**Application Form for authorisation as a Crypto-Asset Service Provider pursuant to Regulation (EU) 2023/1114**

Reference number: (issued by FMA)

Date:

|  |  |
| --- | --- |
| **FROM** |  |
| Name of the applicant: |  |
| Address: |  |
|  |  |
| **Contact details of the designated contact person** |  |
| Name: |  |
| Telephone: |  |
| Email: |  |
|  |  |
| **TO** |  |
| Financial Market Authority (FMA) | Otto-Wagner-Platz 5  1090 Vienna |
| Department  Capital Market Prospectus, Financial Innovations and Consumer Information  Team Supervision of Financial Innovations | Via Email: [casp@fma.gv.at](mailto:casp@fma.gv.at) |

Dear Sir or Madam,

In accordance with Article 2 of the Commission Implementing Regulation (EU) XXXX/XXX, laying down implementing technical standards for the application of Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to standard forms, templates and procedures for the information to be included in the application for the authorisation of crypto-asset service providers, kindly find attached the application for authorisation.[[1]](#footnote-2)

|  |  |
| --- | --- |
| **Person responsible for the application** |  |
| Name: |  |
| Status/position: |  |
| Telephone: |  |
| Email |  |

|  |  |
| --- | --- |
| **Nature of the application (tick the relevant box)** |  |
| Authorisation |  |
| Notification of changes pursuant to Article 4(3) of Implementing Regulation  (EU) XXXX/XXXX of [date] |  |

**Further information on submitting an application**

The FMA recommends that interested companies prepare a high-quality, complete application for authorisation and submit it in good time. For this purpose, the FMA also recommends that the relevant FMA and ESMA publications be consulted on a regular basis.

General questions about the authorisation procedure should be sent by e-mail to [casp@fma.gv.at](mailto:casp@fma.gv.at).

1. When submitting an application for authorisation, the application form in question must be used and completed and submitted to the FMA, including the documents and information required for the procedure.
2. The FMA recommends the use of the secure file exchange system (FTAPI) for the transmission of information and documents to be submitted as part of the authorisation application. Interested applicants will receive relevant information on this system by e-mail ([casp@fma.gv.at](mailto:casp@fma.gv.at)) before submitting their application. Alternatively, the FMA recommends sending encrypted file attachments by e-mail and a separate password transmission.
3. The FMA can only process applications if this application form has been completed in full and signed by the responsible persons of the applicant[[2]](#footnote-3).
4. In the context of the information to be submitted in accordance with points I. to XVII. the fillable form sections are **not** to be filled in with the relevant information. These are to be submitted in separate documents as PDF files. The fillable form sections must contain information and references to the accompanying documents as well as any further comments on these. The non-applicability of individual provisions must be justified.
5. The naming of the files to be submitted must adhere to the structure of this application form. The topics to be dealt with in the documents or the relevant questions must contain exact references to the referencing points of the application form.
6. If there are any changes to the submitted documents during the ongoing authorisation procedure, the applicant must immediately notify the responsible contact person named by the FMA after submitting the application in writing.

**Signature**

We [applicant] declare that the submitted information is true, accurate, complete and not misleading. Unless specifically stipulated otherwise, the information is up to date on the date of this application.

Information indicating a future date is explicitly identified in the application and we undertake to notify the authority in writing without delay if any such information should turn out to be untrue inaccurate, incomplete or is misleading.

Note: The signature must be made by the person(s) responsible for day-to-day operations.

Date:



[Name box] [Name box] [Name box]

**REQUIRED INFORMATION**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority an application that includes all of the following information:

1. **General information**

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| --- | --- | --- |
| a. | Legal name of the applicant. | *[Document reference and other comments]* |
| b. | Any commercial or trading name used or to be used by the applicant. | *[Document reference and other comments]* |
| c. | The legal entity identifier (LEI) of the applicant. | *[Document reference and other comments]* |
| d. | The legal form of the applicant (including information on whether it will be a legal person or other undertaking) and, where available, its national identification number as well as evidence of its registration with the national register of companies. | *[Document reference and other comments]* |
| e. | Date and Member State of the applicant’s incorporation or foundation. | *[Document reference and other comments]* |
| f. | Where applicable, the instruments of constitution, the articles of association and by-laws. | *[Document reference and other comments]* |
| g. | The address of the head office and, if different, of the registered office of the applicant. | *[Document reference and other comments]* |
| h. | Information on where the branches will operate, if any, and their legal entity identifiers (LEI), if available. | *[Document reference and other comments]* |
| i. | The domain name of each website operated by the applicant and the social media accounts of that applicant. | *[Document reference and other comments]* |
| j. | Where the applicant is not a legal person, documentation to assess whether the level of protection ensured to third parties interests and the rights of the holders of crypto-assets, including in case of insolvency, is equivalent to that afforded by legal persons and that the applicant is subject to equivalent prudential supervision appropriate to their legal form. | *[Document reference and other comments]* |
| k. | Where the applicant intends to operate a trading platform for crypto-assets: | *[Document reference and other comments]* |
| (i). | the physical address, phone number and email of the trading platform for cryptoassets; | *[Document reference and other comments]* |
| (ii). | any commercial name of the trading platform for crypto-assets. | *[Document reference and other comments]* |

1. **Programme of operations**
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority the programme of operations for the following three years, including all of the following information:

