



IUS ET ADMINISTRATIO

ISSN 2300-4797

NR 2/2024 (55)

DOI: 10.15584/iuseta.2024.2.3

Doc. JUDr. Michael Kohajda, Ph.D.

ORCID: 0000-0001-7235-0921

e-mail: michael.kohajda@upol.cz

Faculty of Law

Palacký University Olomouc

Dr Mgr. Michal Kozieł, Ph.D.

ORCID: 0000-0001-8561-0358

e-mail: michal.koziel@upol.cz

Faculty of Law

Palacký University Olomouc

Ing. Simona Kurtinová

ORCID: 0009-0003-4273-4635

e-mail: simona.kurtinova01@upol.cz

Faculty of Law

Palacký University Olomouc

Mgr. Martin Cahlík

ORCID: 0009-0001-4025-8941

e-mail: martin.cahlik01@upol.cz

Faculty of Law

Palacký University Olomouc

Development of Regulation of Crypto-assets within the European Union

Rozwój regulacji kryptoaktywów w Unii Europejskiej

Abstract

The article analyzes the development of crypto-asset regulation within the European Union, with the primary aim of evaluating the gradual steps leading to the adoption of the Markets in Crypto-Assets (MiCA) Regulation and its impact on the EU's legal environment. Using a historical-analytical method, the study examines key milestones in regulation, including responses to risks associated with cryptocurrencies, such as money laundering, and their transformation into

a comprehensive regulatory framework. The article also assesses the motivations and impacts of MiCA on market stability and legal certainty for users and service providers. The study provides a systematic overview of regulatory development and identifies challenges linked to the implementation of this groundbreaking regulation.

Keywords: Market in Crypto-Assets Regulation, Crypto-asset, European Union, Bitcoin.

Streszczenie

Artykuł analizuje rozwój regulacji kryptoaktywów w Unii Europejskiej, koncentrując się na ocenie kolejnych kroków prowadzących do przyjęcia rozporządzenia MiCA (Markets in Crypto-Assets) oraz jego wpływu na środowisko prawne Unii Europejskiej. Korzystając z metody historyczno-analitycznej, opisano kluczowe etapy regulacji, w tym reakcje na ryzyko związane z kryptowalutami, takie jak pranie pieniędzy, oraz ich transformację w kompleksowe ramy regulacyjne. Artykuł ocenia także motywacje i skutki MiCA dla stabilności rynku oraz pewności prawnej użytkowników i dostawców usług. Dostarcza systematycznego przeglądu rozwoju regulacji i wskazuje wyzwania związane z wdrożeniem tego przełomowego rozporządzenia.

Słowa kluczowe: rozporządzenie w sprawie rynków kryptoaktywów, kryptoaktywa, Unia Europejska, bitcoin.

1. Introduction

The last twenty years have witnessed a significant development of the digital economy. Part of this development is the emergence of a new form of assets – crypto-assets, which include cryptocurrencies in particular. Since their inception as an experimental form of digital currency, cryptocurrencies have rapidly begun to penetrate the awareness of both the professional and lay public. However, their proliferation also brings with it a number of risks, to which national and supranational authorities have had to respond to by gradually introducing specific legal regulation. While the first references to digital currencies and their potential were made at the beginning of the 21st century, it was not until the turn of the second decade that specific legal responses to this phenomenon began to emerge, both at the national level and within international institutions.

Initially, the regulation of cryptocurrencies focused primarily on their role in areas such as money laundering and tax evasion. However, as the use of blockchain technology has expanded, the need for more comprehensive regulation has grown. Cryptocurrencies have gradually become not only a medium of exchange and store of value, but also an investment tool and the basis for new technological solutions, including decentralised finance. The European Union has taken a cautious stance since the beginning of the development of crypto-assets, trying to monitor technological developments while analysing the risks associated with these assets.

The key impetus for the European Union to introduce uniform a regulation was the growth in the market capitalisation of cryptocurrencies and the steady dominance of Bitcoin on the market, which showed that crypto-assets can no longer be considered a fringe phenomenon. However, from a legal and regulatory perspective, they present a unique challenge as they do not respect borders and are influenced by market dynamics at a global level. This article aims to provide an overview of the evolution of cryptocurrency regulation within the EU, focusing on key milestones and initiatives that preceded the formal adoption of the Markets in Crypto-Assets (MiCA) Regulation. Of course, an integral part of this will be a discussion of the MiCA Regulation, which represents the first comprehensive regulatory framework for crypto-assets at the European Union level. In the course of the article, the authors will trace the various steps leading up to this Regulation, assess the motivation behind each measure, and present the major documents that have influenced the overall development of cryptocurrency regulation.

2. Development of Legal Regulation of Crypto-assets

2.1. Cautious Beginnings

Even before the idea of regulating crypto-assets was even conceived, the first mention of virtual currencies appeared in the EU in 2012, when the European Central Bank issued the *Virtual Currency Schemes* document in October. This material summarises the EU's initial view of virtual currencies and schemes for their operation. The term virtual currency is used in the text to distinguish it from the term crypto-assets in the MiCA Regulation. This is the document that contains the first ever EU definition of this asset, called virtual currency, which the European Central Bank defines as “a type of unregulated, digital money, issued and usually also controlled by its developers, which is used and accepted by members of a specific virtual community”¹.

The document divides virtual currencies according to the scheme into closed, more open and connected to the real economy. As an example of a closed scheme, the European Central Bank cites the virtual currency World of Warcraft Gold, which can only be used by players within the game and has almost no link to the real economy, as users typically pay a subscription fee and then earn virtual currency through their performance. Buying and selling them is forbidden in the real world according to the terms of the game creator. In contrast, a more open

¹ European Central Bank, *Virtual Currency Schemes*, p. 3, <https://www.ecb.europa.eu/pub/pdf/other/virtualcurrencyschemes201210en.pdf> [access: 13.10.2024].

scheme has an impact on the real economy, as virtual currency can already be bought at the exchange rate but cannot be exchanged back for the original currency. Instead, virtual currencies linked to the real economy can be bought and sold at exchange rates with another currency, allowing the purchase of both virtual and real goods and services. The European Central Bank concludes that virtual currencies are highly volatile, but do not pose a risk to financial stability, as well as to price stability, provided that market shares are kept low. However, it also warns of the potential negative impact in terms of money laundering².

