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Additional Information

Level 1 Regulation
MiCA

Topic
Crypto-Asset Service Provider (CASP)

Additional Legal Reference
Article 60

Subject Matter
CASPs providing services based on an Article 60 notification

Question
Can financial entities covered by Article 60(2) to (6) of MiCA apply for an authorization under Article 62 MiCA to provide the crypto-asset services that are not regarded as equivalent for

that type of financial entity in accordance with Article 60(2) to (6)?

ESMA Answer

12-09-2024

Original language

Answer provided by the European Commission

Yes, the financial entities covered by Article 60(2) to (6) of MiCA may, in addition to the crypto-asset services they can provide if they follow the notification procedure under Article 60 of MiCA, also apply to be authorised to provide other crypto-asset services unless they are not authorised to provide these services under their respective sectorial financial legislation (e.g., Article 6(2) and (3) UCITS Directive, Article 6(2) and (3) AIFMD). This will mean applying for a crypto-asset service provider (CASP) authorisation under Article 62 of MiCA for any of the additional crypto-asset services that are not covered by the equivalence of Article 60.

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The answers clarify provisions already contained in the applicable legislation. They do not extend in any way the rights and obligations deriving from such legislation nor do they introduce any additional requirements for the concerned operators and competent authorities. The answers are merely intended to assist natural or legal persons, including competent authorities and Union institutions and bodies in clarifying the application or implementation of the relevant legal provisions. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law. The views expressed in the internal Commission Decision cannot prejudge the position that the European Commission might take before the Union and national courts.