FINANCIAL CONDUCT AUTHORITY

Policy Statement

PS26/21

Streamlining the UK EMIR Intragroup Regime

November 2026

This relates to

Consultation Paper CP25/30 which is available on our website at www.fca.org.uk/publications

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Chapter 1

Summary

1.1 The UK version of the European Market Infrastructure Regulation (UK EMIR) sets out requirements for counterparties who enter into derivative transactions. Under UK EMIR, counterparties are required to centrally clear certain over-the-counter (OTC) derivatives via a Central Counterparty (CCP). For OTC derivatives that do not require mandatory clearing, the counterparties must meet bilateral margin requirements. UK EMIR provides exemptions from these clearing and margining requirements for intragroup transactions, provided they meet certain conditions.

1.2 On 21 October, the Treasury's published The Over-the-Counter Derivatives (Intragroup Transactions) Regulations 2026 (The "final SI"), providing a permanent, more streamlined regime for intragroup transactions. The final SI gives clarity on the status of a counterparty's intragroup exemptions and reduces regulatory burdens for firms.

1.3 This Policy Statement (PS) contains our final Binding Technical Standards (BTS) and confirms the revocation of certain EMIR Q&As on the Intragroup Regime, implementing the Treasury's reform alongside additional changes to further reduce burdens on counterparties. The resulting Intragroup Regime will achieve the outcomes of reducing the operational burdens on firms whilst also maintaining appropriate regulatory oversight. It will be quicker and easier for counterparties to use exemptions to support their business activities, supporting the UK's international competitiveness as a financial services centre.

1.4 Reducing burdens will also allow us to take a more efficient, risk-based supervisory approach, supporting our strategic ambition of becoming a smarter regulator and our operational objective to protect the integrity of the UK financial system.

1.5 We previously consulted on our proposals in CP25/30. As we received largely positive feedback, we are implementing our proposals as consulted on with some additional consequential amendments to align with the Treasury's final SI. The PS responds to the feedback we received during our consultation and sets out the operational changes required for counterparties seeking new intragroup exemptions from 1 January 2027.

1.6 Our PS should be read in conjunction with the Treasury's final SI to get a full picture of the updated Intragroup Regime. The new Intragroup Regime will be implemented on 1 January 2027.

Who this affects

1.7 This Policy Statement will be of interest to:

- Counterparties subject to UK EMIR
- Industry associations
- Law firms
- Consultants

Measuring success

1.8 Due to the limited nature of our changes, we consider it disproportionate to collect metrics to measure success. Instead, we will collect industry feedback as part of our regular market monitoring to ensure that our final BTS and EMIR Q&As:

- reduce the time counterparties spend preparing and submitting notifications for intragroup exemptions
- increase the speed and ease with which counterparties can benefit from intragroup exemptions
- improve the quality of intragroup exemption notifications
- reduce the time we spend reviewing notifications
- contribute to delivering an Intragroup Regime which is easier to navigate and less burdensome

Equality and diversity considerations

1.9 We have considered the equality and diversity issues that may arise from our final BTS and EMIR Q&As in this Policy Statement. Overall, we do not consider that they materially affect any of the groups with protected characteristics under the Equality Act 2010.

Environmental, social and governance considerations

1.10 We have considered the environmental, social and governance implications of our final BTS and EMIR Q&As and our duty under s.1B(5) and s. 3B(c) of the Financial Services and Markets Act 2000 (FSMA) to have regard to contributing towards the Secretary of State achieving compliance with the net zero emissions target under section 1 of the Climate Change Act 2008 and environmental targets under s.5 of the Environment Act 2021. Overall, we do not consider that our final BTS and EMIR Q&As are relevant to contributing to those targets.