Among other things, the European Central Bank focused on the virtual currency Bitcoin, which it described as the most successful³. It is not surprising that it used this name. To this day, Bitcoin still holds a strong position in the crypto asset market with a total market share of around 50%⁴. Therefore, this paper will also use the value of Bitcoin as an indicator over time in the context of the various regulatory steps at the EU level. For example, in the year of the European Central Bank's document, the value of Bitcoin is roughly between 5 and 14 USD⁵. The values of Bitcoin can be read from Figure 1. Although Bitcoin was created in 2009⁶, the values were chosen only between 2017 and 2024 in order to make the volatility of Bitcoin clearly visible from the graph.

A year later, in 2013, the European Banking Authority (EBA) issued a short warning to consumers about the risks associated with buying, holding, and trading virtual currencies such as Bitcoin. In the same year as the warning was issued, it passed the USD 1,000 threshold⁷ and is starting to gain in popularity, which may have been one of the reasons for the warning. In this document, the EBA warns of the possibility of losing money in connection with the purchase and sale of virtual currencies that were unregulated at the time. It also draws attention to their volatility and calls attention to the lack of consumer protection. The EBA also stressed that it would examine all aspects of virtual currencies to determine whether or not virtual currencies should be regulated⁸.

However, the EBA presented its more comprehensive view on virtual currencies in 2014, when it issued a document entitled *EBA Opinion on virtual currencies*,

² *Ibidem*, p. 47.

³ *Ibidem*, p. 21.

⁴ *Coin Market Cap*, <https://coinmarketcap.com/> [access: 13.10.2024].

⁵ *Bitcoin Historical Data*, <https://www.investing.com/crypto/bitcoin/historical-data> [access: 3.11.2024].

⁶ European Central Bank, *Virtual Currency Schemes*, p. 21.

⁷ *Bitcoin Historical...*

⁸ European Banking Authority, *Warning to consumers on virtual currencies*, <https://www.eba.europa.eu/sites/default/documents/files/documents/10180/598344/b99b0dd0-f253-47ee-82a5-c547e408948c/EBA%20Warning%20on%20Virtual%20Currencies.pdf?retry=1> [access: 4.11.2024].

in which it no longer targeted consumers but EU legislatures and national supervisory authorities of the member states. In 2012, the European Central Bank itself indicated that, given the dynamic developments in the virtual currency market, the definition of virtual currencies was expected to be amended⁹. These expectations were confirmed in this very document from the EBA, which defines virtual currency as “a digital representation of value that is not issued by a central bank or other public authority, nor is it necessarily related to real currency, but is accepted by natural and legal persons as a medium of exchange and can be sent, stored and exchanged electronically”¹⁰.

A similar view of virtual currency was also shared by the Financial Action Task Force (FATF), which in the same year in its paper *Virtual Currencies: Key Definitions and Potential AML/CFT Risks* defined virtual currency as a “digital expression of value that can be digitally traded and that functions as a medium of exchange and/or unit of account and/or store of value, but does not have the status of legal tender. Virtual currencies are not issued or guaranteed by any jurisdiction and perform the above functions only through mutual agreement within the community of users of that virtual currency”¹¹. Both definitions agreed that virtual currencies are a digital form of money, are not issued by any public authority, and may fulfil some or even all of the functions of money according to economic theory. In particular, the FATF document provides a conceptual framework for understanding and addressing the money laundering and terrorist financing risks associated with virtual currencies. It offers a list of cases of misuse of virtual currency for money laundering that have been reported by law enforcement agencies, while calling for the development of a common set of terms to reflect the operation of virtual currencies¹².

In 2014, Italian MEP Sergio Paolo Francesco Silvestris of the European People’s Party presented a motion for a resolution on Bitcoin in the European Parliament. In this proposal, he called on the Commission to pay special attention to the proliferation of Bitcoin and to assess both the positive and negative impacts that this proliferation may have, including potential market distortions¹³.

⁹ European Central Bank, *Virtual Currency Schemes*, p. 13.

¹⁰ European Banking Authority, *EBA Opinion on ‘virtual currencies’*, p. 5, <https://www.eba.europa.eu/sites/default/documents/files/documents/10180/657547/81409b94-4222-45d7-ba3b-7deb5863ab57/EBA-Op-2014-08%20Opinion%20on%20Virtual%20Currencies.pdf?retry=1> [access: 4.11.2024].

¹¹ Financial Action Task Force, *Virtual Currencies: Key Definitions and Potential AML/CFT Risks*, p. 4, <https://www.fatf-gafi.org/en/publications/Methodsand trends/Virtual-currency-definitions-aml-cft-risk.html> [access: 4.11.2024].

¹² *Ibidem*, p. 9.

¹³ S.P.F. Silvestris, *Motion for a European Parliament resolution on Bitcoin*, <https://www.europarl.europa.eu/doceo/document/B-7-2014-0168EN.html> [access: 16.10.2024].

On 22 April 2015, the European Securities and Markets Authority (ESMA) published a document entitled *Call for evidence: investment using virtual currency or distributed ledger technology*¹⁴, which was preceded by six months of monitoring and analysis of investments with virtual currencies. In this document, ESMA published its results in order to provide a more detailed perspective on the development of innovative markets. At the same time, it invited market participants and other stakeholders to provide their insight and feedback on this analysis. Among those who commented on the issue are Deutsche Bank, SWIFT, the European Central Securities Depositories Association, as well as LedgerX, which was only a year old at the time and which has since significantly expanded its range of products and services that enable the secure purchase, exchange, storage, and management of digital assets. In the quoted document, ESMA states that it has no preconceived view on whether any regulatory action should be taken. In the same year, the European Central Bank published a paper entitled *Virtual currency schemes – a further analysis*, which examines the conclusions of the original 2012 paper in more detail¹⁵. For the purposes of this paper, the European Central Bank characterises virtual currency as “a digital representation of value that is not issued by a central bank, credit institution or electronic money institution, which can be used as an alternative to money in certain circumstances”¹⁶. While in 2012 the emphasis was on the closed nature of virtual currencies and their use within a specific virtual community, in 2015 the definition shifted towards the possibility that under certain conditions virtual currencies can become an alternative to money. This emphasised the wider flexibility in use and the openness of virtual currencies for transactions outside specific communities. These developments reflect a growing awareness of the decentralized nature of virtual currencies and their potential role in the economic spectrum.