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| --- | --- | --- |
| a. | Where the applicant belongs to a group, an explanation of how the activities of the applicant will fit within the group strategy and interact with the activities of the other entities of the group, including an overview of the current and planned organisation and structure of the group. | *[Document reference and other comments]* |
| b. | An explanation of how the activities of the entities affiliated with the applicant, including where there are regulated entities in the group, is expected to impact the activities of the applicant. This explanation shall include a list of and information on the entities affiliated with the applicant, including where there are regulated entities, the services provided by these entities (including regulated services, activities and types of clients) and the domain names of each website operated by such entities. | *[Document reference and other comments]* |
| c. | A list of crypto-asset services that the applicant intends to provide as well as the types of  crypto-assets to which the crypto-asset services will relate. | *[Document reference and other comments]* |
| d. | Other planned activities, regulated in accordance with Union or national law or unregulated, including any services, other than crypto-asset services, that the applicant intends to provide. | *[Document reference and other comments]* |
| e. | Whether the applicant intends to offer crypto-assets to the public or seek admission to  trading of crypto-assets and if so, of what type of crypto-assets. | *[Document reference and other comments]* |
| f. | A list of jurisdictions, in and outside the European Union, in which the applicant plans to  provide crypto-asset services, including information on the domicile of targeted clients and the targeted number by geographical area. | *[Document reference and other comments]* |
| g. | Types of prospective clients targeted by the applicant’s services. | *[Document reference and other comments]* |
| h. | A description of the means of access to the applicant’s crypto-asset services by clients, including all of the following: | *[Document reference and other comments]* |
| (i). | the domain names for each website or other ICT-based application through which the crypto-asset services will be provided by the applicant and information on the languages in which the website will be available, the types of crypto-asset services that will be accessed through it and, where applicable, from which Member States the website will be accessible; | *[Document reference and other comments]* |
| (ii). | the name of any ICT-based application available to clients to access the crypto-asset services, in which languages it is available and which crypto-asset services can be accessed through it. | *[Document reference and other comments]* |
| i. | The planned marketing and promotional activities and arrangements for the crypto-asset services, including: | *[Document reference and other comments]* |
| (i). | all means of marketing to be used for each of the services, the means of identification that the applicant intends to use and information on the relevant category of clients targeted and types of crypto-assets; | *[Document reference and other comments]* |
| (ii). | languages that will be used for the marketing and promotional activities. | *[Document reference and other comments]* |
| j. | A detailed description of the human, financial and ICT resources allocated to the intended crypto-asset services as well as their geographical location. | *[Document reference and other comments]* |
| k. | The applicant’s outsourcing policy and a detailed description of the applicant’s planned outsourcing arrangements, including intra-group arrangements, how the applicant intends to comply with the requirements set out in Article 73 of Regulation (EU) 2023/1114. The applicant shall also include information on the functions or person responsible for outsourcing, the resources (human and ICT) allocated to the control of the outsourced functions, services or activities of the related arrangements and on the risk assessment related to the outsourcing. | *[Document reference and other comments]* |
| l. | The list of entities that will provide outsourced services, their geographical location and the relevant services outsourced. | *[Document reference and other comments]* |
| m. | A forecast accounting plan including stress scenarios at an individual and, where applicable, at consolidated group and sub-consolidated level in accordance with Directive 2013/34/EU. The financial forecast shall consider any intra-group loans granted or to be granted by and to the applicant. | *[Document reference and other comments]* |
| n. | Any exchange of crypto-assets for funds and other crypto-asset activities that the applicant intends to undertake, including through any decentralised finance applications with which the applicant wishes to interact on its own account. | *[Document reference and other comments]* |

1. Where the applicant intends to provide the service of reception and transmission of orders for crypto-assets on behalf of clients, it shall provide to the competent authority a copy of the policies and procedures and a description of the arrangements ensuring compliance with the requirements set out in Article 80 of Regulation (EU) 2023/1114.
2. Where the applicant intends to provide the service of placing of crypto-assets, it shall provide to the competent authority a copy of the policies and procedures and a description of the arrangements in place to comply with Article 79 of Regulation (EU) 2023/1114 as well as Article 9 of [RTS on conflicts of interest of CASPs].
3. **Prudential requirements**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority all of the following information:

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| a. | A description of the applicant’s prudential safeguards in accordance with Article 67 of Regulation (EU) 2023/1114, consisting of: | *[Document reference and other comments]* |
| (i). | the amount of the prudential safeguards that the applicant has in place at the time of the application for authorisation and the description of the assumptions used for its determination; | *[Document reference and other comments]* |
| (ii). | the amount of the prudential safeguards covered by own funds referred to in Article 67(4), point (a), of Regulation (EU) 2023/1114, where applicable; | *[Document reference and other comments]* |
| (iii). | the amount of the applicant’s prudential safeguards covered by an insurance policy referred to in Article 67(4), point (b), of Regulation (EU) 2023/1114, where applicable. | *[Document reference and other comments]* |
| b. | Forecast calculations and plans to determine own funds, including: | *[Document reference and other comments]* |
| (i). | forecast calculation of the applicant’s prudential safeguards for the first three business years; | *[Document reference and other comments]* |
| (ii). | planning assumptions including stress scenarios for the above forecast as well as explanations of the figures; | *[Document reference and other comments]* |
| (iii). | expected number and type of clients, volume of orders and transactions and expected maximum amount of crypto-assets under custody. | *[Document reference and other comments]* |
| c. | For companies that are already active, the financial statements of the last three years approved, where audited, by the external auditor. | *[Document reference and other comments]* |
| d. | A description of the applicant’s prudential safeguards planning and monitoring policies and procedures. | *[Document reference and other comments]* |
| e. | Proof that the applicant meets the prudential safeguards in accordance with Article 67 of Regulation (EU) 2023/1114, including: | *[Document reference and other comments]* |
| (i) | in relation to own funds:  - Documentation on how the applicant has calculated the amount in accordance with Article 67 of Regulation (EU) 2023/1114;  - For companies that are already active and whose financial statements are not audited, a certification by the national supervisor of the amount of own funds of the applicant;  - For undertakings in the process of being incorporated, a statement issued by a bank certifying that the funds are deposited in the applicant’s bank account; | *[Document reference and other comments]* |
| (ii). | in relation to the insurance policy or comparable guarantee:  - The legal name, the date and Member State of incorporation or foundation, the address of the head office and, if different, of the registered office and contact details of the undertaking authorised to provide the insurance policy or comparable guarantee;  - A copy of the subscribed insurance policy incorporating all the elements necessary to comply with Article 67(5) and (6) of Regulation (EU) 2023/1114, where available,  or  - A copy of the insurance agreement incorporating all the elements necessary to comply with Article 67(5) and (6) of Regulation (EU) 2023/1114 signed by an undertaking authorised to provide insurance in accordance with Union law or national law. | *[Document reference and other comments]* |

