


# Chapter 1

## Commission Delegated Regulation (EU) 2016/2251



## 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 and 8 to 10 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:

- (a) currency and exchange controls;
- (b) a regulatory, administrative, legal or contractual framework that prevents mutual financial support or significantly affects the transfer of funds within the group;
- (c) any of the conditions on the early intervention, recovery and resolution as referred to in the Banking Act 2009 or the Bank Recovery and Resolution (No. 2) Order 2014 are met, as a result of which the competent authority foresees an impediment to the prompt transfer of own funds or repayment of liabilities;
- (d) the existence of minority interests that limit decision-making power within entities that form the group;
- (e) the nature of the legal structure of the counterparty, as defined in its statutes, instruments of incorporation and internal rules.