In a 2015 document, the European Central Bank called on the competent authorities of the member states to clarify how the relevant legislative, regulatory, and supervisory frameworks apply to virtual currency systems and, if necessary, to amend them. It also concludes that it sees no need to amend or extend the existing EU legal framework¹⁷. Subsequently, the position of the EU Member States is clarified, and apart from those that did not comment on the issue, all

¹⁴ European Securities and Markets Authority, *Investment using virtual currency or distributed ledger technology*, p. 6, <https://www.esma.europa.eu/document/investment-using-virtual-currency-or-distributed-ledger-technology> [access: 15.10.2024].

¹⁵ European Central Bank, *Virtual Currency Schemes*, p. 3.

¹⁶ European Central Bank. *Virtual currency schemes – a further analysis: February 2015*, p. 37, <https://www.ecb.europa.eu/pub/pdf/other/virtualcurrencyschemesen.pdf> [access: 15.10.2024].

¹⁷ *Ibidem*, p. 25.

agreed that virtual currency is not legal tender or currency¹⁸. In 2015, the value of Bitcoin reached 492 USD¹⁹. It should be noted that there is no mention of the term crypto-asset in documents published prior to 2015, and the primary concern of regulators is dealing with Bitcoin.

2.2. A Key Milestone

It could be said that 2017 was a key milestone, with a huge increase in the value of Bitcoin. Its price increased up to forty times compared to the previous year, specifically the value climbed up to 19,870 USD²⁰. This year also saw a big development of the so-called ICO projects²¹. The term ICO stands for Initial Coin Offering. Momtaz²² defines ICOs as smart contracts that are designed for entrepreneurs to obtain external funding by issuing tokens without an intermediary. It can be stated that it is a modification of the more familiar term IPO (short for Initial Public Offering), i.e., initial public offering of shares. These projects have been created since 2013, when the first ever ICO project called Mastercoin was launched²³. However, clearly the most significant project was the initial coin offering on the Ethereum platform, when the Ethereum currency was launched. It is the most significant because it has the second highest market capitalization in the cryptocurrency market after Bitcoin²⁴. According to Kaliský²⁵, it is ICOs that have had an impact on Bitcoin's value growth in 2017, as the increase in these projects has brought billions in market capitalization. With the growing popularity of ICO projects, the number of scams and attacks associated with these projects is also expanding²⁶.

Two warnings issued by ESMA on 13 November 2017 can be described as a significant step forward in the development of the regulation of crypto-assets and their issuance (ICOs). The first ESMA²⁷ notice alerts firms conducting these

¹⁸ *Ibidem*, p. 34.

¹⁹ *Bitcoin Historical...*

²⁰ *Ibidem*.

²¹ A. Gomaa, Y. Li, *An Entrepreneurial Definition of the Blockchain Technology and a Stacked Layer Model of the ICO Marketplace Using the Text Mining Approach*, "Journal of Risk and Financial Management" 2022, No. 12, p. 1.

²² P.P. Momtaz, *Initial Coin Offerings*, "PLoS ONE" 2020, No. 5, p. 1.

²³ A.R. Zhang, A. Raveenthiran, J. Mukai, R. Naeem, A. Dhuna *et al.*, *The Regulation Paradox of Initial Coin Offerings: A Case Study Approach*, "Frontiers in Blockchain" 2019, Vol. 2, p. 4.

²⁴ *Bitcoin Historical...*

²⁵ B. Kaliský, *Bitcoin a ti druzi: nepostradatelný průvodce světem kryptoměn*, Prague 2018, p. 24.

²⁶ A. Gomaa, Y. Li, *An Entrepreneurial Definition...*, p. 2.

²⁷ European Securities and Markets Authority, *ESMA alerts firms involved in Initial Coin Offerings (ICOs) to the need to meet relevant regulatory requirements*, p. 1, https://www.esma.europa.eu/sites/default/files/library/esma50-157-828_ico_statement_firms.pdf [access: 18.10.2024].

initial coin offerings to the importance of complying with the relevant regulatory requirements, whether at EU or national level. The document also lists specific EU legislative acts that apply to ICOs, namely the Markets in Financial Instruments Directive²⁸, the Alternative Investment Fund Managers Directive²⁹, and the Fourth Anti-Money Laundering Directive³⁰. ESMA emphasises that it is the responsibility of firms themselves to consider the regulatory framework, obtain the necessary authorisations, and comply with the relevant requirements. Although this is the first document in which the European authority identifies relevant European regulations that may apply to crypto-assets in certain circumstances, it does not specify in detail the conditions under which the regulations apply to crypto-assets.

In contrast, ESMA's second communication³¹ already focused its attention on investors, warning of potential fraud and illegal activities associated with investments in ICO projects. Among the main risks listed are the lack of regulation, which may mean that ICO projects fall outside the regulated space and thus investors will not be sufficiently protected. ESMA also highlighted the high volatility of coin prices and stressed that these were highly speculative investments as projects are often at an early stage of development and many may fail. ESMA also pointed to the possibility that issuers may provide incomplete or even misleading information to investors. It can be assessed that there is a growing concern within the EU that insufficient regulation, particularly in the context of ICO projects, may allow the spread of crypto-crime. A study published by the Vienna-based Complexity Science Hub³² supports the concerns about crypto-crime at the time. From 2017 to 2022, 1,155 criminal incidents related to crypto-assets

²⁸ Directive 2014/65/EU of the European Parliament and of the Council 2014/65/EU of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.

²⁹ Directive 2014/65/EU of the European Parliament and of the Council 2011/61/EU of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010.

³⁰ Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

³¹ European Securities and Markets Authority, *ESMA alerts investors to the high risks of Initial Coin Offerings (ICOs)*, p. 1, https://www.esma.europa.eu/sites/default/files/library/esma50-157-829_ico_statement_investors.pdf [access: 18.10.2024].