Next steps

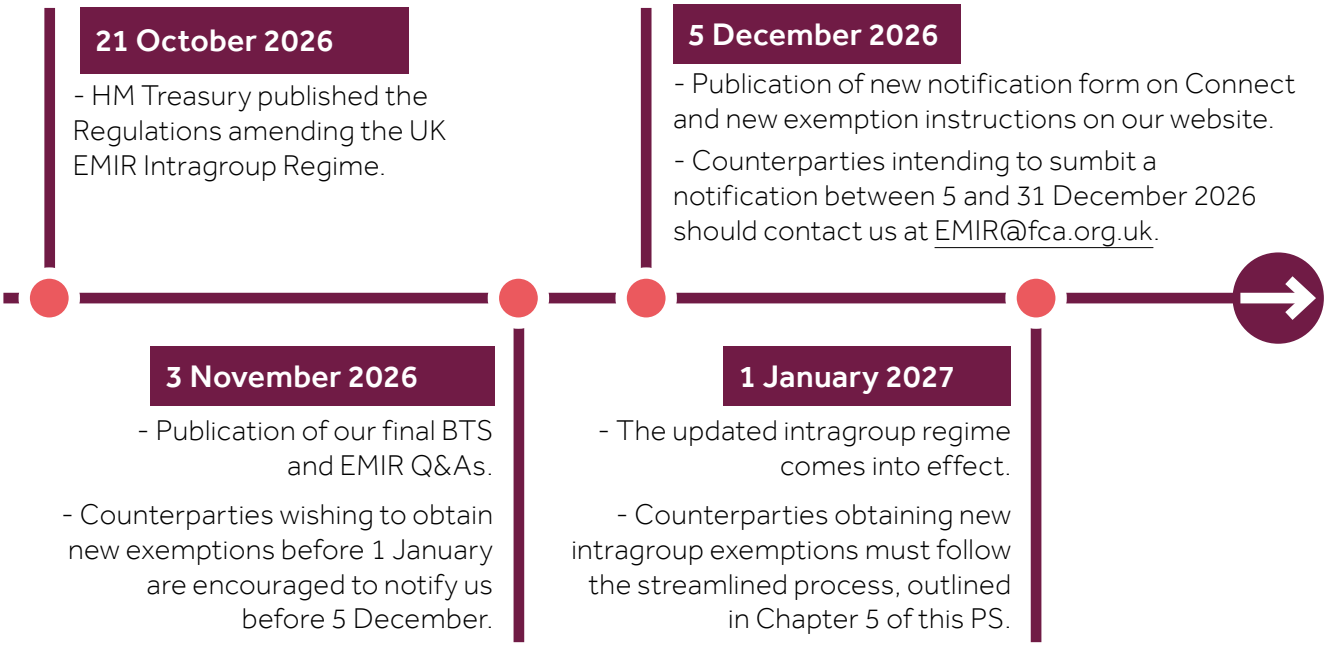
What you need to do next

1.11 The updated Intragroup Regime comes into effect on 1 January 2027. All intragroup margin and clearing exemptions which applied immediately prior to this date will continue to have effect, provided the relevant conditions apply. This includes exemptions that were previously granted temporarily under the Temporary Intragroup Exemption Regime (TIGER). Counterparties do not need to do anything in order to continue benefiting from existing exemptions.

1.12 We strongly encourage counterparties wishing to obtain new intragroup margin or clearing exemptions before 1 January 2027 to submit notifications to us before 5 December using the current notification process, outlined on our website. This ensures we can process the notification before the current regime expires.

1.13 Counterparties that currently intend to submit a notification between 5 December 2026 and 31 December 2026 should contact us as soon as possible at EMIR@fca.org.uk. We will discuss with them how best to address their circumstances in light of the transition to the new regime taking effect on 1 January 2027.

1.14 All notifications received from 1 January 2027 onwards must be submitted under the new streamlined notification process. Chapter 5 explains the operational changes we are making to the notification process, including what counterparties need to do before and after 1 January 2027.



What we need to do next

1.15 From 5 December 2026, we will update our Connect platform and UK EMIR webpages to implement the new streamlined notification process on 1 January 2027. Please see Chapter 5 for more details.

Chapter 2

The wider context of this policy statement

The UK EMIR Intragroup Regime

2.1 Some OTC derivatives subject to the clearing obligation and bilateral margin requirements are entered into by entities that are part of the same consolidated group (intragroup transactions). Counterparties enter into intragroup transactions to support operational efficiencies and centralised risk management.

2.2 As any risks associated with intragroup transactions can be monitored and managed centrally within the group, they may pose lower counterparty credit risk than transactions between external facing counterparties. As a result, UK EMIR provides an exemption for intragroup transactions from both the clearing obligation and bilateral margin requirements (intragroup exemptions), subject to certain conditions. To obtain intragroup exemptions, counterparties must notify us in advance and demonstrate that they meet the relevant conditions. The exception is margin exemptions between 2 UK counterparties, where counterparties must self-assess compliance with the conditions. The conditions and process for obtaining intragroup exemptions are set out in Articles 3, 4 and 11 of UK EMIR, the associated BTS (BTS 2016/2251 and BTS 149/2013), and supporting guidance in the EMIR Q&As (the Intragroup Regime).

Temporary Intragroup Exemption Regime (TIGER)

2.3 Under the current Intragroup Regime, UK counterparties may benefit from permanent intragroup exemptions when transacting with group entities established in the UK or in overseas jurisdictions deemed equivalent under UK EMIR.

2.4 For transactions with group entities established in non-equivalent overseas jurisdictions, the Treasury established TIGER. This allows for the continuation of intragroup exemptions obtained before the end of the Brexit transition period between UK counterparties and group entities in overseas jurisdictions where no equivalence determination has been made. UK counterparties can also apply for new exemptions under TIGER. However, the exemptions continued or granted under TIGER only apply temporarily and TIGER is due to expire on 31 December 2026.

