POLICY STATEMENT (PS-03-2024)



SUBJECT: POLICY STATEMENT ON THE FEES PAYABLE AND INFORMATION TO BE SUBMITTED TO CYSEC BY THE ENTITIES FALLING UNDER THE SCORE OF MICAR

DATE OF ISSUE: 13 DECEMBER 2024

PURPOSE OF THE PUBLICATION

The Cyprus Securities and Exchange Commission (the 'CySEC'), publishes this Policy Statement in order to inform entities falling within the scope of Regulation (EU) 2023/1114 on markets in crypto-assets of its final approach on the applicable fees and information to be submitted to CySEC, following the outcome of the public consultation.

Queries in relation to the content of this Policy Statement may be addressed to the Policy Department of CySEC at policy@cysec.gov.cy.

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1. INTRODUCTION

1.1 PURPOSE OF THIS POLICY STATEMENT

- 1.1.1 On 26 June 2024, CySEC issued Consultation Paper CP-01-2024¹ (the 'CP') to lay down the proposed fees payable by entities falling within the scope of 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 ('MiCAR').
- 1.1.2 Following the publication of the CP, stakeholders were requested to submit their views by 17 July 2024. The stakeholders' views received are summarised and addressed below in Section 3.
- 1.1.3 The purpose of this Policy Statement ('**PS**') is to outline CySEC's final approach on the fees payable and the additional information to be submitted by the entities falling under MiCAR, after taking into consideration the feedback received during the consultation period.

1.2 WHO THIS CONCERNS

- 1.2.1 This PS concerns the following new categories of supervised entities introduced by MiCAR:
 - Offerors and persons seeking admission to trading of crypto-assets other than asset-referenced tokens ('ARTs')² and electronic money tokens ('EMTs')³, falling under Title II of MiCAR;
 - ii. Issuers of ARTs, excluding issuers of ARTs being credit institutions, in accordance with Title III of MiCAR; and
 - iii. Crypto-Assets Service Providers (**'CASPs'**)⁴ authorised, in accordance with Title V of MiCAR.

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¹ Available here.

² Article 3 (1)(6) of MiCAR: "asset-referenced token' means a type of crypto-asset that is not an electronic money token and that purports to maintain a stable value by referencing another value or right or a combination thereof, including one or more official currencies'.

³ Article 3 (1)(7) of MiCAR: "electronic money token' or 'e-money token' means a type of crypto-asset that purports to maintain a stable value by referencing the value of one official currency'.

⁴ Article 3 (1)(15) of MiCAR: "crypto-asset service provider" means a legal person or other undertaking whose occupation or business is the provision of one or more crypto-asset services to clients on a professional basis, and that is allowed to provide crypto-asset services in accordance with Article 59'.

- 1.2.2 Regarding other CySEC-supervised entities, which will be allowed to avail of the notification option under Article 60 of MiCAR (CASPs permitted to provide crypto-asset services), this PS also concerns:
 - i. Investment firms and market operators, authorised under Law 87(I) of 2017, as in force from time to time, transposing MiFID II ⁵ into Cypriot Law;
 - ii. Alternative Investment Fund Managers authorised under Law 56(I) of 2013, as in force from time to time, transposing Directive 2011/61/EU⁶ into Cypriot Law;
 - iii. UCITS Management Companies authorised under Law 78(I) of 2012, as in force from time to time, transposing Directive 2009/65/EC⁷ into Cypriot Law; and
 - iv. A central securities depository authorised under Regulation (EU) No 909/20148.

2. BACKGROUND INFORMATION

- 2.1 MiCAR introduces a harmonised framework in relation to crypto-assets⁹ that are fungible¹⁰ and do not qualify as financial instruments or any other crypto-asset excluded from MiCAR's scope. As to the content of MiCAR, it applies to natural and legal persons and certain other undertakings that engage in the issuance, offer to the public and admission to trading of such crypto-assets or that provide services related to those crypto-assets in the EU.
- 2.2 The three categories of crypto-assets that fall within MiCAR's scope are:

⁵ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU.

⁶ Directive 2011/61/EU of the European Parliament and of the Council 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.

⁷ Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS).

⁸ Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012.

⁹ Article 3 (1)(5) of MiCAR: "crypto-asset" means a digital representation of a value or of a right that is able to be transferred and stored electronically using distributed ledger technology or similar technology".

¹⁰As per Article 2 (3) of MiCAR.

- i. ARTs, which is a regulatory category corresponding to the so-called 'stablecoins' and that are regulated under Title III of MiCAR;
- ii. EMTs which are regulated under Title IV of MICAR and demonstrate many similarities in terms of economic function and regulation, with electronic money. Given the assimilation to electronic money, EMTs are excluded from CySEC's supervisory mandate; and
- iii. Crypto-assets other than ARTs and EMTs which are regulated under Title II of MiCAR, hence forming a residual category.

It should be noted that ARTs and EMTs that qualify as 'significant' 11, within the meaning of MiCAR, are subject to additional obligations, including supervision by the EBA.

- 2.3 As to the crypto-asset-related operations caught by MiCAR, these can be summarised as follows:
 - i. Initial offerings and admission of crypto-assets to trading;
 - ii. Provision of services¹² in relation to crypto-assets, the regulation of which is laid down in Title V of MiCAR. The regulation of the said services demonstrates certain similarities with the regulation of investment services and investment activities under Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ('MIFID II');
 - iii. Authorisation and ongoing obligations of issuers of ARTs and of EMTs, laid down in Title III and IV of MiCAR respectively; and

¹¹ See articles 43 and 44 of MiCAR for the classification of 'significant' ARTs and articles 56 and 57 of MiCAR for the classification of 'significant' EMTs.

¹²Article 3 (1)(16) of MiCAR: 'crypto-asset service' means any of the following services and activities relating to any crypto-asset: (a) providing custody and administration of crypto-assets on behalf of clients; (b) operation of a trading platform for crypto-assets; (c) exchange of crypto-assets for funds; (d) exchange of crypto-assets for other crypto-assets; (e) execution of orders for crypto-assets on behalf of clients; (f) placing of crypto-assets; (g) reception and transmission of orders for crypto-assets on behalf of clients; (h) providing advice on crypto-assets; (i) providing portfolio management on crypto-assets; (j) providing transfer services for crypto-assets on behalf of clients'.

- iv. Prevention and prohibition of market abuse involving crypto-assets under Title VI of MiCAR.
- 2.4 The MiCAR provisions are substantiated by means of Regulatory Technical Standards ('RTS'), Implementing Technical Standards ('ITS') and Guidelines (to be) developed by the European Banking Authority ('EBA') and the European Securities and Markets Authority ('ESMA') in close cooperation.
- 2.5 The MiCAR implementation measures developed by ESMA were published in three consultation packages on 12 July 2023 ('First Consultation Package'¹³), 5 October 2023 ('Second Consultation Package'¹⁴), and 25 March 2024 ('Third Consultation Package'¹⁵) with ESMA considering comments on the third and last package received by 25 June 2024.
- 2.6 The first consultation paper includes draft technical standards for the following mandates:
 - RTS on content of notification from selected entities to NCAs. It is stressed that this is relevant for existing financial services entities intending to avail of Article 60 of MiCAR;
 - ii. ITS on forms and templates for notification from entities to NCAs. It is stressed that this is relevant for existing financial services entities intending to avail of Article 60 of MiCAR;
 - iii. RTS on the content of the application for authorisation for CASPs. It is stressed that this is relevant for entities intending to apply for a CASP authorisation;
 - iv. ITS on forms and templates for CASP authorisation application. It is stressed that this is relevant for entities intending to apply for a CASP authorisation;
 - v. RTS on complaint handling procedure for CASPs;
 - vi. RTS on identification, prevention, management and disclosure of conflict of interest for CASPs; and

¹³Available <u>here</u>.

¹⁴Available <u>here</u>.

¹⁵Available <u>here</u>.

vii. RTS on intended acquisition information requirements for CASPs.

Following the end of the consultation period, ESMA has issued a Final Report¹⁶ regarding six of the aforementioned seven technical standards on 25 March 2024 and a separate Final Report¹⁷ on point (vi), on 31 May 2024. The draft technical standards have been submitted to the European Commission for adoption.

- 2.7 The second consultation package includes draft technical standards for the following mandates:
 - RTS on content, methodologies and presentation of sustainability indicators on adverse impacts on the climate and the environment;
 - ii. RTS on measures that CASPs must take to ensure continuity and regularity in the performance of services;
 - iii. RTS on trade transparency for CASPs operating a trading platform¹⁸;
 - iv. RTS on content and format of order book records;
 - v. RTS on record-keeping by CASPs;
 - vi. RTS on the data necessary for the classification of white papers;
 - vii. ITS on standard forms and templates for the crypto-asset white papers; and
 - viii. ITS on technical means for appropriate public disclosure of inside information.