³² T. Kirez, *At least \$30B in damage from cryptocurrency crime in 2017–2022, study shows*. Available online at: <https://www.aa.com.tr/en/europe/at-least-30b-in-damage-from-cryptocurrency-crime-in-2017-2022-study-shows/> 3021831 [access: 24.10.2024].

have been documented, with global damages estimated to be at least \$30 billion. This study shows a steady increase in crypto-related crime, with the number of documented crimes increasing from 16 in 2017 to 435 in 2022.

Distributed registry technology

In addition to ICO projects, ESMA is also looking at distributed ledger technology (DLT) this year. Parrondo³³ defines DLT as “a distributed, secure and immutable ledger that has enabled technology to mediate and entrust its transactions”. This is an umbrella term for technologies such as the blockchain, which underpins Bitcoin itself. In particular, the report entitled *The Distributed Ledger Technology Applied to Securities Markets* issued by ESMA³⁴ highlights the exploration of the potential benefits and risks associated with DLT technology. The aim of this report is to conduct a comprehensive assessment and determine whether regulatory measures need to be introduced in relation to this technology. Within the document, it is noted that DLT technology has the potential to significantly change the way transactions are recorded and managed in various sectors, including financial markets. ESMA concludes that it is premature to introduce any regulatory action at this stage due to the fact that it is unclear whether the technology will overcome all challenges and therefore its development needs to be further monitored. The European Central Bank³⁵ takes a similar view, acknowledging that DLT offers a number of interesting possibilities for the future, but pointing out that it is a relatively new technology that needs to mature before the European Central Bank can even consider using it in its own systems. However, it still plans to keep abreast of any technological developments that could change the way transactions are carried out. In the same year, the Executive Vice-President of the European Commission, Valdis Dombrovskis, sent a request to the EBA and ESMA to assess the applicability and appropriateness of current EU law on crypto-assets³⁶.

³³ L. Parrondo, *DLT-based Tokens Classification towards Accounting Regulation*, “Proceedings of the 2nd International Conference on Finance, Economics, Management and IT Business” 2020, p. 1.

³⁴ European Securities and Markets Authority, *Report The Distributed Ledger Technology Applied to Securities Markets*, p. 2, https://www.esma.europa.eu/sites/default/files/library/dlt_report_-_esma50-1121423017-285.pdf [access: 23.10.2024].

³⁵ European Central Bank, *How could new technology transform financial markets?*, https://www.ecb.europa.eu/ecb-and-you/explainers/tell-me-more/html/distributed_ledger_technology.en.html [access: 23.10.2024].

³⁶ Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937; D. Stroukal, J. Skalický, *Bitcoin a jiné kryptopeníze budoucnosti: historie, ekonomie a technologie kryptoměn, stručná příručka pro úplné začátečníky*, Prague 2021, p. 289. Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and

In 2018, the value of Bitcoin had been declining, averaging \$7,183³⁷. At the beginning of 2018, Bitcoin represented only one-third of the total value of the cryptocurrency market. However, in August of that year, Bitcoin regained its position, with its value reaching 50% of the total market capitalization of crypto-assets and has maintained this dominant position until today³⁸.

2.3. Financial Technology Action Plan

Due to the proactive approach of the EBA and ESMA, which have provided basic answers and analysis on the issues related to crypto-assets, it was not until 2018 that the European Commission first commented on the regulation of crypto-assets through a document entitled *Financial Technology Action Plan: towards a more competitive and innovative European financial sector*³⁹. This document analyses the impact of technological innovations such as DLT and artificial intelligence on financial services and explores their use in the financial sector. The potential of these technologies and their risks are discussed, and the need to protect consumers and investors is emphasised. The European Commission recognises the potential of crypto-assets and blockchain technology, but also points to the need for proper regulation and monitoring to ensure transparency, stability, and security. The European Commission also stresses the need to assess the appropriateness of the current EU regulatory framework, noting that it will work with supervisors, regulators, industry, and civil society on this issue, both at EU level and with international partners. The aim is to jointly identify the optimal next steps in regulation and supervision. The European Commission has mandated the EBA and ESMA to assess the appropriateness and applicability of the current financial services' regulatory framework for crypto-assets.

On the basis of this call, two recommendations were issued by the above-mentioned bodies on 9 January 2019⁴⁰. These two publications represent important

the Committee of the Regions FinTech Action plan: For a more competitive and innovative European financial sector COM/2018/0109 final.

³⁷ *Bitcoin Historical...*

³⁸ *Ibidem.*

³⁹ Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions FinTech Action plan: For a more competitive and innovative European financial sector COM/2018/0109 final.

⁴⁰ European Banking Authority. *Report with advice for the European Commission: on crypto-assets*, <https://extranet.eba.europa.eu/sites/default/documents/files/documents/10180/2545547/67493daa-85a8-4429-aa91-e9a5ed880684/EBA%20Report%20on%20crypto%20assets.pdf?retry=1> [access: 19.10.2024]; European Securities and Markets Authority, *Advice Initial Coin Offerings and*

steps in response to the European Commission's Action Plan towards a more comprehensive regulatory framework for crypto-assets in the EU. Their in-depth analysis of the current state of the crypto-asset market and identification of regulatory gaps and challenges that need to be addressed contributes to laying the groundwork for future regulatory action, including the MiCA Regulation. Among other things, in both documents, the authorities summarise their findings to date from their previous publications and also make recommendations to the European Commission.

The EBA, in its document entitled *Report with advice for the European Commission*⁴¹, summarises that crypto-assets should not pose a threat to financial stability. However, it points to existing risks to consumer protection as some crypto-assets are not covered by current EU rules. It also points to problems arising from different regulatory approaches between EU Member States, which may lead to an uneven playing field in the internal market. For these reasons, the EBA recommends the European Commission to carry out a comprehensive cost-benefit analysis to determine the appropriate action at EU level.

In the 2019 publication *Advice Initial Coin Offerings and Crypto-Assets*⁴², ESMA focuses on the regulation of crypto-assets and ICO projects. In particular, it highlights that only a fraction of crypto-assets qualify as financial instruments under MiFID II⁴³ or as electronic money under EMD 2⁴⁴ and thus fall under the EU legal framework. Like the EBA, it draws attention to the inconsistent approach to the regulation of crypto-assets between EU Member States, especially for those not directly covered by the existing EU legal framework. ESMA thereby recommended that EU policymakers consider creating a tailored regime for those crypto-assets that do not qualify as financial instruments or electronic money.

