



ОТЧЕТ О ПОДГОТОВЛЕННЫХ ОТВЕТАХ НА МЕЖДУНАРОДНЫЕ КОНСУЛЬТАЦИИ

ARGA Observatory

Период работы

11 июня 2026

1. Консультация Европейской комиссии по пересмотру Регламента MiCA (Markets in Crypto-Assets Regulation)

Организатор

Европейская комиссия

Цель консультации

Консультация была организована в рамках пересмотра Регламента MiCA и оценки необходимости дальнейшего регулирования быстро развивающихся сегментов рынка цифровых активов. Особое внимание уделялось сферам, которые частично или полностью остаются вне действующего регулирования MiCA.

Основные темы

- децентрализованные финансы (DeFi);
- стейкинг криптоактивов;
- криптокредитование и криптозаимствование;
- NFT;
- рынки прогнозов (prediction markets);
- бессрочные фьючерсы на криптоактивы;
- токенизированные депозиты;
- правовой режим цифровых активов;
- вопросы собственности на токены;
- коллизионные нормы и международное частное право.

Позиция ARGA Observatory

DeFi

ARGA признала значительный инновационный потенциал DeFi в области:

- обмена активами;
- предоставления ликвидности;
- кредитования;
- автоматизированных финансовых услуг.

Одновременно были отмечены существенные риски:

- ошибки смарт-контрактов;
- концентрация контроля над протоколами;
- отсутствие механизмов защиты инвесторов;
- риски отмыывания денежных средств;
- операционные сбои.

Мы поддержали разработку четких критериев определения степени децентрализации протоколов и введение добровольных либо обязательных схем сертификации DeFi-протоколов.

Стейкинг, кредитование и заимствование

ARGA поддержала сохранение действующего подхода к стейкингу как деятельности, связанной с кастодиальными услугами.

В отношении криптокредитования и криптозаимствования было предложено создание отдельного нормативного режима ввиду высоких рисков ликвидности, неплатежеспособности контрагентов и отсутствия достаточных механизмов защиты пользователей.

NFT

ARGA не поддержала введение всеобъемлющего регулирования NFT.

По нашему мнению, регулироваться должны только те NFT-конструкции, которые фактически выполняют функции финансовых инструментов либо инвестиционных продуктов.

Prediction Markets

Мы признали как потенциальные преимущества (агрегирование информации и прогнозирование), так и значительные риски манипулирования рынком и чрезмерной спекуляции.

Позиция ARGA заключается в том, что рынки прогнозов, обладающие признаками финансовых инструментов, должны регулироваться преимущественно в рамках MiFID.

Perpetual Futures

ARGA поддержала регулирование бессрочных фьючерсов через режим MiFID, а не MiCA, поскольку по своей экономической природе они близки к производным финансовым инструментам.

Токенизированные депозиты

Наиболее перспективными направлениями были признаны:

- расчеты по токенизированным ценным бумагам;
- механизмы Delivery-versus-Payment (DvP);
- программируемые платежи;
- снижение расчетных рисков.

Правовой статус токенов

ARGA поддержала усиление правовой определенности в вопросах:

- права собственности на токены;
- передачи прав;
- залоговых конструкций;
- банкротства;
- кастодиальных отношений.

Мы выступили за общеевропейскую гармонизацию правового режима цифровых активов.

Общий вывод

Необходимо обеспечить баланс между инновациями, защитой инвесторов и правовой определенностью.

2. Консультация ESMA по структуре европейских рынков акций (Market Structure Developments)

Организатор

Европейское управление по ценным бумагам и рынкам (ESMA)

Цель консультации

Изучение изменений структуры европейских фондовых рынков и их влияния на:

- ликвидность;
- конкуренцию торговых площадок;
- прозрачность;
- формирование цен.

Основные темы

- биржевая и внебиржевая торговля;
- темные пулы ликвидности (dark trading);
- закрывающие аукционы;
- Frequent Batch Auctions (FBA);
- систематические интернализаторы (SIs);
- benchmark transactions;
- member preferencing;
- addressable liquidity.

Позиция ARGA Observatory

Фрагментация рынка

Мы признали усиление фрагментации ликвидности между различными площадками.

Конкуренция между площадками полезна, однако чрезмерная фрагментация способна ослаблять централизованное формирование рыночных цен.

Dark Trading

ARGA поддержала сохранение возможностей темной торговли для крупных институциональных сделок, одновременно подчеркнув необходимость постоянного мониторинга влияния dark pools на прозрачность рынка.

Closing Auctions

Было отмечено возрастающее значение закрывающих аукционов вследствие:

- роста индексного инвестирования;
- использования цен закрытия в качестве бенчмарков;
- роста пассивных инвестиционных стратегий.

Frequent Batch Auctions

ARGA признала преимущества FBA:

- снижение преимуществ сверхбыстрой торговли;
- повышение конкуренции;
- уменьшение отдельных видов арбитража.

При этом вклад FBA в формирование рыночных цен должен оцениваться индивидуально в зависимости от архитектуры конкретного механизма.

Систематические интернализаторы

Мы отметили рост роли SI вследствие спроса на индивидуализированное исполнение сделок и возможности улучшения цены исполнения.

Однако усиление роли SI требует дополнительного надзора с точки зрения прозрачности рынка.

Benchmark Trades

ARGA поддержала подготовку ESMA отдельных разъяснений относительно расчета и применения benchmark trades.

Member Preferencing

Мы выразили обеспокоенность потенциальным нарушением принципов равного доступа и справедливой конкуренции.

Общий вывод

Необходимо сохранять баланс между инновационными механизмами торговли и качеством рыночного ценообразования.

3. Консультация ESMA по упрощению взаимодействия инвестиционных фирм с профессиональными клиентами

Организатор

ESMA

Цель консультации

Сокращение административной нагрузки на инвестиционные фирмы и профессиональных клиентов путем цифровизации и упрощения процессов взаимодействия.

Основные темы

- электронные коммуникации;
- цифровые интерфейсы;
- документационное оформление;
- автоматизация обмена данными.

Позиция ARGA Observatory

Снижение административной нагрузки

ARGA поддержала предложенные меры по сокращению формальных требований к оформлению отношений между сторонами.

Электронные коммуникации

Мы поддержали расширение возможностей использования электронных каналов связи при условии:

- сохранения доказательной силы сообщений;
- надежного хранения данных;
- возможности проведения аудита.

Использование графических интерфейсов (GUI)

ARGA согласилась с тем, что интерфейсы пользователя являются приемлемым способом взаимодействия с профессиональными клиентами.

При этом должны сохраняться:

- журналирование действий;
- возможность последующего контроля;
- надлежащая защита информации.

Оценка последствий

По нашему мнению, предлагаемые изменения приведут к:

- снижению издержек;
- ускорению операций;
- дальнейшей цифровизации финансовых рынков.

Общий вывод

Консультация направлена на разумное упрощение регулирования без снижения уровня защиты участников рынка.

4. Консультация Monetary Authority of Singapore (MAS) по технологическим рискам и операционной устойчивости

Организатор

Monetary Authority of Singapore (MAS)

Цель консультации

Усиление требований к технологической устойчивости финансовых организаций с учетом современных киберугроз и развития цифровых технологий.

Основные темы

- управление IT-активами;
- оценка IT-рисков;
- показатели риска (KRIs);
- планирование мощности систем;
- мониторинг безопасности;
- резервное копирование данных;
- реагирование на инциденты;
- учет простоев критических систем.

Позиция ARGA Observatory

IT-инвентаризация

Мы поддержали создание комплексного учета:

- аппаратного обеспечения;
- программного обеспечения;
- криптографических компонентов;
- сторонних сервисов;
- компонентов с открытым исходным кодом.

IT-риски и KRIs

ARGA поддержала риск-ориентированный подход.

При этом мы рекомендовали не закреплять жесткий перечень KRIs в обязательном порядке, сохранив гибкость для различных типов организаций.

Планирование мощности

Мы поддержали требования по capacity planning, но предложили отказаться от фиксированной частоты проведения таких оценок.

Непрерывный мониторинг

Была поддержана обязанность постоянного мониторинга:

- производительности систем;
- сетевой активности;
- киберинцидентов;
- облачной инфраструктуры;
- внешних поставщиков услуг.

Резервное копирование

ARGA посчитала достаточным использование либо неизменяемых (immutable), либо офлайн-резервных копий, если они позволяют обеспечить надежное восстановление данных.

Управление инцидентами

Мы предложили дополнительно учитывать:

- кризисное управление;
- взаимодействие с подрядчиками;
- угрозы, связанные с искусственным интеллектом;
- процедуры анализа инцидентов после их завершения.

Простои систем

ARGA поддержала уточнение правил учета частичных и периодических сбоев критических систем.

Срок внедрения

Предложенный срок внедрения в 12 месяцев был признан разумным и достаточным.

Общий вывод

Предлагаемые изменения укрепляют операционную устойчивость финансового сектора и учитывают современные киберриски, включая угрозы, связанные с искусственным интеллектом.

Итоговые выводы

Во всех четырех консультациях ARGА Observatory последовательно придерживалась следующих принципов:

1. Технологическая нейтральность регулирования.
2. Риск-ориентированный подход.
3. Пропорциональность требований.
4. Защита инвесторов и участников рынка.
5. Поддержка инноваций и цифровой трансформации.
6. Повышение правовой определенности.
7. Усиление операционной устойчивости и кибербезопасности.
8. Гармонизация международных регуляторных подходов.

Подготовленные ответы были направлены на формирование сбалансированной регуляторной среды, способствующей развитию инноваций при сохранении стабильности финансовой системы и высокого уровня защиты участников рынка.



European Commission >

EUSurvey

**Thank you very much
for submitting your response!**

**Until the questionnaire is closed,
you can still make changes to your response by clicking on this link
and providing to the case id number mentioned below.**

We've sent you a confirmation e-mail to your registered e-mail address:
brave.arga@gmail.com.

[Go to Consultation Page](#)

Please take a moment to save your Contribution ID: e61fd8a2-3770-41e4-bd1a-35a7ae1ffb81 

You may need it in the future (e.g. to edit your contribution).

Targeted consultation on the review of Regulation on the Markets in Crypto-Assets (MiCA)

Fields marked with * are mandatory.

Introduction

Background for this consultation

[Regulation 2023/1114 of 31 May 2023 on Markets in Crypto-Assets \(MiCA\)](#), which sets a dedicated and harmonised framework at Union level to provide specific rules for crypto-assets and related services and activities started to apply in part from 30 June 2024 and in full from 30 December 2024.

Crypto-assets and distributed ledger technology (DLT) offer opportunities for faster cross-border payments, new fundraising methods, and innovative decentralised services, but also entail risks. MiCA was introduced to provide legal certainty through a harmonised EU framework, defining key crypto-asset categories and setting requirements for issuers and service providers, while fostering responsible innovation and mitigating risks related to investor protection, market integrity, and financial stability. As these markets are growing in importance, and traditional financial services providers are also moving into the crypto- and tokenised assets space, a question arises whether the regulatory framework currently governing them remains fit for purpose. The national competent authorities (NCAs), the [European Supervisory Authorities \(ESAs\)](#) and the industry have been sharing feedback on their first implementation experiences. While it may be difficult at this stage to draw conclusions on how MiCA is performing in practice, there have been many policy and regulatory developments globally since MiCA was adopted, and more importantly the crypto-asset markets themselves have significantly developed and continue to evolve since MiCA was designed and adopted. Given these developments, the Commission services consider it necessary to compare and contrast, via this public consultation, the EU framework for crypto-assets with the more recent frameworks of other jurisdictions and with market developments. The results should help assess whether MiCA remains fit for purpose in this evolving policy and market context.

Notwithstanding the objective to promote innovation and digitalisation in European financial systems, financial regulation should remain technology neutral. This is crucial to guarantee the freedom of choice for market participants without inciting them towards using any specific technology and to ensure financial regulation remains adapted to technological advancements without major amendments.

Article 142 MiCA requests the Commission to present a report to the European Parliament and the Council on the latest developments with respect to crypto-assets, in particular, on matters that were left outside the scope of MiCA. The Commission services consider that the review of the Payment Services Directive has largely addressed and clarified some issues emerging from the interplay between the payment services legislation and MiCA following the [advice of the EBA](#).

With this consultation, the Commission services therefore:

- seek to respond to the request in Article 142 of MiCA^[1] and seek to collect the views of the stakeholders on all the market developments not originally covered by MiCA and whether policy or regulatory action would be warranted (see part 5)
- seek feedback to inform the review of MiCA referred to in Article 140 of MiCA^[2], consulting also the [European Banking Authority \(EBA\)](#) and the [European Securities and Markets Authority \(ESMA\)](#) to that effect
- seek to consult on matters that have emerged from the implementation of MiCA to date
- take stock of whether MiCA is fit for the future in the rapidly evolving landscape of digital and tokenised asset markets in a global and internationally competitive context, seizing both the opportunities tokenisation and DLT bring and addressing risks they may generate

In line with its simplification agenda to support EU competitiveness, the Commission services also wish to use this consultation to gather information and assess whether administrative or other burdens emanating from MiCA and its implementation measures can be simplified, reduced or dispensed with.

Beyond questions related to crypto-assets covered by MiCA, this consultation puts forward several questions affecting broader financial acquis. Interested parties that wish to bring other relevant issues, not raised in this consultation, to the Commission's attention, should feel free to communicate them through the open question at the end of this questionnaire. The Commission services welcome specificity and brevity in the replies. The different parts of the consultation cover the following areas:

- **PART 1 - Scope and definitions (title II crypto-assets):** this section includes questions on the current conditions for offering or seeking admission to trading of crypto-assets other than asset referenced tokens (ARTs) or e-money tokens (EMTs)
- **PART 2 - requirements applying to asset referenced tokens (ARTs) and e-money tokens (EMTs) and their issuers (titles III and IV):** this section includes questions on the current conditions for offering or seeking admission to trading of ARTs and EMTs,, their prudential regime, the multi-issuance model of global tokens and considering also the interaction with third country regulatory frameworks, the reserve requirements of ARTs and EMTs, the redemption rights of their holders and crisis management measures
- **PART 3 - the appropriateness of the current legal framework for crypto-asset service providers (CASPs) (titles V and VI):** this section covers questions on the adequacy of the current scope of crypto-asset services regulated under MiCA. Since the supervisory arrangements for CASPs are covered under the current [market integration and supervision package \(MISP\)](#), supervision of CASPs is outside the scope of this consultation
- **PART 4 - topics beyond the initial scope of MiCA:** this final part of the consultation consists of questions relating to decentralised finance, crypto-assets staking, lending and borrowing activities, and non-fungible tokens (NFTs). It also seeks views on whether MiCA should aim to increase legal certainty of crypto-assets and other on-chain assets, particularly in relation to natively issued assets

¹ Regulation (EU) 2023/1114, Article 142(1): 'By 30 December 2024 and after consulting EBA and ESMA, the Commission shall present a report to the European Parliament and the Council on the latest developments with respect to crypto-assets, in particular on matters that are not addressed in this Regulation, accompanied, where appropriate, by a legislative proposal.'

² Regulation (EU) 2023/1114, Article 140(1): 'By 30 June 2027, having consulted EBA and ESMA, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation accompanied, where appropriate, by a legislative proposal. An interim report shall be presented by 30 June 2025, accompanied, where appropriate, by a legislative proposal.'

Responding to this consultation

In this targeted consultation, the Commission is interested in the views of a wide range of stakeholders. Responses to this consultation are expected to be most useful where they present a clear and detailed narrative, demonstrated by data (where possible), concrete examples, legal references and qualitative evidence. Specific suggestions for solutions to address issues raised are welcome.

All interested stakeholders are invited to reply by 31 August 2026 via the online questionnaires below.

To the extent that not all questions will be relevant to all stakeholders, respondents are invited to reply only to those questions that are relevant to them.

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-mica-review@ec.europa.eu.

More information on

- [this consultation](#)
- [the related public consultation](#)
- [the consultation document](#)
- [crypto-assets](#)
- [the protection of personal data regime for this consultation](#)

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
-

- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority

- Trade union
- Other

*** First name**

Sergei

*** Surname**

Khrabrykh

*** Email (this won't be published)**

brave.arga@gmail.com

*** Organisation name**

255 character(s) maximum

ARGA Observatory

*** Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

*** Country of origin**

Please add your country of origin, or that of your organisation.

- | | | | |
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| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> | <input type="radio"/> Lithuania | <input type="radio"/> |

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| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
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| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |
| <input type="radio"/> Bangladesh | <input type="radio"/> French Southern and Antarctic Lands | <input type="radio"/> Moldova | <input type="radio"/> South Georgia and the South Sandwich Islands |
| <input type="radio"/> Barbados | <input type="radio"/> Gabon | <input type="radio"/> Monaco | <input type="radio"/> South Korea |
| <input type="radio"/> Belarus | <input type="radio"/> Georgia | <input type="radio"/> Mongolia | <input type="radio"/> South Sudan |
| <input type="radio"/> Belgium | <input type="radio"/> Germany | <input type="radio"/> Montenegro | <input type="radio"/> Spain |
| <input type="radio"/> Belize | <input type="radio"/> Ghana | <input type="radio"/> Montserrat | <input type="radio"/> Sri Lanka |
| <input type="radio"/> Benin | <input type="radio"/> Gibraltar | <input type="radio"/> Morocco | <input type="radio"/> Sudan |
| <input type="radio"/> Bermuda | <input type="radio"/> Greece | <input type="radio"/> Mozambique | <input type="radio"/> Suriname |
| <input type="radio"/> Bhutan | <input type="radio"/> Greenland | <input type="radio"/> Myanmar/Burma | <input type="radio"/> Svalbard and Jan Mayen |
| <input type="radio"/> Bolivia | <input type="radio"/> Grenada | <input type="radio"/> Namibia | <input type="radio"/> Sweden |

- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

- | | | | |
|--|----------------------------------|---|--|
| <input type="radio"/> Clipperton | <input type="radio"/> Jamaica | <input type="radio"/> Peru | <input type="radio"/> United States |
| <input type="radio"/> Cocos (Keeling) Islands | <input type="radio"/> Japan | <input type="radio"/> Philippines | <input type="radio"/> United States
Minor Outlying
Islands |
| <input type="radio"/> Colombia | <input type="radio"/> Jersey | <input type="radio"/> Pitcairn Islands | <input type="radio"/> Uruguay |
| <input type="radio"/> Comoros | <input type="radio"/> Jordan | <input type="radio"/> Poland | <input type="radio"/> US Virgin Islands |
| <input type="radio"/> Congo | <input type="radio"/> Kazakhstan | <input type="radio"/> Portugal | <input type="radio"/> Uzbekistan |
| <input type="radio"/> Cook Islands | <input type="radio"/> Kenya | <input type="radio"/> Puerto Rico | <input type="radio"/> Vanuatu |
| <input type="radio"/> Costa Rica | <input type="radio"/> Kiribati | <input type="radio"/> Qatar | <input type="radio"/> Vatican City |
| <input type="radio"/> Côte d'Ivoire | <input type="radio"/> Kosovo | <input type="radio"/> Réunion | <input type="radio"/> Venezuela |
| <input type="radio"/> Croatia | <input type="radio"/> Kuwait | <input type="radio"/> Romania | <input type="radio"/> Vietnam |
| <input type="radio"/> Cuba | <input type="radio"/> Kyrgyzstan | <input type="radio"/> Russia | <input type="radio"/> Wallis and
Futuna |
| <input type="radio"/> Curaçao | <input type="radio"/> Laos | <input type="radio"/> Rwanda | <input type="radio"/> Western Sahara |
| <input type="radio"/> Cyprus | <input type="radio"/> Latvia | <input type="radio"/> Saint Barthélemy | <input type="radio"/> Yemen |
| <input type="radio"/> Czechia | <input type="radio"/> Lebanon | <input type="radio"/> Saint Helena
Ascension and
Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic
Republic of the
Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and
Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

* Field of activity or sector (if applicable)

- Accounting
- Auditing
- Banking
- Credit rating agencies
- Insurance
- Pension provision
- Investment management (e.g. hedge funds, private equity funds, venture capital funds, money market funds, securities)
-

Market infrastructure operation (e.g. CCPs, CSDs, Stock exchanges)

- Social entrepreneurship
- Other
- Not applicable

* Please specify your activity field(s) or sector(s)

Human rights research

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only the organisation type is published: The type of respondent that you responded to this consultation as, your field of activity and your contribution will be published as received. The name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

PART 1: Scope and definitions, Title II crypto-assets

MiCA covers three types of crypto-assets: asset-referenced tokens (ARTs), electronic money tokens (EMTs) and crypto-assets other than ARTs or EMTs. The provisions related to the last category are set out in Title II of MiCA. This part of the consultation seeks feedback on the regulation of this category of crypto-assets.

