

「MiCAR Compliance Toolkit
Transition and Grandfathering」

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The transitional period for CASPs

From 30 December 2024, if you provide cryptoasset services within the EU and are not otherwise exempt, you will generally need to be authorized under MiCAR as a cryptoasset service provider (CASP) unless you are able to benefit from a transitional period in your home Member State.

Entities already providing their cryptoasset services “**in accordance with applicable law**” before 30 December 2024 (commonly called virtual asset service providers (VASPs)) may continue to do so until 1 July 2026 or until they are granted or refused an authorization, whichever is sooner. This grandfathering provision should apply to VASPs registered under the EU AML regime, in addition to any national regulatory framework requirements, subject to Member State approach.

However, Member States have discretion to disapply this transitional period entirely, or to shorten its duration where they consider that their national regulatory framework is less strict than MiCAR. The European Securities and Markets Authority (ESMA) has previously called on Member States to consider limiting this transitional period to 12 months. Member States are also permitted discretion to apply a simplified authorization process to grandfathered CASPs.



It is important that CASPs carefully check provisions in each Member State in which they currently operate to check whether grandfathering provisions apply.



Overview of national transitional periods for CASPs



Member State	Transition Period	Applicable Special Conditions
 Belgium	No provisions introduced yet	<p>As at 21 October 2024, Belgian authorities have not yet made any statements as to the length of the transitional period and have not introduced any transitional measures covering the MiCAR transition. This will likely also not be relevant for Belgian VASPs, as there are currently none registered, and there are also no indications that this will change by the end of 2024.</p>
 France	18 months (30 June 2026)	<p>The transitional period is available to digital asset service providers (DASPs) (Prestataires de services sur actifs numériques, PSANs) which have obtained “simple” registration, “reinforced” registration, optional approval from the Autorité des marchés financiers (AMF) or who provide certain cryptoasset services not subject to compulsory registration before 30 December 2024. French DASPs benefitting from this transitional regime will only be allowed to offer their services to the French public.</p>
 Germany	Reduced to 12 months (30 December 2025)	<p>The latest draft of the German Crypto Markets Supervision Act (Kryptomärkteaufsichtsgesetz, KMAG), implementing MiCAR was published on 24 April 2024. Section 50 of the KMAG provides that institutions with an existing license to provide cryptoasset investment services under the German Banking Act and Securities Institution Act can benefit from the transitional period. This includes:</p> <ul style="list-style-type: none"> ▪ Banks and financial services providers licensed under the German Banking Act ▪ Investment firms licensed under the German Securities Institution Act ▪ Payment services providers and e-money institutions licensed under the German Payment Services Supervision Act ▪ Securities exchange operating companies licensed under the Stock Exchange Act (but only where the sole service offered in Germany is the operation of an MTF) ▪ UCITS management companies and AIFMS licensed under the German Capital Investment Code (limited to the offering of ancillary services, such as portfolio management, investment advice etc.) <p>The transitional period is not available to institutions that are not currently licensed/regulated as CASPs. It should however be noted that as a result of the existing German framework for regulating cryptoasset services introduced in 2020, there are a number of firms operating under a “deemed” license due to delays in obtaining a full CASP license. The draft KMAG provisions provide that these firms may still benefit from the transitional period by notifying BaFin of their existing activities by 1 August 2024.</p> <p>Separately, the draft Bill provides for a simplified authorization procedure for institutions that do not qualify for the notification process under Art. 60 MiCAR i.e. investment firms who do not provide investment service activities under MiFID and who instead solely provide cryptoasset services.</p>

Member State	Transition Period	Applicable Special Conditions
 Ireland	Reduced to 12 months (30 December 2025)	Following its public consultation, the Irish Department of Finance confirmed a transitional period of 12 months will apply in Ireland. Ireland has chosen not to exercise its discretion to allow a simplified authorization procedure for VASPs under MiCAR. This position reflects ESMA guidance and acknowledges that Ireland's existing VASP registration process is not similar to CASP authorization requirements under MiCAR.
 Italy	Reduced to 12 months (30 December 2025)	In order to benefit from the transitional period, CASPs must be enrolled on the special register held by the Organismo Agenti e Mediatori (OAM) by 27 December 2024, and must submit their application for authorization under MiCAR to the Commissione Nazionale per le Società e la Borsa (Consob) by 30 June 2025 and inform the OAM that they have submitted such an application. CASPs enrolled on the special register held by the OAM which submit their MiCAR authorization application to an EU Member State other than Italy must also inform the Consob of this submission.
 Luxembourg	No reduction (1 July 2026)	The Draft Bill implementing MiCAR was introduced to the Luxembourg Parliament on 21 May 2024. VASPs registered with the Commission de Surveillance du Secteur Financier (CSSF) on or before 30 December 2024 will remain registered until 1 July 2026 or until they receive or are refused authorization as a CASP. The Bill is still in draft and may be subject to further changes.
 Netherlands	Reduced to 6 months (30 June 2025)	Crypto service providers that are registered with De Nederlandsche Bank (DNB) prior to 30 December 2024 in accordance with Dutch AML Act (Wet ter voorkoming van witwassen en financiering van terrorisme) can continue operating until 30 June 2025. Although the legislation implementing the transitional period is still in draft form, the Autoriteit Financiële Markten (AFM) has confirmed this 6 month transitional period. There is no simplified authorization procedure for CASPs, however the AFM has noted that there is scope for a "lighter MiCAR assessment" where specific topics relevant to MiCAR authorization have already been assessed by the DNB.
 Poland	Reduced to 6 months (30 June 2025)	The Draft Act on Cryptoassets Market is still being debated. The latest version includes a provision shortening the transitional period to 6 months, but a number of entities taking part in the consultation have called for an extension of the deadline to 31 December 2025.
 Spain	Reduced to 12 months (30 December 2025)	<p>As at October 2024, cryptoasset service providers are registered for AML purposes before the Bank of Spain. There is no other local license regime in force apart from MiCAR. The Spanish authority in charge of MiCAR authorization is the Comisión Nacional del Mercado de Valores (CNMV). The CNMV MiCAR registration is open and the relevant forms for application have been published.</p> <p>Spain has decided to reduce the transitional period to 12 months, which means that entities registered before the Bank of Spain and already providing services in Spain as of December 2024 will be allowed to continue providing services until 30 December 2025 in Spain, the date on which they will be required to be licensed under MiCAR in an EU Member State to continue providing those services.</p>



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