Among the countries that have taken steps to regulate crypto-assets that do not fall under the EU legal framework prior to the MiCA proposal was France, which adopted a law in 2019 that set out rules for digital asset service providers and ICOs⁴⁵. Another country was Malta, for example, which introduced groundbreaking

Crypto-Assets, <https://www.esma.europa.eu/sites/default/files/library/esma50-157-1391cryptoadvice.pdf> [access: 19.10.2024].

⁴¹ European Banking Authority, *Report with advice...*

⁴² European Securities and Markets Authority, *Advice Initial Coin...*

⁴³ Directive 2014/65/EU of the European Parliament...

⁴⁴ Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC.

⁴⁵ H. de Vauplane, V. Charpiat, M.F. Reicher, *Blockchain Cryptocurrency Laws and Regulations 2024 France*, <https://www.globallegalinsights.com/practice-areas/blockchain-cryptocurrency-laws-and-regulations/france/> [access: 12.10.2024].

legislation in 2018 that defined a new regulatory framework for crypto-assets that included several laws, including the Virtual Financial Assets Act. This law established a regulatory regime for exchanges, ICOs, brokers, wallet providers, advisors and asset managers. This Regulation was accompanied by the Innovative Technology Arrangements and Services Act, whereby this Act established a regime for the future registration and liability of crypto-asset service providers⁴⁶.

In documents from the EBA⁴⁷ and ESMA⁴⁸, the terms virtual currency or cryptocurrency are no longer used, but instead the term crypto-asset is used. It should be noted that both these bodies agree on the definition of crypto-assets, which they define as “a type of private asset whose perceived or intrinsic value depends primarily on cryptography and distributed ledger technology”. The use of the term crypto-asset encompasses a wider range of instruments than just those that serve as a medium of exchange and are referred to as virtual currencies or cryptocurrencies, such as Bitcoin or Ethereum, but also includes instruments that provide ownership or dividend rights, or utility tokens that provide access to a product or service.

In 2019, the price of Bitcoin seemed to have stabilized, but in early 2020, in the context of the expansion of covid-19, there was a massive sale of assets, including Bitcoin, which saw a sharp decline⁴⁹. However, in the following months the situation reversed until Bitcoin surpassed the \$20,000 mark and continued its growth, reaching nearly \$30,000 by the end of the year⁵⁰. In response to the dynamic developments in crypto-assets, and in the context of the EU’s broader digital strategy, European Commission President Ursula von der Leyen stressed the importance of aligning member states’ approach to crypto-assets, with the aim of maximising the potential that crypto-assets offer while minimising the risks. At the same time, in December 2019, the Commission and the EU Council announced their intention to develop a regulatory framework to enable the opportunities that certain crypto-assets can bring⁵¹. The following year, the European Commission introduced the MiCA proposal as part of a comprehensive digital finance package. This step represents a significant milestone in the effort to harmonize the rules for crypto-assets at the EU level.

⁴⁶ *Malta Cryptocurrency Regulation*, <https://complyadvantage.com/insights/cryptocurrency-regulations-around-world/cryptocurrency-regulations-malta/> [access: 12.10.2024].

⁴⁷ European Banking Authority, *Report with advice...*

⁴⁸ European Securities and Markets Authority, *Advice Initial Coin...*

⁴⁹ European Banking Authority, *Report with advice...*

⁵⁰ *Bitcoin Historical...*

⁵¹ Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets...



Figure 1. Bitcoin price evolution (in USD) from 10 April 2017 to 1 March 2024

2.4. Anti Money Laundering Legislation

In order to build on the regulation of crypto-assets in the EU, we now turn to another crucial pillar of regulation, which is anti-money laundering legislation. EU money laundering legislation is a key part of the EU's efforts to combat illicit financial flows and terrorist financing. The prevention of money laundering must be addressed through international or transnational cooperation. Since the 1990s, the EU has actively pursued the fight against money laundering and terrorist financing, primarily through the issuance of directives and regulations. The first steps in this area were taken with the adoption of the first Anti-Money Laundering Directive, also known as the AML Directive⁵².

Since the first AML Directive, five further directives have been adopted and there is even a proposal for a seventh directive in this area under discussion. These directives play a key role in the regulation of anti-money laundering within the EU legal system and aim to harmonise the rules at the national level⁵³. Although the Directives provide a common framework, the specific implementation varies between member states, reflecting the specificities of their national legal systems, which may contribute to legal uncertainty within the EU. In a major step, in 2018, Directive (EU) 2018/843 of the European Parliament and of the Council (the Fifth AML Directive)⁵⁴ was adopted, which expanded and supplemented the previous Directive to include aspects relating to virtual currencies. In particular, the Fifth AML Directive extended the definition of obliged entities to providers of exchanges

⁵² A. Vondráčková, *Boj proti praní peněz v EU*, Prague 2016.

⁵³ P. Vondráčková, *Šestá AML směrnice a její dopady na virtuální měnu*, 2021, p. 400.

⁵⁴ Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU.

of virtual currencies for traditional currencies and providers of virtual wallets. They are therefore newly subject to the obligations arising from the AML legislation. The reason for this was the increase in criminal activity related to crypto-assets⁵⁵.

Since then, however, the world of crypto-assets has continuously evolved, new crypto-assets have been created, new service providers have entered the market, and innovative types of crypto-asset-related services have emerged⁵⁶. In response to these trends, the FATF has updated its recommendations to make it clear that these recommendations also apply to activities related to virtual assets and their providers. As well, the FATF introduced two new definitions, namely, virtual asset and provider virtual asset services. The definition of virtual currencies under the Fifth AML Directive is more limited than the broader definition of virtual assets in the FATF Recommendation⁵⁷. Thus, the FATF encourages member countries to apply AML/CFT regulations to providers of virtual asset services. This means that these providers should be licensed or registered and should implement effective monitoring and control mechanisms in their operations⁵⁸. In the same year as the Fifth AML Directive, Directive (EU) 2018/1673 of the European Parliament and of the Council (the Sixth AML Directive) was adopted⁵⁹. At first glance, it might appear that the Sixth AML Directive does not represent any significant changes for the crypto-assets market, but the opposite is true.