Crypto-assets that fall under other sectoral legislation such as deposits, financial instruments including derivatives, or other regulated products, are outside the scope of MiCA. Therefore, some crypto-assets are regulated under MiCA, while tokenised financial instruments are not.

The distinction between crypto-assets regulated under MiCA and those governed by other sectoral legislation can sometimes be complex, particularly given that the definitions of certain assets, such as securities, are established in national law. Evolving market practices further highlight the convergence between the two areas, as traditional financial institutions increasingly offer MiCA-regulated crypto-assets and services, while MiCA-authorised entities expand into traditional financial products, subject to obtaining the necessary authorisations to do so.

1.1 MiCA scope & crypto-asset classification

Question 1. Should crypto-assets that qualify as financial instruments as defined in [Directive 2014/65/EU](#) of the European Parliament and of the Council, continue to be governed by sectorial legislation ([MiFID](#)/[MiFIR](#)/[MAR](#)/[Prospectus Regulation](#), etc.), or should all assets that are recorded and transacted on distributed ledgers and that meet the definition of a crypto-asset, or the services provided on such assets, in principle be covered by MiCA?

- Yes, they should remain under the main sectoral legislation
- No, all crypto-assets, or the services provided on such assets, should be covered by MiCA
- Don't know / no opinion / not applicable

Question 1.1 Is the distinction between financial instruments governed by MiFID and crypto-assets governed by MiCA sufficiently clear, also taking into account ESMA's guidelines on the conditions and criteria for the qualification of crypto-assets as financial instruments?

- Yes, sufficiently clear
- No, clarification is needed
- Don't know / no opinion / not applicable

Question 1.2 Please explain your answer to question 1.1 and suggest any policy actions for clarification if needed:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the distinction between financial instruments governed by MiFID II and crypto-assets governed by MiCA has become clearer following the publication of ESMA's guidelines and the joint ESA classification framework. These initiatives have substantially improved regulatory certainty and contributed to greater supervisory convergence across the Union.

However, important areas of uncertainty remain. In practice, difficulties continue to arise in relation to hybrid tokens that combine utility, governance and economic functions, tokenised fund interests, tokenised money-market instruments, wrapped assets, synthetic exposures, revenue-sharing arrangements, and certain governance tokens that may confer rights resembling those attached to financial instruments.

Particular challenges arise where the legal form and marketing of a crypto-asset differ from its economic substance. Some projects are structured as utility or governance tokens while creating economic expectations comparable to securities or collective investment products. In such cases, market participants and supervisory authorities may reach divergent conclusions regarding classification.

Additional uncertainty may also result from differences in national interpretations of securities law and financial instrument concepts. Although MiCA and ESMA guidance have significantly improved harmonisation, there remains a risk of inconsistent outcomes across Member States, particularly in relation to innovative tokenised products.

ARGA Observatory therefore supports further clarification through:

- * additional ESMA guidance and practical examples covering common borderline cases;
- * a regularly updated repository of supervisory interpretations and classification decisions at EU level;
- * greater convergence between MiCA, MiFID II and the DLT Pilot Regime;
- * clarification that economic substance, investor expectations, attached rights and actual risk characteristics should prevail over purely technical design features or marketing terminology.

The regulatory framework should remain technology-neutral and continue to distinguish between financial instruments and other crypto-assets on the basis of their economic function rather than the technology used for issuance or transfer.

Question 2. To what extent have ESMA's MiCA Article 2(5) guidelines and the joint ESA standardised classification test reduced uncertainty in practice? Which borderline cases remain difficult?

Please explain your response and suggest any policy actions for clarification if needed.

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that ESMA's Article 2(5) MiCA Guidelines and the joint ESA classification test have significantly improved legal certainty compared with the pre-MiCA environment. They provide a more structured analytical framework and reduce the risk of inconsistent classification across Member States.

However, important borderline cases remain difficult to assess in practice.

The most challenging categories include:

- * hybrid tokens combining utility, governance and economic rights;
- * tokenised fund interests and collective investment arrangements;
- * tokenised money-market instruments;
- * wrapped assets and synthetic exposures;
- * governance tokens that may confer de facto economic or managerial rights;
- * revenue-sharing or profit-participation tokens;
- * NFTs issued in large collections or series that function economically as fungible assets.

A particular challenge arises where the legal form of a token differs from its economic substance. Certain projects seek to structure assets as utility or governance tokens while providing holders with rights or expectations comparable to financial instruments. This creates uncertainty both for market participants and supervisors.

Differences in national interpretations of securities law continue to create risks of divergent outcomes across Member States despite ESMA guidance. This is particularly relevant for tokenised investment products and instruments representing participation in pooled assets.

The Commission should consider further clarification through binding technical standards, additional examples of classification outcomes, and a regularly updated EU-level repository of supervisory interpretations. Greater convergence between MiCA, MiFID II and the DLT Pilot Regime would also help reduce uncertainty.

The guiding principle should remain that classification is based on the economic reality, rights attached to the asset, and risks for investors rather than solely on technological design or marketing terminology.

1.2 Transparency rules and ex post supervisory control regime

Question 3. Title II establishes disclosure, marketing, conduct and liability rules for public offers and admission to trading of crypto-assets other than ART and EMT.

How appropriate or effective is the design of Title II in balancing investor protection, market integrity and innovation?

a) Please assess each provision below along their adequacy:

	1 (completely inadequate)	2 (mostly inadequate)	3 (neutral)	4 (moderately adequate)	5 (fully adequate)	Don't know - No opinion - Not applicable
Exemptions for offers to <150 persons per Member State, small offerings (<€1m over 12 months), and qualified investors (Article 4 (2))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
White paper disclosure framework (Article 6): issuer information, crypto-asset characteristics, tokenomics, risks, use of proceeds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing requirements: identifiable, fair, clear, not misleading and consistent with the white paper (Article 7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ex ante notification model without prior regulatory approval (Article 8)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligation to modify/update the white paper for significant new factors, material mistakes or inaccuracies (Article 12)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail investor right of withdrawal (14 days), excluding assets already admitted to trading or after subscription period ends (Article 13)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct obligations: honesty, fairness and professionalism, clear communications, conflicts management, and effective systems and security arrangements (Article 14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Civil liability for inaccurate, misleading or incomplete white paper information (Article 15)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Overall balance between investor protection, market integrity and innovation under Title II	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your ratings in question 3 a), focusing on the issues you deem most significant regarding the overall balance between investor protection, market integrity and innovation:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that Title II generally achieves an appropriate balance between investor protection, market integrity and innovation.

The white paper framework, conduct obligations and civil liability provisions are among the strongest elements of MiCA. They introduce a level of transparency and accountability that was largely absent in many crypto-asset markets before MiCA.

The notification-based model is also appropriate because it avoids creating excessive barriers to entry for innovative projects while still allowing competent authorities to intervene where necessary.

The main area where effectiveness remains limited concerns post-issuance developments. Investors often face significant changes in governance structures, tokenomics, allocation mechanisms or project control after issuance. While MiCA requires updates to white papers, practical enforcement and visibility of such changes may remain insufficient.

The retail withdrawal right provides useful protection during initial offerings but has limited practical relevance for many crypto-assets that quickly become tradable on secondary markets.

Overall, the current framework represents a reasonable compromise between innovation and investor protection. The priority should be improving implementation, supervisory convergence and post-issuance transparency rather than fundamentally redesigning Title II.

b) Please assess each provision below along the direction of change you consider appropriate:

	1 (should be significantly weakened)	2 (should be somewhat weakened)	3 (should remain unchanged)	4 (should be somewhat strengthened)	5 (should be significantly strengthened)	Don't know - No opinion - Not applicable
Exemptions for offers to <150 persons per Member State, small offerings (<€1m over 12 months), and qualified investors (Article 4 (2))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
White paper disclosure framework (Article 6): issuer information, crypto-asset characteristics, tokenomics, risks, use of proceeds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing requirements: identifiable, fair, clear, not misleading and consistent with the white paper (Article 7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ex ante notification model without prior regulatory approval (Article 8)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligation to modify/update the white paper for significant new factors, material mistakes or inaccuracies (Article 12)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Retail investor right of withdrawal (14 days), excluding assets already admitted to trading or after subscription period ends (Article 13)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct obligations: honesty, fairness and professionalism, clear communications, conflicts management, and effective systems and security arrangements (Article 14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Civil liability for inaccurate, misleading or incomplete white paper information (Article 15)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall balance between investor protection, market integrity and innovation under Title II	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your ratings in question 3 b), focusing on the issues you deem most significant regarding the overall balance between investor protection, market integrity and innovation:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory does not support a major expansion of regulatory burdens under Title II. However, several targeted improvements would strengthen investor protection without materially harming innovation.

The strongest case for enhancement concerns post-issuance transparency. Material changes affecting governance arrangements, tokenomics, vesting schedules, insider allocations, treasury management or control rights should be disclosed promptly and in a standardised format that is easily accessible to investors.

Marketing requirements should be strengthened to address evolving digital marketing techniques, including influencer promotion, algorithmic targeting and gamified investment campaigns aimed at retail users.

Conduct obligations and civil liability provisions should remain robust and consistently enforced across the Union. Effective enforcement is likely to provide greater benefits than introducing entirely new disclosure regimes.

The notification-based model should be preserved because replacing it with a prior authorisation regime could disproportionately burden smaller innovative projects and reduce EU competitiveness.

Overall, the focus should be on supervisory convergence, transparency and enforcement rather than on substantially expanding the regulatory framework.

Question 4. Based on initial implementation experience under MiCA, please assess the extent to which the following issues remain a concern:

	1 (not serious concern at all)	2 (rather not serious concern)	3 (neutral)	4 (rather serious concern)	5 (extremely serious concern)	Don't know - No opinion - - Not applicable
Inadequate or non-comparable disclosure clarity or complexity to retail investors in Title II white papers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fraudulent or misleading crypto-asset offerings affecting EU investors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of clear and enforceable investor rights for crypto-asset holders	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insufficient issuer governance or accountability in crypto-asset projects e.g. monitoring of the use of funds by issuers after the offering period	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory arbitrage, including activity shifting outside the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promotions by social media, influencers, sponsorships	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Post-issuance token value erosion or project failure affecting EU retail investors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Market manipulation practices (e.g. wash trading, price manipulation) in crypto-asset markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Misaligned incentives between crypto-asset issuers and investors (e.g. insider allocations, weak lock-ups)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Difficulty in assessing issuer quality and project credibility for EU investors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cross-border enforcement and supervisory coordination challenges within the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cross-border enforcement and supervisory coordination challenges with third countries authorities outside of the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your ratings in question 4, focusing on the issues you deem most significant and add any additional issues that you deem highly important:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that several risks remain particularly significant despite the introduction of MiCA.

The most serious concerns relate to market manipulation, regulatory arbitrage, cross-border enforcement, and the use of aggressive digital marketing practices. Crypto-asset markets remain highly globalised, while supervision and enforcement continue to be largely organised on a national basis. As a result, fraudulent actors can target EU investors from outside the Union or relocate activities to jurisdictions with lower regulatory standards.

Market manipulation, including wash trading, artificial volume generation, coordinated pump-and-dump schemes, and other forms of abusive conduct, continues to undermine market integrity and investor confidence. Effective detection and enforcement remain challenging, particularly where activities involve decentralised infrastructures or actors operating across multiple jurisdictions.

Promotional activities through social media, influencers, sponsorship arrangements, and algorithmically targeted advertising remain a significant concern. Retail investors are frequently exposed to marketing content that may not adequately reflect the risks associated with crypto-assets. The rapid dissemination of promotional content can amplify speculative behaviour and distort investment decisions.

Regulatory arbitrage is another important issue. Differences between regulatory frameworks globally may incentivise issuers or service providers to structure activities outside the Union while continuing to target EU users. This can weaken the effectiveness of investor protection measures and create uneven competitive conditions.

The Observatory also considers issuer governance and accountability to remain important concerns. Investors often have limited visibility regarding project governance, treasury management, token allocation mechanisms, insider holdings, vesting schedules, or changes to project control after issuance. In some cases, incentives between founders, early investors and retail token holders may not be sufficiently aligned.

Difficulties in assessing project credibility and issuer quality remain substantial, particularly for retail investors. Even where disclosure obligations exist, the technical complexity of many projects makes meaningful risk assessment difficult.

Additional issues that deserve further attention include:

- * governance risks associated with highly concentrated token ownership structures;
- * insufficient transparency regarding treasury management and use of proceeds after issuance;
- * risks arising from cross-chain and wrapped asset structures;
- * increasing use of artificial intelligence and automated systems in crypto-asset marketing and investor targeting;
- * challenges relating to the identification of responsible persons in decentralised or pseudo-decentralised projects;
- * the need for greater international supervisory cooperation and information-sharing mechanisms.

Overall, ARGA Observatory believes that the priority should be effective enforcement, supervisory convergence, and enhanced post-issuance transparency rather than a substantial expansion of disclosure requirements at the issuance stage.

Question 5. Should additional measures either at the issuance stage or during the marketing and distribution of crypto-assets, be considered?

Based on your experience or expertise, please evaluate the potential effectiveness of the following additional measures in relation to Title II crypto-assets.

	1 (not at all effective)	2 (slightly effective)	3 (moderately effective)	4 (rather effective)	5 (highly effective)	Don't know - No opinion - Not applicable
Marketing restrictions for high-risk or speculative crypto-assets aimed at retail investors e.g. restricting or banning the use of algorithmic or "gamified" marketing tactics for new token launches	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Lock-up periods (e.g. 12 months) or vesting schedules for founder and early investor tokens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your ratings in question 5, and what (other) regulatory or supervisory actions you would consider useful either at the issuance stage and during marketing or distribution:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that targeted marketing restrictions for high-risk or speculative crypto-assets can be highly effective in improving investor protection, particularly for retail investors.

The increasing use of algorithmic targeting, gamified user interfaces, influencer promotion, referral programmes, and behavioural design techniques can encourage investment decisions that are not based on a proper understanding of risks. Such practices may disproportionately affect younger, less experienced, or financially vulnerable users. Restrictions aimed at preventing misleading, manipulative, or excessively aggressive marketing techniques would therefore contribute positively to market integrity and consumer protection.

Lock-up periods and vesting schedules for founders, insiders, and early investors can also improve market confidence and reduce conflicts of interest. They help align incentives between project founders and retail investors, reduce the risk of rapid insider exits, and increase transparency regarding token distribution. However, a fully harmonised mandatory approach may not be appropriate for all crypto-asset projects. Greater flexibility based on project characteristics and risk profiles may be preferable.

Beyond these measures, ARGA Observatory would support consideration of:

- * enhanced transparency regarding insider allocations, vesting schedules, treasury management, and use of proceeds;
- * standardised disclosure of token concentration and ownership structures;
- * clearer identification and accountability requirements for project founders and controlling persons;
- * stronger supervisory scrutiny of influencer marketing and paid promotional activities;
- * more effective cross-border cooperation against fraudulent offerings targeting EU investors;
- * standardised reporting of material post-issuance changes affecting governance, tokenomics, or investor rights.

The priority should remain proportionate regulation that addresses demonstrable investor protection risks while preserving the ability of innovative projects to raise capital and develop new technologies within the Union.

Question 6. What administrative simplification or burden reduction measures should be considered under title II and its implementing measures and technical standards?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that simplification efforts should focus on reducing unnecessary administrative complexity while preserving investor protection and market integrity.

Possible measures include:

- * greater standardisation of white paper templates and disclosure formats across Member States;
- * development of common digital reporting tools and submission portals for notifications and updates;
- * reduction of duplicative reporting obligations where substantially similar information is already provided under other EU regulatory frameworks;
- * publication of more detailed supervisory guidance and practical examples to reduce legal uncertainty and compliance costs;
- * creation of an EU-wide repository of white papers, updates, supervisory decisions and interpretative guidance;
- * greater harmonisation of notification procedures and supervisory expectations among national competent authorities;
- * streamlined requirements for small-scale issuers and low-risk projects where investor protection concerns are limited.

In addition, further clarification of the boundary between MiCA, MiFID II, the Prospectus Regulation, the DLT Pilot Regime and other sectoral legislation would significantly reduce compliance costs and legal uncertainty.

Administrative simplification should not weaken transparency, disclosure obligations, conduct standards or accountability mechanisms. The objective should be to improve regulatory efficiency and legal certainty rather than reduce investor protections.

Question 7. Which specific categories remain most difficult to classify in practice? (e.g. hybrid tokens, wrapped assets, tokenised fund interests, tokenised money-market instruments, governance tokens, synthetic exposures, or assets marketed as NFTs but issued in series)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that several categories of crypto-assets remain difficult to classify in practice despite the progress achieved through MiCA and ESMA guidance.

The most challenging categories include:

- * hybrid tokens combining utility, governance, access, and economic rights;
- * governance tokens that may confer de facto control rights, revenue participation, or economic expectations comparable to financial instruments;
- * tokenised fund interests and collective investment arrangements;
- * tokenised money-market instruments;
- * wrapped assets representing claims on underlying crypto-assets or off-chain assets;
- * synthetic exposure products that replicate the performance of other assets without direct ownership;
- * real-world asset (RWA) tokenisation structures involving complex legal rights;
- * revenue-sharing and profit-participation tokens;
- * assets marketed as NFTs but issued in large collections or series that function economically as fungible assets;
- * cross-chain and bridged assets whose legal and operational characteristics depend on multiple infrastructures.

The greatest source of uncertainty arises where economic substance differs from legal form or marketing terminology. Classification should continue to focus primarily on the rights attached to the asset, the expectations created for holders, the economic function performed by the asset, and the risks generated for

investors.

Further guidance through practical examples, supervisory convergence tools and regularly updated classification case studies would help reduce uncertainty and promote consistent outcomes across the Union.

Question 8. Are the current Title II mechanisms sufficient to ensure meaningful updates to investors after issuance, including where project governance, tokenomics, vesting schedules or control rights change materially?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 8:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory does not consider the current Title II mechanisms fully sufficient to ensure meaningful and timely information for investors after issuance.

MiCA introduced important obligations regarding disclosure and updates to crypto-asset white papers. However, investors may still face difficulties obtaining clear, standardised and easily accessible information regarding material post-issuance developments.

Particular concerns arise where significant changes affect:

- * governance structures;
- * tokenomics and token supply mechanisms;
- * vesting schedules and insider allocations;
- * treasury management and use of proceeds;
- * control rights and decision-making processes;
- * key project personnel or ownership structures.

Such changes may materially affect investor expectations, project risk profiles and the value of crypto-assets. In practice, disclosures may not always be sufficiently visible, timely or presented in a format that allows meaningful comparison across projects.

ARGA Observatory therefore supports strengthening post-issuance transparency requirements, including standardised reporting of material changes, improved accessibility of disclosures, and clearer supervisory expectations regarding ongoing information obligations.

The objective should not be to impose excessive reporting burdens but to ensure that investors continue to receive relevant information throughout the life cycle of a crypto-asset project rather than only at the initial offering stage.

PART 2. Requirements applying to Assets referenced tokens (ART) and electronic money tokens (EMT) and their issuers (MiCA Titles III and IV)

MiCA establishes a bespoke regulatory regime for so-called “stablecoins” by distinguishing between asset-referenced tokens (ARTs) and e-money tokens (EMTs).

This section seeks stakeholders’ feedback on stablecoins (EMTs and ARTs) in general, notably on the future role they may play both within the EU and beyond. It also asks more specific questions related to their prudential regime, their reserve requirements, the redemption rights of their holders and whether MiCA’s stablecoin regime remains fit for purpose or requires adjustment in view of market and international regulatory developments.

2.1 The future role of stablecoins

Question 9. Looking 5-10 years ahead, how strongly do you agree with the following visions for the role of stablecoins in the EU?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - - Not applicable
A mainstream digital means of payment for retail transactions within the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A mainstream digital means of payment for wholesale transactions within the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
A complement to existing payment instruments, used mainly in specific use cases especially in international, cross-border payments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A core infrastructure layer for the digital economy and tokenised financial markets especially for settlement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
A niche or transitional product, eventually displaced by other forms of digital money (e.g. CBDCs or commercial bank money innovations)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
No clear long-term role can be identified at this stage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 9:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that stablecoins are most likely to develop as a complement to existing payment systems rather than as a complete replacement for traditional forms of money.

Their strongest potential lies in international payments, cross-border transfers, settlement of tokenised assets, and programmable financial services. Stablecoins may significantly reduce transaction costs, increase settlement speed, and facilitate the development of tokenised financial markets.