1. **Information about governance arrangements and internal control mechanisms**
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority the following information on its governance arrangements and internal control mechanisms:

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| a. | A detailed description of the organisational structure of the applicant, where relevant encompassing the group, including the indication of the distribution of the tasks and powers and the relevant reporting lines and the internal control arrangements implemented together with an organisational chart. | *[Document reference and other comments]* |
| b. | The personal details of the heads of internal functions (management, supervisory and internal control functions), including their location and a curriculum vitae, stating relevant education, and professional training and professional experience and a description of the skills, knowledge and expertise necessary for the discharge of the responsibilities allocated to them. | *[Document reference and other comments]* |
| c. | The policies and procedures and a detailed description of the arrangements put in place to ensure that relevant staff are aware of the policies and procedures which must be followed for the proper discharge of their responsibilities. | *[Document reference and other comments]* |
| d. | The policies and procedures and a detailed description of the arrangements put in place to maintain adequate and orderly records of the business and internal organisation of the applicant in accordance with Article 68(9) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| e. | The policies and procedures and arrangements to enable the management body to assess and periodically review the effectiveness of the policy arrangements and procedures put in place to comply with Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114 in accordance with Article 68(6) of the same Regulation including all of the following: | *[Document reference and other comments]* |
| (i). | identification of the internal control functions in charge of monitoring the policy arrangements and procedures put in place to comply with Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114, together with the scope of their responsibility and reporting lines to the management body of the applicant; | *[Document reference and other comments]* |
| (ii). | indication of the periodicity of internal control functions reporting to the management body of the applicant on the effectiveness of the policy arrangements and procedures put in place to comply with Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114; | *[Document reference and other comments]* |
| (iii). | explanation of how the applicant ensures that the internal control functions operate independently and separately from the functions they control, have access to the necessary resources and information, and that those internal control functions can report directly to the management body of the applicant both at least once a year and on an ad hoc basis including where they detect a significant risk of failure for the applicant to comply with its obligations. | *[Document reference and other comments]* |
| (iv). | A description of the ICT systems, safeguards and controls put in place to monitor the activities of the applicant and ensure compliance with Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114, including back–up systems, and ICT systems and risk controls, where not provided in accordance with Article 9 of this Regulation. | *[Document reference and other comments]* |
| f. | The policies and procedures and a detailed description of the arrangements established by the applicant to ensure compliance with its obligations under Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114, including: | *[Document reference and other comments]* |
| (i). | the applicant’s record keeping arrangements in accordance with [RTS on recordkeeping by crypto-asset services providers]; | *[Document reference and other comments]* |
| (ii). | a detailed description of the procedures for the applicant’s employees to report potential or actual infringements of Regulation (EU) 2023/1114 in accordance with Article 116 of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| g. | Where relevant, a description of the arrangements put in place to prevent and detect market abuse in accordance with Article 92 of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| h. | Whether the applicant has appointed or will appoint external auditors and, if that is the case, their name and contact details, when available. | *[Document reference and other comments]* |
| i. | The accounting policies and procedures by which the applicant will record and report its financial information, including the start and end dates of the applied accounting year. | *[Document reference and other comments]* |

1. As part of the information on policies and procedures established to ensure compliance with Chapters 2 and 3 of Title V of Regulation (EU) 2023/1114, applicants shall provide to the competent authority all of the following information on the management of risks relating to conflicts of interests:

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| a. | A copy of the applicant’s conflicts of interest policy, together with a description of how the policy: | *[Document reference and other comments]* |
| (i). | ensures that the applicant identifies and prevents or manages conflicts of interests in accordance with Article 72(1) of Regulation (EU) 2023/1114 and discloses conflicts of interest in accordance with Article 72(2) of Regulation (EU) 2023/1114; | *[Document reference and other comments]* |
| (ii). | is commensurate to the scale, nature and range of crypto-asset services that the applicant intends to provide and of the other activities of the group to which it belongs; | *[Document reference and other comments]* |
| (iii). | ensures that the remuneration policies and procedures and arrangements do not create conflicts of interest. | *[Document reference and other comments]* |
| b. | How the applicant’s conflicts of interest policy ensures compliance with Article 4(9) of [RTS on conflicts of interest of CASPs], including information on the systems and arrangements put in place by the applicant to: | *[Document reference and other comments]* |
| (i). | monitor, assess, review the effectiveness of its conflicts of interests policy and remedy any deficiencies; | *[Document reference and other comments]* |
| (ii). | record cases of conflicts of interests, including the identification, assessment, remedy and whether the case was disclosed to the client; | *[Document reference and other comments]* |

1. **Business continuity**
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall submit to the competent authority a detailed description of the applicant’s business continuity plan, including which steps shall be taken to ensure continuity and regularity in the performance of the applicant’s crypto-asset services.
3. The description shall include details showing that the established business continuity plan is appropriate and that arrangements are set up to maintain and periodically test it. The description shall explain, with regard to critical or important functions supported by third-party service providers, how business continuity is ensured in the event that the quality of the provision of such functions deteriorates to an unacceptable level or fails. The description shall also explain how business continuity is ensured in the event of the death of a key person and, where relevant, political risks in the service provider’s jurisdiction.

