EBA/ITS/2024/04

19 June 2024

Final Report

Draft Implementing Technical Standards

on the reporting on asset-referenced tokens under Article 22(7) of Regulation (EU) No 2023/1114 (MiCAR) and on e-money tokens denominated in a currency that is not an official currency of a Member State pursuant to Article 58(3) of that Regulation

Contents

1. Abbreviations

AMLD	Anti-money laundering directive (Directive (EU) 2015/849)
AML	Anti-money laundering
ART	Asset-referenced token
CA	Competent authority
CASP	Crypto-asset service provider
CP	Consultation paper
CFT	Countering financing of terrorism
EBA	European Banking Authority
ECB	European Central Bank
EU	European Union
EMT	E-money token
FTR	Funds Transfer Regulation (Regulation (EU) 2023/1113)
ITS	Implementing technical standards
MiCAR	Regulation on markets in crypto-assets (Regulation (EU) 2023/1114)
RTS	Regulatory Technical Standards

2. Executive Summary

Regulation (EU) 2023/1114 of the European Parliament and of the Council on markets in crypto-assets (MiCAR)[1] was published in the Official Journal of the European Union on 9 June 2023 and entered into force on 29 June 2023.

Article 22(1) of MiCAR requires the issuer of an asset-referenced token (ART) to report to the competent authority, on a quarterly basis

(a) "The number of holders;

(b) The value of the asset-referenced token issued and the size of the reserve of assets;

(c) The average number and average aggregate value of transactions per day during the relevant quarter;

(d) an estimate of the average number and average aggregate value of transactions per day during the relevant quarter that are associated to uses [of the ART] as a means of exchange within a single currency area".

Article 22(3) of MiCAR requires crypto-asset service providers (CASPs), that provide services related to ARTs, to provide the issuers of ARTs the information necessary for them to prepare the report referred to in Article 22(1) of MiCAR.

In support of these provisions, Article 22(7) of MiCAR mandates the EBA to develop draft implementing technical standards (ITS) to establish standard forms, formats and templates for the purposes of reporting by the issuers and CASPs, as referred to in Article 22(1) and (3) of MiCAR.

In accordance with Articles 22(7) and 58(3) of MiCAR, the draft ITS apply to both ARTs and e-money tokens (EMTs) denominated in a non-EU currency.

This Final Report presents the final draft ITS to specify the reporting requirements and provide harmonised sets of templates and instructions for both the issuers and CASPs. Where assessed as appropriate and relevant, changes have been implemented in the draft ITS published for a 3-months long consultation, based on the responses received during that public consultation period.

Next steps

The final draft ITS will be submitted to the European Commission for endorsement following which they will be subject to scrutiny by the European Parliament and the Council before being published

[1] Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (OJ L 150, 9.6.2023, p. 40–205)

in the Official Journal of the European Union. The EBA will also develop the data point model (DPM), XBRL taxonomy and validation rules based on the final draft ITS.

3. Background and rationale

3.1 Background

1. The Regulation (EU) 2023/1114 of the European Parliament and of the Council on markets in crypto-assets (MiCAR) regulates the offering to the public and admission to trading of asset-referenced tokens (ARTs), e-money tokens (EMTs) and other types of crypto-assets, as well as crypto-assets services provided by crypto-asset service providers (CASPs) in the European Union (EU). MiCAR entered into force on 29 June 2023, and will apply from 30 December 2024, except for Titles III and IV regarding the offering to the public and the admission to trading of ARTs and EMTs, that will apply from 30 June 2024.

2. The objectives of MiCAR are to ensure the proper functioning of markets in crypto-assets, market integrity and financial stability in the EU, as well as the protection of holders of crypto-assets, in particular retail holders[2]. MiCAR aims to address, in particular, risks that the wide use of crypto-assets which aim to stabilise their price in relation to a specific asset or a basket of assets (such as ARTs) could pose to financial stability, the smooth operation of payment systems, monetary policy transmission or monetary sovereignty[3].