The preamble of the Sixth AML Directive called on member states to address the new risks and challenges that arise from the use of virtual currencies in terms of money laundering. The Directive thus brings harmonisation at EU level in the area of preventing money laundering through virtual currencies by way of criminal law⁶⁰. Article 2 of the Sixth AML Directive defines the concept of a *predicate offence* as an offence where the proceeds are used for the commission of another offence, such as money laundering, which is automatically considered a criminal activity under the Directive⁶¹. For the first time, the Directive explicitly includes cybercrime in the category of money laundering offences, which represents

⁵⁵ T. van der Linden, T. Shirazi, *Markets in crypto-assets regulation: Does it provide legal certainty and increase adoption of crypto-assets?*, “Financial Innovation” 2023, No. 1, p. 9.

⁵⁶ European Parliament, *Crypto-assets: Key developments, regulatory concerns and responses*, p. 11, <https://doi.org/10.2861/25063> [access: 7.10.2024].

⁵⁷ Financial Action Task Force, *FATF Report to G20 Leaders’ Summit*, <https://www.fatf-gafi.org/en/publications/Fatfgeneral/Report-g20-leaders-2017.html> [access: 7.10.2024].

⁵⁸ European Parliament, *Crypto-assets: Key...*, p. 68.

⁵⁹ Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law

⁶⁰ P. Vondráčková, *Šestá AML...*, p. 401.

⁶¹ Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money...

a significant step forward as it extends the application of the Directive to money laundering carried out through internet activities⁶². The Sixth AML Directive also brought a novelty in the form of introducing liability of legal persons for money laundering offences, while setting strict penalties.

Currently, AML regulation is developing significantly at the European Union level. Preparations are already underway for the introduction of new AML legislation in 2024, which will provide for comprehensive regulation in this area. All the rules applicable to the private sector will be transferred to a new, directly applicable regulation (Regulation of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering or terrorist financing). Crypto-asset businesses will be added to the list of obliged persons in order to ensure greater transparency and security of transactions.

2.5. MiCA Regulation

The next step is to focus on the key moment in the regulation of crypto-assets, which is the introduction of MiCA. The European Commission's aim was to establish an EU-wide regulatory framework and a single licensing regime for crypto-asset issuers and crypto-asset-related service providers. The final form of the proposal for Regulation 2020/0265 of the European Parliament and of the Council of 24 September 2020 on crypto-asset markets and amending Directive (EU) 2019/1937 (the MiCA proposal)⁶³ was presented by the European Commission on 24 September 2020 as part of the Digital Finance Package⁶⁴. In addition to the draft MiCA Regulation, the Package also included three other legislative proposals, namely a draft regulation on digital resilience for financial institutions (DORA), a draft regulation on a pilot scheme for a market infrastructure based on shared ledger technology (the Pilot Scheme Regulation), and a draft amending the Directive in response to the adoption of the draft DORA, MiCA, and Pilot Scheme Regulations. The package also included two non-legislative measures, namely the Retail Payments Strategy and the Digital Finance Strategy. The package was discussed by the Council in a videoconference on 6 October 2020⁶⁵, with Ministers indicating their support for the package. This support from member states was an important signal indicating interest in the legislative process ahead.

⁶² P. Vondráčková, *Šestá AML...*, p. 402.

⁶³ Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets...

⁶⁴ European Commission, *Digital finance package*, https://finance.ec.europa.eu/publications/digital-finance-package_en [access: 2.10.2024].

⁶⁵ *Video conference of economic and finance ministers*, 6 October 2020, <https://www.consilium.europa.eu/cs/meetings/ecofin/2020/10/06/> [access: 22.10.2024].

In November 2021, a mandate from the EU Council to negotiate with the European Parliament was approved at COREPER (the name for the Committee of Permanent Representatives of the EU Member States), the latter adopted its position in March 2022, and trialogues between the co-legislatures were immediately initiated, officially starting on 31 March 2022 and ending with a provisional agreement reached on 30 June 2022⁶⁶. On 5 October 2022, COREPER approved the provisional MiCA agreement and submitted its proposal to the European Parliament⁶⁷. The European Parliament approved the MiCA Regulation at its meeting on 20 April 2023, with 517 MEPs in favour, 38 against, and 18 abstentions⁶⁸. The Council formally approved the MiCA Regulation on 16 May 2023, making crypto-assets and entities providing services related to crypto-assets part of the regulatory framework at EU level for the first time⁶⁹. The final act was signed on 31 May and the Regulation was published in the Official Journal on 9 June 2023⁷⁰. Formally, the Regulation enters into force on the 20th day after its publication⁷¹.

The MiCA Regulation will be effective from 30 December 2024, with the exception of Titles III and IV of the Regulation concerning asset-linked tokens and electronic money tokens, which has already been effective since 30 June 2024. In order to fully implement the MiCA, the EBA and ESMA have been mandated to develop regulatory technical standards, implementing technical standards, guidelines, and templates, sometimes in cooperation. The technical standards were to be submitted by the authorities to the European Commission by 30 June 2024 for approval, then subjected to scrutiny by the European Parliament and the Council and published in the Official Journal after adoption by the Commission⁷².

This single European framework will thus replace existing national frameworks. As of this effective date, crypto-asset issuers and crypto-asset service providers will be subject to mandatory authorisation in order to provide their services within

⁶⁶ Council of the European Union, *Digital finance: agreement reached on European crypto-assets regulation (MiCA)*, <https://www.consilium.europa.eu/cs/press/press-releases/2022/06/30/digital-finance-agreement-reached-on-european-crypto-assets-regulation-mica/> [access: 22.10.2024].

⁶⁷ I. Hallak, *Proposal for a regulation of the European Parliament and of the Council on markets in crypto-assets*, <https://www.europarl.europa.eu/legislative-train/carriage/crypto-assets-1/report?sid=7301> [access: 2.10.2024].

⁶⁸ *MiCA vstupuje v platnost. Přináší problémy i příležitosti*, <https://www.kryptobezpecne.cz/blog/mica-vstupuje-v-platnost-prinasi-problemy-i-prilezitosti> [access: 2.10.2024].

⁶⁹ Council of the European Union, *Timeline – Digital finance*, <https://www.consilium.europa.eu/cs/policies/digital-finance/timeline/> [access: 2.10.2024].