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| *[Document reference and other comments]* |

1. **Detection and prevention of money laundering and terrorist financing**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide the competent authority with information on its internal control mechanisms and policies and procedures to ensure compliance with the provisions of national law transposing Directive (EU) 2015/849 and with information on the risk assessment framework to manage risks relating to money laundering and terrorist financing, including all of the following:

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| --- | --- | --- |
| a. | The applicant’s assessment of the inherent and residual risks of money laundering and terrorist financing associated with its business, including the risks relating to the applicant’s customer base, to the services provided, to the distribution channels used and to the geographical areas of operation. | *[Document reference and other comments]* |
| b. | The measures that the applicant has or will put in place to prevent the identified risks and comply with applicable anti-money laundering and counter-terrorist financing requirements, including the applicant’s risk assessment process, the policies and procedures to comply with customer due diligence requirements, and the policies and procedures to detect and report suspicious transactions or activities. | *[Document reference and other comments]* |
| c. | Detailed information on how such mechanisms, systems and procedures are adequate and proportionate to the scale, nature, inherent money laundering and terrorist financing risk, range of crypto-asset services provided, the complexity of the business model and how they ensure the applicant’s compliance with Directive (EU) 2015/849 and Regulation (EU)  2023/1113. | *[Document reference and other comments]* |
| d. | The identity of the person in charge of ensuring the applicant’s compliance with anti-money laundering and counter-terrorist financing obligations, and evidence of the person’s skills and expertise. | *[Document reference and other comments]* |
| e. | Arrangements, human and financial resources devoted to ensure that staff of the applicant is appropriately trained in anti-money laundering and counter-terrorist financing matters (annual indications) and on specific crypto-asset related risks. | *[Document reference and other comments]* |
| f. | A copy of the applicant’s anti-money laundering and counter-terrorism policies and procedures, and systems. | *[Document reference and other comments]* |
| g. | The frequency of the assessment of the adequacy and effectiveness of such mechanisms, systems and policies and procedures as well as the person or function responsible for such assessment. | *[Document reference and other comments]* |

1. **Identity and proof of good repute, knowledge, skills, and experience and of sufficient time commitment of the members of the management body**
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide the competent authority with all of the following information for each member of the management body:

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| --- | --- | --- |
| a. | The full name and, where different, name at birth. | *[Document reference and other comments]* |
| b. | The place and date of birth, address and contact details of the current place of residence and of any other place of residence in the past ten years, nationalit(y/ies), personal national identification number and copy of an official identity document or equivalent. | *[Document reference and other comments]* |
| c. | Details of the position held or to be held by the person, including whether the position is executive or non-executive, the start date or planned start date and, where applicable, the  duration of mandate, and a description of the person’s key duties and responsibilities. | *[Document reference and other comments]* |
| d | A curriculum vitae stating relevant education, professional training and professional experience with the name and nature of all organisations for which the individual has worked and the nature and duration of the functions performed, in particular highlighting any activities within the scope of the position sought, including professional experience relevant to financial services, crypto-assets, or other digital assets, distributed ledger technology, information technology, cybersecurity, or digital innovation; for positions held in the previous 10 years. When describing the aforementioned activities, details shall be included on all delegated powers and internal decision-making powers held and the areas of operations under control. | *[Document reference and other comments]* |
| e. | Documentation relating to the person's reputation and experience, in particular a list of reference persons including contact information and letters of recommendation. | *[Document reference and other comments]* |
| f. | Personal history, including all of the following: | *[Document reference and other comments]* |
| (i). | criminal records, including criminal convictions and any ancillary penalties and  information on pending criminal proceedings or investigations or penalties (including relating to commercial law, financial services law, money laundering, and terrorist financing, fraud or professional liability), information on enforcement proceedings or sanctions, information on relevant civil and administrative cases and disciplinary actions, including disqualification as a company director, bankruptcy, insolvency and  similar procedures, through an official certificate (if and so far as it is available from the relevant Member State or third country), or through another equivalent document or, where such certificate does not exist. For ongoing investigations, the information may be provided through a declaration of honour. Official records, certificates and documents shall have been issued within three months before the submission of application for an authorisation; | *[Document reference and other comments]* |
| (ii). | information on any refusal of registration, authorisation, membership or licence to carry out a trade, business or profession; or the withdrawal, revocation or termination of such a registration, authorisation, membership or licence to carry out a trade,  business or profession; or any expulsion by a regulatory or government body or by a professional body or association; | *[Document reference and other comments]* |
| (iii). | information on dismissal from employment or a position of trust, fiduciary relationship, or similar situation; | *[Document reference and other comments]* |
| (iv). | information on whether another competent authority has assessed the reputation of the individual, including the identity of that authority, the date of the assessment and information about the outcome of that assessment. The applicant shall not need to submit such information about the previous assessment where the competent authority is already in possession of such information. | *[Document reference and other comments]* |
| g. | A description of any financial and non-financial interests or relationships of the person and his/her close relatives to members of the management body and key function holders in the same institution, the parent institution and subsidiaries and shareholders. Such description shall include any financial interests, including crypto-assets, other digital assets, loans, shareholdings, guarantees or security interests, whether granted or received, commercial relationships, legal proceedings and whether the person was a politically exposed person as defined in point (9) of article 3 of Directive (EU) 2015/849 over the past two years. | *[Document reference and other comments]* |
| h. | Where a material conflict of interest is identified, a statement of how that conflict will be satisfactorily mitigated or remedied, including a reference to the outline of the conflicts of interest policy. | *[Document reference and other comments]* |
| i. | Information on the time that will be devoted to the performance of the person’s functions within the applicant, including all of the following: | *[Document reference and other comments]* |
| (i). | the estimated minimum time, per year and per month, that the individual will devote to the performance of his or her functions within the applicant; | *[Document reference and other comments]* |
| (ii). | a list of the other executive and non-executive directorships that the person holds, referring to commercial and non-commercial activities or set up for the sole purposes of managing the economic interests of the person concerned; | *[Document reference and other comments]* |
| (iii). | information on the size and complexity of the companies or organisations where the mandates referred to in point (ii) are held, including total assets, based on the last available annual accounts whether or not the company is listed and the number of employees of those companies or organisations; | *[Document reference and other comments]* |
| (iv). | a list of any additional responsibilities associated with the mandates referred to in point (ii), including chairing a committee; | *[Document reference and other comments]* |
| (v). | the estimated time in days per year dedicated to each of the other mandates referred to in point (ii) and the number of meetings per year dedicated to each mandate. | *[Document reference and other comments]* |