3. MiCAR sets out a number of safeguards to address such risks. These include supervisory activities by the competent authorities (CAs) such as the examination of compliance by the issuers of ARTs with the reserve of assets[4] requirements and in general to monitor the robustness and significance[5] of the tokens issued in the market. It also includes the monitoring by CAs of the use of ARTs and the possibility for limiting the issuance of these tokens when the volume and value of transactions associated to uses of these tokens as a means of exchange exceed certain thresholds (which are set out in Article 23 of MiCAR). Moreover, CAs may limit the issuance of these tokens where the European Central Bank (ECB) or, where applicable, a central bank referred to in Article 20(4) of MiCAR, issues an opinion that such tokens pose a threat to the smooth operation of payment systems, monetary policy transmission or monetary sovereignty[6].

4. To allow CAs to monitor the use of ARTs and compliance with the reserve of assets requirements, Article 22(1) of MiCAR requires the issuer of an ART to report on a quarterly basis to the CA:

   (a) the number of holders;

   (b) the value of the asset-referenced token issued and the size of the reserve of assets;

[2] See Recital 112 of MiCAR
[3] See Recital 5 of MiCAR
[4] See Recitals 54 and 56 of MiCAR
[5] See Recital 59 of MiCAR
[6] See Articles 24(3) and 58(3) of MiCAR

(c) the average number and average aggregate value of transactions per day during the relevant quarter; and

(d) an estimate of the average number and average aggregate value of transactions per day during the relevant quarter that are associated to uses of the ART as a means of exchange within a single currency area.

5. The above reporting requirements apply for each ART with an issued value that is higher than EUR 100 million, and for ARTs with a value issued below this threshold, when required by the CA in accordance with Article 22(2) of MiCAR.

6. To enable issuers to report this information, Article 22(3) of MiCAR requires CASPs that provide services related to ARTs to share with the issuer the information necessary to prepare the report referred to in Article 22(1), including by reporting transactions that are settled outside the distributed ledger.

7. To support these provisions, there are several mandates addressed to the EBA:

   i) Article 22(7) of MICAR mandates the EBA to develop draft implementing technical standards (ITS) to establish standard forms, formats and templates for the purposes of the reporting in Article 22(1), and for the purpose of the reporting by CASPs to the issuer in accordance with Article 22(3).

   ii) Article 22(6) mandates the EBA, in close cooperation with the ECB, to develop draft regulatory technical standards (RTS) specifying the methodology to estimate "the quarterly average number and average aggregate value of transactions per day that are associated to uses of an ART as a means of exchange within a single currency area", as referred to in point (d) of Article 22(1) of MiCAR.

8. In accordance with Article 58(3) of MiCAR, the provisions of Articles 22, 23 and 24(3) shall also apply to EMTs denominated in a currency that is not an official currency of an EU Member State. Accordingly, the ITS and RTS mentioned above shall also apply *mutatis mutandis* to such tokens. Going forward throughout this Final Report, when referring to ARTs, EMTs denominated in a non-EU currency are also covered and included in the scope of tokens for this draft ITS.

9. On 8 November 2023, the EBA published a consultation paper (CP) with its proposals for the draft ITS (EBA/CP/2023/32), and a separate CP with its proposals for the abovementioned draft RTS (EBA/CP/2023/31), for a 3-months consultation period which ended on 8 February 2024.

10. The EBA received 8 responses to the CP on the draft ITS. The feedback table in Chapter 5 provides the list of concerns raised by respondents and the respective analysis by the EBA. The Rationale section below reflects on some of the more relevant concerns raised and also explains what, if any, changes the EBA has made to the draft ITS as a result. Chapter 4, in turn, presents the final draft ITS.

11. The Final Report on the related draft RTS under Article 22(6) of MiCAR is available on the EBA's website (see EBA/RTS/2024/13).