2.5 Industry previously told us that not knowing whether intragroup exemptions would be available after TIGER expired was preventing counterparties from benefiting from intragroup transactions. Counterparties are also prevented from taking full advantage of the exemptions' operational and risk management benefits by the overly burdensome notification process.

The Treasury's changes to UK EMIR

2.6 On 21 October 2026, the Treasury published its final SI amending the UK EMIR Intragroup Regime. This SI will make intragroup exemptions granted under TIGER permanent and streamline the exemption process.

2.7 The final SI implements all the proposals in the draft Statutory Instrument published in November 2025 (The "draft SI"), with some additional changes in response to industry feedback. The proposals maintained from the draft SI include:

- Removing the requirement for intragroup counterparties to be established in an overseas jurisdiction deemed equivalent under UK EMIR to benefit from permanent intragroup exemptions.
- Moving from an application-based regime to a notification-based regime for exemptions with counterparties established overseas.
- Aligning the intragroup exemption processes for clearing and margin exemptions by reducing the notification period for margin exemptions from 3 months to 30 calendar days and removing the requirement for pairs of counterparties established in the UK to notify the FCA before using a clearing exemption.
- Simplifying the exemption framework by removing unnecessary distinctions between financial and non-financial counterparties and clarifying the conditions for counterparties to be considered included in the same consolidation.

2.8 Based on feedback to the draft SI, the Treasury has made additional changes to UK EMIR which were not included in the draft SI. These are:

- Making intragroup exemptions available to pairs of non-UK counterparties subject to the UK EMIR margin and clearing requirements. As a result, pairs of non-UK counterparties may obtain intragroup exemptions from 1 January 2027 using the same exemption process as pairs of counterparties established in the UK and overseas.
- Removing the condition for counterparties seeking intragroup margin exemptions to have risk management procedures that 'are adequately sound, robust and consistent with the level of complexity of the derivative transaction.' This will avoid unnecessary duplication of the risk management condition in Article 3 UK EMIR.
- Amending the condition for counterparties to have no practical or legal impediments to the prompt transfer of own funds or repayment of liabilities between the counterparties to benefit from intragroup margin exemptions so it only applies to 'material' practical or legal impediments.
- Clarifying the definition of a 'complete notification' for margin and clearing exemptions in UK EMIR by referencing our BTS.

2.9 To address Treasury's further changes to UK EMIR, our final BTS and EMIR Q&As includes some additional consequential amendments to those in CP25/30. These changes will ensure UK EMIR, our BTS and EMIR Q&As align and are described in Chapter 4. We do not consider these changes to be significant for the purposes of section 138I(5) of FSMA and they do not have an impact on the compatibility statement in the consultation paper.

Chapter 3

Streamlining the Intragroup Regime

3.1 This chapter presents our final approach to streamlining the Intragroup Regime under UK EMIR. It also includes a summary of the feedback and our response.

Summary of our proposals

3.2 **Proposal 1:** In CP25/30 we proposed reducing the supplementary documents required for intragroup margin exemptions to align more closely with the information required for intragroup clearing exemptions.

3.3 This would result in a more consistent, less burdensome process for counterparties. It would also mean that counterparties do not have to re-notify us to extend existing margin exemptions to new transactions. This would streamline the process, making it simpler and faster for counterparties to get margin exemptions, while maintaining the right regulatory oversight.

3.4 We asked the following questions:

Question 1: **Do you agree with our proposal to reduce the detail and supporting documentation listed under Article 18 of BTS 149/2013 from the documentation required for a margin exemption?**

Question 2: **Is there anything about the notification process for clearing and margin exemptions which you would like to raise?**

Summary of feedback

3.5 We received 2 responses that were broadly supportive of our proposal.

3.6 One respondent asked us to clarify the notification process for counterparties seeking intragroup exemptions under the updated regime, including:

- Clear instructions for counterparties submitting notifications, including the operation of the 30-day notification period and our process for requesting additional information.
- What constitutes a material change in circumstance, allowing a counterparty to submit another notification where we previously objected to the use of an exemption.
- What information counterparties should retain for our supervisory review for intragroup margin exemptions, following the implementation of Proposal 1.

- Whether notifications can be submitted for exemptions between multiple pairs of counterparties.

Our response

Following positive feedback, we will implement our proposal as we proposed in CP25/30.

We have described the changes we are making to the notification process, including what counterparties need to do to obtain exemptions before and after 1 January 2027, in Chapter 5.

As set out in UK EMIR, the 30-day notification period begins on the day after we receive a complete notification. A notification is complete once all required information as set out in Article 32(1) BTS 2016/2251 or Article 20A(1) BTS 149/2013 (as applicable) has been provided. Where a notification is incomplete, or we need more information to complete our assessment, we will contact the counterparty to request it within 30 calendar days from the day after we receive the notification. The notification period will pause from the date of our request until the date we receive the requested information.

Counterparties can rely on the exemption once the 30-day period has elapsed if we have not objected. To provide counterparties with certainty, we intend to continue sending emails confirming no objections following our assessment process.