⁷⁰ I. Hallak, *Proposal for a regulation...*

⁷¹ *Implementation Timeline*, <https://micapapers.com/guide/timeline/> [access: 2.10.2024].

⁷² Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 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.

the EU⁷³. The MiCA Regulation also provides for a transitional period that can be used by crypto-asset service providers that were already operating prior to the effective date of the Regulation. During this 18-month period from the MiCA's effective date, entities could continue to provide their services and obtain authorisation from the competent authority of a member state⁷⁴.

By the aforementioned date of 30 June 2024, EU Member States had to notify the Commission and ESMA whether they had exercised the option of a transitional period and also what the duration of the transitional regime would be. It is also important to note that member states had the possibility to exclude or shorten the transitional period⁷⁵. An overview of the key stages of the MiCA process from its inception to its entry into force is clearly illustrated in Figure 2.

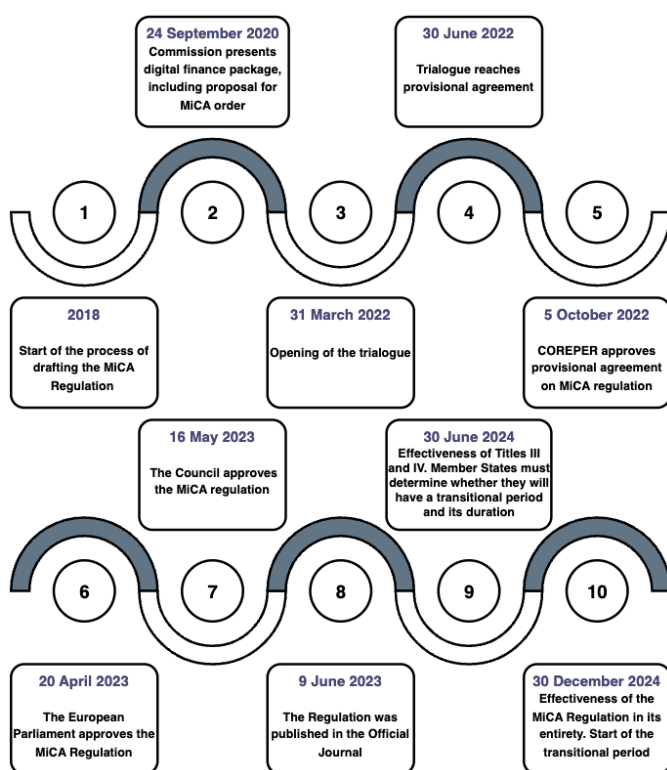


Figure 2. Timeline of the MiCA Regulation

⁷³ *Markets in crypto-assets: publication of the MiCA regulation*, <https://www.amf-france.org/en/news-publications/news/markets-crypto-assets-publication-mica-regulation> [access: 2.10.2024].

⁷⁴ Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets...

⁷⁵ *Ibidem*.

3. Conclusion

Based on the historical overview of cryptocurrency regulation in the EU, it is evident that the emergence and development of the MiCA Regulation represents a logical and necessary step towards a systematic and comprehensive approach to the regulation of crypto-assets. This development is in response to the growing importance of digital technologies and their impact on financial markets, as well as the increasing demand for legal certainty and protection for users and investors in the field of crypto-assets. The MiCA creates a single regulatory framework that allows for better coordination between member states and sets minimum standards for crypto-asset market operators.

The European Union is known for its tendency to over-regulate. However, in the area of crypto-assets, it has chosen a path of compromise, where on the one hand the regulator is introducing rules that were previously lacking in this area, while on the other hand the EU is trying to respect the specificities of crypto-assets and the markets for these assets. However, despite the above, this is ground-breaking legislation that is unprecedented in the world. It remains to be seen whether it will prove to be an inspiration for other countries in the future or whether, on the contrary, it will be seen as a deterrent to over-regulation of the crypto-asset market. What is important to mention, however, is the fact that the MiCA Regulation is a step towards integrating crypto-assets into the European financial system under conditions that respect their technological specificities but protect the stability of the financial market.

However, the very overview of the development of crypto-assets regulation points to one important fact, namely that it is a dynamic area. The last two decades have seen an unprecedented development of crypto-assets and related regulation. It can also be assumed that this progressive development will continue, which also poses a challenge for European institutions, which will have to respond to these 'developments.

Affiliation

The research was supported by Czech Science Foundation Grant No. 24-12864S named 'Crypto Assets as a Threat to the Sovereign'.

Bibliography

Gomaa A., Li Y., *An Entrepreneurial Definition of the Blockchain Technology and a Stacked Layer Model of the ICO Marketplace Using the Text Mining Approach*, "Journal of Risk and Financial Management" 2022, No. 12.

- Hallak I., *Proposal for a regulation of the European Parliament and of the Council on markets in crypto-assets*, <https://www.europarl.europa.eu/legislative-train/carriage/crypto-assets-1/report?sid=7301> [access: 2.10.2024].
- Kaliský B., *Bitcoin a ti druzí: nepostradatelný průvodce světem kryptoměn*, Prague 2018.
- Kirez T., *At least \$30B in damage from cryptocurrency crime in 2017–2022, study shows*, <https://www.aa.com.tr/en/europe/at-least-30b-in-damage-from-cryptocurrency-crime-in-2017-2022-study-shows/> [access: 24.10.2024].
- Linden van der T., Shirazi T., *Markets in crypto-assets regulation: Does it provide legal certainty and increase adoption of crypto-assets?*, “Financial Innovation” 2023, No. 1.
- Montaz P.P., *Initial Coin Offerings*, “PLoS ONE” 2020, No. 5.
- Parrondo L., *DLT-based Tokens Classification towards Accounting Regulation*, “Proceedings of the 2nd International Conference on Finance, Economics, Management and IT Business” 2020.
- Silvestris S.P.F., *Motion for a European Parliament resolution on Bitcoin*, https://www.europarl.europa.eu/doceo/document/B-7-2014-0168_EN.html [access: 16.10.2024].
- Stroukal D., Skalický J., *Bitcoin a jiné kryptopeníze budoucnosti: historie, ekonomie a technologie kryptoměn, stručná příručka pro úplné začátečníky*, Prague 2021.
- Vauplane de H., Charpiat V., Reicher M.F., *Blockchain Cryptocurrency Laws and Regulations 2024 France*, <https://www.globallegalinsights.com/practice-areas/blockchain-cryptocurrency-laws-and-regulations/france/> [access: 12.10.2024].
- Vondráčková A., *Boj proti praní peněz v EU*, Prague 2016.
- Vondráčková P., *Šestá AML směrnice a její dopady na virtuální měnu*, 2021.
- Zhang R., Raveenthiran A., Mukai J., Naeem R., Dhuna A. et al., *The Regulation Paradox of Initial Coin Offerings: A Case Study Approach*, “Frontiers in Blockchain” 2019, Vol. 2.

