

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2020/0265(COD)</p>	Procedure completed
<p>Digital finance: Markets in Crypto-assets (MiCA)</p> <p>Amending Directive 2019/1937 2018/0106(COD)</p> <p>Subject</p> <p>2.50.03 Securities and financial markets, stock exchange, CIUTS, investments</p> <p>2.50.08 Financial services, financial reporting and auditing</p> <p>2.50.10 Financial supervision</p> <p>3.30.06 Information and communication technologies, digital technologies</p> <p>8.50.01 Implementation of EU law</p> <p>Legislative priorities</p> <p>Joint Declaration 2022</p> <p>Joint Declaration 2021</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p>ECON Economic and Monetary Affairs</p>	<p> BERGER Stefan</p> <p>Shadow rapporteur</p> <p> HEINÄLUOMA Eero</p> <p> KOVAŘÍK Ondřej</p> <p> URTASUN Ernest</p> <p> RINALDI Antonio Maria</p> <p> MOŽDŽANOWSKA Andželika Anna</p> <p> MACMANUS Chris</p>	15/10/2020
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union
European Commission

European Economic and
Social Committee

LIBE [Civil Liberties, Justice and Home Affairs](#)

Commission DG

[Financial Stability, Financial Services and Capital
Markets Union](#)

The committee decided not to
give an opinion.

Commissioner

MCGUINNESS Mairead

Key events

24/09/2020	Legislative proposal published	COM(2020)0593	Summary
13/11/2020	Committee referral announced in Parliament, 1st reading		
14/03/2022	Vote in committee, 1st reading		
14/03/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
17/03/2022	Committee report tabled for plenary, 1st reading	A9-0052/2022	Summary
23/03/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
04/04/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
10/10/2022	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE737.216 GEDA/A/(2022)006309	
19/04/2023	Debate in Parliament		
20/04/2023	Results of vote in Parliament		
20/04/2023	Decision by Parliament, 1st reading	T9-0117/2023	Summary
16/05/2023	Act adopted by Council after Parliament's 1st reading		
31/05/2023	Final act signed		
09/06/2023	Final act published in Official Journal		

Technical information

Procedure reference	2020/0265(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Directive 2019/1937 2018/0106(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 114-p1

Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	ECON/9/04223

Documentation gateway

Legislative proposal	COM(2020)0593	24/09/2020	EC	Summary
Document attached to the procedure	SEC(2020)0306	24/09/2020	EC	
Document attached to the procedure	SWD(2020)0380	24/09/2020	EC	
Document attached to the procedure	SWD(2020)0381	24/09/2020	EC	
European Central Bank: opinion, guideline, report	CON/2021/0004 OJ C 152 29.04.2021, p. 0001	19/02/2021	ECB	
Committee draft report	PE663.215	25/02/2021	EP	
Amendments tabled in committee	PE693.707	03/06/2021	EP	
Amendments tabled in committee	PE693.740	03/06/2021	EP	
Amendments tabled in committee	PE693.741	03/06/2021	EP	
Amendments tabled in committee	PE693.742	03/06/2021	EP	
Document attached to the procedure	N9-0053/2021 OJ C 337 23.08.2021, p. 0004	24/06/2021	EDPS	
Committee report tabled for plenary, 1st reading/single reading	A9-0052/2022	17/03/2022	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2022)006309	05/10/2022	CSL	
Text agreed during interinstitutional negotiations	PE737.216	05/10/2022	EP	
Text adopted by Parliament, 1st reading/single reading	T9-0117/2023	20/04/2023	EP	Summary
Draft final act	00054/2022/LEX	31/05/2023	CSL	
Commission response to text adopted in plenary	SP(2023)260	05/07/2023	EC	

Final act

[Regulation 2023/1114](#)
[OJ L 150 09.06.2023, p. 0040](#) Summary

Digital finance: Markets in Crypto-assets (MiCA)

PURPOSE: to establish a new fully harmonised EU legal framework regarding the proper functioning of crypto-asset markets.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal is part of the Digital Finance package, a package of measures to further enable and support the potential of digital finance in terms of innovation and competition while mitigating the risks. The digital finance package includes a new [Strategy on digital finance for the EU financial sector](#) with the aim to ensure that the Unions financial services legislation is fit for the digital age, and contributes to a future-ready economy that works for the people, including by enabling the use of innovative technologies. The Union has a stated and

confirmed policy interest in developing and promoting the uptake of transformative technologies in the financial sector, including blockchain and distributed ledger technology (DLT).