If a counterparty receives an objection from us, they may submit another notification if there has been a material change in the circumstances that formed the basis of our objection. With the breadth of possible scenarios, we can't define a 'material change' specifically and counterparties will need to assess whether a change is material in the context of their business.

Although we are reducing the supplementary documents required for intragroup margin exemptions, we may still request additional information if we need it. This may include copies of documented risk management procedures, historical transaction information, copies of contracts, a legal opinion, and transaction details. If requested, counterparties should aim to submit such information within a reasonable timeframe.

When the updated regime is implemented on 1 January 2027, we will make changes to our Connect platform so that counterparties can submit a single notification covering multiple pairs of intragroup counterparties. Under the current process, counterparties are required to submit separate notifications for each pair of intragroup counterparties. We expect this operational improvement will reduce administrative burdens on counterparties.

Chapter 4

Simplifying our Binding Technical Standards and consequential amendments

4.1 This chapter sets out our final approach to simplifying our BTS and consequential amendments to align with Treasury's changes to UK EMIR. It also includes a summary of the feedback and our response.

Summary of our proposals

4.2 **Proposal 2:** In CP25/30, we proposed simplifying our BTS by consolidating all our requirements for intragroup margin exemptions in BTS 2016/2251. This included relocating certain provisions relating to intragroup exemptions from BTS 149/2013 into BTS 2016/2251.

4.3 **Proposal 3:** We also proposed making consequential amendments to BTS 2016/2251, BTS 149/2013, and our EMIR Q&As, to ensure they remain aligned with UK EMIR following the Treasury's changes.

4.4 We asked the following questions:

Question 3: **Do you agree with our proposal to consolidate the provisions for margin exemption notifications solely into BTS 2016/2251?**

Question 4: **Do you agree with our proposal to make consequential amendments to BTS 2016/2251, BTS 149/2013, and the EMIR Q&As on the Intragroup Regime to align with the Treasury's proposed amendments to UK EMIR?**

Summary of feedback

Simplifying our BTS

4.5 We received 2 responses to question 3. Both responses were supportive.

4.6 One respondent explained that the current fragmentation of requirements across multiple BTS has led to counterparties applying them inconsistently. Consolidating our requirements into one BTS should reduce complexity and the risk of counterparties being non-compliant with our requirements.

4.7 The same respondent asked us to:

- Clarify where the provisions relevant to the Intragroup Regime in BTS 149/2013 are relocated to in BTS 2016/2251.
- Align the publication of our PS with the release of Treasury's final SI, to ensure counterparties have a comprehensive picture of the updated regime.

Our response

We will implement the proposal as consulted on in CP25/30.

We have made one further change to our final policy by inserting a new provision into BTS 149/2013, setting out the information counterparties must provide when notifying us for an intragroup clearing exemption. This is necessary to align our BTS with the Treasury's final SI, which references our BTS when defining a complete notification for a clearing exemption. This does not create any new burdens for counterparties as it reflects information we already receive for clearing exemptions.

We are inserting the new provision into BTS 149/2013, rather than BTS 2016/2251, as BTS 149/2013 already contains clearing requirements. As a result, our final policy will set out requirements for intragroup margin exemptions in BTS 2016/2251 and clearing exemptions in BTS 149/2013.

The provisions which will be relocated or deleted from BTS 149/2013 are:

- Article 18 of BTS 149/2013, setting out the information which counterparties must provide to us to obtain an intragroup margin exemption. We have incorporated some of the information requirements from this provision into Article 32 of BTS 2016/2251. We have removed the requirement for counterparties to provide us with details of the exempted transactions as part of Proposal 1 (see paragraphs 3.2-3.3).
- Article 20 of BTS 149/2013, on the public disclosure of intragroup margin exemptions. This provision is being deleted to align with Treasury's removal of the disclosure obligation for intragroup margin exemptions in UK EMIR.

To give counterparties a complete view of the updated Intragroup Regime across UK EMIR, our BTS and EMIR Q&As, we have aligned the timing of publishing this PS with the release of the Treasury's final SI as closely as possible.

Consequential amendments

4.8 We received 2 responses to question 4 of CP25/30, both of which were supportive of our proposal. One highlighted the unnecessary legal costs counterparties would face to understand their requirements, if we don't make consequential amendments to align our BTS and EMIR Q&As with the Treasury's changes to UK EMIR.

4.9 One respondent asked us to issue guidance, clarifying that counterparties notifying us for a clearing exemption must provide us with the same information as required for a margin exemption in BTS 2016/2251.

4.10 Another respondent asked us to release an updated version of our EMIR Q&As, omitting the Q&As revoked by our instrument, alongside our final BTS.

Our response

We will implement the proposal as consulted on in CP25/30.

