

SECTION 6. INTERNATIONAL

Rule 6001. Assisting Non-U.S. Authorities in Inspections

The Board may, as it deems appropriate, provide assistance in an inspection of a registered public accounting firm organized and operating under the laws of the United States conducted pursuant to the laws and/or regulations of a non-U.S. jurisdiction. The Board may consider the independence and rigor of the non-U.S. system in determining the extent of the Board's assistance.

[Effective pursuant to SEC Release No. 34-50291, File No. PCAOB-2004-04 (August 30, 2004)]

Rule 6002. Assisting Non-U.S. Authorities in Investigations

The Board may, as it deems appropriate, provide assistance in an investigation of a registered public accounting firm organized and operating under the laws of the United States conducted pursuant to the laws and/or regulations of a non-U.S. jurisdiction. The Board may consider the independence and rigor of the non-U.S. system in determining the extent of the Board's assistance.

[Effective pursuant to SEC Release No. 34-50291, File No. PCAOB-2004-04 (August 30, 2004)]

Rule 6100. Board Determinations Under the Holding Foreign Companies Accountable Act

(a) Determinations as to Inability to Inspect or Investigate Registered Firms Completely

(1) Determinations as to Registered Firms Headquartered in a Particular Foreign Jurisdiction

The Board may determine that it is unable to inspect or investigate completely registered public accounting firms headquartered in a foreign jurisdiction because of a position taken by one or more authorities in a foreign jurisdiction.

(2) Determinations as to a Particular Registered Firm With an Office in a Foreign Jurisdiction

The Board may determine that it is unable to inspect or investigate completely a registered public accounting firm that has an office that is located in a foreign jurisdiction because of a position taken by one or more authorities in a foreign jurisdiction.

(3) Timing of Board Determinations

Promptly after the effective date of this rule, the Board will make determinations under subparagraph (a)(1) or (a)(2) to the extent such determinations are appropriate.

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Thereafter, the Board will consider, at least annually, whether changes in facts and circumstances support any additional determinations pursuant to subparagraph (a)(1) or (a)(2). The Board will make additional determinations under subparagraph (a)(1) or (a)(2), as and when appropriate, to allow the Commission on a timely basis to identify covered issuers pursuant to the Commission's rules.

(b) Factors for Board Determinations

When making a determination described in subparagraph (a)(1) or (a)(2), the Board will assess whether the position taken by the authority (or authorities) impairs the Board's ability to execute its statutory mandate with respect to inspections or investigations of such firm(s) in one or more of the following respects:

- (1) the Board's ability to select engagements, audit areas, and potential violations to be reviewed or investigated;
- (2) the Board's timely access to, and the ability to retain and use, any document or information (including through conducting interviews and testimony) in the possession, custody, or control of the firm(s) or any associated persons thereof that the Board considers relevant to an inspection or investigation; and
- (3) the Board's ability to conduct inspections and investigations in a manner consistent with the provisions of the Act and the Rules of the Board, as interpreted and applied by the Board.

(c) Basis for Board Determinations

The Board may consider any documents or information it deems relevant when making the assessment described in paragraph (b), including, but not limited to:

- (1) laws, statutes, regulations, rules, ordinances, and other legal authorities purporting to have or treated as having the force of law, and interpretations and applications thereof;
- (2) the existence or absence of any agreement (and, if applicable, the terms thereof) between the Board and any relevant foreign authority regarding the conduct of inspections and investigations, as well as the authority's (or authorities') interpretations of and performance under any such agreement; and
- (3) the Board's experience with respect to any relevant foreign authority's (or authorities') other conduct and positions taken relative to Board inspections or investigations.

(d) Commencement of Inspection or Investigation Not Required

A determination pursuant to subparagraph (a)(1) or (a)(2) need not depend on the Board's commencement of, but inability to complete, an inspection or investigation of a registered public accounting firm.

(e) Form and Publication of Board Determinations

(1) Board Reports to the Commission

When the Board makes a determination pursuant to subparagraph (a)(1) or (a)(2), its determination will be issued in the form of a report to the Commission. The report will describe the Board's assessment under paragraph (b) and the basis for the determination. An appendix to the report will identify the registered public accounting firm(s) to which the determination applies by (i) the name under which the firm is registered with the Board and (ii) the firm's identification number with the Board.

(2) Publication of Board Reports

Promptly after the issuance of a report pursuant to subparagraph (e)(1), a copy of the report will be made publicly available on the Board's website; provided, however, that the report's contents will be redacted to the extent required by Section 105 of the Act and applicable laws relating to the confidentiality of proprietary, personal, or other information.

(3) Transmittal of Board Reports to Subject Firms

Promptly after the issuance of a report pursuant to subparagraph (e)(1), a copy of the report will be sent by electronic mail to each registered public accounting firm that is listed in the appendix; provided, however, that the report's contents will be redacted to the extent required by Section 105 of the Act and applicable laws relating to the confidentiality of proprietary, personal, or other information. The electronic mail will be directed to the electronic mail address of the firm's primary contact with the Board.

(4) Updating the Appendix to a Board Report

A registered public accounting firm identified in an appendix to a report as referenced in subparagraph (e)(1) shall notify the Secretary of any change to the firm's information contained in the appendix within 5 days of such a change. The Board may issue an updated appendix to a report at any time. An updated appendix will be transmitted to the Commission, made publicly available in accordance with subparagraph (e)(2), and sent to registered public accounting firms that are listed in the appendix in accordance with subparagraph (e)(3). The issuance of an updated appendix does not constitute a reassessment of a determination under paragraph (h).

(f) Effective Date of Board Determinations

A determination pursuant to subparagraph (a)(1) or (a)(2) becomes effective on the date the Board issues its report to the Commission referenced in subparagraph (e)(1).

(g) Duration of Board Determinations

A determination pursuant to subparagraph (a)(1) or (a)(2) remains in effect until it is reaffirmed, modified, or vacated by the Board.

(h) Reassessment of Board Determinations

The Board, on its own initiative or at the Commission's request, may at any time reassess a determination that is in effect, and will do so at least annually. When reassessing such a determination, the Board will conduct the assessment set forth in paragraph (b). Based on such reassessment, the Board will reaffirm, modify, or vacate the determination.

(i) Reaffirmed, Modified, and Vacated Board Determinations

When the Board reaffirms, modifies, or vacates a determination, the Board will issue a report to the Commission in accordance with subparagraph (e)(1), and in the case of a reaffirmed or modified determination, will update the appendix to the report referenced in subparagraph (e)(1). The Board also will make a copy of that report publicly available in accordance with subparagraph (e)(2) and send a copy of that report to registered public accounting firms in accordance with subparagraph (e)(3). A reaffirmed or modified determination, or the vacatur of a determination, will become effective on the date the Board issues its report to the Commission. The reassessment procedures described in paragraph (h) apply to a reaffirmed or modified determination, and a reaffirmed or modified determination will remain in effect until it is reaffirmed, modified, or vacated by the Board.

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