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MiCA : Mesures transitoires

Le règlement sur les marchés de crypto-actifs (MiCA) prévoit un régime transitoire pour les fournisseurs de services de crypto-actifs (CASP ou PSCA en français) actifs avant le 3 décembre 2024 afin de se conformer à la réglementation. Le 17 décembre 2024, l'ESMA a publié une déclaration sur les mesures transitoires MiCA.

Selon l'article 143(3) de MiCA, « Les prestataires de services sur crypto-actifs qui fournissaient leurs services conformément au droit applicable avant le 30 décembre 2024 peuvent continuer à le faire jusqu'au 1^{er} juillet 2026 ou jusqu'à ce qu'ils se voient octroyer ou refuser un agrément en vertu de l'article 63, l'événement survenant en premier lieu étant retenu. »

Ce régime transitoire pour les CASP qui ont offert leurs services avant le 30 décembre 2024 leur accorde un délai supplémentaire pour passer de la conformité avec le cadre réglementaire actuel à la conformité avec MiCA. Les États membres ont le pouvoir discrétionnaire de réduire la période transitoire ou d'y renoncer pour garantir la stabilité financière et la protection des investisseurs. Ces périodes transitoires non uniformes dans l'UE ont donné lieu à des calendriers différents d'un État membre à l'autre.

Les CASP opérant dans plusieurs États membres peuvent être confrontés à des problèmes de conformité si les périodes transitoires diffèrent et devront tenir compte de ces différentes périodes transitoires lors de la transition vers MiCA.

Les régulateurs recommandent aux CASP de demander l'autorisation MiCA le plus tôt possible et de s'engager avec les autorités nationales compétentes (NCA) dans toutes les juridictions où ils opèrent afin de garantir la conformité et de réduire les perturbations. Il est également recommandé de se préparer à d'éventuelles lacunes dans l'autorisation et d'éviter de nuire aux clients, aux marchés et au respect des exigences en matière de LBC/FT.

Il est conseillé aux CASP de planifier soigneusement leur transition vers MiCA afin d'éviter les interruptions de service ou la non-conformité.

Sources:

<https://www.esma.europa.eu/sites/default/files/2024-12/ES->

[MA75-453128700-1396_Statement_on_MiCA_transitional_measures.pdf](https://www.esma.europa.eu/sites/default/files/2024-12/ES-MA75-453128700-1396_Statement_on_MiCA_transitional_measures.pdf)

<https://www.esma.europa.eu/sites/default/->

[files/2024-12/List_of_MiCA_grandfathering_periods_art._143_3.pdf](https://www.esma.europa.eu/sites/default/files/2024-12/List_of_MiCA_grandfathering_periods_art._143_3.pdf)

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MiCA: Transitional measures

The Markets in Crypto Assets Regulation (MiCA) provides a transitional regime for Crypto-Asset Service Providers (CASPs) active before 3 December 2024 to comply with the regulation. On 17 December 2024, ESMA issued a statement on MiCA Transitional Measures.

According to Article 143(3) of MiCA, “Crypto-asset service providers that provided their services in accordance with applicable law before 30 December 2024, may continue to do so until 1 July 2026 or until they are granted or refused an authorisation pursuant to Article 63, whichever is sooner.”

This transitional regime for CASPs that offered their services before 30 December 2024 grants them additional time to transition from compliance with the current regulatory framework to compliance with MiCA. Member States have the discretion to reduce or waive the transitional period to ensure financial stability and investor protection. These non-uniform transitional periods across the EU resulted in different timelines across Member States.

CASPs operating in multiple Member States may face compliance issues if transitional periods differ and will need to consider these varying transitional periods when transitioning to MiCA.

The regulators' recommendations to CASPs are to apply for MiCA authorisation as early as possible and engage with National Competent Authorities (NCAs) in all jurisdictions where they operate to ensure compliance and reduce disruption. It is also recommended to prepare for potential gaps in authorisation and avoid harm to clients, markets, and compliance with AML/CFT requirements.

CASPs are advised to carefully plan their transition to MiCA to prevent gaps in authorisation in order to avoid service interruptions or non-compliance.

Sources:

https://www.esma.europa.eu/sites/default/files/2024-12/ES-MA75-453128700-1396_Statement_on_MiCA_transitional_measures.pdf
https://www.esma.europa.eu/sites/default/files/2024-12/List_of_MiCA_grandfathering_periods_art._143_3.pdf

**List of grandfathering periods decided by Member States under
Article 143 of Regulation (EU) 2023/1114 Markets in Crypto-Assets
Regulation (MiCA)*****Article 143 – Transitional measures**

3. Crypto-asset service providers that provided their services in accordance with applicable law before 30 December 2024, may continue to do so until 1 July 2026 or until they are granted or refused an authorisation pursuant to Article 63, whichever is sooner.

Member States may decide not to apply the transitional regime for crypto-asset service providers provided for in the first subparagraph or to reduce its duration where they consider that their national regulatory framework applicable before 30 December 2024 is less strict than this Regulation.

By 30 June 2024, Member States shall notify to the Commission and ESMA whether they have exercised the option provided for in the second subparagraph and the duration of the transitional regime.

Member state	Grandfathering period
Belgium	TBA
Bulgaria	12 months
Czechia	18 months**
Denmark	18 months***
Germany	TBA
Estonia	18 months
Ireland	12 months
Greece	12 months
Spain	12 months

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France	18 months
Croatia	18 months
Italy****	12 months
Cyprus	18 months
Latvia	6 months
Lithuania	5 months
Luxembourg	18 months
Hungary	6 months
Malta	18 months
Netherlands	6 months
Austria	12 months
Poland	6 months
Portugal	TBA
Romania	18 months
Slovenia	6 months
Slovakia	12 months
Finland	6 months
Sweden	9 months

EEA country	Grandfathering period
Iceland	18 months

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Liechtenstein	12 months
Norway	TBA

* Please note that some of these grandfathering periods have been communicated to ESMA by national competent authorities, reflecting their current expectations on national grandfathering period, but that some of these periods may not have been incorporated into national law yet. This list is being shared on that basis to facilitate industry preparations ahead of MiCA.

** To be able to benefit from the grandfathering period, applicant CASPs must apply before 31 July 2025.

*** To be able to benefit from the grandfathering period, applicant CASPs must apply before 30 December 2024.

**** Entities registered as VASPs in the Italian AML/TF register must file their application for MiCA authorisation within six months to benefit from the grandfathering period.