We have made a further consequential amendment to our final BTS, which was not included in our consultation. To align with further changes made by the Treasury in their final SI, we have included provisions for pairs of non-UK counterparties to benefit from intragroup margin and clearing exemptions. Under the updated regime, pairs of non-UK counterparties will need to follow the same notification process as pairs of counterparties established in the UK and overseas.

We are not issuing guidance for counterparties to provide us the same information for clearing exemptions as required for margin exemptions in BTS 2016/2251. Instead, as described above in response to Proposal 2, we have specified the information required for clearing exemptions in BTS 149/2013 Article 20A. The requirements for margin and clearing exemptions are broadly similar, although counterparties notifying us for margin exemptions must also continue to confirm that there is nothing preventing them from promptly transferring their own funds or repaying liabilities. This reflects the broader risk posed by intragroup margin exemptions relative to clearing exemptions.

We are revoking OTC Question 6 (a), (b), (c), (f) and (g) and OTC Answer 5 (a), (b), (c), (f) and (g) which are no longer applicable following our changes to the Intragroup Regime. We do not plan to issue an updated version of the EMIR Q&As, but we will include a note on our Handbook website indicating which Q&As have been revoked. Counterparties should read the EMIR Q&As together with this PS to understand which remain applicable. However, as part of the Treasury's work to repeal and replace UK EMIR Title II, we intend to review existing guidance and consider where it remains relevant.

Chapter 5

Operational changes to the intragroup exemption process

5.1 This chapter explains the operational changes needed to meet the new requirements under the UK EMIR Intragroup Regime.

Exemptions obtained under the current regime

5.2 The Treasury's final SI makes transitional provision so that all existing intragroup margin and clearing exemptions will remain valid subject to the relevant conditions. Counterparties with existing exemptions do not need to do anything for these to remain valid from 1 January 2027.

5.3 This includes all exemptions that were granted on a temporary basis under TIGER. From 1 January 2027, these exemptions will remain permanently valid, subject to the relevant conditions.

5.4 Counterparties that have previously submitted clearing exemption notifications via our Connect platform may notice that completed notification forms, when viewed in Connect, look different from December 2026. This is because we are updating the notification form and this will affect previously submitted notifications. This does not affect the validity of existing clearing exemptions, which will, along with all existing margin exemptions, remain valid following 1 January 2027.

Exemptions under the new regime

Changes to the exemption process from 1 January

5.5 From 1 January 2027:

- Counterparties will no longer receive temporary exemptions if one of the counterparties to the exemption is based in a non-equivalent overseas jurisdiction. Instead, counterparties in all jurisdictions will be eligible for permanent exemptions, provided they meet the relevant conditions.
- Counterparties will no longer need to specify whether the counterparties to an intragroup transaction are financial or non-financial. The same process and conditions will apply to both types.
- Counterparties will no longer need to receive positive approval from us before they can benefit from an intragroup margin or clearing exemption. Notifying counterparties may use the exemption immediately following the expiry of the notification period, provided we have not objected (or earlier if we confirm no

objection). To give counterparties certainty, we intend to continue sending emails confirming our non-objection after we have completed our assessment process.

- Pairs of non-UK counterparties will become eligible for intragroup clearing and margin exemptions. They will be subject to the same exemption process as a counterparty established in the UK and one established overseas.

5.6 In addition, there are individual changes to the margin and clearing exemption processes. These changes align the 2 processes, to create a more streamlined and consistent regime. We've outlined these individual changes below:

Changes to the margin exemption process

5.7 From 1 January 2027, counterparties seeking intragroup margin exemptions will be subject to:

- A reduction in the notification period from 3-months to 30 days.
- A reduction in the supporting documentation required from counterparties as part of a notification. Unless we explicitly ask for them, we will no longer require:
  - details of the transactions to be exempted
  - copies of documented risk management procedures
  - historical transaction data
  - relevant contracts between the parties
- Submitting a margin exemption notification on our Connect platform rather than via email.

Changes to the clearing exemption process

5.8 From 1 January 2027, counterparties wishing to obtain an intragroup exemption from the clearing obligation will:

- No longer need to notify us if both counterparties to the transaction are established in the UK. Such counterparties can use the exemption where they assess that the relevant conditions are met. This aligns with the current treatment of pairs of UK counterparties wishing to obtain intragroup margin exemptions.

Obtaining new exemptions before 1 January

5.9 We strongly encourage counterparties seeking new intragroup exemptions before 1 January 2027 to submit their notifications to us before 5 December 2026 by following the current exemption procedure. We plan to respond by 31 December to all exemption notifications received prior to 5 December. Approved exemptions will remain valid from 1 January 2027, subject to the relevant conditions.

5.10 Counterparties that currently intend to submit a notification between 5 December 2026 and 31 December 2026 should contact us as soon as possible at EMIR@fca.org.uk. We

will discuss with them how best to address their circumstances in light of the transition to the new intragroup exemption regime taking effect on 1 January 2027.