This package also includes a [proposal](#) for a pilot regime on distributed ledger technology market infrastructures, a [proposal](#) for digital operational resilience, and a [proposal](#) to clarify or amend certain related EU financial services rules.

As a reminder, in finance, crypto-assets are one of the major DLT applications. Crypto-assets are digital representations of value or rights that have the potential to bring significant benefits to both market participants and consumers. By streamlining capital-raising processes and enhancing competition, issuances of crypto-assets can allow for a cheaper, less burdensome and more inclusive way of financing small and medium-sized enterprises (SMEs).

When used as a means of payment, payment tokens can present opportunities in terms of cheaper, faster and more efficient payments, in particular on a cross-border basis, by limiting the number of intermediaries. Some crypto-assets qualify as financial instruments. The majority of crypto-assets, however, fall outside of the scope of Union legislation on financial services.

There are no rules for services related to crypto-assets. The lack of an overall Union framework for crypto-assets can lead to regulatory fragmentation and a lack of users confidence in those assets, which will hinder the development of a market in those assets and can lead to missed opportunities in terms of innovative digital services, alternative payment instruments or new funding sources for Union companies.

A dedicated and harmonised framework is therefore necessary at Union level to provide specific rules for crypto-assets and related activities and services and to clarify the applicable legal framework.

CONTENT: this proposal therefore seeks to provide legal certainty for crypto-assets not covered by existing EU financial services legislation and establish uniform rules for crypto-asset service providers and issuers at EU level. It shall replace existing national frameworks applicable to crypto-assets not covered by existing EU financial services legislation and also establish specific rules for so-called stablecoins, including when these are e-money.

General objectives

This proposal, which covers crypto-assets falling outside existing EU financial services legislation, as well as e-money tokens, has four general objectives:

- (1) provide legal certainty: for crypto-asset markets to develop within the EU, there is a need for a sound legal framework, clearly defining the regulatory treatment of all crypto-assets that are not covered by existing financial services legislation;
- (2) support innovation and fair competition: to promote the development of crypto-assets and the wider use of DLT, it is necessary to put in place a safe and proportionate framework to support innovation and fair competition;
- (3) instil appropriate levels of consumer and investor protection and market integrity given that crypto-assets not covered by existing financial services legislation present many of the same risks as more familiar financial instruments;
- (4) ensure financial stability.

Crypto-assets are continuously evolving. While some have a quite limited scope and use, others, such as the emerging category of stablecoins, have the potential to become widely accepted and potentially systemic.

Specific objectives

These include:

- removing regulatory obstacles to the issuance, trading and post-trading of crypto-assets that qualify as financial instruments, while respecting the principle of technological neutrality;
- increasing the sources of funding for companies through increased Initial Coin Offerings and Securities Token Offerings;
- limiting the risks of fraud and illicit practices in the crypto-asset markets;
- allowing EU consumers and investors to access new investment opportunities or new types of payment instruments in particular for cross-border situations (EU passporting).

Safeguards

This proposal includes safeguards to address potential risks to financial stability and orderly monetary policy that could arise from stablecoins. Safeguards include capital requirements, custody of assets, a mandatory complaint holder procedure available to investors, and rights of the investor against the issuer. Issuers of significant asset-backed crypto-assets (so-called global stablecoins) shall be subject to more stringent requirements (e.g. in terms of capital, investor rights and supervision).

Budgetary implications

This proposal holds implications in terms of costs and administrative burden for national competent authorities, the European Banking Authority and the European Securities and Markets Authority. The magnitude and distribution of these costs will depend on the precise requirements placed on crypto-asset issuers and service providers and the related supervisory and monitoring tasks. The estimated supervisory costs for each Member State (including staff, training, IT infrastructure and dedicated investigative tools) can range from EUR 350 000 to EUR 500 000 per year, with one-off costs estimated at EUR 140 000.

Digital finance: Markets in Crypto-assets (MiCA)

The Committee on Economic and Monetary Affairs adopted the report by Stefan BERGER (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on markets in crypto-assets and amending Directive (EU) 2019/1937.