3.2 Rationale

12. This chapter sets out the approach the EBA has taken to develop the draft ITS in respect of the below topics:

- the objectives of the reporting by issuers of ARTs, according to Article 22(1) of MiCAR;
- reporting by issuers of ARTs on holders, according to Article 22(1)(a) of MiCAR;
- reporting by issuers of ARTs of the value of the token issued, according to Article 22(1)(b) of MiCAR;
- reporting by issuers of ARTs on the reserve of assets, according to Article 22(1)(b) of MiCAR;
- the scope and reporting by issuers of ARTs of transactions, according to Article 22(1)(c) and (d) of MiCAR;
- reporting transactions by CASPs, according to Article 22(3) of MiCAR;
- data quality and the reconciliation by the issuer of the data reported by CASPs to the issuer;
- the reporting reference dates and related reporting remittance dates.

The objectives of the reporting by issuers of ARTs according to Article 22(1) of MiCAR

13. Article 22(7) mandates the EBA to develop draft ITS to establish standard forms, formats and templates for the purposes of the reporting in Article 22(1), and for the purpose of the reporting by CASPs to the issuer in accordance with Article 22(3).

14. In order to assess whether an ART meets the criteria in Articles 43(1) and 56(1) of MiCAR to be classified as "significant", the data reported based on Article 22(1) should be used by the CAs. Significant ARTs are associated with higher risks due to their larger scale of use and presence in the market, thus they are subject to stronger supervisory measures, including supervision by the EBA.

15. It is important to note that the transactions referred to in point (d) of Article 22(1) (that are associated to its uses as a means of exchange) are the same as the transactions that are subject to the caps in Article 23(1) of MiCAR. This latter Article limits the issuance of ARTs where "the estimated quarterly average number and average aggregate value of *transactions* per day *associated to its uses as a means of exchange within a single currency area* is higher than 1 million transactions and EUR 200 000 000, respectively". Articles 22(1)(d) and 23(1) should help to

monitor and mitigate risks that the wide use of ARTs as a means of exchange may have on monetary policy transmission and monetary sovereignty within the EU, through currency substitution effects.

16. Finally, Article 22(1) of MiCAR is the only provision that includes specific, harmonized reporting requirements for the issuers, and should ensure that CAs receive the information needed to perform their supervisory and other statutory activities.

Reporting by issuers of ARTs on holders according to Article 22(1)(a) of MiCAR

17. Article 22(1)(a) requires issuers to report the respective number of holders related to those ARTs under the scope of the reporting obligations. The total number of holders of an ART will be the basis for the significance criteria and for determining which CAs qualify to be members of a college of supervisors under Article 119(2)(l) (as per the criteria defined in the related Final draft RTS on supervisory colleges under MiCAR, EBA/RTS/2024/14). The ITS also include the breakdowns of holders that are retail holders, holders of custodial wallet and/or holders of non-custodial wallet[7].

18. As described in paragraph 2 of this Final Report, MiCAR particularly focuses on the protection of retail holders. Furthermore, the different nature of custodial and non-custodial wallets justifies the need to provide this breakdown as useful and necessary information for the CAs to perform their supervisory duties. Furthermore, and in order to monitor possible concentrations, these breakdowns to be reported separately for each relevant country, based on the country of residence of the holder, which is determined based on the registered office address for legal entities and the habitual residence for natural persons. This is in line with Regulation (EU) 2023/1113[8] (the Funds Transfer Regulation or 'FTR'). To note, that taking into account the limited information issuers might have on those cases, the number of non-custodial wallet holders shall be reported on a best effort basis.

19. MiCAR requires CASPs to provide the issuers with the information that they need to report the number of holders. The final draft ITS require CASPs to prepare a list of the holders they provide services to and share this list with the issuers of these ARTs. A holder might have several accounts with different CASPs. When reporting the number of holders for an ART, each individual holder shall be counted only once, regardless the number of different accounts the holders possess.