Following the end of the consultation period, ESMA has issued a Final Report¹⁹ on the aforementioned eight technical standards on 3 July 2024. The draft technical standards have been submitted to the European Commission for adoption.

¹⁷ Available <u>here</u>.

¹⁶ Available <u>here</u>.

¹⁸ Article 3 (1)(18) of MiCAR: "operation of a trading platform for crypto-assets' means the management of one or more multilateral systems, which bring together or facilitate the bringing together of multiple third-party purchasing and selling interests in crypto-assets, in the system and in accordance with its rules, in a way that results in a contract, either by exchanging crypto-assets for funds or by the exchange of crypto-assets for other crypto-assets;'.

¹⁹ Available here.

- 2.8 As to the third consultation package published on 25 March 2024²⁰ by ESMA, it includes draft:
 - i. RTS on arrangements, systems and procedures for detecting and reporting suspected market abuse in crypto-assets;
 - ii. Guidelines on certain aspects of the suitability requirements and format of the periodic statement for portfolio management activities under MiCAR;
 - iii. Guidelines on the procedures and policies, including the rights of clients, in the context of transfer services for crypto-assets; and
 - iv. Guidelines on the maintenance of systems and security access protocols in accordance with appropriate Union standards.

The consultation closed on 25 June 2024.

- 2.9 Furthermore, ESMA has issued two additional consultation papers, one on draft Guidelines on reverse solicitation under MiCAR²¹ and one on draft Guidelines on classification of crypto-assets as financial instruments²². The consultation closed on 29 April 2024. The Final Report of the Guidelines is pending.
- 2.10 As regards, the MiCAR implementation work undertaken by EBA, it is ART and EMT²³ related, and encompasses the following:
 - A consultation paper, published on 12 July 2024, on draft ESAs Guidelines on Article 97 MiCAR²⁴. The consultation closed on 12 October 2024. The Final Report on the Guidelines is pending;
 - ii. A consultation paper, published on 11 July 2024, on draft Guidelines on reporting on ARTs and EMTs²⁵. The consultation closed on 15 October 2024. The Final Report on the Guidelines is pending;

²⁰ The cover page of the third consultation package refers erroneously to 25.03.2023 as the publication date thereof. However, the correct date is that of 25.03.2024, see here.

²¹ Available <u>here.</u>

²² Available here.

²³ EMTs are excluded from CySEC's supervisory mandate.

²⁴ Available here.

²⁵ Available here.

- iii. A consultation paper, published on 08 March 2024, on draft Guidelines on redemption plans under MiCAR²⁶. The consultation closed on 10 June 2024.
 The Final Report on the Guidelines on redemption plans under MiCAR²⁷, was published on 9 October 2024;
- iv. A consultation paper on draft RTS on requirements for policies and procedures on conflicts of interest for issuers of ARTs under MiCAR²⁸. The consultation closed on 7 March 2024. The Final report on draft RTS on conflicts of interest under MiCAR²⁹, was published on 6 June 2024;
- v. A consultation paper on draft RTS to specify the highly liquid financial instruments in the reserve of assets for ARTs under MiCAR³⁰. The consultation closed on 8 February 2024. The Final report on draft RTS to specify the highly liquid financial instruments in the reserve of assets³¹, was published on 13 June 2024;
- vi. A consultation paper on draft RTS further specifying the liquidity requirements of the reserve of assets for ARTs under MiCAR³². The consultation closed on 8 February 2024. The Final report on draft RTS further specifying the liquidity requirements³³, was published on 13 June 2024;
- vii. A consultation paper on draft RTS to specify the minimum contents of the liquidity management policy and procedures under MiCAR³⁴. The consultation closed on 8 February 2024. The Final report on draft RTS to specify the minimum content of liquidity management policy³⁵, was published on 13 June 2024;

²⁶ Available <u>here</u>.

²⁷ Available here.

²⁸ Available here.

²⁹ Available <u>here</u>.

³⁰ Available here.

³¹ Available <u>here</u>.

³² Available here.

³³ Available here.

³⁴ Available here.

³⁵ Available here.

- viii. A consultation paper on draft RTS on the adjustment of own funds requirements and design of stress testing programmes for issuers under MiCAR³⁶. The consultation closed on 8 February 2024; The Final report on draft RTS on additional own funds requirements and stress testing³⁷, was published on 13 June 2024;
- ix. A consultation paper on draft RTS on the procedure and timeframe to adjust own funds requirements for issuers of significant asset-referenced tokens or of e-money tokens under MiCAR³⁸. The consultation closed on 8 February 2024; The Final report on draft RTS on the procedure and timeframe to adjust own funds³⁹, was published on 13 June 2024;
- x. A consultation paper on draft RTS on the use of ARTs and EMTs denominated in a non-EU currency as a means of exchange⁴⁰. The consultation closed on 8 February 2024. The Final Report on RTS on use of ARTs and EMTs as a means of exchange under MiCAR⁴¹, was published on 19 June 2024;
- xi. A consultation paper on draft RTS on supervisory colleges under MiCAR⁴². The consultation closed on 8 February 2024. The Final Report on RTS on colleges under MiCAR⁴³, was published on 19 June 2024;
- xii. A consultation paper on draft ITS on the reporting on ARTs and EMTs denominated in a non-EU currency under MiCAR⁴⁴. The consultation closed on 8 February 2024. The Final Report on draft ITS on the reporting⁴⁵, was published on 19 June 2024;

³⁶ Available here.

³⁷ Available here.

³⁸ Available here.

³⁹ Available <u>here</u>.

⁴⁰ Available here.

⁴¹ Available <u>here</u>.

⁴² Available here.

⁴³ Available here.

⁴⁴ Available here.

⁴⁵ Available here.

- xiii. A consultation paper on draft guidelines on recovery plans under MiCAR. The consultation closed on 8 February 2024⁴⁶. The Final report on Guidelines on recovery plans under MiCAR⁴⁷, was published on 13 June 2024;
- xiv. A consultation paper on draft RTS on the minimum content of the governance arrangements on the remuneration policy under MiCAR⁴⁸. The consultation closed on 22 January 2024. The Final report on draft RTS on governance arrangements for remuneration under MICAR⁴⁹, was published on 6 June 2024;
- xv. A consultation paper on draft Guidelines on internal governance arrangements for issuers of ARTs under MiCAR⁵⁰. The consultation closed on 22 January 2024. The Final report on draft Guidelines on the minimum content of the governance arrangements for issuers of asset-referenced tokens⁵¹, was published on 6 June 2024;
- xvi. A consultation paper on Joint EBA and ESMA Guidelines on suitability assessments of the management body and holders of qualifying holdings under MiCAR⁵². The consultation closed on 22 January 2024. The Final report on Joint EBA and ESMA Guidelines on the suitability assessment of members of management body of issuers of asset-referenced tokens and of crypto-asset service providers; and on Joint EBA and ESMA Guidelines on the suitability assessment of shareholders and members, whether direct or indirect, with qualifying holdings in issuers of asset-referenced tokens and in crypto-asset service providers⁵³, was published on 27 June 2024;
- xvii. Final draft RTS adopted by EBA and submitted to the European Commission on the procedure for the approval of white papers of ARTs issued by credit institutions⁵⁴. It is stressed that the said document is not applicable to

⁴⁶ Available <u>here</u>.

⁴⁷ Available here.

⁴⁸ Available <u>here.</u>

⁴⁹ Available here.

⁵⁰ Available <u>here</u>.

⁵¹ Available <u>here</u>.

⁵² Available <u>here</u>.

⁵³ Available <u>here</u>.

⁵⁴ Available here.

CySEC-supervised entities. The Final Report on draft RTS on the procedure for the approval of white papers of ARTs issued by credit institutions⁵⁵, was published on 7 May 2024;

- xviii. Final draft RTS adopted by EBA and submitted to the European Commission on information for assessment of a proposed acquisition of qualifying holdings in issuers of ARTs under MiCAR⁵⁶. The Final Report on draft RTS on information for assessment of a proposed acquisition of qualifying holdings in issuers of ARTs under MiCAR⁵⁷, was published on 7 May 2024;
 - xix. Final draft RTS/ITS adopted by EBA and submitted to the European Commission on information for authorisation as issuers of ARTs under MiCAR⁵⁸. The Final Report on draft RTS and ITS on information for authorisation as issuers of ARTs under MiCAR⁵⁹, was published on 7 May 2024; and
 - xx. Draft RTS on requirements, templates and procedures for handling complaints under MiCAR for issuers of ARTs⁶⁰ published on 13 April 2024. The Final Report on draft RTS specifying requirements, templates and procedures for handling complaints⁶¹, was published on 13 March 2024.
- 2.11 The RTSs and ITSs that have been adopted by the European Commission but have not been officially published yet, are available here. The officially published RTSs and ITSs can also be found at the same link.
- 2.12 CySEC adopts the relevant Guidelines through circulars which can be found on its website, here.
- 2.13 CySEC urges interested parties to monitor the publications by ESAs, the European Commission and CySEC on the subject matter.