Over the next decade, stablecoins may also become an important infrastructure layer supporting digital asset ecosystems and tokenised financial instruments. Their role appears particularly relevant in wholesale and institutional settings where efficiency gains from programmable settlement may be substantial.

By contrast, widespread replacement of existing retail payment systems within the EU appears less certain. Existing payment infrastructures are already relatively efficient, while stablecoins continue to face challenges relating to consumer trust, operational resilience, regulatory compliance and adoption.

ARGA Observatory therefore expects stablecoins to coexist with commercial bank money, electronic money and potentially future central bank digital currencies rather than completely displacing them.

Question 10. The following question explores the current and potential benefits of stablecoins (both EMTs and ARTs) for different use cases. For each use case below, please indicate how beneficial stablecoins would be for EU users:

	1 (not beneficial)	2 (moderately beneficial)	3 (neutral)	4 (beneficial)	5 (very beneficial)	Don't know - No opinion - - Not applicable
International payments (non-EU cross-border remittances or transfers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Intra-EU payments (domestic and EU cross-border payments)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Crypto trading and liquidity provision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Retail payments - Person to Person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail payments – Person to Business (POI payment to merchants including e-commerce)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail payments - Business to Business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wholesale payments (between financial institutions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Settlement of tokenised financial instruments (e.g., digital bonds, securities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Corporate treasury management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to programmable or smart contract-based financial services (DeFi applications)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of financial services in underserved regions in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain shortly your assessment and expectations in question 10 as regards the benefits of stablecoins for EU users and, where relevant, any potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that stablecoins provide the greatest potential benefits in international payments, wholesale transactions, crypto-asset markets, and the settlement of tokenised financial instruments.

Cross-border payments remain one of the most promising use cases. Stablecoins may reduce costs, accelerate settlement, improve transparency, and facilitate access to international financial services. They may also support innovation in tokenised financial markets by providing programmable settlement assets compatible with distributed ledger technology.

Stablecoins are also likely to remain important for liquidity provision within crypto-asset ecosystems and for access to decentralised financial applications.

Potential benefits for retail payments exist but may be more limited within the European Union, where consumers already benefit from relatively efficient payment infrastructures. Adoption in retail contexts will depend on user experience, merchant acceptance, regulatory certainty, and consumer confidence.

At the same time, stablecoins may generate risks that require continued regulatory attention, including run risk, operational failures, governance weaknesses, concentration of market power, cyber-security risks, and regulatory arbitrage. Effective reserve management, redemption rights, transparency obligations and supervisory oversight therefore remain essential components of the regulatory framework.

Please specify to what other use case(s) you refer in your answer to question 10:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.2 Prudential regime and capital requirements

MiCA sets out different capital requirements for issuers of EMTs and ARTs, with additional requirements applying where tokens are classified as “significant”. Article 35 and 46 require that non-bank issuers of ARTs and EMTs shall, at all times, have own funds equal to an amount of at least the highest of the following:

- a. EUR 350 000
- b. 2% of the average amount of the reserve of assets referred to in Article 36
- c. a quarter of the fixed overheads of the preceding year

Question 11.1 To what extent do you think the calculation methods are relevant?

	1 (not at all relevant)	2 (slightly relevant)	3 (moderately relevant)	4 (mostly relevant)	5 (highly relevant)	Don't know - No opinion - Not applicable
Minimum own funds of EUR 350,000	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
2% of the average reserve of assets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
25% of the fixed overheads of the preceding year	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional own funds for "significant" tokens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Question 11.2 To what extent do you think the calculation methods are appropriately calibrated?

	1 (not at all appropriately calibrated)	2 (slightly appropriately calibrated)	3 (moderately appropriately calibrated)	4 (mostly appropriately calibrated)	5 (highly appropriately calibrated)	Don't know - No opinion - Not applicable
Minimum own funds of EUR 350,000	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2% of the average reserve of assets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
25% of the fixed overheads of the preceding year	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Additional own funds for "significant" tokens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 11.1 and 11.2, including your reasoning and any suggestions for recalibration or alternative approaches (e.g. greater risk sensitivity, differentiation by business model, or interaction with reserve and liquidity requirements):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the current MiCA framework generally adopts an appropriate risk-based approach by combining fixed minimum capital requirements with requirements linked to reserve size and operational expenditures.

The reserve-based requirement is particularly relevant because it directly reflects the scale of activities and potential redemption obligations. Additional own-funds requirements for significant tokens are also justified given their potentially greater impact on financial stability and market confidence.

The fixed minimum threshold of EUR 350,000 may not always fully reflect differences between business models, operational complexity or risk profiles. Nevertheless, it provides an important baseline level of financial resilience.

Future reviews could consider introducing greater risk sensitivity, taking into account factors such as reserve composition, operational arrangements, concentration risks, redemption volumes and interconnectedness with financial markets. However, any recalibration should preserve simplicity, predictability and supervisory consistency.

Question 12. After being in effect for close to two years, no ARTs have been licensed in the EU under MiCA. In your view, does this absence primarily reflect low market interest in ARTs or other reasons?

Please rate each factor below:

	1 (not at all a factor)	2 (rather not a factor)	3 (neutral/uncertain)	4 (rather a factor)	5 (a major factor)	Do not know
Market interests for ARTs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
Licensing and	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

regulatory requirements for ARTs						
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Please explain your answers to question 12:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that both market factors and regulatory considerations contribute to the absence of authorised ARTs under MiCA.

Market demand appears to have concentrated primarily on fiat-referenced stablecoins, particularly those resembling EMT structures. As a result, the commercial incentives to develop ARTs may currently be more limited.

At the same time, ARTs are subject to complex governance, reserve management, prudential and compliance requirements. These requirements are understandable given the potential risks associated with multi-asset reference mechanisms, but they may also increase entry barriers and reduce commercial attractiveness.

The current situation should not automatically be interpreted as evidence that the MiCA framework is inappropriate. Additional implementation experience and market development may be required before firm conclusions can be drawn.

Question 13. If ARTs were to come to market, what do you think is the primary purpose from a consumer/investor perspective: investment or alternative means of exchange/payment? Please explain your answer:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the primary purpose of ARTs should be as a means of exchange and payment rather than as investment products.

The regulatory rationale underlying MiCA's stablecoin framework is largely based on facilitating value transfer while maintaining stability, redemption rights and consumer confidence. ARTs are designed to minimise volatility by referencing baskets of assets and therefore differ fundamentally from speculative crypto-assets whose value depends primarily on market expectations.

In practice, some holders may nevertheless acquire ARTs for investment-related reasons, including expectations regarding adoption, utility or market demand. However, from a policy perspective, their principal function should remain the provision of a relatively stable medium of exchange, store of value and settlement asset.

The regulatory framework should therefore continue to prioritise redemption rights, reserve quality, liquidity management and operational resilience rather than investment-oriented features.

2.3 Liquidity and reserve requirements

Question 14. MiCA requires issuers of ARTs to establish, maintain, and prudently manage a reserve of assets and appropriate liquidity arrangements to ensure orderly redemptions and mitigate financial stability, liquidity, and operational risks. Additional and enhanced requirements apply to ARTs classified as “significant” under Article 45.

How do you think, if at all, each of the following elements of the MiCA liquidity and reserve regime for ARTs should be adjusted?

Please rate each aspect on a scale from 1 to 5, where

- **“1” indicates that requirements should be significantly relaxed (e.g. lower liquidity buffers or remove specific obligations)**
- **“3” indicates that the current framework is appropriate and should remain unchanged**
- **“5” indicates that requirements should be made substantially more stringent (e.g. higher reserves, tighter risk controls, or enhanced safeguards)**

a) Please rate each aspect below as regard to non-significant ARTs:

	1 (should be significantly relaxed)	2 (should be somehow relaxed)	3 (current framework appropriate)	4 (should be made somehow more stringent)	5 (should be made substantially more stringent)	Don't know - No opinion - Not applicable
Obligation to constitute and maintain a reserve of assets covering redemption and liquidity risks (Article 36(1))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liquidity composition and maturity structure of the reserve (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum amount of deposits held (30% and 60%) (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Auditing requirements (Article 36(9))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody requirements (Article 37)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

b) Please rate each aspect below as regard to requirements for significant ARTs:

	1 (should be significantly relaxed)	2 (should be somehow relaxed)	3 (current framework appropriate)	4 (should be made somehow more stringent)	5 (should be made substantially more stringent)	Don't know - No opinion - Not applicable
Obligation to constitute and maintain a reserve of assets covering redemption and liquidity risks (Article 36(1))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liquidity composition and maturity structure of the reserve (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum amount of deposits held (30% and 60%) (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Auditing requirements (Article 36(9))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody requirements (Article 37)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhanced liquidity management, stress testing, monitoring, and reporting obligations for significant ARTs (Article 45(3)-(4))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to question 14 a) and b), including your reasoning and any suggestions for recalibration or alternative approaches (e.g. greater risk sensitivity, differentiation by business model, or interaction with reserve and liquidity requirements):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 15. MiCA sets out liquidity and reserve requirements for issuers of EMTs to ensure immediate redemption of tokens, mitigation of credit and operational risk, and resilience under stress scenarios. Additional requirements apply to EMTs classified as “significant” (Article 56).

Should any of the following aspects of the MiCA regime for EMTs issued by e-money institutions be adjusted?

Please rate each aspect on a scale from 1 to 5, where

- **“1” indicates that requirements should be significantly relaxed (e.g. lower liquidity buffers or remove specific obligations)**
- **“3” indicates that the current framework is appropriate and should remain unchanged**
- **“5” indicates that requirements should be made substantially more stringent (e.g. higher reserves, tighter risk controls, or enhanced safeguards)**

a) Please rate each aspect below as regard to requirements for non-significant ARTs:

	1 (should be significantly relaxed)	2 (should be somehow relaxed)	3 (current framework appropriate)	4 (should be made somehow more stringent)	5 (should be made substantially more stringent)	Don't know - No opinion - Not applicable
Obligation to constitute and maintain a reserve of assets covering redemption and liquidity risks (Article 36(1))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal and operational segregation of reserve assets from the issuer's own estate and from other token reserves (Article 36(2)–(3))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liquidity composition and maturity structure of the reserve (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum amount of deposits held (30% and 60%) (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Auditing requirements (Article 36(9))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody requirements (Article 37)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Excessive exposure / concentration between bank and token (Article 36(4) MiCA) Do you consider the 1.5% binding limit adequate? (RTS)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

b) Please rate each aspect below as regard to requirements for significant ARTs:

	1 (should be significantly relaxed)	2 (should be somehow relaxed)	3 (current framework appropriate)	4 (should be made somehow more stringent)	5 (should be made substantially more stringent)	Don't know - No opinion - Not applicable
Obligation to constitute and maintain a reserve of assets covering redemption and liquidity risks (Article 36(1))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal and operational segregation of reserve assets from the issuer's own estate and from other token reserves (Article 36(2)-(3))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Liquidity composition and maturity structure of the reserve (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum amount of deposits held (30% and 60%) (Article 36(4), RTS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Auditing requirements (Article 36(9))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody requirements (Article 37)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhanced liquidity management, stress testing, monitoring, and reporting obligations for significant EMTs (Article 45(3)-(4))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Excessive exposure / concentration between bank and token (Article 36(4) MiCA) Do you consider the 1.5% binding limit adequate? (RTS)



Please explain your answers to question 15 a) and b), including your reasoning and any suggestions for recalibration or alternative approaches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that MiCA generally establishes an appropriate prudential framework for ARTs and EMTs. Stablecoin arrangements depend fundamentally on confidence in reserve quality, liquidity, redemption capacity and operational resilience.

For non-significant tokens, the current framework appears broadly proportionate and should largely be maintained. For significant tokens, stronger safeguards are justified because disruptions could have wider consequences for users, markets and financial stability.

Particular importance should be attached to reserve quality, asset segregation, custody arrangements, auditing, liquidity management and stress-testing capabilities. Enhanced reporting and monitoring requirements for significant tokens appear justified given their systemic relevance.

Future reviews may consider introducing greater risk sensitivity based on reserve composition, concentration risks, interconnectedness with financial institutions and actual redemption behaviour. However, simplification should not undermine confidence in redemption rights or reserve integrity.

The overall objective should remain ensuring that stablecoins can maintain their value, honour redemption requests, and operate safely under both normal and stressed market conditions.

Question 16. Under MiCA, credit institutions issuing EMTs are not subject to the reserve asset segregation requirements or the requirement to maintain a reserve of assets applicable to non-bank EMT issuers (Article 58 MiCA). This is consistent with the approach to the regulation of traditional e-money.

Should MiCA be adjusted to introduce a requirement to maintain a reserve of assets and segregation requirements for reserve assets of EMTs issued by credit institutions?

- Yes – require reserve maintenance and segregation of EMT reserve assets within the credit institution’s balance sheet
- Yes – require issuance through a legally separate entity of the credit institution with full segregation of EMT reserve assets
- No – keep the current MiCA approach unchanged
- Others / alternative approach
-

Don't know / no opinion / not applicable

Please explain your answer to question 16, including your reasoning and any suggestions for other/alternative approaches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that holders of EMTs should benefit from a high degree of legal certainty regarding the assets backing redemption claims regardless of whether the issuer is a bank or a non-bank institution.

While credit institutions are already subject to extensive prudential regulation, the specific characteristics of EMTs justify additional safeguards concerning reserve transparency and segregation. Clear identification and segregation of reserve assets can strengthen confidence, facilitate supervision, and reduce uncertainty in stress situations or insolvency scenarios.

At the same time, requiring issuance through a fully separate legal entity may create disproportionate operational and compliance burdens. A more proportionate solution would be to maintain EMT reserve assets separately identified and segregated within the balance sheet of the credit institution while preserving supervisory flexibility.

The objective should be to achieve equivalent protection for EMT holders regardless of the legal form of the issuer while avoiding unnecessary complexity.

2.4 Criteria for determining significance

Under MiCA, ARTs and EMTs may be classified as “significant” based on a set of quantitative and qualitative criteria set out in Article 43 (ARTs) and Article 56 (EMTs), which trigger enhanced prudential, governance, and supervisory requirements. The Commission has adopted a [delegated act](#) to further clarify the criteria for determining significance.

Question 17. Do you think the following quantitative criteria thresholds used to classify EMTs or ARTs as “significant” should be adjusted, and if so how?

Please rate each each quantitative criteria thresholds on a scale from 1 to 5, where

- **“1” = Significantly decreased (thresholds should be much lower / classification triggered earlier)**
- **“2” = Somewhat decreased**
- **“3” = Kept as is (current MICA thresholds are broadly appropriate)**
- **“4” = Somewhat increased**
- **“5” = Significantly increased (thresholds should be much higher / classification triggered later)**

a) Please rate how each quantitative criteria thresholds used to classify EMTs should be adjusted:

	1 (significantly decreased)	2 (somewhat decreased)	3 (kept as is)	4 (somewhat increased)	5 (significantly increased)	Don't know - No opinion - Not applicable
Number of holders / users exceeding 10 million (Articles 43(1)(a) and 56)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Total outstanding value / market capitalisation exceeding EUR 5 billion (Articles 43(1)(b) and 56)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transaction volume or value per day (average 2.5 million transactions and EUR 500 million) (Articles 43(1)(c) and 54)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

b) Please rate how each quantitative criteria thresholds used to classify ARTs should be adjusted:

	1 (significantly decreased)	2 (somewhat decreased)	3 (kept as is)	4 (somewhat increased)	5 (significantly increased)	Don't know - No opinion - Not applicable
Number of holders / users exceeding 10 million (Articles 43(1)(a) and 56)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Total outstanding value / market capitalisation exceeding EUR 5 billion (Articles 43(1)(b) and 56)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transaction volume or value per day (average 2.5 million transactions and EUR 500 million) (Articles 43(1)(c) and 54)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 17 a) & b), including your reasoning and any suggestions for other/alternative approaches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the current quantitative criteria for classifying EMTs and ARTs as significant are broadly appropriate, but some recalibration may be justified in relation to transaction activity.

The number of holders/users and total outstanding value thresholds should generally be kept as they are. They provide a clear, predictable and administrable basis for identifying stablecoins with potentially systemic relevance.

However, the transaction volume and transaction value thresholds may deserve some reduction, especially where stablecoins are used for high-frequency payments, wholesale settlement, or tokenised financial markets. A token may generate systemic or operational risks even before reaching very high user numbers or market capitalisation if it becomes important for payment flows, settlement activity or market liquidity.

ARGA Observatory therefore supports a cautious approach: the current framework should not be radically changed at this early stage, but the Commission should consider whether transaction-based indicators should trigger enhanced monitoring earlier.

Alternative or complementary indicators could include concentration of use among major CASPs, reliance by financial institutions, cross-border transaction intensity, reserve concentration, liquidity stress indicators, and the role of the token in settlement of tokenised financial instruments.

Question 18. Do you think the qualitative criteria used to classify EMTs or ARTs as “significant” under MiCA should be adjusted?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how you think the qualitative criteria for classifying EMTs or ARTs as “significant” should be adjusted:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. Are there any additional criteria or metrics that should be added to determine “significant” tokens?

- Yes
- No
- Don't know / no opinion / not applicable

2.5 Interest payment

MiCA currently prohibits the granting of interest or any interest-equivalent remuneration of stablecoins by either the issuer, offeror or crypto asset service provider. This prohibition applies to ARTs under Article 40 and to EMTs under Article 50 of MiCA.

Question 20. In your view, should the MiCA prohibition on granting interest or any interest-equivalent remuneration be modified?

a) for EMTs:

- No, interest and interest-equivalent remuneration should continue to be prohibited
- Yes, interest or interest-equivalent remuneration should be allowed under defined conditions
- Yes, interest or interest-equivalent remuneration should be allowed fully
- Don't know / no opinion / not applicable

Please explain your answer to question 20 a):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

b) for ARTs:

- No, interest and interest-equivalent remuneration should continue to be prohibited
- Yes, interest or interest-equivalent remuneration should be allowed under defined conditions
-

Yes, interest or interest-equivalent remuneration should be allowed fully

- Don't know / no opinion / not applicable

Please explain your answer to question 20 b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory does not respond to this question from the perspective of an EMT issuer or regular EMT holder and therefore cannot provide direct operational experience regarding redemption requests.

From a policy perspective, the main practical concerns relate to the clarity, speed and enforceability of redemption rights, especially in stressed market conditions. Holders should be able to identify the responsible issuer or agent, understand the applicable procedure, receive redemption within a predictable timeframe, and have effective remedies where redemption is delayed or refused.

Particular attention should be paid to cases involving cross-border distribution, tokens held through CASPs, and tokens held in self-custodial wallets, where the practical route for exercising redemption rights may be less clear.

2.6 Redemption

MiCA establishes distinct redemption regimes for ARTs and EMTs. For ARTs, redemption rights are primarily governed by Article 39, supported by operational and prudential requirements in Articles 36–38 and 47. For EMTs, redemption rights are set out in Article 49, with supporting provisions in Articles 46 and 47.

Question 21. Based on your experience either as a holder of EMTs or as an issuer of EMTs, how have redemption requests been processed and executed in practice by issuers or their agents? What practical problems, if any, have been encountered?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 22. If you hold EMTs and wish to dispose of them, which of the following options would you most likely choose?

a) In a normal market situation

- I would likely spend them (e.g. on goods or services)

- I would likely sell or exchange them with a broker or at a trading venue
- I would likely turn to the EMT issuer or his agent to exercise my statutory redemption right
- Don't know / no opinion / not applicable

b) In a stressed market situation

- I would likely spend them (e.g. on goods or services)
- I would likely sell or exchange them with a broker or at a trading venue
- I would likely turn to the EMT issuer or his agent to exercise my statutory redemption right
- Don't know / no opinion / not applicable

Please explain your answer to question 22 a) and b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 23. For each of the redemption rights and rules listed below, please indicate whether the existing MiCA rules should be amended or specified or kept as they are.

Please consider, in particular, implications for financial stability, consumer protection, and cross-border usability.

	Weaken	Keep as is	Strengthen	Don't know - No opinion - Not applicable
Permanent right of redemption against the issuer, either at market value (ARTs) or at par (EMTs)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Timing of redemption (timeframe for redemption by the issuer)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Prohibition of redemption fees	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Conditions, procedures, and transparency of redemption policies	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory powers to intervene in or trigger redemption plans	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your assessment to question 23, including if a different approach is warranted for significant vs non-significant tokens, or in crisis scenarios and share any suggestions for adjustments you may have:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers redemption rights to be the core protection mechanism for EMT and ART holders.

The permanent right of redemption should be preserved and, where necessary, strengthened through clearer operational standards. Holders should have a clear and enforceable claim against the issuer, with transparent procedures and predictable timelines.