This proposal is part of a package of legislative proposals to strengthen the EU's anti-money laundering and countering terrorism financing rules. It aims to update the existing rules on information accompanying money transfers. The update aims to extend the scope of the rules to

certain crypto-assets, which are increasingly at risk of being exploited for criminal and money laundering purposes.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Objective of the Regulation

The Regulation would establish uniform rules on:

- transparency and disclosure requirements for the issuance, offering and admission to trading of crypto-assets on a crypto-asset trading platform;
- the authorisation and supervision of crypto-asset service providers and issuers and offerors of both asset-referenced tokens and issuers of electronic money tokens;
- the operation, organisation and governance of issuers and offerors of asset-referenced tokens, issuers and offerors of electronic money tokens and crypto-asset service providers;
- consumer protection rules for the issuance, trading, exchange and custody of crypto-assets;
- measures to prevent market abuse to ensure the integrity of crypto-asset markets.
- measures to prevent the misuse of crypto-assets for illicit purposes and to protect the internal market from the risks relating to money laundering, terrorist financing and other criminal activities.

This Regulation applies to persons that are engaged in the issuance or offering of crypto-assets for the purpose of trading or providing services related to the trading of crypto-assets in the Union.

By 1 January 2025, the Commission should include crypto-asset mining in the economic activities that contribute substantially to climate change mitigation in the EU Sustainable Finance Taxonomy.

Crypto-Assets, other than asset-referenced tokens or e-money tokens

No person should offer crypto-assets, other than asset-referenced tokens or e-money tokens, in the Union to the public, or seek an admission of such crypto-assets to trading on a trading platform for crypto-assets, unless that person:

- is a legal entity established in the Union, a natural person having its residence in the Union, or an entity established or having a seat in the Union and subject to the rights and obligations of the Union, or is a decentralised autonomous organisation;
- has drafted a crypto-asset white paper in respect of those crypto-assets;
- has received authorisation from a competent authority;
- has measures in place to prevent the misuse of the offering of crypto-assets to the public or trading on a platform for crypto-assets for the purposes of money laundering or financing of terrorism;
- does not have a parent undertaking, or a subsidiary, that is established in a third country that: (i) is listed as a high-risk third country having strategic deficiencies in its regime on anti-money laundering and counter terrorist financing; (ii) has a 0 % corporate tax rate or no taxes on companies profits.

Obligations for all crypto asset service providers

New provisions stipulate that crypto asset service providers should:

- act in an honest, fair and professional manner, in the best interests of their clients and potential clients;
- make publicly available, in a prominent place on their website, information related to the environmental and climate-related impact of each crypto-asset in relation to which they offer services;
- have effective internal control mechanisms and procedures to ensure full traceability of all transfers of crypto-assets for payment purposes within the EU, as well as transfers of crypto-assets from the EU to other regions or from other regions to the EU;
- have effective internal controls and procedures for the prevention, detection and investigation of money laundering, terrorist financing and other criminal activities in accordance with the [Money Laundering Regulation];
- apply adequate customer due diligence procedures by identifying and verifying client identity on the basis of documents, data or information obtained from a reliable and independent source and by identifying the identity of the beneficial owner and taking reasonable measures to verify that person's identity. Internal control mechanisms and procedures should provide for enhanced due diligence measures for customers that wish to transfer crypto-assets to or from unhosted wallets;
- report immediately to the competent authorities any reasonable suspicion that funds, regardless of the amount involved, are the proceeds of criminal activity or are related to the financing of terrorism or other criminal activity, and provide all necessary information directly to the competent authority upon request;
- investigate all complaints fairly and within three working days of receiving a complaint.

Crypto-asset service providers carrying out specified services should have in place a plan that is appropriate to support an orderly wind-down of their activities under applicable national law, including the continuity or recovery of any critical activities performed by those service providers or by any third party entities.

Role of the European Securities and Markets Authority (ESMA)

ESMA should establish and maintain a public register of non-compliant crypto-asset service providers and regularly update this register

ESMA should be conferred sufficient powers to supervise the issuance of crypto-assets, including asset-referenced tokens, as well as crypto-asset service providers, including the power to suspend or prohibit an issuance of crypto-assets or the provision of a crypto-asset

service and to investigate infringements of the rules on market abuse. It should monitor and report annually on the scale and severity of any circumvention of this Regulation by third-country actors, as well as propose possible countermeasures.

Digital finance: Markets in Crypto-assets (MiCA)

The European Parliament adopted by 517 votes to 38, with 18 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on markets in crypto-assets and amending Directive (EU) 2019/1937.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter

This Regulation lays down uniform requirements for the offer to the public and admission to trading on a trading platform of crypto-assets other than asset-referenced tokens and e-money tokens, of asset-referenced tokens and of e-money tokens, as well as requirements for crypto-asset service providers.