⁵⁵ Available here.

⁵⁶ Available here.

⁵⁷ Available here.

⁵⁸ Available here.

⁵⁹ Available here.

⁶⁰ Available <u>here.</u>

⁶¹ Available here.

- 3. FEEDBACK RECEIVED AND CySEC's VIEW
- 3.1 OFFERORS AND PERSONS SEEKING ADMISSION TO TRADING OF CRYPTO ASSETS OTHER THAN ARTS AND EMTS
- 3.1.1 Regarding offerors and persons seeking admission to trading of crypto-assets other than ARTs and EMTs, interested parties were requested to provide their feedback on the following questions:

Question 1:

Do you agree with the fee set out in line 1, of the table of Section 4 of the CP, for the notification of a crypto-asset white paper for crypto-assets other than ARTs and EMTs?

Question 2:

Do you agree with the fee set out in line 2, of the table of Section 4 of the CP, for the notification of a modification of a published crypto-asset white paper for crypto-assets other than ARTs and EMTs?

Question 3:

Do you agree with the annual fee set out in line 3 of the table of Section 4 of the CP, for persons falling under Title II of MiCAR?

- 3.1.2 Stakeholders agreed with the proposed fees and had no additional comments, thus CySEC's final approach regarding offerors and persons seeking admission to trading of crypto-assets other than ARTs and EMTs, remains as per the proposed in the CP.
- 3.2 OFFERORS AND PERSONS SEEKING ADMISSION TO TRADING OF ARTs
- 3.2.1 Regarding offerors and persons seeking admission to trading for ARTs, stakeholders were requested to provide their feedback on the following questions:

Question 4:

Do you agree with the application fee set out in line 4, of the table of Section 4 of the CP, for the assessment of an application for authorisation to offer to the public or seek admission to trading of ARTs?

Question 5:

Do you agree with the assessment fee set out in line 5, of the table of Section 4 of the CP, for the plan submitted under Article 23 paragraph 1, point (b)?

Question 6:

Do you agree with the fee set out in line 6, of the table of Section 4 of the CP, for the notification of a modified crypto-asset white paper for ARTs?

Question 7.1:

Do you agree with the fee set out in line 7, of the table of Section 4 of the CP, for the notification of any changes to the management body for issuers of ARTs?

Question 7.2:

Do you agree with the information that will be required, as a minimum, to be submitted to CySEC for the assessment of the members of the management body, set out in the comments (line 7, column 2, of the table of Section 4 of the CP)?

Question 8:

Do you agree with the fee set out in line 8, of the table of Section 4 of the CP, for the notification of a discontinuation plan by issuers of ARTs?

Question 9:

Do you agree with CySEC's approach as outlined in line 9, of the table of Section 4 of the CP, regarding the notification of a change to a key function holder for issuers of ARTs?

Question 10:

Do you agree with the fee set out in line 10, of the table of Section 4 of the CP, for the notification of a proposed acquisition of issuers of ARTs?

Question 11:

Do you agree with the annual fee set out in line 13, of the table of Section 4 of the CP, for issuers of ARTs?

3.2.2 Stakeholders agreed with the proposed fees and additional information to be submitted to CySEC by offerors and persons seeking admission to trading for ARTs. Furthermore, the stakeholders that responded had no additional comments thus CySEC's final approach regarding the fees for these entities remains as per the table in the CP.

3.3 CASPs

3.3.1 Regarding CASPs, interested parties were requested to provide their feedback on the below questions concerning CySEC's proposed fees and additional information to be submitted:

Question 12:

Do you agree with the fee set out in line 14, of the table of Section 4 of the CP, for the assessment of a notification by a CySEC regulated financial entity of its intention to provide certain crypto-asset services?

Question 13:

Do you agree with the application fee set out in line 15, of the table of Section 4 of the CP, for the assessment of an application for authorisation as a CASP?

Question 14.1:

Do you agree with the fee set out in line 16, of the table of Section 4 of the CP, for the notification of any changes to the management body of a CASP?

Question 14.2:

Do you agree with the information to be submitted to CySEC, as a minimum, for the assessment of the notification of change to the management body of a CASP, as outlined in line 16, column 2, of the table of Section 4 of the CP?

Question 15:

Do you agree with the fee, set out in line 17, of the table of Section 4 of the CP, for the notification of a proposed acquisition of a CASP?

Question 16:

Do you agree with CySEC's approach as outlined in line 18, of the table of Section 4 of the CP, regarding the notification of a change to a key function holder of CASPs?

Question 17:

Do you agree with the annual supervision fee, set out in line 19, of the table of Section 4 of the CP, for CASPs?

- 3.3.2 Regarding question 17, some stakeholders enquired on whether the financial turnover of the CASP stemming from crypto-asset services, is confined to the revenue from trading activity and suggested that CySEC:
 - Introduces a cap to the annual supervision fee;
 - ii. Changes the calculation methodology and calculating the variable component of the annual supervision fee on the basis of profit instead; and
 - iii. Adjusts the variable component to take into consideration the business model of each entity.

CySEC's RESPONSE

- 3.3.3 The financial turnover of a CASP stemming from crypto-asset services, should be understood as the gross revenue stemming from any crypto-asset service within the meaning of Article 3(1)(16) of MiCAR, provided by a CASP. For the avoidance of doubt the term CASP⁶², includes both CASPs authorised in accordance with Article 63 of MiCAR and CASPs that are allowed to provide crypto-asset services pursuant to Article 60 of MiCAR.
- 3.3.4 By way of clarification the basis for the calculation of the variable component

⁶² See definition of CASP in footnote 4 in conjunction with Article 59 (1) of MiCAR.

was confined to the financial turnover of the CASP stemming from crypto-asset services, because the annual fees for certain entities regulated under sectoral rules but permitted to provide crypto-asset services in accordance of Article 60 of MiCAR, namely those of Cyprus Investment Firms ('CIFs') are already calculated on the basis of turnover without distinguishing the source thereof. Therefore, to avoid double charging, the basis for the calculation of the variable component of fees payable for the purposes of MiCAR was confined to the financial turnover of the CASP stemming from crypto-asset services, while at the same time such turnover will be rendered deductible for the calculation of the annual fees of CIFs, when acting in a capacity other than a CASP. A requirement for a break down of the turnover in the audited annual financial statements of CASPs has been also incorporated.

- 3.3.5 As regards the suggestions to change the calculation of the variable component on the basis of profits, this was not adopted as it is not aligned with the existing structure of CySEC fees under other sectoral rules.
- 3.3.6 In relation to the suggestion to take into consideration the business model of CASPs, this is addressed by means of the fixed component which is charged based on the crypto-asset services provided. The purpose of the variable component is to take into account the scale of the CASPs activities, which is reflected in its turnover.
- 3.3.7 The suggestion to introduce a cap on the annual supervisory fees, was adopted and a cap of five hundred thousand (500.000) euro has been introduced.

3.4 FURTHER QUESTIONS RECEIVED

3.4.1 Some stakeholders enquired on:

- i. the grandfathering and equivalence of the crypto-asset services governed by the current national rules, with the services covered under MiCAR;
- ii. on the interplay between the services and capital requirements under the national rules and MiCAR; and
- iii. whether the operation of an interface for the purpose of receiving and transmitting client orders in relation to crypto-assets crypto assets would

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⁶³ CySEC would like to point that the Directive DI87-03 for the charges and annual fees, has been amended to this end.

qualify as an operation of a trading platform.

CySEC's RESPONSE

- 3.4.2 By way of clarification, the entities registered for any crypto-asset service under the national rules, should undergo a full authorisation procedure as CASPs under MiCAR to be able to provide crypto-asset services after the entry into application of MiCAR, including for the services that they were registered under the national rules. A grandfathering period is provided under Article 143(3) of MiCAR, however entities operating under the grandfathering regime do not benefit from an EU passport and cross-border activities may occur only if the entity complies with the relevant legislation applicable in both the home and host Member States (the relevant Q&A published by ESMA can be found here).
- 3.4.3 CySEC would like to also clarify that post MiCAR implementation, national rules on registration and capital requirements of CASPs will be repealed after the ending of the grandfathering period. Accordingly, the CySEC directive on CASPs will be amended so as the requirements remain applicable only for the entities operating during the grandfathering period, under the national rules, in accordance with Article 143 (3) of MiCAR, including for those operating under the national rules of another Member State and which provide their services in Cyprus on a cross-border basis by way of a notification.
- 3.4.4 As regards the query on trading platforms, CySEC would like to draw the attention of interested entities to the definition of a trading platform under Article 3 (1)(18) of MiCAR and to the definitions of Article 3 (1) (19) and (20). Interested parties are also reminded of the content of ESMA Opinion on Broker Model⁶⁴.