1. For the purposes of paragraph 1, points (f)(i) and (ii), the applicant shall provide the information through an official certificate (if and so far as it is available from the relevant Member State or third country), or through another equivalent document, where such certificate does not exist. Official records, certificates and documents shall have been issued within three months before the submission of application for an authorisation. For ongoing investigations, the information may be provided through a declaration of honour.
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide the competent authority with the suitability policy and the results of any suitability assessment of each member of the management body performed by the applicant, and the results of the assessment of the collective suitability of the management body, including the relevant board minutes or suitability assessment report or documents on the outcome of the suitability assessment.
3. **Information relating to shareholders or members with qualifying holdings**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide the competent authority with all of the following information:

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| a. | A detailed organigram of the holding structure of the applicant, including the breakdown of its capital and voting rights and the names of the shareholders or members with qualifying holdings. | *[Document reference and other comments]* |
| b. | For each shareholder or member holding a direct or indirect qualifying holding in the applicant, the information and documents set out in Articles 1 to 4 of the [RTS specifying the content of the information necessary to carry out the assessment of the proposed acquisition of a qualifying holding] as applicable. | *[Document reference and other comments]* |
| c. | The identity of each member of the management body who will direct the business of the applicant and will have been appointed by, or following a nomination from, such shareholder of member with qualifying holdings. | *[Document reference and other comments]* |
| d. | For each shareholder or member holding a direct or indirect qualifying holding, information on the number and type of shares or other holdings subscribed, their nominal value, any premium paid or to be paid, any security interests or encumbrances, including the identity of the secured parties. | *[Document reference and other comments]* |
| e. | Information referred to in Article 6, points (b), (d) and (e) and in Article 8 of the [RTS specifying the content of the information necessary to carry out the assessment of the proposed acquisition of a qualifying holding]. | *[Document reference and other comments]* |

1. **ICT systems and related security arrangements**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority all of the following information:

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| --- | --- | --- |
| a. | Technical documentation of the ICT systems, on DLT infrastructure relied upon, where relevant, and on the security arrangements. The applicant shall include a description of the arrangements and deployed ICT and human resources established to ensure that the applicant complies with Regulation (EU) 2022/2554, including, but not limited to: | *[Document reference and other comments]* |
| (i). | a sound, comprehensive and well–documented ICT risk management framework as part of its overall risk management system, including a detailed description of ICT systems, protocols and tools and of how the applicant’s procedures, policies and systems to safeguard the security, integrity, availability, authenticity and confidentiality of data in accordance with Regulation (EU) 2022/2554 and Regulation (EU) 2016/679; | *[Document reference and other comments]* |
| (ii). | an identification of ICT services supporting critical or important functions, developed or maintained by the applicant, as well as those provided by third-party service  providers, a description of such contractual arrangements (identity and geographical location of the providers, description of the outsourced activities or ICT services with their main characteristics, copy of contractual agreements) and how they comply with Article 73 of Regulation (EU) 2023/1114 and the Chapter V of Regulation (EU) 2022/2554; | *[Document reference and other comments]* |
| (iii). | a description of the applicant’s procedures, policies, arrangements and systems for security and incident management. | *[Document reference and other comments]* |
| b. | A cybersecurity audit realized by a third-party cybersecurity auditor having sufficient experience in accordance with [DORA TLPT RTS detailing the minimum requirements on capabilities which are described in DORA Level 1 Article 27] covering: the following audits or tests performed by external independent parties: | *[Document reference and other comments]* |
| (i). | organisational cybersecurity, physical security and secure software development lifecycle arrangements; | *[Document reference and other comments]* |
| (ii). | vulnerability assessments and scans, network security assessments; | *[Document reference and other comments]* |
| (iii). | configuration reviews of ICT assets supporting critical and important functions as defined in Article 3(22) of Regulation (EU) 2022/2554; | *[Document reference and other comments]* |
| (iv). | penetration tests on the ICT assets supporting critical and important functions as defined in Article 3(22) of Regulation (EU) 2022/2554, in accordance with all the following audit test approaches:  - black box: the auditor has no information other than the IP addresses and URLs associated with the audited target. This phase is generally preceded by the discovery of information and the identification of the target by querying domain name system (DNS) services, scanning open ports, discovering the presence of filtering equipment, etc.;  - grey box phase: auditors have the knowledge of a standard user of the information system (legitimate authentication, “standard” workstation, etc.). The identifiers can belong to different user profiles in order to test different privilege levels;  - white box phase: auditors have as much technical information as possible (architecture, source code, telephone contacts, identifiers, etc.) before starting the analysis. They also have access to technical contacts related to the target. | *[Document reference and other comments]* |
| (v) | if the applicant uses and/or develops smart-contracts, a cybersecurity source code review of them. | *[Document reference and other comments]* |
| c. | A description of conducted audits of the ICT systems including used DLT infrastructure and security arrangements. | *[Document reference and other comments]* |
| d. | A description of the relevant information set out in subparagraphs a) and b) in non-technical language of the information provided under points a) and b). | *[Document reference and other comments]* |