Obtaining new exemptions from 1 January

5.11 Counterparties submitting notifications to us from 1 January 2027 must do so via our Connect platform. We are updating our Connect form to incorporate the changes made to the Intragroup Regime so that counterparties can use it to submit intragroup clearing and margin notifications.

Pairs of counterparties established in the UK

5.12 Pairs of counterparties established in the UK and seeking an intragroup clearing and/or margin exemption won't need to notify us. Instead, they will need to self-assess that they meet the relevant conditions before using the exemption.

Pairs of counterparties established in the UK and overseas and pairs of non-UK counterparties

5.13 Pairs of counterparties established in the UK and overseas and pairs of non-UK counterparties must submit both clearing and margin intragroup exemption notifications via our Connect platform. Counterparties that haven't used Connect before will need to set up a user account and firm profile to submit notifications. The process for this is outlined on our website.

5.14 Counterparties will be able to submit intragroup clearing and/or margin exemptions notifications using the same form on Connect. It will be similar to the current form which counterparties use to notify us for clearing exemptions, but with some changes to facilitate notifications for margin exemptions and reflect the updated Intragroup Regime.

5.15 From 5 December, counterparties can view the new notification form in Connect. We are releasing it early to enable counterparties to prepare for the new notification process, although they will only be able to use it to notify us from 1 January.

5.16 When filling in the new form, counterparties will need to provide the following information:

- **Applicant details:** Including contact details and address of the applicant.
- **Notifying counterparty details:** Including the counterparty's FCA firm profile.
- **Intragroup Counterparty Details:** Including firm details and address, a Legal Entity Identifier, Business Identifier Code or a Client Code, and the country of establishment. Counterparties will be able to submit notifications covering multiple intragroup counterparties.
- **Application Form:** After providing their details, and details on the notifying and intragroup counterparties, the applicant is asked:

  - Whether they are seeking an intragroup margin or clearing exemption.
  - The nature of the intragroup relationship between the counterparties.
  - If and how the counterparties are included in the same consolidation on a full basis in accordance with Article 3 of UK EMIR.
  - Whether the counterparties are subject to centralised risk management in accordance with Article 3 of UK EMIR. Counterparties will be required to include a summary of their centralised risk management procedures.
  - If notifying us for a margin exemption, whether there are any material legal or practical impediments to the prompt transfer of own funds or repayments of liabilities between the counterparties and describe the measures they've taken to assess whether such impediments exist, in accordance with Article 11 of UK EMIR.

- **Declaration:** A person of appropriate seniority, for example an executive director, company secretary, or head of compliance, must sign and submit the notification.

5.17 We have updated our webpage for UK EMIR notifications and exemptions to let counterparties know that the intragroup exemption process is changing from 1 January 2027 onwards.

5.18 As we prepare to implement the updated regime, we will update our website again on 5 December with instructions on how to submit notifications via Connect.

5.19 For queries regarding the clearing or margin exemption process, please contact EMIR@fca.org.uk.

Annex 1

Cost benefit analysis

Section 138I(2)(a) of FSMA requires us to publish a cost benefit analysis (CBA) when proposing draft rules unless, in accordance with section 138L(3) of FSMA, we believe that there will be no increase in costs or that the increase will be of minimal significance. Section 138S(2)(f) imposes an obligation in relation to technical standards. In CP25/30, we explained our view that we do not consider that the proposals presented here will create costs of more than minimal significance and have therefore not undertaken a CBA. Our position remains unchanged.

Annex 2

List of respondents

We are obliged to include a list of the names of respondents to our consultation who have consented to the publication of their name. That list is as follows:

- Energy Traders Europe
- The International Swaps and Derivatives Association (ISDA) & UK Finance

Annex 3

Abbreviations used in this paper

Abbreviation	Description
BTS	Binding Technical Standards
CBA	Cost Benefit Analysis
CP	Consultation Paper
Draft SI	Draft Statutory Instrument – The Over-the-Counter Derivatives (Intragroup Transactions) Regulations 2026
EMIR	European Market Infrastructure Regulation
EU	European Union
FCA	Financial Conduct Authority
Final SI	The Over-the-Counter Derivatives (Intragroup Transactions) Regulations 2026
FSMA	Financial Services and Markets Act 2000
OTC	Over-the-counter
PS	Policy Statement
Q&As	Questions and Answers
SI	Statutory Instrument
SICGO	Secondary International Competitiveness and Growth Objective
TIGER	Temporary Intragroup Exemption Regime
UK	United Kingdom

Appendix 1

Made rules (legal instrument)

TECHNICAL STANDARDS (EMIR INTRAGROUP TRANSACTIONS) (AMENDMENT) INSTRUMENT 2026

Powers exercised

A. The Financial Conduct Authority ("the FCA") makes this instrument in the exercise of the following powers and related provisions in or under:

(1) Articles 4(7) (Clearing obligation) and 11(14), (16) and (17) (Risk-mitigation techniques for OTC derivative contracts not cleared by a CCP) of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories; and

(2) the following sections of the Financial Services and Markets Act 2000 ("the Act"):

(a) section 137T (General supplementary powers);
(b) section 138P (Technical standards);
(c) section 138Q (Standards instruments);
(d) section 138S (Application of Chapters 1 and 2); and
(e) section 139A (Power of the FCA to give guidance).

