NOCLAR provisions?
- Yes
  - Somewhat
  - No

#### **Practical experience (benefits and challenges)**

10. Have you encountered any NOCLAR or suspected NOCLAR in your work?
- Yes, (*Where possible, please provide details such as (i) general nature of the NOCLAR, (ii) to whom it was communicated, and (iii) how the matter has been addressed (information provided may be anonymized)*)
  - No
11. What benefits have you experienced as a result of the application of the local NOCLAR provisions? (*Please explain the basis for your response, e.g., you feel better equipped to hold a conversation on a NOCLAR matter with management or those charged with governance of your employing organization; the standard was helpful in guiding you as to how to respond to a NOCLAR or suspected NOCLAR matter?*)
12. Which of the local NOCLAR provisions have you found most challenging to apply when responding to a NOCLAR or suspected NOCLAR? (*Please provide details*)
13. Have you used your employing organization's whistleblowing policy in responding to a NOCLAR or suspected NOCLAR? If so, why did you use this whistleblowing policy instead of escalating the matter to a supervisor or above? (*Please provide details (information provided may be anonymized)*)

#### **Legal protection**

14. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? Please provide details.
- If yes, is the protection under the relevant law and regulation perceived to be effective? Please explain your response.

#### **Other comments**

15. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of

implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*

16. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions (including on any benefits arising from using the local NOCLAR provisions)?

**Part G – Other Users or Beneficiaries of the Code**

4. *This section refers to the “local NOCLAR provisions” issued by the local professional accountancy organization, a regulator or the local standard setter responsible for promulgating ethics standards for PAPPs and/or PAIBs, where those local provisions are based on the NOCLAR provisions in the IESBA Code. Has implementation of the local NOCLAR provisions enhanced your confidence in professional accountants and accounting firms responding to NOCLAR or suspected NOCLAR? (Please explain your response)*
5. From your perspective, what further efforts should IESBA pursue to enhance the effectiveness of implementation of the IESBA NOCLAR provisions globally? *(Please explain your response)*
6. In your jurisdiction, does legislation or regulation exist (e.g., under whistleblowing laws or regulations) that provides protection from civil, criminal, or professional liability, or from retaliation, when NOCLAR or suspected NOCLAR is disclosed to an appropriate authority? *(Please provide details)*  
  
*If yes, is the protection under the relevant law or regulation perceived to be effective? (Please explain your response)*
7. Do you have any other comments or specific matters the IESBA should consider as part of this PIR on the IESBA NOCLAR provisions?

**End of survey**

Thank you for your valuable input. Your input will inform the IESBA's Post-Implementation Review and help the IESBA develop clear, robust and practical ethics standards that reinforce public trust in the profession and effectively serve the public interest.