⁶⁴ Available here.

4. OUR APPROACH

4.1 Further to the feedback received, CySEC's final approach is outlined in the table below. Our approach remains vastly consistent with the one proposed under the CP, except for the introduction of a cap on the CASP's annual fees in line 19.

	OFFERORS AND PERSONS SEEKING A OTHER T	ADMISSION TO TRADING FOR CRY HAN ARTS OR EMTS	PTO-ASSETS
	APPLICATION/NOTIFICATION AND ANNUAL FEES	COMMENT	APPLICABLE FEE
1.	Notification of the crypto-asset white paper for crypto-assets other than ARTs or EMTs (Article 8, paragraph 1 of MiCAR)	N/A	€1.000 per white paper notified.
2.	Notification of a modification of a published crypto-asset white paper for crypto-assets other than ARTs or EMTs – Article12(2) of MiCAR	N/A	€500 per modified white paper notified.
3.	Persons falling under Title II of MiCAR (i.e. offerors or persons seeking admission to trading of crypto-assets other than ARTs or EMTs that have their registered office in Cyprus), except for the case of operators of a trading platform shall pay an annual fee.	Persons falling under title II of MiCAR are subject to ongoing supervision, particularly in relation to: Their Marketing communications; Acting honestly and professionally; Identifying, preventing, managing and disclosing conflicts of interest; Maintaining systems and securities access protocols.	payable on 30 November of each year. Where an entity operates for a period of less than 12 months in a calendar year the fee shall be calculated for the period that the entity was operational.
		KING ADMISSION TO TRADING FO	
	APPLICATION/NOTIFICATION AND ANNUAL FEES	COMMENT	APPLICABLE FEE
4.	Application for authorisation to offer to the public or seek admission to trading of an ART – Article 18(1) of MiCAR	The procedure involves an application for authorisation in the context of which the competent authority inter alia approves the relevant white paper. The authorisation is provided per ART basis as per	€15.000

	T	the wording of Auticle 16/2) of	
		the wording of Article 16(3) of MiCAR.	
5.	Assessment of the plan submitted under Article 23 paragraph 1, point (b) to ensure that the estimated quarterly average number and average aggregated value of transactions per day are kept below the thresholds for ARTs – Article 23, paragraph 4 of MiCAR)	Where the thresholds are exceeded the issuer of ARTs submits this plan to be assessed and approved by its home Member State NCA, as per Article 23, paragraph 4 of MiCAR.	€10.000
6.	Assessment of a notification of a modified crypto-asset white paper for ARTs (Article 25, paragraph 2 of MiCAR)	Modifications as regards a white paper for ARTs are subject to approval by the home Member State NCA, as per Article 25, paragraph 2, fourth subparagraph of MiCAR.	€8.000
7.	Notification of any changes to the management body for issuers of ARTs (Article 33 of MiCAR)	Changes to the management body of an issuer of ARTs are subject to an immediate expost notification to the home Member State NCA. MiCAR does not provide for an ex-ante approval in this case. However, such an assessment is required to be undertaken by CySEC once notified, per Article 33 of MiCAR. Based on the content of Article 34 and relevant Joint Guidelines issued for consultation by ESMA and EBA, the issuers of ARTs remain primarily responsible for the assessment of the suitability of the members of their management body both on an individual basis and on a collective basis. Hence, as a minimum, they should be required to provide their own assessment along with the notification to CySEC to ensure that a thorough assessment has indeed been undertaken by the respective issuer of ART. The aforesaid information is necessary for CySEC to assess compliance with Article 34(2), as required by Article 33 of	€2.000 per change notified.
		1	

8.	Notification of a discontinuation	If the issuer of an asset-	€10.000
ο.	plan by an issuer of an ART (Article	referenced token decides to	€10.000
	34, paragraph 7 of MiCAR)	discontinue the provision of its	
	34, paragraph 7 of WICAN)	services and activities,	
		including by discontinuing the	
		, ,	
		issue of that ART, it shall submit	
		a plan to the competent	
		authority for approval of such	
		discontinuation, as per Article	
		34, paragraph 7 of MiCAR.	
9.	Notification of a change to a Key	Based on the EBA Draft	No fee
	Function Holder for issuers of ARTs	Guidelines on the minimum	
		content of the governance	
		arrangements for issuers of	
		ARTs, the 'three lines of	
		defense' model has been	
		utilized in identifying the	
		functions within issuers of ARTs	
		responsible for addressing and	
		managing risks. As per	
		paragraph 97 of the Draft EBA	
		Guidelines, Issuers of ARTs	
		should establish and maintain a	
		permanent and effective	
		compliance function that	
		operates independently from	
		the business it controls and,	
		where appropriate and taking	
		into account the application of	
		the proportionality principle,	
		establish and maintain risk	
		management and internal	
		audit functions that operate	
		independently.	
		The issuers of ARTs shall be	
		required in addition to the to	
		the information required under	
		Articles 18(2)(o) and 25(1)(a) to	
		submit to CySEC:	
		, -	
		i. Information on the	
		persons comprising	
		those functions, the	
		persons responsible	
		for those functions	
		(including the	
<u></u>		(morading the	1

		ii. their own assessment on the effectiveness of the function, commensurate with a) the nature, scale and complexity of their operations and b) with the number and the knowledge and experience of the persons comprising the respective function. The aforesaid information will be required to be submitted, pursuant to CySEC exercising powers vested in it by virtue of the national law transposing Article 94(1)(a) of MiCAR, in order to assess the compliance of Issuers of ARTs with their obligations under Article 34, paragraph 10 of MiCAR. Such information shall be submitted to CySEC at least annually and in any case every time there is a change in relation to the person responsible for the function in question.	
10.	Notification of proposed acquisitions of issuers of ARTs (Article 41, paragraph 4 of MiCAR)	Based on Article 41, paragraphs 4, 6 and 7 of MiCAR, the proposed acquisitions are subject to an assessment and (silent) approval or objection.	€8.000 per proposed acquisition.
11.	Notification of the Recovery plan of issuers of ARTs (Article 46, paragraph 2 of MiCAR)	Based on paragraph 2 of Article 46 of MiCAR, the issuer of ARTs shall notify the recovery plan to the NCA and the NCA shall assess and require amendments where deemed necessary.	No fee will be charged for this. It will be covered by the annual fee.

_		T	T
12.	Notification of the Redemption plan of issuers of ARTs (Article 47,	Based on paragraph 3 of Article 47 of MiCAR, the issuer	No fee for this. Will be covered
	paragraph 3 of MiCAR)	of ARTs shall notify the	by the annual fee.
		redemption plan to the NCA	
		and the NCA shall assess and	
		require amendments where	
		deemed necessary.	
13.	Annual fee for issuers of ARTs.		An annual fee shall be calculated
			on 31 January of each year and
			shall be payable
			to CySEC by 31 March of the
			following year the
			latest and shall be
			comprised of a
			flat and a variable
			component as
			follows:
			€20.000 flat fee,
			plus
			0,2% of the
			aggregate value
			of the reserve of
			assets, based on
			the latest
			available audit
			report notified to
			CySEC in
			accordance with
			paragraph 10 of Article 36 of
			MiCAR.
			Where the value
			of the reserve of
			assets is
			expressed in a
			currency other
			than the Euro, the
			exchange
			reference rate of
			the said currency
			against the Euro
			fixed by the
			European Central
			'

			Bank at the end of the day which the aggregate value of the reserve was established, shall be used. For the avoidance of doubt the issuers or ARTs will commence paying fees on the year following the year of their authorisation. This will effectively result in no fees being charged for the period being operational during the first year of authorisation and an ex ante payment of fees for each
			subsequent year.
	CRYPTO ASSET SE	RVICES PROVIDERS (CASPs)	
	APPLICATION/NOTIFICATION AND ANNUAL FEES	COMMENTS	APPLICABLE FEE
14.	Notification by CySEC regulated financial entities of their intention to provide certain crypto-asset services (Article 60 of MiCAR)	N/A	€10.000
15.	Application for authorisation as a CASP (Article 62 of MiCAR) (a) providing custody and administration of crypto-assets on	N/A	
	behalf of clients; (b) operation of a trading platform for crypto-assets; (c) exchange of crypto-assets for funds;		Providing custody and administration of crypto-assets on behalf of clients: €10.000. Operation of a trading platform