B. The provisions listed above are specified for the purpose of section 138Q(2) of the Act.

Pre-conditions to making

C. The FCA has consulted the Bank of England and the Prudential Regulation Authority as appropriate in accordance with section 138P of the Act.

D. The requirement for Treasury approval under section 138R of the Act has been met.

Modifications

E. The technical standards listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty	Annex A
Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading	Annex B

venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP	

Revocation of Level 3 Material guidance

F. The following sections of the Level 3 Material guidance titled "Questions and Answers Implementation of the Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories (EMIR)" are revoked:

(1) OTC Question 6(a);
(2) OTC Question 6(b);
(3) OTC Question 6(c);
(4) OTC Question 6(f);
(5) OTC Question 6(g);
(6) OTC Answer 5(a);
(7) OTC Answer 5(b);
(8) OTC Answer 5(c);
(9) OTC Answer 5(f); and
(10) OTC Answer 5(g).

Commencement

G. This instrument comes into force on 1 January 2027.

Citation

H. This instrument may be cited as the Technical Standards (EMIR Intragroup Transactions) (Amendment) Instrument 2026.

By order of the Board
30 October 2026

In this Annex, underlining indicates new text and striking through indicates deleted text.

Annex A

Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty

…

CHAPTER III INTRAGROUP DERIVATIVE CONTRACTS

Section 1 Procedures for counterparties and the Financial Conduct Authority when applying exemptions for intragroup derivative contracts

Article 32

Procedures for counterparties and the Financial Conduct Authority

(1) ~~The application or~~ A notification from a counterparty to the Financial Conduct Authority pursuant to ~~paragraphs 8 to 9~~ paragraph 5A or 5B of Article 11 of Regulation (EU) No 648/2012 ~~shall~~ must be ~~deemed to have been received~~ in writing and is only complete when the Financial Conduct Authority receives all of the following information:

(a) ~~all the information necessary to assess whether the conditions specified in paragraphs 8 or 9, respectively, of Article 11 of Regulation (EU) No 648/2012 have been fulfilled~~ the names of the legal counterparties to the transactions and their identifiers in accordance with Article 4 of the EMIR Technical Standards on the Standards, Formats, Frequency and Methods and Arrangements for Reporting 2023;

(b) ~~the information and documents referred to in Article 18(2) of Commission Delegated Regulation (EU) No 149/2013.~~ details of the corporate relationship between the counterparties;

(c) details of the supporting contractual relationships between the parties; and

(d) such further information as the Financial Conduct Authority requests, provided that any such request is made in writing within the 30-calendar-day period beginning with the day after the day on which the Financial Conduct Authority receives the information in (a) to (c).

(2) ~~Where the~~ The information which the Financial Conduct Authority ~~determines that further information is required in order to assess whether the conditions referred to in paragraph 1(a) are fulfilled, it shall submit a written request for information to the counterparty~~ may request under (1)(d) may include, but is not limited to, copies of documented risk management procedures, historical transaction information, copies

of the relevant contracts between the parties, a legal opinion and/or any relevant transaction details.

(4) ~~Where the Financial Conduct Authority reaches a positive decision under paragraph 8 of Article 11 of Regulation (EU) No 648/2012, it shall communicate that positive decision to the counterparty in writing, specifying at least the following:~~ [deleted]

~~(a) whether the exemption is a full exemption or a partial exemption;~~

~~(b) in the case of a partial exemption, a clear identification of the limitations of the exemption.~~

(5) Where the Financial Conduct Authority ~~reaches a negative decision under paragraph 8 of Article 11 of Regulation (EU) No 648/2012 or~~ objects to ~~a notification~~ the use of an exemption under ~~paragraph 9~~ paragraph 5A or 5B of Article 11 of ~~that~~ Regulation (EU) No 648/2012, it ~~shall communicate that negative decision or objection to~~ must notify the counterparty in writing, specifying at least the following:

(a) the conditions of ~~paragraphs 8 or 9, respectively,~~ paragraph 5A or 5B of Article 11 of Regulation (EU) No 648/2012 that are not fulfilled; and

(b) a summary of the reasons for considering that such conditions are not fulfilled.