Legal acts

- Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions FinTech Action plan: For a more competitive and innovative European financial sector COM/2018/0109 final.
- Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.
- Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law.
- Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU.
- Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU.
- Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC.

Directive 2014/65/EU of the European Parliament and of the Council 2014/65/EU of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.

Directive 2014/65/EU of the European Parliament and of the Council 2011/61/EU of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010.

Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 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.

Others

Bitcoin Historical Data, <https://www.investing.com/crypto/bitcoin/historical-data> [access: 3.11.2024].

Coin Market Cap, <https://coinmarketcap.com/> [access: 13.10.2024].

Council of the European Union, *Digital finance: agreement reached on European crypto-assets regulation (MiCA)*, <https://www.consilium.europa.eu/cs/press/press-releases/2022/06/30/digital-finance-agreement-reached-on-european-crypto-assets-regulation-mica/> [access: 22.10.2024].

Council of the European Union. Timeline – Digital finance, <https://www.consilium.europa.eu/cs/policies/digital-finance/timeline/> [access: 2.10.2024].

European Banking Authority, *EBA Opinion on 'virtual currencies'*, <https://www.eba.europa.eu/sites/default/documents/files/documents/10180/657547/81409b94-4222-45d7-ba3b-7deb5863ab57/EBA-Op-2014-08%20Opinion%20on%20Virtual%20Currencies.pdf?retry=1> [access: 4.10.2024].

European Banking Authority, *Report with advice for the European Commission: on crypto-assets*, <https://extranet.eba.europa.eu/sites/default/documents/files/documents/10180/2545547/67493daa-85a8-4429-aa91-e9a5ed880684/EBA%20Report%20on%20crypto%20assets.pdf?retry=1> [access: 19.10.2024].

European Banking Authority, *Warning to consumers on virtual currencies*, <https://www.eba.europa.eu/sites/default/documents/files/documents/10180/598344/b99b0dd0-f253-47ee-82a5-c547e408948c/EBA%20Warning%20on%20Virtual%20Currencies.pdf?retry=1> [access: 4.11.2024].

European Central Bank, *How could new technology transform financial markets?*, https://www.ecb.europa.eu/ecb-and-you/explainers/tell-me-more/html/distributed_ledger_technology.en.html [access: 23.10.2024].

European Central Bank, *Virtual Currency Schemes*, <https://www.ecb.europa.eu/pub/pdf/other/virtualcurrencyschemes201210en.pdf> [access: 13.10.2024].

European Central Bank, *Virtual currency schemes – a further analysis: February 2015*, <https://www.ecb.europa.eu/pub/pdf/other/virtualcurrencyschemesen.pdf> [access: 15.10.2024].

European Commission, *Digital finance package*, https://finance.ec.europa.eu/publications/digital-finance-package_en [access: 2.10.2024].

European Parliament, *Crypto-assets: Key developments, regulatory concerns and responses*, <https://doi.org/10.2861/25063> [access: 7.10.2024].

European Securities and Markets Authority, *Advice Initial Coin Offerings and Crypto-Assets*, https://www.esma.europa.eu/sites/default/files/library/esma50-157-1391_crypto_advice.pdf [access: 19.10.2024].

European Securities and Markets Authority, *ESMA alerts firms involved in Initial Coin Offerings (ICOs) to the need to meet relevant regulatory requirements*, https://www.esma.europa.eu/sites/default/files/library/esma50-157-828_ico_statement_firms.pdf [access: 18.10.2024].

- European Securities and Markets Authority, *ESMA alerts investors to the high risks of Initial Coin Offerings (ICOs)*, https://www.esma.europa.eu/sites/default/files/library/esma50-157-829_ico_statement_investors.pdf [access: 18.10.2024].
- European Securities and Markets Authority, *Investment using virtual currency or distributed ledger technology*, <https://www.esma.europa.eu/document/investment-using-virtual-currency-or-distributed-ledger-technology> [access: 15.10.2024].
- European Securities and Markets Authority, *Report The Distributed Ledger Technology Applied to Securities Markets*, https://www.esma.europa.eu/sites/default/files/library/dlt_report_-_esma50-1121423017-285.pdf [access: 23.10.2024].
- Financial Action Task Force, *FATF Report to G20 Leaders' Summit*, <https://www.fatf-gafi.org/en/publications/Fatfgeneral/Report-g20-leaders-2017html.html> [access: 7.10.2024].
- Financial Action Task Force, *Virtual Currencies: Key Definitions and Potential AML/CFT Risks*, <https://www.fatf-gafi.org/en/publications/Methodsandrends/Virtual-currency-definitions-aml-cft-risk.html> [access: 4.11.2024].
- Implementation Timeline*, <https://micapapers.com/guide/timeline/> [access: 2.10.2024].
- Malta Cryptocurrency Regulation*, <https://complyadvantage.com/insights/cryptocurrency-regulations-around-world/cryptocurrency-regulations-malta/> [access: 12.10.2024].
- Markets in crypto-assets: publication of the MiCA regulation*, <https://www.amf-france.org/en/news-publications/news/markets-crypto-assets-publication-mica-regulation> [access: 2.10.2024].
- MiCA vstupuje v platnost. Přináší problémy i příležitosti*, <https://www.kryptobezpecne.cz/blog/mica-vstupuje-v-platnost-prinasi-problemy-i-prilezitosti> [access: 2.10.2024].
- Proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937.
- Video conference of economic and finance ministers*, 6 October 2020, <https://www.consilium.europa.eu/cs/meetings/ecofin/2020/10/06/> [access: 22.10.2024].