- (d) exchange of crypto-assets for other crypto-assets;
- (e) execution of orders for cryptoassets on behalf of clients;
- (f) placing of crypto-assets;
- (g) reception and transmission of orders for crypto-assets on behalf of clients;
- (h) providing advice on crypto-assets;
- (i) providing portfolio managements of crypto-assets;
- (j) providing transfer services for crypto-assets on behalf of clients.

for crypto-assets: €30.000

exchange of crypto-assets for funds: €5.000

exchange of crypto-assets for other crypto-assets: €5.000

execution of orders for cryptoassets on behalf of clients: €8.000

placing of cryptoassets: €8.000

reception and transmission of orders for cryptoassets on behalf of clients: €8.000

providing advice on crypto-assets: €8.000

providing portfolio managements of crypto-assets: €8.000

providing transfer services for crypto-assets on behalf of clients: €5.000

it is clarified that in order for an end service to be delivered to clients, the provision of

16.	Notification of changes to	According to Article 69 of	several of the aforesaid services might coexist. In such cases the fee payable should amount to the cumulative fee corresponding to each and every service. €2.000 per
	management body for a CASP (Article 69 of MiCAR)	MiCAR CASPs shall notify their competent authority without delay of any changes to their management body, prior to the exercise of activities by any new members, and shall provide their competent authority with all the necessary information to assess compliance with Article 68 of MiCAR.	change notified.
		The information to assess compliance with Article 68 shall include the CASP own assessment on their compliance with Article 68, as a consequence of the change to the management body, measured against the content of Article 68 and against the items outlined in relevant Level II or III measures. More specifically the draft Commission Delegated Regulation supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to	
		regulatory technical standards specifying the information to be included in an application for authorisation as cryptoasset service provider, includes relevant information to be collected for the assessment of the members of the	

		management body, which remain relevant for a subsequent assessment of the	
		composition thereof.	
17.	Notification of proposed	Article 83(7) of MiCAR provides	€8.000 per
17.	acquisitions of crypto-asset service	for approval for a proposed	proposed
	providers (Article 83 and 84 of	acquisition: "A competent	acquisition
	MiCAR)		notified.
	WICAR	authority that, upon completion of the assessment	notinea.
		referred to in paragraph 4	
		decides to oppose the	
		proposed acquisition referred	
		to in paragraph 1, shall notify	
		the proposed acquirer thereof	
		within two working days and in	
		any event before the date	
		referred to in paragraph 4	
		extended, where applicable, in	
		accordance with paragraph 6,	
		second and third	
		subparagraphs. The	
		notification shall provide the	
		reasons for such a decision."	
		reasons for such a accision.	
		The assessment is undertaken	
		in accordance with Article 84 of	
		MiCAR, as further elaborated in	
		delegated acts.	
18.	Notification of a change to a Key		No fee.
	Function Holder in the case of CASPs		
		"Crypto-asset service providers	
		shall employ personnel with the	
		knowledge, skills and expertise	
		necessary for the discharge of	
		the responsibilities allocated to	
		them, taking into account the	
		scale, nature and range of	
		crypto-asset services	
		provided."	
		CASPs shall be required to	
		submit to CySEC:	
		i Information on the	
		i. Information on the	
		persons comprising the	
		compliance, internal audit and risk management function (as	
		the case may be), the persons	
		the case may be, the persons	27

		responsible for those functions (including the reporting lines applicable); and	
		ii. their own assessment on the effectiveness of the function, commensurate with a) the nature, scale and complexity of their operations and b) with the number and the knowledge and experience of the persons comprising the respective function.	
		The aforesaid information will be required to be submitted, pursuant to CySEC exercising powers vested in it by virtue of the national law transposing Article 94(1)(a) of MiCAR, in order to assess the compliance of CASPs with Article 68(4) and 68(5) of MiCAR.	
		Such information shall be submitted to CySEC at least annually and in any case every time there is a change in relation to the person responsible for the function in question.	
19.	CASPs Annual Supervision Fee.	N/A	The annual fee shall be comprised of a fixed and a variable component as follows, payable within four months after the end of their financial year: A. Fixed Component:
			CASPs Providing custody and administration of

crypto-assets on behalf of clients: €10.000 annually.

operation of a trading platform for crypto-assets: €20.000 annually.

exchange of crypto-assets for funds: €5.000 annually.

exchange of crypto-assets: €5.000 annually.

execution of orders for crypto-assets on behalf of clients: €5.000 annually.

placing of cryptoassets: €5.000 annually.

reception and transmission of orders for crypto-assets on behalf of clients: €5.000 annually.

providing advice on crypto-assets: €8.000 annually.

providing portfolio managements of crypto-assets: €8.000 annually.

providing transfer services for

crypto-assets on behalf of clients: €5.000

- В. Variable component: Α cumulative surcharge according to the financial turnover of the CASP stemming from crypto-asset services, as long as this exceeds €500.000 euro, on the corresponding of scale percentages, as determined below:
- (i) Financial turnover between five hundred thousand and one (500.001) and one million (1.000.000) euro Percentage is set at 1%.
- (ii) Financial turnover between one million and one (1.000.001) and five million (5.000.000) euro Percentage is set at 0,4%.
- (iii) Financial turnover between five million one (5.000.001) and ten million (10.000.000) euro

	Percent at 0,3%	age is set
	than to euro (1) euro	er of more en million 0.000.001) age is set
	the sui based annual financia	l ents of the
	capped hundred thousar	sory fee is at five

5. NEXT STEPS

- 5.1 Interested parties may submit their official applications and/or notifications to the Authorisations' Department of CySEC in line with the relevant CySEC announcement dated 13 November 2024⁶⁵.
- 5.2 For the avoidance of doubt, Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849 which becomes applicable on 30 December 2024, also applies to CASPs operating during the grandfathering period of Article 142(3) of MiCAR.

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⁶⁵ Available <u>here</u>.

APPENDIX

Οδηγία ΟΔ 73-2009-04 της Επιτροπής Κεφαλαιαγοράς Κύπρου για τις Αγορές Κρυπτοστοιχείων (Τέλη και Συνδρομές) του 2024

ΚΑΤΑΤΑΞΗ ΠΑΡΑΓΡΑΦΩΝ

ΜΕΡΟΣ Ι ΕΙΣΑΓΩΓΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

Παράγραφος 1	Συνοπτικός τίτλος.
Παράγραφος 2	Ερμηνεία.
Παράγραφος 3	Σκοπός και πεδίο εφαρμογής

ΜΕΡΟΣ ΙΙ ΣΥΝΔΡΟΜΕΣ ΚΑΙ ΤΕΛΗ

Παράγραφος 4	Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο ΙΙ του Κανονισμού (ΕΕ) 2023/1114.
Παράγραφος 5	Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο ΙΙΙ του Κανονισμού (ΕΕ) 2023/1114.
Παράγραφος 6	Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο V του Κανονισμού (ΕΕ) 2023/1114.
Παράγραφος 7	Τέλη.
Παράγραφος 8	Είσπραξη τελών και συνδρομών.

ΜΕΡΟΣ ΙΙΙ ΤΕΛΙΚΕΣ ΔΙΑΤΑΞΕΙΣ

Παράγραφος 9 Έναρξη ισχύος.