The timing of redemption should be specified more clearly, particularly in stressed market situations. Delays in redemption may undermine confidence and increase run dynamics.

The prohibition of redemption fees should generally be maintained. Fees could weaken confidence and reduce the practical value of redemption rights, particularly for retail holders.

Transparency of redemption policies should be strengthened. Issuers should disclose clearly who may redeem, through which channels, within what timeframe, under what conditions, and what procedures apply in crisis scenarios.

Supervisory powers to intervene in or trigger redemption plans should also be strengthened, especially for significant tokens. A differentiated approach is appropriate: non-significant tokens may remain subject to proportionate obligations, while significant tokens should face enhanced planning, reporting and supervisory intervention requirements.

2.7 Stability issues

Stablecoins have the potential to reshape part of the financial service value chain as they can offer faster, cheaper, and more direct global payment and settlement transactions by bypassing certain financial intermediaries. They can also pose

risks. This subsection aims to explore the adequacy of the safeguards provided by MiCA, especially regarding redemption and resolution plans.

Question 24. Articles 46 and 47 require issuers of ARTs and EMT to prepare a recovery plan and a redemption plan in case an issuer cannot comply with reserve requirements e.g. due to significant and sudden requests for redemptions.

Please indicate whether the current MiCA requirements are fit for purpose in those regards or should be amended:

a) Current MiCA requirements for ARTs

	Weaken	Keep as is	Strengthen	Don't know - No opinion - Not applicable
Recovery plans	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Redemption plans	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

b) Current MiCA requirements for EMTs

	Weaken	Keep as is	Strengthen	Don't know - No opinion - Not applicable
Recovery plans	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Redemption plans	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your assessment to question 24 a) & b), including if a different approach is warranted for significant vs non-significant tokens, and share any suggestions for adjustments you may have:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that recovery and redemption planning should be strengthened, particularly for significant ARTs and EMTs. Stablecoin arrangements depend on confidence, liquidity and operational continuity. If an issuer cannot comply with reserve requirements or faces sudden redemption pressure, the absence of credible recovery and redemption procedures may amplify market stress.

For non-significant tokens, requirements should remain proportionate. For significant tokens, plans should include stress scenarios, liquidity management tools, communication protocols, operational continuity arrangements, treatment of different holder categories, coordination with custodians and CASPs, and supervisory escalation procedures.

The objective should not be to make the regime excessively burdensome, but to ensure that issuers can manage stress events without undermining redemption rights, market integrity or financial stability.

Question 25. EMTs issued by authorised e-money institutions (EMIs) could potentially operate with enhanced monetary and financial safeguards.

Please rate the appropriateness and desirability of the following policy options for EMTs issued by e-money institutions:

	1 (not at all appropriate / desirable)	2 (slightly (moderately appropriate / desirable)	3 (moderately appropriate / desirable)	4 (mostly (moderately appropriate / desirable)	5 (highly (moderately appropriate / desirable)	Don't know - No opinion - Not applicable
Allowing EMT issuers to deposit their reserve assets directly into central bank accounts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing clear rules that ensure the continuity of redemption rights (reserves are safeguarded for the benefit of token holders and are ring-fenced in insolvency, giving these holders an exclusive claim against those assets) in case of insolvency of the issuer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Establishing a dedicated resolution regime for EMIs issuing EMTs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allowing emergency liquidity support / lender-of-last-resort (LOLR) facilities for EMIs issuing EMTs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain your ratings in question 25, including potential benefits, risks, or implementation challenges:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 26. How appropriate is it to require EMT-issuing EMIs to hold 30-60% of their reserve assets in bank deposits?

- 1 - Not at all appropriate / desirable
- 2 - Slightly appropriate / desirable
- 3 - Moderately appropriate / desirable
- 4 - Mostly appropriate / desirable
- 5 - Highly appropriate / desirable
- Don't know / no opinion / not applicable

Please explain your ratings in question 26 and add any suggestions for recalibration or alternative approaches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that EMTs issued by e-money institutions may require enhanced safeguards where their scale, usage or interconnectedness creates material risks for holders or financial stability.

Allowing EMT issuers to hold reserve assets directly in central bank accounts could strengthen confidence and reduce commercial bank concentration risk. However, such access should be subject to clear eligibility criteria and should not automatically transform EMIs into bank-like institutions with broader public support expectations.

The most important safeguard is legal certainty in insolvency. Reserves backing EMTs should be clearly ring-fenced for the benefit of token holders, and holders should have an exclusive or clearly prioritised claim against those assets. This would strengthen confidence in redemption rights and reduce uncertainty in stress scenarios.

A dedicated resolution framework for EMT-issuing EMIs may be appropriate where issuers reach significant scale. It should be proportionate and focused on continuity of redemption, orderly wind-down, protection of holders, and avoidance of contagion.

Emergency liquidity support or lender-of-last-resort facilities should be approached cautiously. Such access may create moral hazard and should only be considered for systemically relevant arrangements, under strict

conditions, with robust supervision and credible recovery and resolution planning.

Regarding the requirement for EMT-issuing EMLs to hold 30–60% of reserve assets in bank deposits, ARGAs Observatory considers this mostly appropriate as a prudential safeguard. It supports liquidity and immediate redemption capacity. However, the framework should avoid excessive concentration risk with a limited number of banks. A more risk-sensitive approach could combine bank deposits, highly liquid low-risk assets, diversification requirements, concentration limits, and, where appropriate, access to central bank accounts.

2.8 Global stablecoins arrangements and interactions with other regulatory frameworks

Global stablecoins are stablecoins that have a wide existing or potential reach and use across multiple jurisdictions.

Question 27. What are the potential benefits of global stablecoins for different use cases?

For each use case below, please indicate on a scale of 1 to 5 how beneficial global stablecoins would be for EU holders:

	1 (not beneficial)	2 (moderately beneficial)	3 (neutral)	4 (rather beneficial)	5 (very beneficial)	Don't know - No opinion - Not applicable
International payments (cross-border remittances or transfers,)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Intra-EU payments (domestic and cross-border EU payments)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Crypto trading and liquidity provision	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail payments - Person to Person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Retail payments - Person to Business (POI payment to merchants including e-commerce)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail payments - Business to Business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Settlement of tokenised financial instruments (e.g., digital bonds, securities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Corporate treasury management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Access to programmable or smart contract-based financial services (DeFi applications)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of financial services in underserved regions in the world	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other potential use cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify to what other potential use case(s) you refer in your answer to question 27:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answers to question 27:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 28. How important is it for EU users (both people and businesses) to be able to access global stablecoins via EU-based and licenced issuers and CASPs?

	1 (not important at all)	2 (moderately important)	3 (neutral / no clear preference)	4 (rather important)	5 (highly important)	Don't know - No opinion - Not applicable
EU-based and licenced stablecoins Issuers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
EU-based and licenced CASPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to question 28:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 29. Based on your experience and assessment, how significant are the following risks associated with a multi-issuance model^[3] of global stablecoins for the EU financial system?

³Under a multi-issuer model, the global stablecoin issuer operates subject to the requirements of the EU MICA framework for stablecoins offered or held in the EU (EU establishment, EU reserve requirements, redemption obligations, EU supervision) and the requirements of third country jurisdictions, if any, where it also issues or offers stablecoins. Protection of EU holders relies on EU prudential, operational, and consumer protection safeguards set out in MICA.

	1 (irrelevant)	2 (rather not relevant)	3 (neutral)	4 (rather significant)	5 (very significant)	Don't know - No opinion - Not applicable
Run risk and reserve depletion in the EU (e.g. cross-border migration of tokens during stress leading to sudden increase of redemption pressure on EU issuers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Unbalanced reserve distribution across jurisdictions (e.g. fragmentation of reserves between EU and non-EU entities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cross-border reserve transfer restrictions (e.g. third-country limitations on moving reserves during stress events)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Regulatory arbitrage due to fungibility of tokens (e.g. operation across regimes exploiting differences in prudential or conduct rules)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Supervisory monitoring and data-tracking challenges (e.g. difficulty measuring EU-holdings, especially holdings in self-custodial wallets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Risks resulting from the stablecoin issuer home jurisdictions not having prudential or conduct rules that meet internationally accepted standards or that are significantly lower than those set out in EU law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain the reasoning behind your ratings in question 29. Describe the nature and importance of these risks, the underlying assumptions, market dynamics, or regulatory factors informing your view:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30. MiCA does not currently prohibit multi-issuer models, nor does the EU have jurisdiction to determine how third country entities, that also have licensed entities in the EU, should be regulated in third country jurisdictions.

Given your assessment of the advantages or disadvantages of global stablecoins and multi-issuance models, do you think that MiCA should continue to be open to multi-issuance models?

- Yes, the multi-issuance model for stablecoins should be permitted under MiCA
- No, MiCA should disallow the multi-issuance model for stablecoins
- Don't know / no opinion / not applicable

Please explain the reasons for your response to question 30 and describe the potential implications for the EU market and relevant stakeholders:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 31. MiCA considers that all EMTs that are pegged to or denominated in an EU currency are offered to the EU and therefore fully subject to MiCA issuer requirements.

	1 (not at all)	2 (to a small extent)	3 (to a moderate extent)	4 (to a large extent)	5 (to a very large extent)	No opinion - Not applicable
Strengthening EU payment autonomy in retail payments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strengthening EU payment autonomy in wholesale payments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhancing the international role of the euro	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 33:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.10 Current safeguards in MiCA

Question 34. MiCA provides safeguards to mitigate the risks of multi-issuance stablecoins.

For each safeguard listed below, please indicate how effective you consider it to be:

	1 (not at all effective)	2 (slightly effective)	3 (moderately effective)	4 (rather effective)	5 (highly effective)	Don't know - No opinion - Not applicable
Restriction of widely used ARTs and EMTs denominated in a currency that is not an official currency of a Member State (Articles 23, 58)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
ECB binding opinion powers on withdrawing authorisation and limit the amounts of ARTs and EMTs (Articles 24(2)(3), 58)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
EU establishment requirement for ART and EMT issuers (Article 16)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Reserve location, composition and liquidity requirements for ARTs and EMTs (Articles 36-38, 45, 54)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The powers of competent authorities listed in Article 94, especially to suspend or prohibit the trading of crypto-assets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
National supervisory intervention powers (Article 105)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
EBA temporary intervention powers (Article 104)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 34:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 35. MiCA requires that the reserves of the EMTs and ARTs issued, offered or held in the EU should be held in the EU.

Can the tokens held in the EU be determined or estimated with sufficient accuracy and frequency?

- Yes, EU holdings can be determined with sufficient accuracy and frequency
- Partially, but with some limitations (e.g., delays, estimation challenges)
- No, current methods are insufficient for reliable compliance
- Don't know / no opinion / not applicable

Please explain your answer to question 35, including any specific remarks with regard to tokens held in unhosted wallets:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 36. Should MiCA redemption rights be explicitly limited to EU holders only?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 36:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.11 Potential additional safeguards

Question 37. In a multi-issuance model, reserve assets may be located across jurisdictions and legal entities. Concerns have been expressed that in times of market stress, the transfer or rebalancing of reserves between issuers may be delayed or restricted.

Is this concern valid or substantiated in your view?

- Valid-substantiated
- Not valid-not substantiated
- Don't know / no opinion / not applicable

Please explain your answer to question 37:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 38. How effective would the following possible additional measures be in mitigating such concerns?

	1 (highly ineffective)	2 (rather ineffective)	3 (neutral / uncertain)	4 (somewhat effective)	5 (highly effective)	Don't know - No opinion - Not applicable
Introducing requirements that would favour or strengthen the redemption rights of holders of stablecoins that are genuinely circulating in the EU, as opposed to redemption rights associated with stablecoins transferred to the EU in times of stress to take advantage of MiCA protections (including redemption rights)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restricting direct redemption rights in the EU to holders who are clients of EU-authorized CASPs, while holders that keep the tokens in un-hosted wallets do not have a MiCA guaranteed redemption right in the EU.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Differentiating redemption rights in crisis situations between retail and wholesale/professional holders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requiring a dedicated liquidity buffer or additional reserve tranche specifically calibrated to cover short-term redemption spikes in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Strengthening real-time or high-frequency reserve and liquidity reporting to EU competent authorities, including granular disclosure of reserve location and transfer constraints	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Establishing binding cooperation arrangements between home and host supervisors to ensure rapid approval and execution of cross-border reserve transfers in stress scenarios	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 38:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that global stablecoins may provide substantial benefits for international payments, crypto-asset liquidity, settlement of tokenised financial instruments, corporate treasury, and programmable financial services. Their benefits for intra-EU retail payments are more limited, given the relative efficiency of existing EU payment systems.

It is highly important that EU users access global stablecoins through EU-based and licensed issuers and CASPs. This ensures enforceable rights, effective supervision, application of MiCA safeguards, and clearer accountability.

At the same time, multi-issuance models create significant risks. These include reserve fragmentation, cross-border reserve transfer restrictions, regulatory arbitrage, difficulties identifying EU holdings, and run risk where tokens migrate to the EU in stress situations to benefit from MiCA redemption protections. These risks are particularly acute for tokens held in self-custodial wallets, where territorial attribution may be difficult.

MiCA should remain open to multi-issuance models, but only with stronger safeguards. A prohibition could reduce EU competitiveness and limit access to global digital asset infrastructure. However, openness should be conditional on robust EU reserve requirements, high-frequency reporting, effective supervisory cooperation, clear redemption rules, and credible stress-management arrangements.

The approach that euro-denominated EMTs are considered offered to the EU and subject to MiCA remains justified. It protects the integrity of EU monetary regulation and ensures that euro-referenced tokens meet EU standards. This does not necessarily discourage the international role of the euro; on the contrary, a trusted and well-regulated framework may support euro-denominated digital money globally.

Euro-denominated stablecoins could contribute moderately to retail payment autonomy and more substantially to wholesale payment autonomy and the international role of the euro, especially in tokenised markets and cross-border settlement. Their success will depend on regulatory clarity, market adoption, interoperability and confidence in redemption.

Current MiCA safeguards are important but not sufficient on their own. EU establishment, reserve location, liquidity rules and supervisory powers are particularly valuable. However, measuring EU-held tokens remains only partially feasible, especially for unhosted wallets.

MiCA redemption rights should not be limited strictly to EU holders. Such a restriction may be difficult to administer and could weaken confidence. Instead, additional safeguards should focus on EU liquidity buffers, high-frequency reporting, supervisory cooperation and proportional crisis tools.

Question 39. If you referred in your response to question 38 to adjusting redemption rights, please provide any comments on the operational feasibility, legal implications, proportionality, or potential intended or unintended consequences of such amendments the redemption rights in MiCA as listed above or in any other way:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 40. Do you see merit in introducing an equivalence regime for global stablecoins in the EU?

- Yes but only if other mitigation measures are not introduced
- Yes, in addition to mitigation measures
- No
- Don't know / no opinion / not applicable

Please provide reasons for your response to question 40, including any perceived advantages or disadvantages of equivalence regimes:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

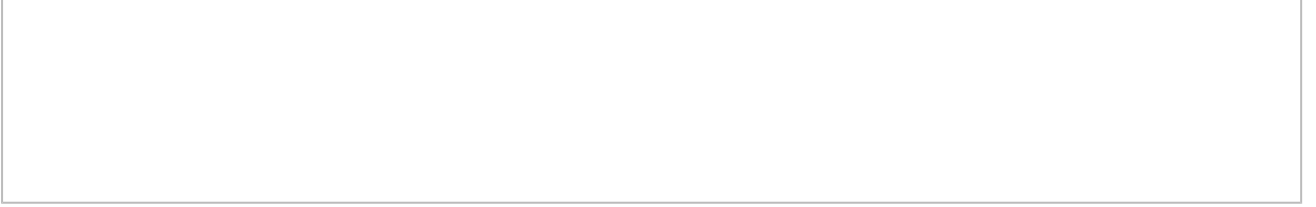
Question 41. Equivalence regimes can rely on the third country's regime to various degrees.

How far, in your opinion, should a possible equivalence regime go in terms of relying on third-country regime?

What rights or benefits should EU issuers derive from equivalence of a third country and what rights or benefits in the EU should issuers from an equivalent jurisdiction receive in the EU?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.



Question 42. What administrative simplification or burden reduction measures should be considered under titles III and IV and their implementing measures and technical standards?

Do you believe that MiCA level 1 provisions lay down proportionate rules for issuers of EMTs and ARTs?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Authorisation of ARTs and EMTs issuers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prudential requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Governance arrangements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligations in respect of specific crypto-asset services	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 42:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 43. Do you believe that below specified MiCA level 2 acts lay down proportionate and simple-to-apply rules for ART and EMT issuers, taking into account their different size, scope of activity and risk profile?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
RTS on complaint handling by issuers of ARTs (Article 31(5))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on the minimum content of governance remuneration (Article 45 (7)(a))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on the information to be submitted in an application for authorisation to issue ARTs (Article 18(6))	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
COM Delegated Act on ART/EMT significance criteria (Article 43 (11))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on own funds for issuers of ARTs and EMTs (Article 35(6))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please motivate your answers to question 43 and briefly explain what the problems are for your highest-rated issue(s) and suggest how they should be addressed (e.g. legislative clarification, supervisory guidance, industry standards):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 44. Do issuers identify any need to further standardise reporting requirements for issuers/information flow between CASPs and issuers for the purposes of MiCA?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 44:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Adjusting redemption rights requires caution. Redemption rights are the central protection for EMT and ART holders. Any differentiation between categories of holders should be legally clear, operationally feasible, proportionate and consistent with consumer protection.

Restricting direct redemption rights only to clients of EU-authorized CASPs would create practical and fairness concerns, especially for holders using self-custodial wallets. It could also reduce confidence in stablecoins. A more appropriate approach would be to preserve broad redemption rights while introducing stronger safeguards against stress-driven migration of tokens, including EU liquidity buffers, enhanced monitoring and clear crisis procedures.

Differentiating between retail and wholesale or professional holders in crisis scenarios may be justified, provided retail holders are not disadvantaged. Any temporary crisis measures should be transparent, supervised and limited in time.

ARGA Observatory supports the introduction of an equivalence regime for global stablecoins, but only in addition to MiCA safeguards. Equivalence should not become a substitute for EU-level protection. It should be limited to jurisdictions with prudential, conduct, reserve, redemption, AML/CFT, governance and supervisory standards that are genuinely comparable to the EU framework.

An equivalence regime could provide benefits such as reduced duplication, better supervisory cooperation and easier cross-border operations. However, it should not grant unrestricted market access. EU users should continue to benefit from enforceable rights, EU-facing accountability, transparent reserve arrangements and effective supervisory intervention powers.

Administrative simplification under Titles III and IV should focus on standardised templates, harmonised reporting formats, digital submission portals, clearer guidance on authorisation, and avoidance of duplicative reporting between issuers, CASPs and supervisors. Simplification should not weaken prudential safeguards, redemption rights or reserve transparency.

MiCA Level 1 provisions are generally proportionate, although further clarification may be useful for authorisation, governance and interactions between issuers and CASPs. Level 2 measures are broadly useful but may be complex for smaller issuers. Additional supervisory guidance, practical examples and industry standards would improve consistency.

Issuers and CASPs should have more standardised information flows for reserve data, circulation data, redemption activity, complaints, incidents, and token holdings by jurisdiction. This would support supervision, reduce fragmentation and improve crisis preparedness.

PART 3. The appropriateness of the legal framework for crypto-asset service providers (CASPs)

MiCA created a legal framework for crypto-asset service providers. While provisions governing crypto asset service providers have been in operation only since the end of 2024 and a transitional period for service providers that were already on the market is still in place in a number of Member States, a substantial number of crypto asset service providers have now been authorised across a range of Member States and service categories (currently, there are around 170 CASPs listed in the ESMA register – including both authorised CASPs and other entities that have notified to their national competent authorities their intention to provide crypto-asset services. These authorisations or notifications come from 18 different Member States).

This section accordingly seeks stakeholders' feedback on the adequacy of the current scope of crypto-asset services regulated under MiCA and seeks views on the merits of simplification of the framework, any risks not properly accounted for and on the functioning of certain CASP business models in light of MiCA.

3.1 Crypto-asset services

Question 45. Is the list of crypto-asset services as defined in Article 3(16) of MiCA adequate to effectively cover crypto-asset markets and provide sufficient legal clarity for businesses?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 45:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 46. If additional services should be added, what should those be and what requirements should be applied to these services and service providers?

If you believe that certain services should be removed, please specify which ones and why:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the current list of crypto-asset services covers the core functions of crypto-asset markets but does not fully address several activities that have become increasingly relevant.