(7) ~~The competent authorities shall notify the non-financial counterparties of the objection referred to in paragraph 5 within 3 months of receipt of the notification.~~ [deleted]

(8) ~~A decision by the Financial Conduct Authority under Article 11(8) of Regulation (EU) No 648/2012 shall be communicated to the counterparty established in the United Kingdom within 3 months of receipt of all the information referred to in paragraph 1.~~ [deleted]

(10) Counterparties that have submitted a notification ~~or received a positive decision according to paragraphs 8 or 9 , respectively,~~ under paragraph 5A or 5B of Article 11 of Regulation (EU) No 648/2012 ~~shall~~ or that are using an exemption must immediately notify the Financial Conduct Authority of any change that may affect the fulfilment of the conditions set out in those paragraphs, as applicable. The Financial Conduct Authority may object to the ~~application for the~~ use of an exemption ~~or withdraw its positive decision~~ following any change in circumstances that could affect the fulfilment of those conditions.

(11) Where ~~a negative decision or~~ an objection is communicated by the Financial Conduct Authority, the relevant counterparty may not use the exemption and may only submit another ~~application or~~ notification where there has been a material change in the circumstances that formed the basis of the Financial Conduct Authority's ~~decision or~~ objection.

Section 2 Applicable criteria for applying exemptions for intragroup derivative contracts

Article 33

Applicable criteria on the legal impediment to the prompt transfer of own funds and repayment of liabilities

A legal impediment to the prompt transfer of own funds or repayment of liabilities between the counterparties as referred to in paragraphs 5, 5A and ~~8 to 10~~ 5B of Article 11 of Regulation (EU) No 648/2012 shall be deemed to exist where there are actual or foreseen restrictions of a legal nature including any of the following:

…

Article 34

Applicable criteria on the practical impediments to the prompt transfer of own funds and repayment of liabilities

A practical impediment to the prompt transfer of own funds or repayment of liabilities between the counterparties as referred to in paragraphs 5, 5A and ~~8 to 9~~ 5B of Article 11 of Regulation (EU) No 648/2012 shall be deemed to exist where there are restrictions of a practical nature, including any of the following:

…

The following Articles are deleted in their entirety. The deleted text is not shown but the Articles are marked '[deleted]' as shown below.

Annex B

Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP

…

CHAPTER VIII RISK-MITIGATION TECHNIQUES FOR OTC DERIVATIVE CONTRACTS NOT CLEARED BY A CCP

…

Article 18 (Article 11(14)(c) of Regulation (EU) No 648/2012)

Details of the intragroup transaction notification to the competent authority [deleted]

Article 20 (Article 11(14)(d) of Regulation (EU) No 648/2012)

Information on the intragroup exemption to be publicly disclosed [deleted]

…

Insert the following new chapter, Chapter IX (Intragroup Derivative Contacts), before Article 21 (Entry into force and application). Accordingly, Article 21 will appear at the end of the new Chapter IX.(Intragroup Derivative Contracts) The text is all new and is not underlined.

CHAPTER IX INTRAGROUP DERIVATIVE CONTRACTS

Article 20A

Procedures for counterparties and the Financial Conduct Authority when applying exemptions for intragroup derivative contracts from the clearing requirements

(1) A notification from a counterparty to the Financial Conduct Authority pursuant to paragraph 2 of Article 4 of Regulation (EU) No 648/2012 must be in writing and is only complete when the Financial Conduct Authority receives all of the following information:

(a) the names of the legal counterparties to the transactions and their identifiers in accordance with Article 4 of the EMIR Technical Standards on the Standards, Formats, Frequency and Methods and Arrangements for Reporting 2023;

(b) details of the corporate relationship between the counterparties; and

(c) such further information as the Financial Conduct Authority requests, provided that any such request is made in writing within the 30-calendar-day period beginning with the day after the day on which the Financial Conduct Authority receives the information in (a) and (b).

(2) The information which the Financial Conduct Authority may request under paragraph (1)(c) may include, but is not limited to, copies of documented risk management procedures, historical transaction information, copies of the relevant contracts between the parties, a legal opinion and/or any relevant transaction details.

(3) Where the Financial Conduct Authority objects to the use of an exemption under paragraph 2 of Article 4 of Regulation (EU) No 648/2012, it must notify the counterparty in writing, specifying at least the following:

(a) the conditions of paragraph 2 of Article 4 of Regulation (EU) No 648/2012 that are not fulfilled; and

(b) a summary of the reasons for considering that such conditions are not fulfilled.

(4) Counterparties that have submitted a notification under paragraph 2 of Article 4 of Regulation (EU) No 648/2012 or that are using an exemption must immediately notify the Financial Conduct Authority of any change that may affect the fulfilment of the conditions set out in that paragraph. The Financial Conduct Authority may object to the use of an exemption following any change in circumstances that could affect the fulfilment of those conditions.

(5) Where an objection is communicated by the Financial Conduct Authority, the relevant counterparty may not use the exemption and may only submit another notification where there has been a material change in the circumstances that formed the basis of the Financial Conduct Authority's objection.

FINANCIAL CONDUCT AUTHORITY

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