1. **Segregation of clients’ crypto-assets and funds**
2. Where the applicant intends to hold crypto-assets belonging to clients or the means of access to such crypto-assets, or clients’ funds (other than e-money tokens), the applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority a detailed description of its policies and procedures for the segregation of clients’ crypto-assets and funds, including all of the following:

|  |  |  |
| --- | --- | --- |
| a. | How the applicant ensures that | *[Document reference and other comments]* |
| (i). | clients’ funds are not used for its own account; | *[Document reference and other comments]* |
| (ii). | crypto-assets belonging to the clients are not used for its own account; | *[Document reference and other comments]* |
| (iii). | the wallets holding clients’ crypto-assets are different from the applicant’s own wallets. | *[Document reference and other comments]* |
| b. | A detailed description of the approval system for cryptographic keys and safeguarding of cryptographic keys (for instance, multi-signature wallets); | *[Document reference and other comments]* |
| c. | How the applicant segregates clients’ crypto-assets, including from other clients’ crypto-assets in the event of wallets containing crypto-assets of more than one client (omnibus accounts). | *[Document reference and other comments]* |
| d. | A description of the procedure to ensure that clients’ funds (other than e-money tokens) are deposited with a central bank or a credit institution by the end of the business day following the day on which they were received and are held in an account separately identifiable from any accounts used to hold funds belonging to the applicant. | *[Document reference and other comments]* |
| e. | Where the applicant does not intend to deposit funds with the relevant central bank, which factors the applicant is taking into account to select the credit institutions to deposit clients’ funds, including the applicant’s diversification policy, where available, and the frequency of review of the selection of credit institutions to deposit clients’ funds. | *[Document reference and other comments]* |
| f. | How the applicant ensures that clients are informed in clear, concise and non-technical language about the key aspects of the applicant’s systems and policies and procedures to comply with Article 70(1), (2) and (3) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |

1. In accordance with Article 70(5) of Regulation (EU) 2023/1114, crypto-asset service providers that are electronic money institutions or payment institutions shall only provide the information listed in paragraph 1 above in relation to the segregation of clients’ crypto-assets.
2. **Complaints-handling**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 shall provide to the competent authority a detailed description of the applicant’s complaints handling policies and procedures, including all of the following:

|  |  |  |
| --- | --- | --- |
| a. | Information on the human and technical resources allocated to complaints handling. | *[Document reference and other comments]* |
| b. | Information on the person in charge of the resources dedicated to the management of  complaints, together with a curriculum vitae stating relevant education, professional training and professional experience justifying the skills, knowledge and expertise for the discharge of the responsibilities allocated to him or her. | *[Document reference and other comments]* |
| c. | How the applicant ensures compliance with the requirements set out in Article 1 of [RTS on complaints handling by CASPs]; | *[Document reference and other comments]* |
| d. | How the applicant will inform clients or potential clients of the possibility to file a complaint free of charge, including where and how on the applicant’s website, or on any other relevant digital device that may be used by clients to access the crypto-asset services, is the information available as well as what information is provided. | *[Document reference and other comments]* |
| e. | The applicant’s record-keeping arrangements in relation to complaints. | *[Document reference and other comments]* |
| f. | The timeline provided in the complaints-handling policies and procedures of the applicant to investigate, respond and, where appropriate, take measures in response to complaints received. | *[Document reference and other comments]* |
| g. | How the applicant will inform clients or potential clients of the available remedies. | *[Document reference and other comments]* |
| h. | The procedural key steps of the applicant in making a decision on a complaint and how the applicant will communicate this decision to the client or potential client who filed the  complaint. | *[Document reference and other comments]* |

1. **Custody and administration policy**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to provide the service of custody and administration of crypto-assets on behalf of clients shall provide to the competent authority all of the following information:

|  |  |  |
| --- | --- | --- |
| a. | A description of the arrangements linked to the type or types of custody offered to clients, a copy of the applicant’s standard agreement for the custody and administration of crypto-assets on behalf of clients as well as a copy of the summary of the custody policy made available to clients in accordance with Article 75(3) of Regulation (EU) 2023/1114 | *[Document reference and other comments]* |
| b. | The applicant’s custody and administration policy, including a description of identified sources of operational and ICT risks for the safekeeping and control of the crypto-assets or the means of access to the crypto-assets of clients, together with: | *[Document reference and other comments]* |
| (i). | the policies and procedures, and a description of, the arrangements to ensure compliance with Article 75(8) of Regulation (EU) 2023/1114; | *[Document reference and other comments]* |
| (ii). | the policies and procedures, and a description of the systems and controls, to manage those risks, including when the custody and administration of crypto-assets on behalf of clients is outsourced to a third party; | *[Document reference and other comments]* |
| (iii). | the policies and procedures relating to, and a description of, the systems to ensure the exercise of the rights attached to the crypto-assets by the clients; | *[Document reference and other comments]* |
| (iv). | the policies and procedures relating to, and a description of, the systems to ensure the return of crypto-assets or the means of access to the clients. | *[Document reference and other comments]* |
| c. | Information on how the crypto-assets and the means of access to the crypto-assets of the clients are identified. | *[Document reference and other comments]* |
| d. | Information on arrangements to minimise the risk of loss of crypto-assets or of means of access to crypto-assets. | *[Document reference and other comments]* |
| e. | Where the crypto-asset service provider has delegated the provision of custody and administration of crypto-assets on behalf of clients to a third-party: | *[Document reference and other comments]* |
| (i). | information on the identity of any third-party providing the service of custody and administration of crypto-assets and its status in accordance with Article 59 or Article 60 of Regulation (EU) 2023/1114; | *[Document reference and other comments]* |
| (ii). | a description of any functions relating to the custody and administration of crypto-assets delegated by the crypto-asset service provider, the list of any delegates and sub-delegates (as applicable) and any conflicts of interest that may arise from such a delegation; | *[Document reference and other comments]* |
| (iii). | a description of how the applicant intends to supervise the delegations or sub-delegations. | *[Document reference and other comments]* |

1. **Operating rules of the trading platform and market abuse detection**
2. An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to operate a trading platform for crypto-assets shall provide to the competent authority a description of all of the following:

|  |  |  |
| --- | --- | --- |
| a. | Rules regarding the admission of crypto-assets to trading. | *[Document reference and other comments]* |
| b. | The approval process for admitting crypto-assets to trading, including the customer due diligence carried out in accordance with Directive (EU) 2015/849. | *[Document reference and other comments]* |
| c. | The list of any categories of crypto-assets that will not be admitted to trading and the description of the reasons for such exclusion. | *[Document reference and other comments]* |
| d. | The policies and procedures and fees for the admission to trading, together with a description, where relevant, of membership, rebates and the related conditions. | *[Document reference and other comments]* |
| e. | The rules governing order execution, including any cancellation procedures for executed orders and for disclosing such information to market participants. | *[Document reference and other comments]* |
| f. | The policies and procedures adopted to assess the suitability of crypto-assets in accordance with Article 76(2) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| g. | The systems, procedures and arrangement put in place to comply with Article 76(7) points (a) to (h) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| h. | The systems, procedures and arrangements to make public any bid and ask prices, the depth of trading interests at those prices which are advertised for crypto-assets through their trading platforms and price, volume and time of transactions executed in respect of crypto-assets traded on their trading platforms. | *[Document reference and other comments]* |
| i. | The fee structures and a justification of how they comply with the requirements laid down in Article 76(13) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| j. | The systems, procedures and arrangement to keep data relating to all orders at the disposal of the competent authority or the mechanism to ensure that the competent authority has access to the order book and any other trading system. | *[Document reference and other comments]* |
| k. | With regards to the settlement of transactions: | *[Document reference and other comments]* |
| (i). | whether the final settlement of transactions is initiated on the distributed ledger or outside the distributed ledger; | *[Document reference and other comments]* |
| (ii). | the timeframe within which the final settlement of crypto-asset transactions is initiated; | *[Document reference and other comments]* |
| (iii). | the systems and procedures to verify the availability of funds and crypto-assets; | *[Document reference and other comments]* |
| (vi). | the procedures to confirm the relevant details of transactions; | *[Document reference and other comments]* |
| (v). | the measures foreseen to limit settlement fails; | *[Document reference and other comments]* |
| (vi). | the definition of the moment at which settlement is final and the moment at which final settlement is initiated following the execution of the transaction. | *[Document reference and other comments]* |
| (l). | The policies and procedures and systems to detect and prevent market abuse, including information on the communications to the competent authority of possible market abuse cases. | *[Document reference and other comments]* |

1. Applicants intending to operate a trading platform for crypto-assets shall provide to the competent authority a copy of the operating rules of the trading platform and of any policies and procedures to detect and prevent market abuse.
2. **Exchange of crypto-assets for funds or other crypto-assets**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to provide the service of exchange of crypto-assets for funds or other crypto-assets shall provide to the competent authority all of the following information:

|  |  |  |
| --- | --- | --- |
| a. | A description of the commercial policy established in accordance with Article 77(1) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| b. | The methodology for determining the price of the crypto-assets that the applicant proposes to exchange for funds or other crypto-assets in accordance with Article 77(2) of Regulation (EU) 2023/1114, including how the volume and market volatility of crypto-assets impact the pricing mechanism. | *[Document reference and other comments]* |

1. **Execution policy**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to provide the service of executing orders for crypto-assets on behalf of clients shall provide to the competent authority its execution policy, including all of the following:

|  |  |  |
| --- | --- | --- |
| a. | The arrangements to ensure the client has provided consent on the execution policy prior to the execution of the order. | *[Document reference and other comments]* |
| b. | A list of the trading platforms for crypto-assets on which the applicant will rely for the execution of orders and the criteria for the assessment of execution venues included in the execution policy in accordance with Article 78(6) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |
| c. | Which trading platforms it intends to use for each type of crypto-assets and confirmation that it will not receive any form of remuneration, discount or non-monetary benefit in return for routing orders received to a particular trading platform for crypto-assets. | *[Document reference and other comments]* |
| d. | How the execution factors of price, costs, speed, likelihood of execution and settlement, size, nature, conditions of custody of the crypto-assets or any other relevant factors are considered as part of all necessary steps to obtain the best possible result for the client. | *[Document reference and other comments]* |
| e. | Where applicable, the arrangements for informing clients that the applicant will execute orders outside a trading platform and how the applicant will obtain the prior express client consent before executing such orders. | *[Document reference and other comments]* |
| f. | How the client is warned that any specific instructions from a client may prevent the applicant from taking the steps that it has designed and implemented in its execution policy to obtain the best possible result for the execution of those orders in respect of the elements covered by those instructions. | *[Document reference and other comments]* |
| g. | The selection process for trading venues, execution strategies employed, the procedures and processes used to analyse the quality of execution obtained and how the applicant monitors and verifies that the best possible results were obtained for clients. | *[Document reference and other comments]* |
| h. | The arrangements to prevent the misuse of any information relating to clients’ orders by the employees of the applicant. | *[Document reference and other comments]* |
| i. | The arrangements and procedures for how the applicant will disclose to clients information on its order execution policy and notify them of any material changes to their order execution policy. | *[Document reference and other comments]* |
| j. | The arrangements to demonstrate compliance with Article 78 of Regulation (EU) 2023/1114 to the competent authority, upon the request of the authority. | *[Document reference and other comments]* |

1. **Provision of advice or portfolio management on crypto-assets**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to provide advice on crypto-assets or portfolio management of crypto-assets shall provide to the competent authority all of the following information:

|  |  |  |
| --- | --- | --- |
| a. | The policies and procedures and a detailed description of the arrangements put in place by the applicant to ensure compliance with Article 81(7) of Regulation (EU) 2023/1114. This information shall include details on: | *[Document reference and other comments]* |
| (i). | the mechanisms to control, assess and maintain effectively the knowledge and competence of the natural persons providing advice or portfolio management on crypto-assets; | *[Document reference and other comments]* |
| (ii). | the arrangements to ensure that natural persons involved in the provision of advice or portfolio management are aware of, understand and apply the applicant’s internal policies and procedures designed to ensure compliance with Regulation (EU) 2023/1114, especially Article 81(1) of Regulation (EU) 2023/1114 and anti-money laundering and anti-terrorist financing obligations in accordance with Directive (EU)  2015/849; | *[Document reference and other comments]* |
| (iii). | the amount of human and financial resources planned to be devoted on a yearly basis by the applicant to the professional development and training of the staff providing advice or portfolio management on crypto-assets. | *[Document reference and other comments]* |
| b. | The arrangements adopted by the applicant to ensure that the natural persons giving advice on behalf of the applicant have the necessary knowledge and expertise to conduct the suitability assessment referred to in Article 81(1) of Regulation (EU) 2023/1114. | *[Document reference and other comments]* |

1. **Transfer services**

An applicant seeking authorisation as a crypto-asset service provider in accordance with Article 62 of Regulation (EU) 2023/1114 and intending to provide transfer services for crypto-assets on behalf of clients shall provide to the competent authority all of the following information:

|  |  |  |
| --- | --- | --- |
| a. | Details on the types of crypto-assets for which the applicant intends to provide transfer services. | *[Document reference and other comments]* |
| b. | The policies and procedures and a detailed description of the arrangements put in place by the applicant to ensure compliance with Article 82 of Regulation (EU) 2023/1114, including detailed information on the applicant’s arrangements and deployed ICT and human resources to address risks promptly, efficiently and thoroughly during the provision of transfer services for crypto-assets on behalf of clients, considering potential operational failures and cybersecurity risks. | *[Document reference and other comments]* |
| c. | If any, a description of the applicant’s insurance policy, including on the insurance’s coverage of detriment to client’s crypto-assets that may result from cyber security risks. | *[Document reference and other comments]* |
| d. | Arrangements to ensure that clients are adequately informed about the policies and procedures and arrangements referred to in point (b). | *[Document reference and other comments]* |

1. **Cross-border provision of crypto-asset services**

Under the following points, information must be provided on whether the applicant intends to provide cross-border services in accordance with Art 65 MiCAR with or after the CASP authorisation has been granted.

|  |  |
| --- | --- |
| Cross-border provision of services planned  (tick the relevant box) | Yes  No |

If cross-border provision of services is planned:

|  |  |  |
| --- | --- | --- |
| a. | A list of the Member States in which the applicant intends to offer crypto-asset services after authorisation has been granted, including   * type of service provision (establishment of a branch, or free movement of services); * start date of service provision per member state. | *[Document reference and other comments]* |
| b. | A programme of operations setting out in particular the crypto-asset services that the applicant intends to provide or perform in the territory of the Member State, including details of   * local co-operation partners; * targeted customer segments; * contribution of the cross-border service to the applicant's overall business. | *[Document reference and other comments]* |
| c. | A list of all other activities of the crypto asset service provider that are not covered by MiCAR. | *[Document reference and other comments]* |

1. **Other**

|  |
| --- |
| *[Space for other remarks.]* |

1. The FMA would like to point out that this application form is based on a draft version of the regulatory technical standards (draft RTS) pursuant to Article 62(5) MiCAR, which specifies the information to be provided in an application for authorisation as a crypto-asset service provider. The draft RTS may therefore be subject to change, which means that documents and information already submitted may need to be supplemented and/or adapted. See also [ESMA Final Report ESMA18-72330276-1634](https://www.esma.europa.eu/press-news/esma-news/esma-finalises-first-rules-crypto-asset-service-providers). [↑](#footnote-ref-2)
2. Signatures must be either handwritten or by means of a qualified electronic signature (see [Formal requirements for submissions to the FMA: electronic signatures](https://www.fma.gv.at/en/formal-requirements-for-submissions-to-the-fma-electronic-signatures/)) [↑](#footnote-ref-3)