Additional consideration could be given to:

- * staking-as-a-service arrangements where service providers exercise operational control over client assets or validator infrastructure;
- * certain intermediation services relating to crypto-asset lending and borrowing;
- * cross-chain bridge and interoperability services where providers exercise significant operational control;
- * governance-related services where service providers exercise delegated voting or governance rights on behalf of clients;
- * certain categories of DeFi access services where intermediaries perform functions that are economically similar to regulated financial intermediation.

Any additional regulation should remain technology-neutral and focus on the risks created by the activity rather than on the underlying technological architecture.

ARGA Observatory does not currently identify existing MiCA crypto-asset services that should be removed from the framework.

Question 47. Would the introduction of appropriateness test for the crypto-asset services of reception and transmission, execution and placing of crypto-assets increase the protection for CASP clients, especially retail clients?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 47:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that an appropriateness assessment could provide additional protection for retail clients in relation to reception and transmission, execution and placing services.

Many crypto-assets remain highly complex and volatile. Retail clients may not fully understand the risks associated with specific products, token structures, liquidity conditions, governance arrangements or market dynamics.

An appropriateness assessment should not constitute a de facto prohibition on access to crypto-assets. Rather, it should function as a risk-awareness mechanism similar to approaches already used in other areas of financial regulation. Any such framework should remain proportionate and avoid excessive administrative burdens, particularly for lower-risk activities.

Question 48. The provision in the EU of crypto asset services covered by MiCA requires that the service provider is authorised under MiCA and complies with its requirements.

Do you have evidence of non-EU authorised crypto asset services providers continuing to offer their services in the EU?

- Yes
- No
- Don't know / no opinion / not applicable

3.2 Prudential requirements for CASPs

Article 67 of MiCA provides that prudential safeguards for crypto-asset service providers shall be equal to an amount or at least the higher of an amount of permanent minimum capital or one quarter of fixed overheads of the preceding year, reviewed annually.

Question 49. Is the prudential regime for crypto-asset service providers appropriate to capture the risks associated with the provision of crypto-asset services, or would it be warranted to adjust the prudential stance, e.g. by aligning it with the requirements for own funds applicable to investment firms (including K-factors) that provide services that are broadly similar?

- It is appropriate to capture the risks associated with the provision of crypto-asset services
- It would be warranted to adjust the prudential stance
- Don't know / no opinion / not applicable

Please explain your answer to question 49:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the current prudential framework should be allowed to operate for a longer period before substantial changes are introduced.

The MiCA framework only recently became fully applicable and implementation experience remains limited. At present, there is insufficient evidence to conclude that a wholesale alignment with investment firm capital frameworks would improve outcomes.

Future reviews may consider introducing greater risk sensitivity where justified by supervisory experience. However, any adjustments should be evidence-based and proportionate to the actual risks associated with different CASP business models.

Question 50. Is the amount of minimum capital provided for each class of CASP listed in Annex IV of MiCA adequate or should it be recalibrated?

Please rate each minimal requirement on a scale from 1 to 5, where:

- **1 = Significantly decreased (much lower than current MiCA requirements)**
- **2 = Somewhat decreased (moderately lower than current MiCA requirements)**
- **3 = Kept roughly as is (current MiCA calibration is broadly appropriate)**
- **4 = Somewhat increased (moderately higher than current MiCA requirements)**
- **5 = Significantly increased (much higher than current MiCA requirements)**

	1 (significantly decreased)	2 (somewhat decreased)	3 (kept roughly as is)	4 (somewhat increased)	5 (significantly increased)	Don't know - No opinion - Not applicable
Minimum initial capital for Class 1 (EUR 50.000)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum initial capital for Class 2 (EUR 125.000)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Minimum initial capital for Class 3 (EUR 150.000)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Please explain your answers to question 50, indicating, if necessary, how the amount of minimum capital should it be recalibrated:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Explanation: current calibration broadly appropriate; more evidence needed before recalibration.

3.3 Multi-function groups

MiCA recognises and supports multi-function groups in which issuers, crypto-asset service providers (CASPs) may provide multiple MiCA-scope crypto-asset services, or may also carry out other types of financial activity, based on proper governance and management of the conflicts of interest this may generate.

Question 51. Should the current approach be maintained or should there be enhanced oversight and coordination in relation to entities that in addition to providing crypto-asset services, offer (1) other unregulated services or (2) other types of regulated services, (3) a combination of crypto-asset services? What kind of action would be appropriate?

- The existing approach should be maintained
- There should be enhanced oversight and coordination in relation to such entities
- Don't know / no opinion / not applicable

Question 51.1 Which of the following enhanced oversight and coordination mechanisms do you consider may be appropriate?

Please select as many answers as you like

- Group-level reporting to a centralised authority
- Enhanced supervisory cooperation between ESAs / NCAs
- Operation of new supervisory colleges
- Consolidated supervision
- Other

Please specify to what other mechanism(s) you refer in your answer to question 51.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

- * issuer + CASP;
- * CASP + lending;
- * CASP + payment services;
- * CASP + traditional financial activities.

Please explain your answer to question 51.1 and provide any comments on the operational feasibility, legal implications, proportionality, or potential unintended consequences of the measures above:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.4 Reporting

Apart from the obligation to report any reasonable suspicion regarding an order or transaction where there might exist circumstances indicating that market abuse has been committed, is being committed or is likely to be committed, there are no formal reporting obligations for CASPs in MiCA.

Question 52. Should CASPs report regularly their activities?

	Yes	No	Don't know - No opinion - Not applicable
Direct holdings of crypto-assets by CASPs	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Large exposures to derivatives with crypto-assets as the underlying asset	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volumes of leveraged contracts and the extent to which leverage is actually used on trading platforms	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Information on counterparty risk	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify what kind of reporting would be useful and how often?

Please explain:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.5 Environmental and sustainability reporting

MiCA strengthens transparency on the environmental impact of crypto-assets. It does so by

- requiring white papers to contain information on the main adverse impacts on the climate and other environment-related adverse impacts of the consensus mechanism used to issue the crypto-asset
- requiring CASPs to make that information prominently available for each crypto-asset where they provide services

Question 53. Based on your experience to date, how do you assess the current environmental/sustainability disclosure regime under MiCA (including the relevant Level 2 RTS)?

- Fully appropriate and proportionate
- Broadly appropriate, with limited areas for clarification
- Partially appropriate, but improvements could be considered
- Not appropriate
- Don't know / no opinion / not applicable

Please explain your answer to question 53:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the environmental disclosure framework introduced by MiCA is broadly appropriate and supports transparency regarding the environmental impact of crypto-assets.

Further clarification may nevertheless be useful regarding methodologies, comparability of disclosures, treatment of multi-layer infrastructures, and the allocation of environmental impacts across different market participants.

The objective should remain meaningful and comparable disclosure rather than excessive reporting burdens.

3.6 Other issues

Question 54. Given that crypto-asset service providers are entities subject to the regulatory framework of the Digital Operational Resilience Act (DORA), are there any additional issues/challenges that need to be addressed in relation to cybersecurity?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

While DORA establishes a comprehensive framework for operational resilience, several challenges remain particularly relevant for crypto-asset markets.

These include:

- * concentration risks associated with cloud service providers;
- * vulnerabilities associated with smart contracts and protocol dependencies;
- * cyber risks relating to bridges and interoperability mechanisms;
- * risks associated with third-party custody arrangements;
- * governance and security risks affecting self-hosted wallet interactions;
- * incident reporting and cross-border information-sharing mechanisms.

Continued supervisory attention to these issues remains warranted.

Question 55. The Payment Services Directive has been substantially reviewed recently, bringing notably more clarity on the interplay between the MiCA rules applying to the transfer services in relation to e-money tokens and the rules under the payment services framework which apply to the provision of payment services. As a result, the PSD3/R will clarify which crypto-asset services may qualify as payment services, including targeted exclusions from the scope of PSD3/R for specific types of transactions /exchanges involving EMTs, and will specify the authorisation process under PSD3 in cases where CASPs are required to obtain a PSD3 authorisation.

Do you consider these changes bring sufficient clarity or are there other issues that remain to be addressed?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 55:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

PSD3 appears to have significantly improved clarity.

Question 56. Do MiCA provisions governing crypto asset service providers sufficiently allow, or unduly restrict, access for EU consumers and investors to non-EU and global crypto asset trading and liquidity pools?

- Yes
- No
- Don't know / no opinion / not applicable

Question 56.1 What are the advantages and disadvantages of focusing on EU liquidity or full access to global liquidity?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MiCA generally permits access while requiring adequate safeguards.

Question 57. Do you believe that the below specified groups of MiCA level 1 provisions lay down proportionate and simple-to-apply rules for CASPs, taking into account their different size, scope of activity and risk profile?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Authorisation of crypto-asset service providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prudential requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Governance arrangements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligations in respect of specific crypto-asset services	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Title V rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your ratings in question 57 and suggest how rules could be made simpler and more proportionate (e.g. legislative clarification, supervisory guidance, industry standards):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MiCA is generally proportionate, but further guidance and harmonisation among NCAs would reduce compliance costs and legal uncertainty.

Question 58. Do you believe that below specified MiCA level 2 acts lay down proportionate and simple-to-apply rules for CASPs, taking into account their different size, scope of activity and risk profile?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
RTS on complaint handling for CASPs (Article 71(5))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on offering pre-trading and post-trading data to the public (Article 76(16)(a))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on content and format of order book and records to be maintained (Article 76(16)(b))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on records to be kept of all crypto-asset services, activities, orders and transactions undertaken (Article 68 (10)(b))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
RTS on the continuity and regularity in performance of crypto services (Article 68 (10)(a))	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your ratings in question 58 and suggest how rules could be made simpler and more proportionate:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that the existing Level 2 measures are broadly proportionate and support transparency, operational resilience and market integrity.

The principal challenge appears to be complexity and divergent interpretation rather than excessive stringency. Additional supervisory guidance, practical implementation examples, standardised reporting templates and greater convergence among national competent authorities would likely provide more benefit than substantial legislative amendment.

Simplification efforts should focus on reducing duplicative reporting, improving interoperability of reporting systems, and providing clearer guidance for smaller CASPs while preserving core safeguards.

PART 4. Policy areas beyond the current scope of MiCA

The following sections seek feedback from stakeholders on these areas, as well as some additional topical issues that are not currently directly regulated by MiCA

4.1 Decentralised finance

This section refers to decentralised finance (DeFi), understood as software programs deployed on blockchains or other types of DLT that operate autonomously without intermediaries and offer financial functionalities such as trading, lending, borrowing or portfolio management. In the broader sense, DeFi also refers to any blockchain-based application, including an application that does have an identifiable intermediary or person exercising control over its operation.

MiCA excludes from its scope 'crypto-asset services that are provided in a fully decentralised manner without any intermediary (MiCA Recital 22: "Where crypto-asset services are provided in a fully decentralised manner without any intermediary, they should not fall within the scope of this Regulation").

This section seeks feedback on whether and how to complement MiCA as regards DeFi considering potential opportunities and challenges.

Question 59. In case you are aware or make use of DeFi currently beyond the regulatory perimeter of MiCA, what are the main services you (would) use and for which of them do you consider they bring benefits compared to similar intermediated digital assets services?

a) Exchange services

- DeFi applications present **limited interest** and are **moderately used** for this service
-

DeFi applications present **important potential benefits** for this service but their **use remains limited** due to some non-mitigated weaknesses

- DeFi applications present **important benefits** for this service and are **already significantly used**, despite **important non-mitigated weaknesses**
- DeFi applications present **important benefits** for this service, they are **already significantly used** and **present limited risks**
- Don't know / no opinion / not applicable

b) Payments and transactions services

- DeFi applications present **limited interest** and are **moderately used** for this service
- DeFi applications present **important potential benefits** for this service but their **use remains limited** due to some non-mitigated weaknesses
- DeFi applications present **important benefits** for this service and are **already significantly used**, despite **important non-mitigated weaknesses**
- DeFi applications present **important benefits** for this service, they are **already significantly used** and **present limited risks**
- Don't know / no opinion / not applicable

c) Trading and investment services

- DeFi applications present **limited interest** and are **moderately used** for this service
- DeFi applications present **important potential benefits** for this service but their **use remains limited** due to some non-mitigated weaknesses
- DeFi applications present **important benefits** for this service and are **already significantly used**, despite **important non-mitigated weaknesses**
- DeFi applications present **important benefits** for this service, they are **already significantly used** and **present limited risks**
- Don't know / no opinion / not applicable

d) Lending and borrowing services

- DeFi applications present **limited interest** and are **moderately used** for this service
-

DeFi applications present **important potential benefits** for this service but their **use remains limited** due to some non-mitigated weaknesses

- DeFi applications present **important benefits** for this service and are **already significantly used**, despite **important non-mitigated weaknesses**
- DeFi applications present **important benefits** for this service, they are **already significantly used** and **present limited risks**
- Don't know / no opinion / not applicable

e) Custody services

- DeFi applications present **limited interest** and are **moderately used** for this service
- DeFi applications present **important potential benefits** for this service but their **use remains limited** due to some non-mitigated weaknesses
- DeFi applications present **important benefits** for this service and are **already significantly used**, despite **important non-mitigated weaknesses**
- DeFi applications present **important benefits** for this service, they are **already significantly used** and **present limited risks**
- Don't know / no opinion / not applicable

Please detail the benefits or weaknesses you associate with the use of DeFi applications for these different services in question 59, and the actions you would consider appropriate to optimise these benefits or address the possible issues they raise:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 60. What do you consider to be the main risks associated with DeFi?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - - Not applicable
Operational risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Money laundering and terrorist financing risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Market abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Investor protection risk (information asymmetry, no redress, opacity of functioning)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Financial stability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 60:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 61. In case you consider the criteria for establishing whether a DeFi application is not fully decentralised not sufficiently clear, which of them should do you consider should be used to assess the degree of decentralisation?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Existence of an identifiable intermediary (person or group of persons) providing a crypto-asset service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Presence of control by an identifiable person e or group of persons (e.g. via admin keys) over the key functionalities of a DeFi protocol (e.g. upgradeability of protocol)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Significant concentration of governance power over the key functionalities of a DeFi protocol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Custody of user assets by the DeFi protocol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
DeFi protocol code is not open source	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marketing of a DeFi protocol by an identifiable entity or person	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 61:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 62. Do you believe that risks to users of fully decentralised DeFi protocols should be indirectly accounted for by MiCA, e.g. by requiring CASPs to conduct due diligence over DeFi protocols they connect their clients with, or in any other way?

- Yes
- No
- Don't know / no opinion / not applicable

Question 63. Do you support introducing certification schemes for DeFi protocols and smart contracts?

- Yes, for all DeFi protocols and smart contracts providing any of the crypto-assets services defined under MiCA, and possibly also other services not in MiCA's scope such as lending and borrowing
- Yes for the DeFi protocols and smart contracts providing some of the crypto-assets services defined under MiCA
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 63, and explain for which types of DeFi services you support introducing certification schemes and for what reasons:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.



Question 64. Which of the following statements about potential certification schemes of DeFi protocols do you agree with?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - - Not applicable
Instead of a full CASP licence, DeFi protocols that are not fully decentralised should be required to obtain a certification before or soon after making the protocol available to the public	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
To obtain their certificate, DeFi protocols that are not fully decentralised should be required to integrate specific compliance tools in the design of their protocols	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
DeFi protocols and software developers offering the possibility to create and use non-custodial wallets should be required to obtain a certificate before making these wallets available to the public	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
DeFi protocols and software developers offering the possibility to create and use non-custodial wallets should be incentivised to obtain a certificate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 64:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 65. Which of the following statements about potential certification schemes of DeFi protocols or smart contracts do you agree with?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - - Not applicable
Certificates should be issued by qualified private sector entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Certificates should be issued by qualified public sector entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Any interested party (e.g. persons providing connectivity to or participating in governance of DeFi protocols) should have the possibility to ask for the certification of a fully decentralised DeFi protocol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Only fully decentralised DeFi protocols that reach a certain significance (e.g. based on total value locked) should be required to obtain a certificate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
CASPs should not be allowed to connect clients with DeFi protocols that are not certified	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 65:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that DeFi can provide meaningful benefits, particularly in relation to exchange services, automated market making, programmable settlement, and broader access to digital financial infrastructure. However, these benefits remain accompanied by substantial risks.

The main weaknesses include smart contract vulnerabilities, governance concentration, information asymmetry, lack of effective redress, market manipulation, oracle risks, bridge vulnerabilities, opaque protocol dependencies and uncertainty regarding the persons responsible for protocol operation. In many cases, DeFi is decentralised in technical form but not fully decentralised in economic or governance reality.

ARGA Observatory considers that the assessment of decentralisation should focus on substance rather than labels. Relevant criteria include the existence of an identifiable intermediary, control through admin keys, upgradeability, concentrated governance power, custody or control of user assets, non-open-source code, and active marketing by identifiable persons or entities.

Fully decentralised protocols should not automatically be brought within a full CASP licensing regime. However, risks to users can be indirectly addressed by requiring CASPs to conduct due diligence before connecting clients to DeFi protocols. Such due diligence could cover smart contract audits, governance structures, admin-key risks, oracle dependencies, liquidity risks, cybersecurity incidents and user disclosures.

ARGA Observatory supports certification schemes for DeFi protocols and smart contracts. Certification should not operate as a general prohibition on open-source development or self-custody. Mandatory certification may be appropriate for not fully decentralised protocols providing services economically equivalent to MiCA-regulated services. For non-custodial wallet software, certification should generally be encouraged rather than mandatory, unless the provider exercises control over user assets or transaction execution.

Certification could be performed by qualified private entities under public oversight, with public authorities retaining supervisory and standard-setting powers. CASPs should be required to apply enhanced due diligence when connecting clients to uncertified or high-risk protocols.

4.2 Staking, lending and borrowing of crypto-assets

This section seeks stakeholders' feedback on staking, lending and borrowing of crypto-assets, currently not addressed in MiCA regulation ([EBA-ESMA joint report on recent developments in crypto-asset markets - January 2025](#)). Staking is the process of immobilising crypto-assets to support the operations of proof-of-stake and proof-of-stake-like blockchain consensus mechanisms in exchange for the granting of validator privileges that can generate block rewards. The provision of staking services often implies that the crypto-assets, or the private keys giving access to them, are held by the staking service provider in custody. Thus, the provision of staking services is ancillary to custody services which are fully covered under MiCA. The provision of staking services therefore requires that the staking service provider is authorised under MiCA to provide custody and administration of crypto-assets on behalf of clients, as set out in Article 75 MiCA. Furthermore, CASPs should obtain an explicit consent from the clients to stake their crypto-assets, as it may have an impact on their clients' ability to access them.

Respondents are asked to provide concrete examples to support answers provided, and, where possible, quantitative and qualitative information.

Question 66. Do you think the current approach whereby staking services are not separately regulated is adequate?

- Yes
- No
- Don't know / no opinion / not applicable

What specific requirements should be applied to staking service providers?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Staking services should be separately addressed, at least through targeted rules.

Question 67. Do you think that lending and borrowing of crypto-assets should be regulated?

- Yes
- No
- Don't know / no opinion / not applicable

What do you believe should be the main elements of regulatory requirements applicable to lending and borrowing and why?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.3 Non-fungible tokens

Under MiCA Article 2(3), crypto-assets that are unique and not fungible with other crypto-assets (NFTs) are out of the scope of the regulation.

Question 68. In your view, does the current state of the NFT market and the risks and opportunities associated with it justify regulating providers of services related to these tokens?

- Yes
- No
- Don't know / no opinion / not applicable

What do you believe should be the main elements of regulatory requirements applicable to NFTs?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.4 Prediction markets and perpetual futures

One of the most marked developments in crypto markets since MiCA was adopted is the emergence of DLT-based prediction markets and the volume of trading activity in perpetual futures on crypto-assets.

Prediction markets where parties take a bet on a future development in almost any area, often far removed from financial assets or services, are increasingly conducted on or are structured through DLT, smart contracts and crypto-assets.

Question 69. Do prediction markets present opportunities or risks for EU consumer and investors?

- Yes
- No
- Don't know / no opinion / not applicable

Please elaborate on your answer to question 69:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 70. Should prediction markets, where they are DLT enabled and facilitated through smart contracts be governed by MiFID or MiCA?

- By MiFID
- By MiCA
- Don't know / no opinion / not applicable

Please explain your answer to question 70:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 71. What substantive requirements should be considered for service providers that provide prediction market services?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 72. Should perpetual futures on crypto-assets and services towards such perpetual futures be governed by MiCA or MiFID.

