初探財務報表保險

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為了因應美國安龍案(Enron)後改革審計制度的呼聲,美國 Ronen 教授等學者倡議了「財務報表保險」制度,用以取代目前由公司聘僱會計師從事審計業務的基本模式。相對的,所謂財務報表保險制度,是由公司向保險人購買財務報表保險,會計師而是由保險人聘僱來為公司進行審計,以避免利益衝突。當投資人因被保險公司之財務報告不實而遭受損害時,即可直接向保險人請求理賠。此機制應能促進會計師的獨立性、公司治理與信號功能,故多為學者肯定,但亦有不同意見。本文擬介紹財務報表保險與相關討論,並分析此一制度在我國的可能性,以及探索未來之立法方向。企盼能在既有的會計師責任與保險體系外,為我國建構出另一種解決方案。

關鍵字:財務報表保險、審計、會計師、強制保險、強制揭露。

「政策與管理意涵」

美國學者曾倡財務報表保險之概念,用以取代目前由公司聘僱會計師從事審計業務的基本 模式,並強化對投資人之保護。此在美國與中國大陸已引起相當的注意與討論。本文認為, 在我國董監事與會計師責任保險定位仍不清晰且仍有改善空間之情形下,財務報表保險應 能改善審計關係與強化投資人保護,而提供另一個更為徹底的解決方案。

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A Preliminary Study on Financial Statement Insurance

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For responding to the call of reform of auditing system after Enron, Professor Joshua Ronen and other scholars propose the "financial statement insurance" to replace the current auditing system, in which firms hire and pay for accountants for their own auditing. In contrast, the mechanism of financial statement insurance means that, firms purchase financial statement insurance from insurer, and it is insurer to hire accountants for auditing firms to avoid interest conflict. Investors can claim against insurer directly when they suffer loss from financial statement fraud. This mechanism may improve also the independence of auditor, corporate governance, and signal effect. This proposal is supported by many scholars but different arguments still remain. This study aims to introduce financial statement insurance and its relevant arguments, assess the possibility of this mechanism in Taiwan, and explore legislation direction in the future. Hopefully, this research can construct a possible alternative to the current auditing liability and insurance system for Taiwan.

Key Words: financial statement insurance, auditing, auditor, mandatory insurance, mandatory disclosure.