Παραρτήματα Πρώτο Παράρτημα Δεύτερο Παράρτημα

Η Επιτροπή Κεφαλαιαγοράς, ασκώντας την εξουσία που της παρέχει το εδάφιο (1) του άρθρου 56 του περί Επιτροπής Κεφαλαιαγοράς Κύπρου Νόμου του 2009, για σκοπούς εφαρμογής της πράξης της Ευρωπαϊκής Ένωσης με τίτλο:

Επίσημη Εφημερίδα της ΕΕ: L. 150, 9.6.2023, σελ. 40. «Κανονισμός (ΕΕ) 2023/1114 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 31^{ης} Μαΐου 2023 για τις αγορές κρυπτοστοιχείων και για την τροποποίηση των κανονισμών (ΕΕ) αριθ. 1093/2010 και (ΕΕ) αριθ. 1095/2010 και των οδηγιών 2013/36/ΕΕ και (ΕΕ) 2019/1937»,

εκδίδει την ακόλουθη Οδηγία: ΜΕΡΟΣ Ι ΕΙΣΑΓΩΓΙΚΕΣ ΔΙΑΤΑΞΕΙΣ		
Συνοπτικός τίτλος.	1.	Η παρούσα Οδηγία θα αναφέρεται ως η Οδηγία ΟΔ 73-2009-04 για τις Αγορές Κρυπτοστοιχείων (Τέλη και Συνδρομές) του 2024.
Ερμηνεία.	2.	(1) Στην παρούσα Οδηγία, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια -
87(I) του 2017 44(I) του 2020 78(I) του 2021 91(I) του 2021 159(I) του 2021 9(I) του 2022 18(I) του 2023 96(I) του 2024.		«διαχειριστής αγοράς της Δημοκρατίας» λαμβάνει την έννοια που του αποδίδει το άρθρο 2(1) του περί Επενδυτικών Υπηρεσιών και Δραστηριοτήτων και Ρυθμιζόμενων Αγορών Νόμου·
56(I) тои 2013 8(I) тои 2015		«ΔΟΕΕ της Δημοκρατίας» λαμβάνει την έννοια που του αποδίδεται στο άρθρο 2(1) του περί των Διαχειριστών Οργανισμών Εναλλακτικών Επενδύσεων Νόμου·

97(I) тои 2015 133(I) тои 2019 135(I) тои 2021 157(I) тои 2021.		
73(I) TOU 2009 5(I) TOU 2012 65(I) TOU 2014 135(I) TOU 2015 109(I) TOU 2016 137(I) TOU 2018 56(I) TOU 2019 152(1) TOU 2020 45(I) TOU 2022.		«Επιτροπή» σημαίνει την Επιτροπή Κεφαλαιαγοράς Κύπρου που προβλέπεται στο άρθρο 4(1) του περί Επιτροπής Κεφαλαιαγοράς Κύπρου Νόμου·
78(I) του 2012 88(I) του 2015 52(I) του 2016 134(I) του 2019 134(I) του 2021 154(I) του 2022.		«Εταιρεία Διαχείρισης» λαμβάνει την έννοια που της αποδίδει το άρθρο 2(1) του περί των Ανοικτού Τύπου Οργανισμών Συλλογικών Επενδύσεων Νόμου στην οποία χορηγήθηκε άδεια λειτουργίας από την Επιτροπή σύμφωνα με τον εν λόγω νόμο·
		«Ευρωπαϊκή Κεντρική Τράπεζα» σημαίνει την Ευρωπαϊκή Κεντρική Τράπεζα που λειτουργεί σύμφωνα με τη Συνθήκη για την Ευρωπαϊκή Ένωση·
Επίσημη Εφημερίδα της ΕΕ: L. 150, 9.6.2023, σελ. 40.		«Κανονισμός (ΕΕ) 2023/1114» σημαίνει την πράξη της Ευρωπαϊκής Ένωσης με τίτλο «Κανονισμός (ΕΕ) 2023/1114 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 31 ^{ης} Μάϊου 2023 σχετικά με τις αγορές κρυπτοστοιχείων και για την τροποποίηση των κανονισμών (ΕΕ) αριθ. 1093/2010 και (ΕΕ) αριθ. 1095/2010 και των οδηγιών 2013/36/ΕΕ και (ΕΕ) 2019/1937»·
		«κύκλος εργασιών από υπηρεσίες σε κρυπτοστοιχεία» σημαίνει τα μεικτά έσοδα που προκύπτουν από την παροχή οποιασδήποτε υπηρεσίας κρυπτοστοιχείων, εν τη εννοία του άρθρου 3.16) του Κανονισμού (ΕΕ) 2023/1114, όπως παρουσιάζονται στις ελεγμένες οικονομικές καταστάσεις·
		«Κυπριακή Επιχείρηση Παροχής Επενδυτικών Υπηρεσιών» ή «ΚΕΠΕΥ» έχει την έννοια που αποδίδεται στον όρο αυτό από το άρθρο 2(1) του Επενδυτικών Υπηρεσιών και Δραστηριοτήτων και Ρυθμιζόμενων Αγορών Νόμου.
		(2) Όροι που χρησιμοποιούνται στην παρούσα Οδηγία και δεν ερμηνεύονται διαφορετικά έχουν την έννοια που τους αποδίδεται στον Κανονισμό (ΕΕ) 2023/1114.
		(3) (α) Στην παρούσα Οδηγία, οποιαδήποτε αναφορά σε νομοθετική πράξη της Ευρωπαϊκής Ένωσης, όπως Κανονισμό, Οδηγία ή Απόφαση, σημαίνει την εν λόγω πράξη όπως εκάστοτε διορθώνεται, τροποποιείται ή αντικαθίσταται, εκτός εάν από το κείμενο της παρούσας Οδηγίας προκύπτει διαφορετική έννοια.
		(β) Στην παρούσα Οδηγία, οποιαδήποτε αναφορά στον Κανονισμό (ΕΕ) 2023/1114 σημαίνει και τις δυνάμει αυτού κατ' εξουσιοδότηση πράξεις.
Σκοπός και πεδίο εφαρμογής.	3.	Η παρούσα Οδηγία έχει το ίδιο πεδίο εφαρμογής με τον Κανονισμό (ΕΕ) 2023/1114 και καθορίζει τα πληρωτέα τέλη για την υποβολή αιτήσεων ή/και κοινοποιήσεων ή/και γνωστοποιήσεων στην Επιτροπή καθώς και τις πληρωτέες συνδρομές.
		ΜΕΡΟΣ ΙΙ ΣΥΝΔΡΟΜΕΣ ΚΑΙ ΤΕΛΗ
Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο ΙΙ του Κανονισμού (ΕΕ) 2023/1114.	4.	(1) Ο προσφέρων κρυπτοστοιχείου εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος, που κοινοποιεί λευκό βιβλίο κρυπτοστοιχείων στην Επιτροπή σύμφωνα με το άρθρο 8 του Κανονισμού (ΕΕ) 2023/1114 σχετικά με το εν λόγω κρυπτοστοιχείο, καταβάλλει στην Επιτροπή -

		 (α) ετήσια συνδρομή ύψους πέντε χιλιάδων ευρώ (€5.000) μέχρι την 30^η Νοεμβρίου εκάστου έτους, για την περίοδο 1^η Ιανουαρίου μέχρι 31^η Δεκεμβρίου του ιδίου έτους, εφόσον πραγματοποιείται δημόσια προσφορά του κρυπτοστοιχείου καθ' όλη τη διάρκεια της περιόδου, ή (β) την ετήσια συνδρομή σύμφωνα με το στοιχείο (α) κατ' αναλογία, εφόσον - (i) ο προσφέρων κρυπτοστοιχείου εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος, κοινοποίησε το λευκό βιβλίο στην Επιτροπή κατά τη διάρκεια του έτους όπου, στην προκειμένη, η συνδρομή υπολογίζεται από τον μήνα πραγματοποίησης της κοινοποίησης· (ii) η δημόσια προσφορά έκλεισε εντός του έτους όπου, στην προκειμένη, η συνδρομή υπολογίζεται μέχρι και τον μήνα λήξης της περιόδου εγγραφής βάσει της δημόσιας προσφοράς ή τερματισμού της εγγραφής και 	
		καταβάλλεται εντός τριάντα (30) ημερών από το κλείσιμο της δημόσιας προσφοράς.	
		(2) Ο επιδιωκών την εισαγωγή προς διαπραγμάτευση κρυπτοστοιχείου εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος, που κοινοποιεί λευκό βιβλίο κρυπτοστοιχείων στην Επιτροπή σύμφωνα με το άρθρο 8 του Κανονισμού (ΕΕ) 2023/1114 σχετικά με το εν λόγω κρυπτοστοιχείο, καταβάλλει στην Επιτροπή -	
		 (α) ετήσια συνδρομή ύψους πέντε χιλιάδων ευρώ (€5.000) μέχρι την 30^η Νοεμβρίου εκάστου έτους, για την περίοδο 1^η Ιανουαρίου μέχρι 31^η Δεκεμβρίου του ιδίου έτους, εφόσον το κρυπτοστοιχείο είναι εισηγμένο για διαπραγμάτευση καθ' όλη τη διάρκεια της περιόδου, ή 	
		(β) την ετήσια συνδρομή σύμφωνα με το στοιχείο (α) κατ' αναλογία, εφόσον -	
		(i) ο επιδιωκών την εισαγωγή προς διαπραγμάτευση κρυπτοστοιχείου εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος κοινοποίησε το λευκό βιβλίο στην Επιτροπή κατά τη διάρκεια του έτους όπου, στην προκειμένη, η συνδρομή υπολογίζεται από τον μήνα πραγματοποίησης της κοινοποίησης·	
		(ii) η διαπραγμάτευση του κρυπτοστοιχείου τερματίστηκε εντός του έτους, όπου, στην προκειμένη η συνδρομή υπολογίζεται μέχρι και τον μήνα τερματισμού της διαπραγμάτευσης και καταβάλλεται εντός τριάντα (30) ημερών από το γεγονός αυτό.	
Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο ΙΙΙ του Κανονισμού (ΕΕ) 2023/1114.	5.	(1) Ο εκδότης μαρκών με αναφορά σε περιουσιακά στοιχεία, στον οποίο χορηγήθηκε άδεια από την Επιτροπή σύμφωνα με το άρθρο 21 του Κανονισμού (ΕΕ) 2023/1114, καταβάλλει ετήσια συνδρομή στην Επιτροπή για την περίοδο 1 ^η Ιανουαρίου μέχρι 31 ^η Δεκεμβρίου, πληρωτέα μέχρι την 31 ^η Μαρτίου του έτους που έπεται, η οποία αποτελείται από το άθροισμα των στοιχείων (α) και (β) ως ακολούθως -	
		(α) πάγιο ποσό ύψους είκοσι χιλιάδων ευρώ (€20.000),	
		(β) ποσοστό 0.2% της συνολικής αξίας του αποθεματικού περιουσιακών στοιχείων σε ευρώ, ως παρουσιάζεται στα αποτελέσματα του λογιστικού ελέγχου του εκδότη μαρκών με αναφορά σε περιουσιακά στοιχεία που τελευταία κοινοποιήθηκαν στην Επιτροπή σύμφωνα το άρθρο 36 παράγραφος 10 του Κανονισμού (ΕΕ) 2023/1114.	
		(2) Όπου η συνολική αξία του αποθεματικού περιουσιακών στοιχείων καθορίζεται από τον εκδότη μαρκών με αναφορά σε περιουσιακά στοιχεία σε νόμισμα άλλο από ευρώ, για την μετατροπή της σε ευρώ για σκοπούς εφαρμογής της υποπαραγράφου (1)(β), χρησιμοποιείται η συναλλαγματική ισοτιμία που υπολογίζει η Ευρωπαϊκή Κεντρική Τράπεζα την ημέρα καθορισμού της εν λόγω συνολικής αξίας.	
		(3) Ανεξάρτητα από τις διατάξεις της υποπαραγράφου (1), ο εκδότης μαρκών με αναφορά σε περιουσιακά στοιχεία δεν καταβάλλει ετήσια συνδρομή το έτος κατά το οποίο η Επιτροπή αποφάσισε τη χορήγηση σε αυτόν άδειας.	

Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο V του Κανονισμού (ΕΕ) 2023/1114.	6.	(1) Τα ακόλουθα πρόσωπα καταβάλλουν ετήσια συνδρομή στην Επιτροπή για την παροχή υπηρεσιών κρυπτοστοιχείων για την περίοδο 1 ^η Ιανουαρίου μέχρι 31 ^η Δεκεμβρίου, ως αυτή καθορίζεται στο Παράρτημα Ι της παρούσας Οδηγίας -	
Παράρτημα Ι.			
		(α) τα νομικά πρόσωπα ή άλλες επιχειρήσεις που έλαβαν άδεια παρόχου υπηρεσιών κρυπτοστοιχείων από την Επιτροπή σύμφωνα με το άρθρο 63 του Κανονισμού (ΕΕ) 2023/1114·	
		(β) τα κεντρικά αποθετήρια τίτλων που υπέβαλαν πλήρη κοινοποίηση στην Επιτροπή σύμφωνα με το άρθρο 60 παράγραφος 2 του Κανονισμού (ΕΕ) 2023/1114·	
		(γ) οι ΚΕΠΕΥ που υπέβαλαν πλήρη κοινοποίηση στην Επιτροπή σύμφωνα με το άρθρο 60 παράγραφος 3 του Κανονισμού (ΕΕ) 2023/1114·	
		(δ) οι διαχειριστές αγοράς της Δημοκρατίας που υπέβαλαν πλήρη κοινοποίηση στην Επιτροπή σύμφωνα με το άρθρο 60 παράγραφος 6 του Κανονισμού (ΕΕ) 2023/1114·	
		(ε) οι Εταιρείες Διαχείρισης και οι ΔΟΕΕ της Δημοκρατίας που υπέβαλαν πλήρη κοινοποίηση στην Επιτροπή σύμφωνα με το άρθρο 60 παράγραφος 5 του Κανονισμού (ΕΕ) 2023/1114.	
		(2) Σε περίπτωση έναρξης ή τερματισμού της παροχής υπηρεσιών κρυπτοστοιχείων εντός του έτους, τα πρόσωπα της υπαπαραγράφου (1) καταβάλλουν στην Επιτροπή ετήσια συνδρομή κατ' αναλογία της περιόδου που παρείχαν τις εν λόγω υπηρεσίες, στην οποία περίοδο υπολογίζεται ο μήνας έναρξης ή ο μήνας τερματισμού αυτών, ανάλογα με την περίπτωση.	
		(3) Η ετήσια συνδρομή σύμφωνα με το Παράρτημα Ι καταβάλλεται εντός τεσσάρων (4) μηνών από τη λήξη κάθε οικονομικού έτους και σε περίπτωση τερματισμού της παροχής υπηρεσιών κρυπτοστοιχείων, εντός δύο (2) μηνών από την ημερομηνία του τερματισμού.	
Τέλη. Παράρτημα ΙΙ	7.	Κατά την υποβολή αιτήσεων, κοινοποιήσεων και γνωστοποιήσεων στην Επιτροπή στο πλαίσιο εφαρμογής του Κανονισμού (ΕΕ) 2023/1114, καταβάλλονται τέλη ως αυτά καθορίζονται στο Παράρτημα ΙΙ της παρούσας Οδηγίας. Σε αντίθετη περίπτωση οι αιτήσεις, οι κοινοποιήσεις και οι γνωστοποιήσεις θεωρούνται ως μη υποβληθείσες στην Επιτροπή.	
Είσπραξη τελών και συνδρομών.	8.	Για την παράλειψη πληρωμής τέλους ή και συνδρομής, η Επιτροπή δύναται να λαμβάνει δικαστικά μέτρα προς είσπραξή τους, οπότε το οφειλόμενο ποσό εισπράττεται ως αστικό χρέος.	
		ΜΕΡΟΣ ΙΙΙ ΤΕΛΙΚΕΣ ΔΙΑΤΑΞΕΙΣ	
Έναρξη ισχύος.	9.	Η Οδηγία ισχύει από τη δημοσίευσή της στην Επίσημη Εφημερίδα της Δημοκρατίας.	

ПАРАРТНМАТА

ΠΑΡΑΡΤΗΜΑ Ι (Παράγραφος 6)

Συνδρομή από πρόσωπα που εμπίπτουν στον Τίτλο V του Κανονισμού (ΕΕ) 2023/1114

1. Η ετήσια συνδρομή, η οποία σε κάθε περίπτωση δεν δύναται να υπερβαίνει το ποσό των πεντακοσίων χιλιάδων ευρώ (€500.000), αποτελείται από το άθροισμα των υποσημείων (α) και (β) ως ακολούθως:

(α) Πάγιο ποσό, το ύψος του οποίου ορίζεται σε:

- δέκα χιλιάδες ευρώ (€10.000) για την υπηρεσία της παροχής φύλαξης και διαχείρισης κρυπτοστοιχείων για λογαριασμό πελατών·
- ii. είκοσι χιλιάδες ευρώ (€20.000) για την υπηρεσία της λειτουργίας πλατφόρμας διαπραγμάτευσης για κρυπτοστοιχεία·
- iii. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της ανταλλαγής κρυπτοστοιχείων έναντι χρηματικών ποσών·
- iv. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της ανταλλαγής κρυπτοστοιχείων έναντι άλλων κρυπτοστοιχείων·
- v. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της εκτέλεσης εντολών σχετικά με κρυπτοστοιχεία για λογαριασμό πελατών·
- νί. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της τοποθέτησης κρυπτοστοιχείων∙
- vii. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της λήψης και διαβίβασης εντολών σχετικά με κρυπτοστοιχεία για λογαριασμό πελατών·
- νίἱι. οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της παροχής συμβουλών σχετικά με κρυπτοστοιχεία∙
- ix. οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της παροχής διαχείρισης χαρτοφυλακίου κρυπτοστοιχείων·
- x. πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της παροχής υπηρεσιών μεταβίβασης κρυπτοστοιχείων για λογαριασμό πελατών.
- (β) Σωρευτική προσαύξηση σύμφωνα με τον κύκλο εργασιών από υπηρεσίες σε κρυπτοστοιχεία, εφόσον αυτός υπερβαίνει τις πεντακόσιες χιλιάδες ευρώ (€500.000), επί της αντίστοιχης κλίμακας ποσοστών, ως αυτή καθορίζεται πιο κάτω:
 - i. κύκλος εργασιών από υπηρεσίες σε κρυπτοστοιχεία μεταξύ πεντακοσίων χιλιάδων ενός ευρώ (€500.001) και ενός εκατομμυρίου ευρώ (€1.000.000), το ποσοστό ορίζεται σε 1%·
 - κύκλος εργασιών από υπηρεσίες σε κρυπτοστοιχεία μεταξύ ενός εκατομμυρίου ενός ευρώ (€1.000.001)
 και πέντε εκατομμυρίων ευρώ (€5.000.000), το ποσοστό ορίζεται σε 0.4%·
 - iii. κύκλος εργασιών από υπηρεσίες σε κρυπτοστοιχεία μεταξύ πέντε εκατομμυρίων ενός ευρώ (€5.000.001) και δέκα εκατομμυρίων ευρώ (€10.000.000), το ποσοστό ορίζεται σε 0.3%·
 - ίν. κύκλος εργασιών από υπηρεσίες σε κρυπτοστοιχεία μεγαλύτερος των δέκα εκατομμυρίων ενός ευρώ (€10.000.001), το ποσοστό ορίζεται σε 0.1%.
- 2. Ο υπολογισμός της προσαύξησης γίνεται βάσει των ετήσιων ελεγμένων οικονομικών καταστάσεων του προηγούμενου έτους.
- 3. Τα υπόχρεα προς καταβολή ετήσιας συνδρομής πρόσωπα περιλαμβάνουν στις ετήσιες ελεγμένες οικονομικές τους καταστάσεις ανάλυση του κύκλου εργασιών η οποία να διαχωρίζει μεταξύ κύκλου εργασιών από υπηρεσίες σε κρυπτοστοιχεία και κύκλου εργασιών από οποιαδήποτε άλλη εργασία.

ΠΑΡΑΡΤΗΜΑ ΙΙ (Παράγραφος 7)

ΤΕΛΗ

ΜΕΡΟΣ Ι. Κρυπτοστοιχεία εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος

	Αίτηση/Κοινοποίηση/Γνωστοποίηση	Καταβλητέο τέλος
1.	Κοινοποίηση λευκού βιβλίου κρυπτοστοιχείων για κρυπτοστοιχεία εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος (άρθρο 8 παράγραφος 1 του Κανονισμού (ΕΕ) 2023/1114).	Χίλια ευρώ (€1.000).
2.	Κοινοποίηση τροποποιημένου λευκού βιβλίου κρυπτοστοιχείων εκτός μαρκών με αναφορά σε περιουσιακά στοιχεία ή μαρκών ηλεκτρονικού χρήματος (άρθρο 12 παράγραφος 2 του Κανονισμού (ΕΕ) 2023/1114).	Πεντακόσια ευρώ (€500).

ΜΕΡΟΣ ΙΙ. Μάρκες με αναφορά σε περιουσιακά στοιχεία

	Αίτηση/Κοινοποίηση/Γνωστοποίηση	Καταβλητέο τέλος
1.	Αίτηση για χορήγηση άδειας για δημόσια προσφορά μάρκας με αναφορά σε περιουσιακά στοιχεία ή για να επιδιωχθεί η εισαγωγή της μάρκας με αναφορά σε περιουσιακά στοιχεία σε διαπραγμάτευση (άρθρο 18 παράγραφος 1 του Κανονισμού (ΕΕ) 2023/1114).	Δεκαπέντε χιλιάδες ευρώ (€15.000).
2.	Γνωστοποίηση σχεδίου που αναφέρεται στο άρθρο 23 παράγραφος 1 στοιχείο β) του Κανονισμού (ΕΕ) 2023/1114 (άρθρο 23 παράγραφος 4 του Κανονισμού (ΕΕ) 2023/1114).	Δέκα χιλιάδες ευρώ (€10.000).
3.	Γνωστοποίηση τροποποιημένου λευκού βιβλίου κρυπτοστοιχείων για μάρκες με αναφορά σε περιουσιακά στοιχεία (άρθρο 25 παράγραφος 2 του Κανονισμού (ΕΕ) 2023/1114).	Οκτώ χιλιάδες ευρώ (€8.000).
4.	Γνωστοποίηση αλλαγής στο διοικητικό όργανο του εκδότη μαρκών με αναφορά στα περιουσιακά στοιχεία (άρθρο 33 του Κανονισμού (ΕΕ) 2023/1114).	Δύο χιλιάδες ευρώ (€2.000) για κάθε αλλαγή.
5.	Γνωστοποίηση σχεδίου διακοπής παροχής υπηρεσιών και δραστηριοτήτων που αναφέρεται στο άρθρο 34 παράγραφος 7 του Κανονισμού (ΕΕ) 2023/1114 (άρθρο 34 παράγραφος 7 του Κανονισμού (ΕΕ) 2023/1114).	Δέκα χιλιάδες ευρώ (€10.000).
6.	Γνωστοποίηση προτεινόμενης απόκτησης συμμετοχής σε εκδότη μάρκας με αναφορά σε περιουσιακά στοιχεία (άρθρο 41 παράγραφος 1 του Κανονισμού (ΕΕ) 2023/1114).	Οκτώ χιλιάδες ευρώ (€8.000) για κάθε προτεινόμενη απόκτηση συμμετοχής.

ΜΕΡΟΣ ΙΙΙ. Παρόχοι υπηρεσιών κρυπτοστοιχείων

	Αίτηση/Κοινοποίηση/Γνωστοποίηση	Καταβλητέο τέλος
1.	Κοινοποίηση από κεντρικό αποθετήριο τίτλων, ΚΕΠΕΥ, διαχειριστή αγοράς της Δημοκρατίας, Εταιρεία Διαχείρισης ή ΔΟΕΕ της Δημοκρατίας για έναρξη παροχής υπηρεσιών κρυπτοστοιχείων (άρθρο 60 παράγραφοι 2, 3, 5 και 6 του Κανονισμού (ΕΕ) 2023/1114).	Δέκα χιλιάδες ευρώ (€10.000).

	Αίτηση για χορήγηση άδειας παρόχου υπηρεσιών κρυπτοστοιχείων (άρθρο 62 του Κανονισμού (ΕΕ) 2023/1114).	(α) Δέκα χιλιάδες ευρώ (€10.000) για την υπηρεσία της παροχής φύλαξης και διαχείρισης κρυπτοστοιχείων για λογαριασμό πελατών.
		(β) Τριάντα χιλιάδες ευρώ (€30.000) για την υπηρεσία της λειτουργίας πλατφόρμας διαπραγμάτευσης κρυπτοστοιχείων.
		(γ) Πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της ανταλλαγής κρυπτοστοιχείων έναντι χρηματικών ποσών.
		(δ) Πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της ανταλλαγής κρυπτοστοιχείων έναντι άλλων κρυπτοστοιχείων·
		(ε) Οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της εκτέλεσης εντολών σχετικά με κρυπτοστοιχεία για λογαριασμό πελατών·
		(στ) Οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της τοποθέτησης κρυπτοστοιχείων·
		(ζ) Οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της λήψης και διαβίβασης εντολών σχετικά με κρυπτοστοιχεία για λογαριασμό πελατών·
		(η) Οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της παροχής συμβουλών σχετικά με κρυπτοστοιχεία·
		(θ) Οκτώ χιλιάδες ευρώ (€8.000) για την υπηρεσία της παροχής διαχείρισης χαρτοφυλακίου κρυπτοστοιχείων·
		(ι) Πέντε χιλιάδες ευρώ (€5.000) για την υπηρεσία της παροχής υπηρεσιών μεταβίβασης κρυπτοστοιχείων για λογαριασμό πελατών.
3.	Γνωστοποίηση μεταβολής στο διοικητικό όργανο του παρόχου υπηρεσιών κρυπτοστοιχείων (άρθρο 69 του Κανονισμού (ΕΕ) 2023/1114).	Δύο χιλιάδες ευρώ (€2.000) για κάθε μεταβολή στο διοικητικό όργανο.
4.	Γνωστοποίηση προτεινόμενης απόκτησης συμμετοχής σε πάροχο υπηρεσιών κρυπτοστοιχείων (άρθρο 83 παράγραφος 1 του Κανονισμού (ΕΕ) 2023/1114).	Οκτώ χιλιάδες ευρώ (€8.000) για κάθε προτεινόμενη απόκτηση συμμετοχής.