- By MiFID
- By MiCA
- Don't know / no opinion / not applicable

Please explain your answer to question 72:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers that staking services should be addressed more explicitly. Where a service provider controls client assets, validator infrastructure, private keys, reward distribution or slashing risk, the

activity creates risks that go beyond simple custody. Clients should receive clear disclosure regarding lock-up periods, liquidity constraints, validator risks, slashing, fees, conflicts of interest and operational dependencies. Explicit client consent should be required.

Crypto-asset lending and borrowing should be regulated. These activities create counterparty risk, collateral risk, maturity and liquidity mismatch, conflicts of interest and contagion risk. The failure of several crypto lending models has shown that clients may not understand whether their assets remain segregated, are rehypothecated, or become unsecured claims against a provider.

NFT-related services should be regulated where the NFTs are not genuinely unique or are used as investment products. The strongest case for regulation concerns NFTs issued in large series, fractionalised NFTs, NFT lending/collateralisation, and NFTs marketed with expectations of profit.

Prediction markets present both opportunities and risks. They may support information aggregation and innovative market design, but they also create risks of gambling-like behaviour, manipulation, market abuse, misleading information, consumer harm and public-order concerns where markets concern sensitive events. DLT-enabled prediction markets should generally be considered under MiCA where they do not qualify as financial instruments. Where the product is economically a derivative or financial instrument, MiFID should apply.

Perpetual futures on crypto-assets should be governed by MiFID because they are derivative instruments. Substantive requirements should include authorisation, leverage limits, margining, risk warnings, market abuse controls, conflict-of-interest rules, liquidation transparency, client asset protection, and restrictions on marketing to retail clients where appropriate.

Question 73. What substantive requirements should be considered for perpetual futures on crypto-assets and service providers providing service for such perpetual futures?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.5 Tokenised deposits

The terms 'tokenised deposit' and 'deposit tokens' are not defined terms and are sometimes used interchangeably ([EBA Report on tokenised deposits - December 2024](#)). For the purposes of the following questions, 'tokenised deposits' are digital representations of traditional commercial bank deposits recorded on a blockchain or distributed ledger, allowing for programmable, instant 24/7 settlements.

Question 74. Tokenised deposits could be deployed in support of a range of use cases across payments, capital markets, and on-chain financial activities.

Based on your experience and expectations, please assess the potential relevance and benefit of tokenised deposits for each of the following use cases in the EU:

	1 (not relevant / no meaningful benefit)	2 (low relevance / limited benefit)	3 (moderate relevance / moderate benefit)	4 (high relevance / high benefit)	5 (very high relevance / transformative benefit)	Don't know - No opinion - Not applicable
Person to person payments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail POI payments (domestic, day-to-day point of interaction transactions)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intra-EU cross-border payments (non-POI)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
International payments and remittances (third countries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Settlement of tokenised securities and other financial instruments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Delivery-versus-payment (DvP) and atomic settlement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Intraday liquidity management (real-time funding and liquidity optimisation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Treasury and liquidity management services for corporates and financial institutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Programmable payments and smart-contract-based use cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
On-chain collateral or margining in regulated markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Improved settlement speed and operational efficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Reduction of counterparty and settlement risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answers to question 74:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 75. Please select one or two use cases and benefits above that you consider most promising in the EU:

Maximum 2 selection(s)

Please select as many answers as you like

- Person to person payments
- Retail POI payments (domestic, day-to-day point of interaction transactions)
- Intra-EU cross-border payments (non-POI)
- International payments and remittances (third countries)
- Settlement of tokenised securities and other financial instruments
- Delivery-versus-payment (DvP) and atomic settlement
- Intraday liquidity management (real-time funding and liquidity optimisation)
- Treasury and liquidity management services for corporates and financial institutions
- Programmable payments and smart-contract-based use cases
- On-chain collateral or margining in regulated markets
- Improved settlement speed and operational efficiency
- Reduction of counterparty and settlement risk

Please explain why the case(s) you selected in your answer to question 75 are the most promising in the EU:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 76. What factors, if any, constrain the development and uptake of tokenised deposits in the EU?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 77. If you identify any regulatory issue(s) in your answer to the previous question, please indicate what regulatory action is appropriate to address the issue(s) identified:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 78. Do tokenised deposits raise any specific issues under the CRD /CRR framework?

- Yes
- No
- Don't know / no opinion / not applicable

Please indicate what issues arise and what regulatory or supervisory action may be appropriate to address the issue(s) identified:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 79. Do tokenised deposits raise any questions and challenges from a deposit insurance perspective?

- Yes
- No
- Don't know / no opinion / not applicable

Please indicate which supervisory or regulatory action is appropriate to address the issues identified:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.6 Legal treatment of tokens

Legal certainty in the treatment of tokens in the EU and in the Member States is crucial in supporting predictable outcomes in financial markets in Europe and is vital to avoid stifling innovation, both in relation to MiCA crypto-assets (crypto-assets) as well as for the tokenisation and issuance of financial instruments in the form of tokens, currently governed by MiFID/R or asset management regulation (DLT financial instruments). Tokens in this section generally refer to both DLT financial instruments and crypto-assets, unless specified otherwise. In relation to legal certainty in the treatment of tokens, at least several issues have been noted by stakeholders, supervisors and academics. These include questions on whether tokens can be objects of property, which rules apply to the title and transfer of tokens, their treatment in the event of insolvency, custody relationships, and security rights in crypto-assets.

There are different ways to categorise tokens depending on the type of rights they confer to the holder. There are two general types of tokens, native tokens and non-native tokens. Native tokens tend to represent an asset (such as a share or security) that **only exists on-chain** (i.e. without a physical or traditional paper-based equivalent). Non-native tokens tend to **represent an on chain right over an asset that is legally constituted and represented elsewhere (off chain)** allowing this right to be held and transacted on DLT. Regarding non-native tokens, legal uncertainties may arise because, depending on the legal framework and the way the token was created, the tokenisation often leads to the simultaneous existence of two assets: the token representing the asset and the asset that the token asset represents^[4]. Native tokens too may raise important legal questions about their nature as many jurisdictions of today do not explicitly recognise existence of on-chain assets and it is often unclear if and how they fall under current rules on taxonomy and creation of traditional financial assets.

One of the key questions concerning legal certainty is whether holding (or controlling) a token on a blockchain constitutes ownership, and whether holding (or controlling) a non-native token constitutes ownership or merely a claim on the underlying asset that it represents. MiCA contains clear requirements for issuers or offerors of crypto-assets but it does not directly regulate the ownership of such assets, which remains a matter of (national) property laws. Similarly, MiFID does

not define the proprietary nature of financial instruments or transfer of ownership, which is left to the discretion of national laws. Some Member States have implemented specific regulations to ensure legal certainty for tokens, including to provide for statutory “bridges” that synchronise the technical state of the ledger with the legal status of the asset.

⁴ In “complete tokenisation” possession can equate to legal ownership over the asset it represents if the legal system recognises the token as the asset’s representation; the “indirect tokenisation” where the legal ownership depends on the intermediary entity or legal structure, not just the token; and the “incomplete tokenisation” where the token might only act as evidence or an interface to rights that are legally held off-chain. [X. Lavayssière, “Legal Structures of Tokenised Assets”. European Journal of Risk Regulation.](#)

Question 80. Is there legal uncertainty as to the private law treatment of issuance, holding and transfers of tokens, under national law?

- Yes
- No
- Don’t know / no opinion / not applicable

Question 80.1 Which of the following issues are most significant?

	1 (none or not significant)	2 (low)	3 (moderate)	4 (high)	5 (very high)	Don't know - No opinion - Not applicable
Issuing a crypto-asset token in compliance with national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issuing a tokenised financial instrument in compliance with national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transferring ownership (acquisitions, dispositions, earmarking etc) over a						

token, including good faith acquisition / bona fide ownership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognising ownership in a token towards third-parties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using tokens as collateral	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Possibility to differentiate between native and non-native tokens in national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognising tokens as objects of property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rights of token holders in intermediated custody chains	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforcement and exercise of rights arising from /over tokens or the underlying assets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Custody of tokens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treatment of tokens in insolvency proceedings including intermediary risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 80.1 and provide examples from national law. In particular specify if any of the answers is specifically referring to native or non-native tokens and specify if any of the answers would be different depending on if the token is recording a tokenised financial instrument or crypto-assets:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 80.2 What is the urgency with which each issue should be addressed by regulators?

	1 (none or not urgent)	2 (low urgency)	3 (moderate urgency)	4 (high urgency)	5 (immediate / critical)	Don't know - No opinion - - Not applicable
Issuing a crypto-asset token in compliance with national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Issuing a tokenised financial instrument in compliance with national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transferring ownership (acquisitions, dispositions, earmarking etc) over a token, including good faith acquisition / bona fide ownership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognising ownership in a token towards third-parties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Using tokens as collateral	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Possibility to differentiate between native and non-native tokens in national law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recognising tokens as objects of property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rights of token holders in intermediated custody chains	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforcement and exercise of rights arising from /over tokens or the underlying assets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Custody of tokens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Treatment of tokens in insolvency proceedings including intermediary risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 80.2 and provide examples from national law. In particular specify if any of the answers is specifically referring to native or non-native tokens and specify if any of the answers would be different depending on if the token is recording a tokenised financial instrument or crypto-assets:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 81. Would you recommend increasing the legal certainty in the treatment of tokens through EU law?

- Yes
- No
- Don't know / no opinion / not applicable

Question 81.1. What are the 3 most important elements that should be addressed in EU law?

Please explain your answer and provide examples:

Most important element number 1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Most important element number 2:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Most important element number 3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 81.2 Can legal certainty (ownership or entitlement, transfer and enforceability of rights recorded as tokens) be achieved under EU law in one of the following manners?

	1 (strongly disagree)	2 (rather disagree)	3 (neutral)	4 (rather agree)	5 (strongly agree)	Don't know - No opinion - Not applicable
Implementation of a 28th regime recognising legal effects of DLT registers holding tokens, including good-faith acquisition rules and rules on opposability/enforceability to third parties (erga omnes effects)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Full harmonisation of private law treatment of tokens in Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Partial harmonisation of private law treatment of tokens in Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Introducing a conflict of law regime for tokens under EU law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other model	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answers to question 81.2 and provide examples, in particular from national law. Where you favour full or partial harmonisation or the introduction of a conflict of laws regime, please specify which legal instrument would be most appropriate for that purpose (a new Regulation or the use of existing regimes, such as MiFID or MiCA). Also consider if there are risks with establishing an ownership regime at EU level and how these risks could be mitigated:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 82. There are different “ownership models” that could be used to increase legal certainty over tokens.

Please indicate maximum two models listed below that you think EU law could apply if it were to improve the legal certainty of tokens in the EU:

Maximum 2 selection(s)

Please select as many answers as you like

- MODEL 1:** The token is the asset by law, the law recognises a ledger-based asset and the ownership rights are constituted directly by the ledger entry.
- MODEL 2:** The token is the asset by law, where the law recognises that e.g. securities (dematerialised or physical) can be replaced by an entry into a DLT register and by this “replacing” (immobilisation) of the securities the function of the initial security is substituted by entry into a DLT register and the ownership rights are constituted by the representation on the ledger.
- MODEL 3:** Token is the asset by law. In this case the law does not actively regulate legal aspects such as what property is or how transfer of ownership occurs etc. but instructs on the legal consequences of entries in a DLT register (this is often called a functional approach). The law could at EU level stipulate

who may exercise rights, i.e. the person recorded in the DLT register as holder of a tokenised asset, that these rights have full third-party effect and protects from competing claims. This also creates legal certainty for collateral use. The EU law would create a uniform rule of “digital entitlement” that functions across all Member States’ property law structures.

- MODEL 4:** The token is the legal carrier of rights associated with a related (often off-chain) asset. The law defines tokens as legal objects that do not create new rights, but can –like a “container” –represent various kinds of rights, such as membership rights, ownership, intellectual property rights, usage rights or rights of lien etc. The token would represent the rights stemming from the underlying assets and the law would ensure that the transfer of a token on the ledger legally transfers ownership of the rights stemming from the underlying asset.

([Inspired by Lichtenstein Law](#). Art 2 TVTG defines token as a piece of information on a TT System which can represent claims or rights of memberships against a person, rights to property, or other absolute or relative rights.

Art 5 TVTG states that the TT Key holder has the power of disposal over the Token. It is further assumed that the person possessing the power of disposal over a Token also has the right to dispose of the Token. For every previous holder of the power of disposal, it is presumed that he was the person possessing the right of disposal at the time of this ownership).

- MODEL 5:** Any other legal ownership structures, for example based on the approaches taken by different countries, including France, Germany, Luxembourg or adopted in other jurisdictions or internationally, that could be implemented in EU law.

You selected:

MODEL 3: Token is the asset by law. In this case the law does not actively regulate legal aspects such as what property is or how transfer of ownership occurs etc but instructs on the legal consequences of entries in a DLT register (this is often called a functional approach). The law could at EU level stipulate who may exercise rights, i.e. the person recorded in the DLT register as holder of a tokenised asset, that these rights have full third-party effect and protects from competing claims. This also creates legal certainty for collateral use. The EU law would create a uniform rule of “digital entitlement” that functions across all Member States’ property law structures.

MODEL 3 - a) What would be the legal interoperability of any such EU level measure with national private laws of Member States, or at least laws of the Member State that you are familiar with?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 3 - b) Is it preferable to establish constitutive rules of ownership based on the asset being recorded on chain or functional rules regulating the effects of recording an asset on chain?

- Constitutive rules of ownership based on the asset being recorded on chain
- Functional rules regulating the effects of recording an asset on chain
- Don't know / no opinion / not applicable

Please explain your answer to MODEL 3 b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 3 - c) Are the different ownership models better suited for native or non-native tokens?

- For native
- For non-native tokens
- Don't know / no opinion / not applicable

Please explain your answer to MODEL 3 c):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 3 - d) Can the same ownership model be implemented for all types of tokens (crypto-assets and DLT financial instruments)?

- Yes
- No
- Don't know / no opinion / not applicable

MODEL 3 - d) What would need to be different depending on the type of the token?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answers for MODEL 3 and provide examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

.....
You selected:

MODEL 4: The token is the legal carrier of rights associated with a related (often off-chain) asset. The law defines tokens as legal objects that do not create new rights, but can –like a “container” –represent various kinds of rights, such as membership rights, ownership, intellectual property rights, usage rights or rights of lien etc. The token would represent the rights stemming from the underlying assets and the law would ensure that the transfer of a token on the ledger legally transfers ownership of the rights stemming from the underlying asset.

MODEL 4 - a) What would be the legal interoperability of any such EU level measure with national private laws of Member States, or at least laws of the

Member State that you are familiar with?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 4 - b) Is it preferable to establish constitutive rules of ownership based on the asset being recorded on chain or functional rules regulating the effects of recording an asset on chain?

- Constitutive rules of ownership based on the asset being recorded on chain
- Functional rules regulating the effects of recording an asset on chain
- Don't know / no opinion / not applicable

Please explain your answer to MODEL 4 b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 4 - c) Are the different ownership models better suited for native or non-native tokens?

- For native
- For non-native tokens
- Don't know / no opinion / not applicable

Please explain your answer to MODEL 4 c):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

MODEL 4 - d) Can the same ownership model be implemented for all types of tokens (crypto-assets and DLT financial instruments)?

- Yes
- No
- Don't know / no opinion / not applicable

MODEL 4 - d) What would need to be different depending on the type of the token?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answers for MODEL 4 and provide examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 83. Comparing national laws of Member States, what are the main differences in how national laws governs the issuance, holdings and transfers of tokens? Please explain your answer and provide examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.7 Questions on conflicts of law

Financial Collateral Directive (FCD) and Settlement Finality Directive (SFD) entails targeted conflict of law rules, mainly applicable to financial instruments hence broadly relevant for DLT financial instruments, however the current regime leaves a potential gap where the token does not qualify under the scope of FCD and SFD or where existing conflict rules do not easily lend its application to tokens. As noted in the [UNIDROIT Principles on digital assets and private law](#) the usual connecting factors for choice-of-law rules, such as the location of persons, offices, activity, or assets have less of a useful role for DLT financial instruments and crypto-assets and the approach would rather be to identify connecting factors relevant to such instruments and assets.

Question 84. Should EU law introduce a conflict of law rule for tokens?

- Yes
- No
- Don't know / no opinion / not applicable

Question 85. If there are any other issues relating to legal certainty which are not mentioned above, please describe them here:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.8 Final open question

Question 86. Interested parties that wish to bring other relevant issues, not raised in this consultation, to the Commission's attention, should feel free to communicate them here:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

ARGA Observatory considers tokenised deposits particularly promising for settlement of tokenised securities, delivery-versus-payment, atomic settlement, intraday liquidity management, programmable payments and on-chain collateral in regulated markets. Their main advantage is that they may combine the legal familiarity of commercial bank money with the operational benefits of DLT-based settlement.

The main constraints include legal uncertainty, interoperability, fragmented technical standards, unclear treatment under prudential rules, cybersecurity risks, operational resilience, settlement finality, deposit insurance questions and the interaction with central bank money, EMTs and tokenised financial instruments.

Regulatory action should focus on clarifying the treatment of tokenised deposits under CRD/CRR, settlement finality, deposit insurance, insolvency law, operational resilience and conflicts of law. Tokenised deposits should not be treated as ordinary crypto-assets where they remain claims against regulated credit institutions, but their DLT-based form creates additional legal and operational questions.

ARGA Observatory considers that there is significant legal uncertainty regarding the private law treatment of tokens across Member States. Questions remain concerning whether tokens are objects of property, how title is transferred, how good-faith acquisition operates, how tokens are treated in insolvency, how collateral rights are created and enforced, and whether control of a token corresponds to legal ownership.

EU law should increase legal certainty. A functional EU-level digital entitlement model would be particularly useful, as it could recognise the legal effect of ledger entries without forcing all Member States to harmonise their entire property law systems. A model treating tokens as legal carriers of rights could also be useful for non-native tokenisation structures.

Differences between national laws concern property classification, transfer mechanics, custody, insolvency treatment, collateralisation and the legal effect of ledger entries. This fragmentation creates uncertainty for cross-border token issuance and trading.

ARGA Observatory supports an EU conflict-of-law rule for tokens. Traditional connecting factors such as physical location are often unsuitable for DLT assets. EU law should identify clear connecting factors, such as the governing law chosen in the issuance terms, the law of the relevant register or system, or the law of the issuer or account provider, subject to safeguards for consumers and third parties.

As a final point, ARGA Observatory encourages the Commission to ensure that future regulation remains technology-neutral, rights-based and proportionate. The priority should be legal certainty, investor and user protection, enforceability of rights, operational resilience, and cross-border supervisory cooperation.

Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not include any personal data or any information that might identify you in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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[Consultation document \(https://finance.ec.europa.eu/document/download/62be7015-f066-4fac-b74e-71bacdbcc9f5_en?filename=2026-mica-review-targeted-consultation-document_en.pdf\)](https://finance.ec.europa.eu/document/download/62be7015-f066-4fac-b74e-71bacdbcc9f5_en?filename=2026-mica-review-targeted-consultation-document_en.pdf)

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[More on crypto-assets \(https://finance.ec.europa.eu/digital-finance/crypto-assets_en\)](https://finance.ec.europa.eu/digital-finance/crypto-assets_en)

[Specific privacy statement \(https://finance.ec.europa.eu/document/download/b6bd37fe-89ad-4e9a-9188-efa9743c4e2e_en?filename=2026-mica-review-targeted-specific-privacy-statement_en.pdf\)](https://finance.ec.europa.eu/document/download/b6bd37fe-89ad-4e9a-9188-efa9743c4e2e_en?filename=2026-mica-review-targeted-specific-privacy-statement_en.pdf)

Contact

fisma-mica-review@ec.europa.eu

Reply Form

Call for evidence on the market structure of European equity markets.

Responding to this Consultation Paper

ESMA invites comments on all matters in this Consultation Paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

- respond to the question stated;
- indicate the specific question to which the comment relates;
- contain a clear rationale; and
- describe any alternatives ESMA should consider.

ESMA will consider all comments received by **30 June 2026**.

All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

- Insert your responses to the questions in the Consultation Paper in this reply form.
- Please do not remove tags of the type < ESMA_QUESTION_MSEM_0>. Your response to each question has to be framed by the two tags corresponding to the question.
- If you do not wish to respond to a given question, please do not delete it but simply leave the text "TYPE YOUR TEXT HERE" between the tags.
- When you have drafted your responses, save the reply form according to the following convention: ESMA_CP1_ MSEM_nameofrespondent.

For example, for a respondent named ABCD, the reply form would be saved with the following name: ESMA_CP1_ MSEM_ABCD.