In particular, this Regulation lays down the following:

- transparency and disclosure requirements for the issuance, offer to the public and admission of crypto-assets to trading on a trading platform for crypto-assets (admission to trading);
- requirements for the authorisation and supervision of crypto-asset service providers, issuers of asset-referenced tokens and issuers of electronic money tokens, as well as for their operation, organisation and governance;
- requirements for the protection of holders of crypto-assets in the issuance, offer to the public and admission to trading;
- requirements for the protection of clients of crypto-asset service providers;
- measures to prevent insider dealing, unlawful disclosure of inside information and market manipulation related to crypto-assets, in order to ensure the integrity of markets in crypto-assets.

The Regulation covers crypto-assets that are not regulated by existing financial services legislation. It applies to natural and legal persons and certain other undertakings that are engaged in the issuance, offer to the public and admission to trading of crypto-assets or that provide services related to crypto-assets in the Union. It does not apply to crypto-assets that are unique and not fungible with other crypto-assets.

EU-wide rules for crypto-asset service providers

Under the new rules, crypto-asset service providers (CASPs) should have an authorisation to operate within the EU. National authorities should be required to issue authorisations within a timeframe of three months. Regarding the largest CASPs, national authorities should transmit relevant information regularly to the European Securities and Markets Authority (ESMA).

Consumer protection

MiCA should protect consumers against some of the risks associated with the investment in crypto-assets, and help them avoid fraudulent schemes. With the new rules, crypto-asset service providers should respect strong requirements to protect consumers wallets and become liable in case they lose investors crypto-assets. MiCA should also cover any type of market abuse related to any type of transaction or service, notably for market manipulation and insider dealing.

To ensure consumer protection, crypto-asset service providers that provide advice on crypto-assets, either at the request of a client or on their own initiative, or that provide portfolio management of crypto-assets, should make an assessment whether those crypto-asset services or crypto-assets are suitable for the clients, having regard to their clients experience, knowledge, objectives and ability to bear losses.

Where it is clear that the crypto-assets are not suitable for the clients, the crypto-asset service providers should not recommend such crypto-asset services or crypto-assets to those clients, nor begin providing portfolio management of crypto-assets.

When providing advice on crypto-assets, crypto-asset service providers should provide clients with a report, which should include the suitability assessment specifying the advice given and how it meets the preferences and objectives of clients.

A strong framework applicable to so-called stablecoins is set up to protect consumers.

Actors in the crypto-assets market should be required to declare information on their environmental and climate footprint. The European Securities and Markets Authority (ESMA) should develop draft regulatory technical standards on the content, methodologies and presentation of information related to principal adverse environmental and climate-related impact.

ESMA register

ESMA should be required to maintain a of: (i) crypto-asset white papers for crypto-assets other than asset-referenced tokens and e-money tokens; (ii) issuers of asset-referenced tokens; (iii) issuers of e-money tokens; and (iv) crypto-asset service providers. ESMA's register should be publicly available on its website.

The adopted text includes measures against market manipulation and to prevent money laundering, terrorist financing and other criminal activities. To counter money-laundering risks the European Securities and Markets Authority (ESMA) should set up a public register for non-compliant crypto assets service providers that operate in the European Union without authorisation.

Crypto-asset service providers, whose parent company is located in countries listed on the EU list of third countries considered at high risk for anti-money laundering activities, as well as on the EU list of non-cooperative jurisdictions for tax purposes, will be required to implement enhanced checks in line with the EU anti-money laundering framework.

Reports

Within 18 months the European Commission should be tasked to prepare a comprehensive assessment and, if deemed necessary, a specific,

proportionate and horizontal legislative proposal to create a regime for NFTs and address the emerging risks of such new market.

Within two years, the European Commission will have to provide a report on the environmental impact of crypto-assets.

Digital finance: Markets in Crypto-assets (MiCA)

PURPOSE: to establish a new fully harmonised EU legal framework regarding the proper functioning of crypto-asset markets.

LEGISLATIVE ACT: Regulation (EU) 2023/1114 of the European Parliament and of the Council on markets in crypto-assets and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937.

CONTENT : this Regulation lays down uniform requirements for the offer to the public and admission to trading on a trading platform of crypto-assets other than asset-referenced tokens and e-money tokens, of asset-referenced tokens and of e-money tokens, as well as requirements for crypto-asset service providers.

This regulatory framework aims to protect investors, preserve financial stability, while allowing innovation and fostering the attractiveness of the crypto-asset sector.