- Upload the Word reply form containing your responses to ESMA's website (**pdf documents will not be considered except for annexes**). All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at www.esma.europa.eu under the heading '[Data protection](#)'.

Who should read this paper?

This paper is primarily addressed to all financial market participants, including trading venues and investment firms, as well as to asset management, data reporting service providers, trade associations, issuers and other stakeholders involved in financial regulation, investor education, and retail investment market developments.

1 General information about respondent

Name of the company / organisation	ARGA Observatory
Activity	Other
Are you representing an association?	<input checked="" type="checkbox"/>
Country / Region	France

2 Questions

- Q1 Do you agree with the description of the market structure summarised in Figure 1 for the purpose of the study in sections 3 and 4 based on transaction reporting data? If not, could you provide an alternative description that you consider more adapted to the reality of the European trading landscape for shares?**

<ESMA_QUESTION_MSEM_1>

ARGA Observatory broadly agrees with the description of the market structure summarised in Figure 1 for the purposes of the study. The distinction between on-book and off-book trading, and between addressable and non-addressable liquidity, provides a useful analytical framework for assessing the functioning of European equity markets.

However, we would caution that the concept of addressable liquidity should be used carefully. Some transactions may be formally addressable but not practically accessible to all categories of market participants on equal terms. Conversely, certain transactions classified as non-addressable may still have indirect relevance for market quality, liquidity conditions or reference prices. ESMA may therefore wish to further refine the classification by considering practical accessibility, transparency, execution conditions and the contribution of each mechanism to price formation.

<ESMA_QUESTION_MSEM_1>

Q2 Do you have any insights on the XOFF transactions reported by investment firms who also act as an SI (SI-OTC trades)?

<ESMA_QUESTION_MSEM_2>

ARGA Observatory does not have direct transaction-level evidence regarding XOFF transactions reported by investment firms that also act as systematic internalisers.

From a policy perspective, however, SI-OTC trades deserve continued supervisory attention. Where the same investment firm operates as an SI and reports XOFF activity, it is important to ensure that transaction reporting accurately reflects the economic nature of the trade, the execution capacity of the firm, and whether the transaction contributes to price formation. ESMA should consider whether further guidance or reporting granularity is needed to distinguish genuine OTC activity from activity that is economically closer to SI execution.

<ESMA_QUESTION_MSEM_2>

Q3 Do you agree with the general trends identified regarding on-book vs. off-book trading, and addressable vs. non-addressable liquidity? What other trends do you consider relevant, also in terms of competitive pressures?

<ESMA_QUESTION_MSEM_3>

ARGA Observatory broadly agrees with the general trends identified by ESMA. The relative decline of lit continuous order book trading, the growth of closing auctions, frequent batch auctions and SI trading, and the relatively stable but important role of addressable liquidity appear to reflect structural changes in European equity markets.

Other relevant trends include increasing reliance on reference prices, greater fragmentation of execution channels, competition between regulated markets, MTFs and SIs, and the development of mechanisms designed to reduce market impact or latency exposure. These developments may benefit certain market participants by providing execution choice and flexibility. However, they may also increase complexity and make it harder for smaller or less sophisticated investors to assess where genuine liquidity and price formation are located.

<ESMA_QUESTION_MSEM_3>

Q4 Do you have any concerns on the impact of the identified trends on the general functioning of the EEA markets for shares? In your view, what are the implications of the relative decreasing trend in trading on CLOB for the effective price formation in the EEA markets for shares? What are the implications on price formation should this trend persist or even accelerate?

<ESMA_QUESTION_MSEM_4>

ARGA Observatory has concerns about the potential long-term implications of a persistent decline in lit continuous trading on central limit order books.

CLOB trading plays a central role in transparent price formation. It produces visible pre-trade information and provides reference prices for other execution mechanisms. A moderate shift toward other execution methods is not necessarily problematic where those methods improve execution quality or reduce market impact. However, if the decline in CLOB trading continues or accelerates, the market may become increasingly dependent on prices formed in a narrower transparent segment of the market.

This could weaken the robustness of reference prices, increase information asymmetries, and reduce market confidence. The concern is not simply the growth of alternative mechanisms, but whether they rely on prices generated elsewhere without making an equivalent contribution to price formation

<ESMA_QUESTION_MSEM_4>

Q5 As the choice of trading facility has increased, it is important for ESMA to understand why market participants are choosing the execution facilities that they do. What are the drivers that you consider most relevant when choosing on which execution venue and with which execution method to trade?

<ESMA_QUESTION_MSEM_5>

The most relevant drivers when choosing an execution venue or method are likely to include execution price, depth of liquidity, market impact, likelihood of execution, speed, transaction costs, transparency, counterparty risk, order size, anonymity, and regulatory or best execution obligations.

For larger orders, market participants may prefer mechanisms that reduce information leakage and market impact, including auctions, dark mechanisms or bilateral arrangements. For smaller and more standardised orders, transparent lit venues may remain more appropriate. The key regulatory objective should be to preserve execution choice while ensuring that this choice does not undermine transparent price formation, fair access or investor protection.

<ESMA_QUESTION_MSEM_5>

Q6 What are your experiences with regard to gaining access to liquidity? To what extent are you, either directly or via a broker, able to access liquidity on relevant trading venues or relevant systematic internalisers? If not, please explain what stands in the way of gaining such access.

<ESMA_QUESTION_MSEM_6>

ARGA Observatory does not have direct operational experience accessing liquidity as a trading participant.

From a policy perspective, access to liquidity should be assessed not only formally but also practically. Smaller firms, retail intermediaries and less sophisticated market participants may face barriers including connectivity costs, data costs, technology requirements, broker dependencies, fragmented liquidity, and limited visibility over execution quality across venues and SIs. ESMA should therefore continue to monitor whether access to relevant liquidity pools is available on fair, transparent and non-discriminatory terms.

<ESMA_QUESTION_MSEM_6>

Q7 If you are an issuer, how do you see these market developments? Do you consider this an attractive environment for listing? If not, why?

<ESMA_QUESTION_MSEM_7>

ARGA Observatory is not an issuer and therefore does not respond from direct issuer experience.

From a broader market-policy perspective, an attractive listing environment requires deep liquidity, transparent price formation, investor confidence, efficient execution and reliable reference prices. If liquidity becomes excessively fragmented or price formation becomes concentrated in fewer transparent mechanisms, this may reduce the attractiveness of European markets for issuers. Conversely, a diverse trading ecosystem can be positive where it supports liquidity and execution quality without undermining transparency.

<ESMA_QUESTION_MSEM_7>

Q8 What conclusions would you draw from the distribution of liquidity across EEA ISINs? Do you identify any policy recommendations in this context, with a view to enhancing price formation while ensuring a level playing field across different types of venues? Do you have explanations for the high share of OTC trading observed in the ISIN's of some jurisdictions?

<ESMA_QUESTION_MSEM_8>

The distribution of liquidity across EEA ISINs suggests that market structure is not uniform across Member States. Some jurisdictions appear to rely heavily on lit continuous trading on domestic regulated markets, while others show higher shares of OTC, dark or other forms of trading. This may reflect differences in market size, issuer profile, liquidity, investor base, trading practices and the presence of large block or technical transactions.

Policy recommendations should focus on ensuring consistent transparency, comparable reporting, and a level playing field across venue types rather than imposing a single market model. ESMA should further investigate jurisdictions with unusually high OTC shares to determine whether these reflect legitimate large or technical transactions, reporting practices, limited venue liquidity, or structural barriers to transparent trading.

<ESMA_QUESTION_MSEM_8>

Q9 What is your view on the evolution of dark trading on EU trading venues? Are there any structural shifts that you noticed, which you believe should be further monitored?

<ESMA_QUESTION_MSEM_9>

ARGA Observatory notes that dark trading appears to remain a relatively limited share of overall EU trading activity, but its evolution should continue to be monitored closely.

Particular attention should be paid to possible migration from reference price waiver trading to mechanisms such as frequent batch auctions following the application of the single volume cap. ESMA should also monitor concentration of dark trading on specific venues, the use of reference prices, average trade size, ISIN coverage, and whether dark trading mechanisms are being used in ways that reduce transparency or weaken price formation.

<ESMA_QUESTION_MSEM_9>

Q10 What concerns/issues do you highlight at this stage? Do you see a need for specific regulatory interventions also in consideration of evidence available regarding practices related to dark trading functionalities (please provide details)?

<ESMA_QUESTION_MSEM_10>

At this stage, ARGA Observatory would not recommend a broad restriction of dark trading without further evidence. Dark trading can serve legitimate purposes, especially for larger orders where pre-trade transparency may increase market impact.

However, specific concerns merit regulatory attention. These include the potential use of dark functionalities to avoid transparency obligations, the interaction between dark trading and frequent batch auctions, reliance on reference prices formed elsewhere, concentration of activity on a small number of venues, and unequal access to execution mechanisms.

ESMA should prioritise enhanced monitoring, improved reporting granularity, supervisory convergence, and clearer guidance on the classification of addressable and non-addressable liquidity. If evidence shows that specific dark trading practices materially impair price formation or create unfair access conditions, targeted intervention would be preferable to broad structural restrictions.

<ESMA_QUESTION_MSEM_10>

Q11 What is your view on the evolution and effects of trading in closing auctions on the EU markets? Do you agree with the presented rationale for trading in closing auctions or do you consider other drivers more important for explaining the growth and increasing significance of closing auctions trading?

<ESMA_QUESTION_MSEM_11>

ARGA Observatory considers that the increasing importance of closing auctions reflects broader structural changes in European equity markets. We broadly agree with ESMA's assessment that closing auctions provide an efficient mechanism for concentrating liquidity, facilitating large transactions and generating a widely accepted reference price for valuation, index tracking and portfolio management purposes.

However, the growth of closing auctions is likely driven by a combination of factors rather than solely their traditional role in benchmark pricing. Additional drivers may include increased market fragmentation, the search for reduced market impact, the growing importance of passive investment strategies, and the increasing use of execution algorithms designed to minimise tracking error relative to closing benchmarks.

The observed increase in closing auction activity does not appear problematic in itself. Nevertheless, if an excessive proportion of price formation were to migrate from continuous trading to auction mechanisms, regulators should assess whether this may weaken intraday price discovery and market transparency.

<ESMA_QUESTION_MSEM_11>

Q12 What is your view on the effects of alternative closing mechanisms offered by MTFs and SIs?

<ESMA_QUESTION_MSEM_12>

Alternative closing mechanisms offered by MTFs and SIs may increase competition, provide execution choice and reduce concentration risks associated with a single closing venue. They may also improve execution opportunities for certain categories of market participants.

At the same time, the proliferation of alternative closing mechanisms may fragment liquidity and potentially dilute the central reference function traditionally performed by primary market closing auctions. The key policy question is whether such mechanisms contribute to genuine price formation or merely reference prices established elsewhere.

Regulators should therefore monitor their impact on transparency, execution quality and the robustness of official closing prices. Any assessment should remain evidence-based and avoid unnecessarily restricting competition between execution venues.

<ESMA_QUESTION_MSEM_12>

Q13 What will be in your view the effects of 24h/ extended trading hours on closing auctions?

<ESMA_QUESTION_MSEM_13>

The expansion of extended-hours or 24-hour trading may gradually alter the role of closing auctions, but it is unlikely to eliminate their importance.

Institutional investors, benchmark administrators, index providers and fund managers will continue to require recognised end-of-day reference prices for valuation, accounting and performance measurement purposes. As a result, some form of closing price determination mechanism is likely to remain necessary even in a market with extended trading hours.

Nevertheless, extended-hours trading may reduce the concentration of liquidity immediately before the market close and may shift some trading activity toward later periods. Regulators should monitor whether this leads to changes in liquidity distribution, volatility patterns or the informational content of closing prices.

<ESMA_QUESTION_MSEM_13>

Q14 Are there any structural shifts that you noticed, which you believe the competent authorities should monitor? Would you like to highlight any concerns/issues at this stage? Do you see a need for specific regulatory interventions (please provide details relating them possibly to the data and observations available)?

<ESMA_QUESTION_MSEM_14>

Several structural developments warrant continued monitoring.

First, the gradual decline in lit continuous order book trading should be monitored alongside the growth of auctions, SI trading and other alternative execution mechanisms.

Second, regulators should continue to assess whether increasing reliance on reference prices creates a growing dependence on a shrinking pool of transparent price formation.

Third, the interaction between closing auctions, frequent batch auctions, dark trading and systematic internalisers deserves particular attention, as these mechanisms increasingly compete for the same order flow.

At present, ARGAs Observatory does not see sufficient evidence to justify major structural intervention. Enhanced monitoring, data collection and transparency should remain the primary regulatory response. Intervention should only be considered where there is clear evidence of harm to price formation, market integrity or fair access.

<ESMA_QUESTION_MSEM_14>

Q15 What is your view on the evolution of trading in FBAs on EU markets? Why are those mechanisms gaining traction in your view? Which are the benefits and shortcomings they offer? (please elaborate)

<ESMA_QUESTION_MSEM_15>

The growth of frequent batch auctions (FBAs) appears to reflect market demand for alternative execution mechanisms that reduce information leakage, minimise market impact and mitigate latency-driven trading advantages.

FBAs may offer several benefits. They can reduce the importance of speed-based competition, facilitate execution at potentially better prices, and provide an alternative to both continuous trading and dark trading. They may also be attractive for institutional investors seeking to execute larger orders while limiting signalling risks.

However, FBAs also raise important questions regarding transparency and price formation. Some FBA models rely heavily on prices generated elsewhere rather than producing independent price discovery. Their growing market share therefore warrants continued analysis.

The contribution of FBAs should be assessed not only by volume but also by their role in establishing prices, their transparency characteristics, and their accessibility to different market participants.

<ESMA_QUESTION_MSEM_15>

Q16 Do you have any particular observations as regards the impact of SVC on FBAs?

<ESMA_QUESTION_MSEM_16>

The preliminary evidence presented by ESMA suggests that the implementation of the Single Volume Cap may have contributed to increased activity on certain FBA venues.

This possibility deserves careful monitoring. If trading activity migrates from reference-price dark mechanisms toward FBAs without materially increasing transparency or price formation, the intended policy objectives of the SVC may be only partially achieved.

At this stage, however, the available observation period appears relatively short. Any conclusions regarding causality should therefore remain cautious until additional data become available.

<ESMA_QUESTION_MSEM_16>

Q17 Are there any emerging structural shifts which you believe would warrant closer monitoring? (please elaborate)

<ESMA_QUESTION_MSEM_17>

Several emerging structural shifts deserve closer monitoring.

These include increasing reliance on reference prices, growth in periodic auction mechanisms, continued expansion of SI trading, concentration of activity among a limited number of venues, and the evolving interaction between dark trading restrictions and alternative execution mechanisms.

Another important development is the growing complexity of the market structure itself. As execution becomes increasingly fragmented across multiple venue types, it may become more difficult for market participants, particularly smaller firms and retail intermediaries, to evaluate execution quality and access available liquidity.

<ESMA_QUESTION_MSEM_17>

Q18 What is your view regarding the contribution of FBAs to price formation and transparency? Should those mechanisms be generally considered as price forming/ non price forming or this assessment should be done on a case-by-case basis depending on the specific design of the auction? (please elaborate, supplementing your views with data evidence when available)

<ESMA_QUESTION_MSEM_18>

ARGA Observatory does not believe FBAs should automatically be classified as either price-forming or non-price-forming.

Their contribution should be assessed on a case-by-case basis according to their specific design and operation.

Where an auction attracts genuine order interaction and independently establishes prices through supply and demand, it may contribute meaningfully to price formation. Conversely, where pricing is largely derived from external reference prices and the auction serves primarily as an execution mechanism, its contribution to independent price discovery may be more limited.

The regulatory framework should therefore focus on objective characteristics such as transparency, order interaction, price-setting methodology and market impact rather than applying a single classification to all FBA models.

<ESMA_QUESTION_MSEM_18>

Q19 Please highlight any concerns/issues you may have at this stage. Do you see a need for specific regulatory interventions, particularly regarding the tick size regime and its application to transactions and periodic auctions (please provide details)?

<ESMA_QUESTION_MSEM_19>

At present, ARGA Observatory believes that further evidence is required before significant regulatory intervention is considered.

With respect to the tick-size regime, consistency and legal certainty are important. Market participants should clearly understand whether periodic auctions are subject to the same requirements as continuous trading and under what conditions deviations may be permitted.

Any future reforms should seek to preserve a level playing field between execution mechanisms while recognising that different trading models may serve different economic functions. Regulators should avoid creating incentives that unintentionally favour one execution mechanism over another without a clear market-quality justification.

<ESMA_QUESTION_MSEM_19>

Q20 What is your view on the evolution of trading of SIs on the EEA markets? What are the main drivers of their growth?

<ESMA_QUESTION_MSEM_20>

The growth of systematic internaliser trading appears to reflect broader trends toward execution customisation, reduced market impact, technological innovation and increased competition among execution channels.

SIs may offer advantages such as price improvement, tailored execution services, reduced information leakage and efficient handling of certain order types. These characteristics may explain part of their growing market share.

At the same time, continued growth in SI trading raises important questions regarding transparency, accessibility and the balance between bilateral and multilateral price formation. Monitoring should therefore focus not only on market share but also on execution quality and contribution to overall market efficiency.

<ESMA_QUESTION_MSEM_20>

Q21 Does this picture reflect the trends you observe in SI trading? Do SI offer trading for both large and small sizes? Do these different trade size reflect different types of clients / SI businesses?

<ESMA_QUESTION_MSEM_21>

The trends described by ESMA appear broadly consistent with the evolution of SI activity observed across European markets.

It is reasonable to expect that SIs serve both large and small transactions, although different trade sizes may correspond to different business models, client categories and execution objectives. Institutional flow, retail flow, liquidity provision and risk internalisation may each generate distinct trading patterns.

Regulators should therefore avoid treating SI activity as a homogeneous category and should instead continue analysing differences between client segments, order characteristics and execution outcomes.

<ESMA_QUESTION_MSEM_21>

Q22 What is your perception of the application of price improvement by SIs? Does the data analysis reflect the reality, or do you believe that there are some data quality issues in the flagging of transactions subject to price improvement?

<ESMA_QUESTION_MSEM_22>

Price improvement remains an important feature of the SI model because it may provide tangible benefits to investors compared with execution at displayed prices.

However, the effectiveness of supervisory analysis depends on the quality and consistency of transaction reporting. Where reporting practices differ across firms or jurisdictions, there is a risk that the extent of genuine price improvement may be difficult to assess accurately.

ESMA may therefore wish to continue reviewing reporting practices and consider whether additional guidance or standardisation could improve data quality and comparability.

<ESMA_QUESTION_MSEM_22>

Q23 Which flags do you consider important to identify certain trade related to SI trading?

<ESMA_QUESTION_MSEM_23>

The most important flags are those that allow supervisors and market participants to identify the execution context of a transaction, including whether the transaction was executed by an SI, whether price improvement was provided, whether the transaction contributed to price formation, whether it was subject to a waiver, and whether it formed part of specific transaction categories such as benchmark, portfolio or contingent trades.

Clear and consistent flagging is essential to support market surveillance, policy analysis and informed regulatory decision-making.

<ESMA_QUESTION_MSEM_23>

Q24 What is your view on the evolution of SI trading on the EU markets? Are there any structural shifts that you noticed, or envisage, which you believe should be further monitored?

<ESMA_QUESTION_MSEM_24>

The continued growth of SI trading, together with the increasing role of auctions and alternative execution mechanisms, represents one of the most important structural developments in European equity markets.

Future monitoring should focus on the interaction between SIs and other liquidity pools, the extent of price improvement, concentration trends, access conditions, and the relationship between SI activity and transparent price formation on lit markets.

The objective should not be to favour or discourage any particular execution model, but rather to ensure that competition, transparency, investor protection and efficient price formation remain appropriately balanced across the market ecosystem.

<ESMA_QUESTION_MSEM_24>

Q25 Please highlight any concerns/issues you may have at this stage? Do you see a need for specific for regulatory interventions (please provide details possibly relating to the information and data available or observed)?

<ESMA_QUESTION_MSEM_25>

ARGA Observatory does not see sufficient evidence at this stage to justify broad structural intervention. However, several issues warrant continued supervisory attention: the growth of SI trading, the use of benchmark trades, the interaction between SIs and trading venues, the treatment of member preferencing, and the accuracy of flags used to identify addressable and price-forming liquidity.

Regulatory intervention should be targeted and evidence-based. ESMA should prioritise improved reporting granularity, harmonised flagging, supervisory convergence and clearer guidance before considering broader restrictions.

<ESMA_QUESTION_MSEM_25>

Q26 Have you witnessed an increase in the use of benchmark trades? If so, what are the drivers of such increase on venue and on SI?