In particular, this Regulation lays down the following:

- transparency and disclosure requirements for the issuance, offer to the public and admission of crypto-assets to trading on a trading platform for crypto-assets;
- requirements for the authorisation and supervision of crypto-asset service providers, issuers of asset-referenced tokens and issuers of e-money tokens, as well as for their operation, organisation and governance;
- requirements for the protection of holders of crypto-assets in the issuance, offer to the public and admission to trading of crypto-assets;
- requirements for the protection of clients of crypto-asset service providers;
- measures to prevent insider dealing, unlawful disclosure of inside information and market manipulation related to crypto-assets, to ensure the integrity of markets in crypto-assets.

Scope of application

The new rules apply to issuers of utility tokens, tokens referring to assets and stable cryptocurrencies. They also apply to service providers such as trading platforms and wallets where crypto assets are held. Non-fungible tokens (NFTs), i.e. digital assets representing real objects such as works of art, music and videos, are excluded from the scope of the MiCA regulation unless they fall within existing categories of crypto-assets.

EU-wide rules for crypto-asset service providers

Crypto-asset service providers (CASPs) should have an authorisation to operate within the EU. National authorities should be required to issue authorisations within a timeframe of three months. Regarding the largest CASPs, national authorities should transmit relevant information regularly to the European Securities and Markets Authority (ESMA).

Consumer protection

To ensure their protection, prospective retail holders of crypto-assets should be informed of the characteristics, functions and risks of the crypto-assets that they intend to purchase. When making an offer to the public of crypto-assets other than asset-referenced tokens or e-money tokens or when seeking admission to trading of such crypto-assets in the Union, offerors or persons seeking admission to trading should draw up, notify to their competent authority and publish an information document containing mandatory disclosures (a crypto-asset white paper).

A crypto-asset white paper should contain general information on the issuer, offeror or person seeking admission to trading, on the project to be carried out with the capital raised, on the offer to the public of crypto-assets or on their admission to trading, on the rights and obligations attached to the crypto-assets, on the underlying technology used for such crypto-assets and on the related risks.

MiCA should protect consumers against some of the risks associated with the investment in crypto-assets and help them avoid fraudulent schemes. With the new rules, crypto-asset service providers should respect strong requirements to protect consumers wallets and become liable in case they lose investors crypto-assets.

Each holder of crypto-assets known as stablecoins may be reimbursed at any time and free of charge by the issuer.

Moreover, actors in the crypto-assets market should be required to declare information on their environmental and climate footprint. The European Securities and Markets Authority (ESMA) should develop draft regulatory technical standards on the content, methodologies and presentation of information related to principal adverse environmental and climate-related impact.

Market manipulation and money laundering

The Regulation includes measures against market manipulation and to prevent money laundering, terrorist financing, and other criminal activities. In order to combat money laundering risks, ESMA will set up a public register for non-compliant crypto-asset service providers operating in the EU without authorisation.

Crypto-asset service providers, whose parent company is located in countries listed on the EU list of third countries considered at high risk for anti-money laundering activities, as well as on the EU list of non-cooperative jurisdictions for tax purposes, will be required to implement enhanced checks in line with the EU anti-money laundering framework.

Reports

Before 30 December 2024, the Commission will present a report on the latest developments in the field of crypto-assets, accompanied, where appropriate, by a legislative proposal. The report should include an assessment of developments in the markets for unique and non-fungible crypto-assets and the appropriate regulatory treatment of these crypto-assets, including an assessment of the need for regulation applicable to

providers of unique and non-fungible crypto-assets as well as providers of services related to these crypto-assets.

By 30 June 2025, the European Commission will have to provide a report on the environmental impact of crypto-assets.

ENTRY INTO FORCE: 29.6.2023.

APPLICATION: from 30.12.2024.

Transparency				
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	28/03/2023	BINANCE EXCHANGE Richard Teng Hugo Cuelho
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	22/03/2023	Crypto Council initiative Mark Foster
HEINÄLUOMA Eero	Shadow rapporteur	ECON	23/02/2023	US Senate Staffer
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	22/11/2022	UK mission Andrew Wood
BERGER Stefan	Rapporteur	ECON	22/11/2022	Börse Stuttgart
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	16/11/2022	The Block Inbar Preiss
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	25/10/2022	Coinbase Grant Rabeen
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	08/09/2022	Crypto stakeholders
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	21/06/2022	Afore Consulting
KOVA?ÍK Ond?ej	Shadow rapporteur	ECON	18/05/2022	APCO Worldwide