<ESMA_QUESTION_MSEM_26>

ARGA Observatory does not have direct market-participant evidence regarding an increase in benchmark trades.

From a policy perspective, possible drivers may include the search for reduced market impact, execution linked to index or benchmark values, portfolio rebalancing, and demand for

execution methods that minimise tracking error. On venues, benchmark trades may reflect institutional execution needs. On SIs, they may reflect client demand for bespoke execution and bilateral risk management.

<ESMA_QUESTION_MSEM_26>

Q27 Should the use of transactions from multiple trading venues be allowed when calculating the benchmark?

<ESMA_QUESTION_MSEM_27>

Yes, the use of transactions from multiple trading venues should be allowed when calculating a benchmark, provided that the methodology is transparent, robust, representative and not susceptible to manipulation.

A multi-venue benchmark may better reflect fragmented European liquidity. However, safeguards are needed to ensure that the benchmark is based on sufficiently liquid and reliable data sources.

<ESMA_QUESTION_MSEM_27>

Q28 When performing benchmark trades, on how many transactions is the calculation of the benchmark trade based (on average, min, max, liquid vs. illiquid instruments)?

<ESMA_QUESTION_MSEM_28>

ARGA Observatory does not have direct operational data on the average, minimum or maximum number of transactions used to calculate benchmark trades.

As a policy matter, ESMA should consider requiring benchmark methodologies to be based on a sufficiently representative sample of transactions. The appropriate number may differ between liquid and illiquid instruments, but the methodology should be transparent, documented and auditable.

<ESMA_QUESTION_MSEM_28>

Q29 To what extent SI take advantage of the provision in Article 15(3) of MiFIR? Please share any data you may be informative in this context to understand the extent to which SIs use this provision.

<ESMA_QUESTION_MSEM_29>

ARGA Observatory does not have quantitative data on the extent to which SIs rely on Article 15(3) of MiFIR.

However, where SIs use this provision, supervisors should ensure that the practice does not undermine transparency, fair access or effective price formation. ESMA may wish to collect more granular data on SI use of this provision before considering policy changes.

<ESMA_QUESTION_MSEM_29>

Q30 Would you be supportive of ESMA issuing guidance on benchmark trades? If yes, should it encompass quantifying the minimum requirements (e.g. minimum number of transactions to be included when calculating a benchmark price, minimum time period to cover).

<ESMA_QUESTION_MSEM_30>

Yes. ARGA Observatory would support ESMA guidance on benchmark trades.

Such guidance should clarify minimum methodological expectations, including the number of transactions, time period, eligible venues, treatment of outliers, treatment of illiquid instruments, auditability, and transparency of the benchmark calculation. Quantitative minimums may be useful, but they should be calibrated carefully to avoid excluding legitimate benchmark execution in less liquid instruments.

<ESMA_QUESTION_MSEM_30>

Q31 Does member preferencing lead to unfair outcomes for end-investors, other members or the markets? Please explain, if possible on the basis of data.

<ESMA_QUESTION_MSEM_31>

Member preferencing may lead to unfair outcomes where it allows certain members to obtain execution priority without sufficient transparency or where it disadvantages other market participants with equal or better displayed interest.

ARGA Observatory does not have direct data on the scale of this practice. However, from a market integrity perspective, any mechanism that modifies queue priority or limits open competition should be transparent, clearly disclosed, and subject to supervisory scrutiny.

<ESMA_QUESTION_MSEM_31>

Q32 To what extent do you see evidence that member preferencing extends in practice beyond jumping the queue and may also violate price priority principles?

<ESMA_QUESTION_MSEM_32>

ARGA Observatory does not have evidence that member preferencing systematically extends beyond queue priority into violations of price priority principles.

Nevertheless, the possibility should be monitored closely. If member preferencing allows execution ahead of other interests at better prices, or prevents other participants from interacting with liquidity on equal terms, this may raise serious market fairness concerns.

<ESMA_QUESTION_MSEM_32>

Q33 Should member preferencing be (a) prohibited, (b) should there be rules restricting the practice, or (c) should nothing be done? If you suggest there should be rules (b), which rules would you suggest? Please explain.

<ESMA_QUESTION_MSEM_33>

ARGA Observatory would favour option (b): rules restricting the practice rather than a full prohibition at this stage.

Rules should require clear disclosure, limits on the circumstances in which member preferencing may be used, protection of price priority, transparency to participants, and supervisory reporting. Member preferencing should not be allowed to override displayed better-priced interest or materially impair fair access.

<ESMA_QUESTION_MSEM_33>

Q34 What would be the consequence of prohibiting certain forms of member preferencing? Please explain, if possible on the basis of data.

<ESMA_QUESTION_MSEM_34>

A full prohibition of all forms of member preferencing could reduce certain execution efficiencies or remove mechanisms used for specific client-driven execution models.

However, prohibiting or restricting forms that undermine price priority or fair access would likely improve market confidence and perceived fairness. The impact should be assessed based on data, including execution quality, spreads, fill rates and order interaction before and after any intervention.

<ESMA_QUESTION_MSEM_34>

Q35 Are you aware of other similar and common practices, for example on RFQs, where on venue competition is limited to the detriment of other investors or members? Please explain, if possible with data.

<ESMA_QUESTION_MSEM_35>

ARGA Observatory is not aware of specific data on similar practices in RFQ systems.

However, RFQ models may raise comparable concerns where competition is limited to a restricted set of liquidity providers, where clients do not receive sufficient transparency on available quotes, or where venue design systematically limits broader order interaction. ESMA should monitor whether RFQ and similar protocols provide fair, transparent and competitive execution conditions.

<ESMA_QUESTION_MSEM_35>

Q36 Do you agree with the above three approaches?

<ESMA_QUESTION_MSEM_36>

ARGA Observatory broadly agrees with ESMA's three conceptual distinctions: addressable liquidity, non-price-forming transactions, and transactions subject to conditions other than the current market price.

These concepts are useful and should be clearly reflected in reporting. However, ESMA should avoid assuming that all addressable liquidity is equally accessible in practice. Practical accessibility, transparency and the possibility of genuine order interaction should also be considered.

<ESMA_QUESTION_MSEM_36>

Q37 Do you agree with this first part of the table on addressable liquidity and price forming?

<ESMA_QUESTION_MSEM_37>

ARGA Observatory broadly agrees with the first part of the table on addressable liquidity and price forming, subject to continued review of specific execution models.

Lit continuous trading and conventional on-book auction mechanisms should generally be considered addressable and price forming where they involve genuine interaction of buying and selling interest.

<ESMA_QUESTION_MSEM_37>

Q38 Do you agree with this second part of the table on addressable liquidity and price forming?

<ESMA_QUESTION_MSEM_38>

ARGA Observatory broadly agrees with the second part of the table, but considers that the treatment of certain auction and reference-price mechanisms should remain subject to case-by-case assessment.

Where a mechanism relies primarily on prices formed elsewhere, its contribution to independent price formation may be limited even if the liquidity is addressable.

<ESMA_QUESTION_MSEM_38>

Q39 Would you consider that some benchmark transactions should be classified as non-addressable and non-price forming? If so, provide a clear description of the case and rationale.

<ESMA_QUESTION_MSEM_39>

Yes. Some benchmark transactions should be classified as non-addressable and non-price forming.

This may be the case where the transaction is bilaterally arranged, calculated by reference to an external benchmark, and does not involve genuine interaction of competing buying and selling interest at the time of execution. Such transactions may serve legitimate execution purposes but should not necessarily be treated as contributing to market price formation.

<ESMA_QUESTION_MSEM_39>

Q40 Do you agree with this third part of the table on addressable liquidity and price forming?

<ESMA_QUESTION_MSEM_40>

ARGA Observatory broadly agrees with the third part of the table, including the distinction between addressable liquidity and price-forming activity.

Reference price and negotiated transactions may be addressable in some circumstances, but they should not automatically be considered price forming where the execution price is derived from external prices or negotiated under specific conditions.

<ESMA_QUESTION_MSEM_40>

Q41 Do you agree that all transactions without a flag should be considered addressable liquidity and price forming?

<ESMA_QUESTION_MSEM_41>

ARGA Observatory agrees in principle that transactions without a flag should generally be considered addressable liquidity and price forming.

However, this presumption depends on high-quality and consistent reporting. If evidence shows that unflagged transactions include technical, intragroup, benchmark or other non-price-forming transactions, ESMA should consider additional flags or reporting controls.

<ESMA_QUESTION_MSEM_41>

Q42 Do you agree with this fourth and last part of the table on addressable liquidity and price forming?

<ESMA_QUESTION_MSEM_42>

ARGA Observatory broadly agrees with the fourth and last part of the table. Descriptive flags such as algorithmic or special dividend flags should not, by themselves, determine whether a transaction is addressable or price forming.

The decisive issue should be the economic nature of the transaction and whether it involved genuine market interaction and contributed to price formation.

<ESMA_QUESTION_MSEM_42>

Q43 Do you agree with the approach on the combination of flags in the case of addressable liquidity?

<ESMA_QUESTION_MSEM_43>

ARGA Observatory agrees with the approach on combinations of flags, provided that ESMA establishes a clear hierarchy of flags.

Where one flag indicates that a transaction is non-addressable or non-price-forming, that classification should generally prevail over purely descriptive flags. This would improve consistency and reduce ambiguity in market structure analysis.

<ESMA_QUESTION_MSEM_43>

Q44 Do you agree that intragroup transactions executed by SIs should not constitute addressable liquidity and therefore, could be flagged (i.e. a new flag in RTS 1 could be added to disentangle those transactions)? Do you agree that intragroup transactions executed by SIs should be classified as non-price forming?

<ESMA_QUESTION_MSEM_44>

Yes. ARGV Observatory agrees that intragroup transactions executed by SIs should not constitute addressable liquidity and should be separately flagged.

Such transactions are not generally accessible to other market participants and do not result from genuine interaction between independent buying and selling interests. They should therefore also be classified as non-price forming. A dedicated RTS 1 flag would improve transparency and allow more accurate analysis of SI activity and market liquidity.

<ESMA_QUESTION_MSEM_44>

Q45 Do you believe that other transactions should be flagged and excluded from the calculation of addressable liquidity (i.e. a new flag in RTS 1 should be added to disentangle those transactions)?

<ESMA_QUESTION_MSEM_45>

Yes. ESMA should consider whether other transactions should be separately flagged and excluded from addressable liquidity where they are technical, internal, non-competitive or based on external benchmarks.

This may include certain benchmark transactions, portfolio transfers, contingent trades, internal risk transfers and other transactions that do not involve genuine market interaction. Any new flags should be carefully defined to avoid over-fragmentation of reporting while improving the accuracy of market structure analysis.

<ESMA_QUESTION_MSEM_45>

Thank you for submitting your response.



[Home](#) > [ESMA Consultation List](#) > [Call For Evidence On The Market Structure of European Equity Markets](#)

Call for Evidence on the market structure of European equity markets

From 30 April 2026 to 30 June 2026



Thank you for submitting your response.



[Home](#) > [ESMA Consultation List](#) > [Consultation On Amendments To The Guidelines On Standardised Procedures and Messaging Protocols U...](#)

Consultation on Amendments to the Guidelines on standardised procedures and messaging protocols under CSDR

From 26 May 2026 to 07 July 2026

Reply Form

Consultation Paper on Amendments to the Guidelines on standardised procedures and messaging protocols used between investment firms and their professional clients under Article 6(2) of CSDR.

Responding to this Consultation Paper

ESMA invites comments on all matters in this Consultation Paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

- respond to the question stated;
- indicate the specific question to which the comment relates;
- contain a clear rationale; and
- describe any alternatives ESMA should consider.

ESMA will consider all comments received by **7 July 2026**.

All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

- Insert your responses to the questions in the Consultation Paper in this reply form.
- Please do not remove tags of the type < ESMA_QUESTION_GLAC_0>. Your response to each question has to be framed by the two tags corresponding to the question.
- If you do not wish to respond to a given question, please do not delete it but simply leave the text "TYPE YOUR TEXT HERE" between the tags.
- When you have drafted your responses, save the reply form according to the following convention: ESMA_CP1_ GLAC_nameofrespondent.

For example, for a respondent named ABCD, the reply form would be saved with the following name: ESMA_CP1_ GLAC_ABCD.

- Upload the Word reply form containing your responses to ESMA's website (**pdf documents will not be considered except for annexes**). All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at www.esma.europa.eu under the heading '[Data protection](#)'.

Who should read this paper?

This consultation paper is primarily addressed to investment firms, credit institutions, their professional clients, central securities depositories (CSDs) and CSD participants.

1 General information about respondent

Name of the company / organisation	ARGA Observatory
Activity	Other
Are you representing an association?	<input checked="" type="checkbox"/>
Country / Region	France

2 Questions

Q1 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_1>

ARGA Observatory agrees with the proposed amendment.

Allowing arrangements between investment firms and professional clients to be documented in any legally binding form is a proportionate and practical approach. It preserves legal certainty while reducing unnecessary administrative burden. This is particularly important in the context of the transition to T+1, where firms will already need to adapt operational processes, systems and documentation.

The key requirement should be that the arrangements are clear, enforceable and accessible for supervisory purposes, rather than that they appear in a specific contractual format.

<ESMA_QUESTION_GLAC_1>

Q2 In particular, do you see any alternative/additional ways to reduce the administrative burden created by documenting the arrangements between investment firms and professional clients?

<ESMA_QUESTION_GLAC_2>

Additional burden reduction could be achieved through standardised clauses, model templates and industry-wide documentation protocols for allocations and confirmation

ESMA could also encourage the use of modular documentation, allowing firms to update technical communication arrangements without renegotiating entire framework agreements. Another useful measure would be guidance clarifying that legally binding electronic acknowledgements, platform terms, or standard operating procedures may be sufficient where they clearly record the agreement between the parties.

<ESMA_QUESTION_GLAC_2>

Q3 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_3>

ARGA Observatory agrees with the proposed amendment.

The requirement to use electronic standardised communication methods and international open communication procedures is consistent with the objective of improving settlement efficiency and supporting the transition to T+1. Straight-through processing and machine-readable communication should reduce operational risk, manual errors and delays in post-trade processing.

However, ESMA should preserve sufficient flexibility for proportionate implementation, especially for smaller firms and lower-volume relationships, provided the communication remains machine-readable and operationally reliable.

<ESMA_QUESTION_GLAC_3>

Q4 Should interfaces designed for human interaction i.e. GUIs, be considered appropriate for communication between investment firms and their professional clients? Please explain your reasoning.

<ESMA_QUESTION_GLAC_4>

Interfaces designed for human interaction, such as GUIs, should be considered appropriate only under limited conditions.

A GUI should be acceptable where it is used to transmit or validate data that is already structured in a machine-readable format and where software applications can identify, recognise and extract the relevant data. In such cases, the GUI functions as an interface to a structured data process.

However, manual entry into a GUI should not become the regular method for allocations and confirmations in high-volume or time-sensitive activity. Manual input increases operational risk and is less consistent with the objective of automation under T+1. It may remain acceptable for low-volume or exceptional cases, subject to controls, audit trails and validation procedures.

<ESMA_QUESTION_GLAC_4>

Q5 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_5>

ARGA Observatory agrees with the proposed amendment.

Removing the possibility of oral communication as a regular method is consistent with the new framework requiring written, electronic and machine-readable communication. Oral communication is not suitable as a standard process under T+1 because it increases the risk of delay, misunderstanding and manual error.

At the same time, oral communication may remain appropriate only in exceptional disruption scenarios, provided calls are recorded and followed by appropriate written or electronic records.

<ESMA_QUESTION_GLAC_5>

Q6 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_6>

ARGA Observatory agrees with the proposed amendment.

Deleting the reference to a “contractual” agreement is consistent with the broader approach of allowing arrangements to be documented in any legally binding form. The consequences of late or failed communication should remain capable of being addressed between the investment firm and the professional client, provided such arrangements are clear, enforceable and consistent with CSDR and the RTS on Settlement Discipline.

<ESMA_QUESTION_GLAC_6>

Q7 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_7>

ARGA Observatory agrees with the proposed amendment.

Non-electronic means should be available only in exceptional and temporary circumstances, such as technical unavailability or service disruption. This is necessary for operational resilience and business continuity. However, such use should be documented, resolved without undue delay, and not become a routine alternative to electronic machine-readable communication.

Recorded phone calls may be acceptable in disruption scenarios, provided that they are properly recorded, retained and capable of being reconciled with subsequent settlement instructions.

<ESMA_QUESTION_GLAC_7>

Q8 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_8>

ARGA Observatory agrees with the proposed amendment.

The mandatory use of international open communication procedures and standards is appropriate in light of the transition to T+1. It supports automation, reduces operational fragmentation, and improves the timeliness and reliability of allocations and confirmations.

However, implementation should be accompanied by clear guidance on what qualifies as an international open standard and how smaller firms can comply proportionately. ESMA should also monitor whether access to relevant standards is genuinely fair, open and non-discriminatory.

<ESMA_QUESTION_GLAC_8>

Q9 Do you agree with the proposed amendment? If not, please elaborate.

<ESMA_QUESTION_GLAC_9>

ARGA Observatory agrees with the proposed deletion.

The continued optional use of internal or domestic messaging standards would be inconsistent with the new regulatory objective of standardisation and automation. Allowing parallel domestic or internal standards as a routine option could preserve fragmentation and undermine settlement efficiency.

Nevertheless, firms should be allowed to maintain internal systems where these systems map reliably into the required international open standards and produce machine-readable outputs.

<ESMA_QUESTION_GLAC_9>

Q10 Do you agree with the proposed date of application of the Guidelines? If not, please elaborate.

<ESMA_QUESTION_GLAC_10>

ARGA Observatory agrees with the proposed date of application.

Aligning the application of the Guidelines with the relevant amendments to the RTS on Settlement Discipline is appropriate and should reduce uncertainty. A different application date could create confusion regarding the operational standards applicable during the transition to T+1.

Market participants should nevertheless be encouraged to adopt the revised practices earlier where operationally feasible, especially in relation to electronic standardised communication and machine-readable formats.

<ESMA_QUESTION_GLAC_10>

Q11 Do you agree with the envisaged costs and benefits as identified in Annex III (section 11.3) of this CP? Do you envisage any additional costs and benefits associated with ESMA's proposals in this CP? Please elaborate.

<ESMA_QUESTION_GLAC_11>

ARGA Observatory broadly agrees with the costs and benefits identified by ESMA.

The main benefits are likely to include reduced settlement fails, faster post-trade processing, improved straight-through processing, better operational resilience and smoother preparation

for T+1. The main costs will relate to system adaptation, documentation updates, staff training, connectivity, testing and possible changes to client onboarding processes.

Additional costs may be more significant for smaller firms or firms relying on manual or semi-manual post-trade workflows. ESMA should therefore support implementation through clear guidance, practical examples and proportionate supervisory expectations.

<ESMA_QUESTION_GLAC_11>

Q12 Beyond the proposals set out in this CP, are there any additional measures you would recommend to further simplify processes and reduce administrative burdens?

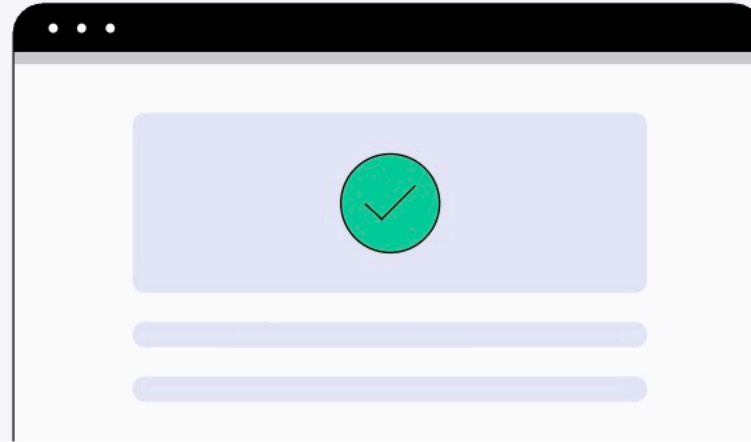
<ESMA_QUESTION_GLAC_12>

Additional simplification could be achieved through:

- standardised model clauses for arrangements between investment firms and professional clients;
- common implementation examples for email, GUI and machine-to-machine communication;
- clarification of acceptable machine-readable formats;
- supervisory guidance on exceptional use of non-electronic methods;
- industry testing periods and common implementation milestones;
- harmonised interpretation by national competent authorities;
- encouragement of interoperable systems and open standards.

The objective should be to reduce manual processes and documentation complexity while preserving legal certainty, auditability and settlement efficiency.

<ESMA_QUESTION_GLAC_12>



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