20. To avoid double counting of the same holders, CASPs shall include unique identifier information for each holder, so issuers can reconcile the lists shared by different CASPs. These unique identifiers should be LEI code, official tax registration number, national identification number, name(s), depending on the type of the holder (legal entity or natural person). CASPs also to

[7] Or holder of any other type of distributed ledger address that is used for settlement purposes and not controlled by a user or by a crypto asset service provider.
[8] Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849

indicate, whether the holder is retail or non-retail and the country of the holder, so issuers have all information to complete their templates on holders.

21. The EBA has considered CASPs to use pseudonymous identifiers when sharing the list of holders with the issuers. Having assessed this option, the EBA is of the view as also pointed out in recital 6 of the draft ITS in the CP, that the use of pseudonymous identifiers in this case would face significant challenges, if feasible at all. In this case, all CASPs should use the same methodology for all different types of holders (natural and legal persons). Furthermore, the data that issuers would receive with different pseudonymisation forms would not be so useful to filter out possible duplications of the same holders and reporting would be less reliable. Agreeing between all the CASPs using one single pseudonymisation process, if even exists one that could provide this covering all different types of holders involved, and then for all entities to implement such new operations would be quite challenging for CASPs, risking that issuers will not receive in a timely manner and with a reasonable level of data quality the necessary information for them to prepare their reports to the CAs.

22. In order to address any data privacy concerns, the European Data Protection Supervisor was consulted regarding the proposed approach in the CP and their feedback and comments have been taken into account. As a result, Article 5 and related recital (9) has been added to the draft ITS suggesting a 5 years of maximum retention period for these personal data received by the issuers.

Reporting by issuers of ARTs of the value of the token issued according to Article 22(1)(b) of MiCAR

23. In line with Article 22 of MiCAR, issuers shall report the value of the token issued. This value is also necessary to assess the significance of an ART following Article 43 of MiCAR. If the value of the token issued is higher than 100 million EUR, the issuer is subject to the mandatory reporting to the CA of the templates developed under these ITS, on a quarterly basis[9].

24. While MiCAR requires issuers to report the value of the token issued, it does not specify the nature of this value. The ITS specifies in template S 02.00 - VALUE OF THE TOKEN ISSUED AND THE SIZE OF THE RESERVE OF ASSETS the reporting of the following types of values for the token issued: value at reference date and the minimum, maximum and average values over the preceding quarter:

    - The value at reference date gives a point in time value, which is the value as of the end of the reporting period, the same point in time value as for the reporting of the number of holders.

    - The minimum, maximum and average values over the preceding quarter provide information to the CAs on the fluctuation and stability of the value of the token. As Article

[9] Based on Article 22(2) of MiCAR, CAs *may* require issuers to report the information in Article 22 also for ARTs with an issue value of less than EUR 100 million.

22(1) of MiCAR does not define the exact nature of the value of the threshold, the draft ITS proposes to use the average value over the preceding quarter of the token issued to be used as the triggering criteria for the reporting obligations and to assess the EUR 100 000 000 threshold mentioned in Article 22 of MiCAR. This average value should be suited for this purpose, as it builds on the consistent performance and presence of the token in the market.

Reporting by issuers of ARTs on the reserve of assets according to Article 22(1)(b) of MiCAR

25. Issuers are also required to report the size of the reserve of assets, one of the criteria for classifying an ART as a significant ART based on Article 43 of MiCAR. For this purpose, the ITS specify an approach similar to that described in paragraph 24 above and issuers will have to report in template S 02.00 - VALUE OF THE TOKEN ISSUED AND THE SIZE OF THE RESERVE OF ASSETS the size of the reserve of assets as of the reporting reference date, and the maximum, minimum and average values during the preceding quarter. In addition to the reasons explained above for the value of the token issued, it is very relevant for CAs the information on the size of the reserve of assets, since it includes liquidity measures as well, ensuring the overall soundness of the market.

26. The EBA has developed two separate RTS under MICAR, one further specifying the liquidity requirements of the reserve of assets under Article 36(4) of MICAR (EBA/RTS/2024/10) and another one specifying the highly liquid financial instruments in the reserve of assets under Article 38(5) of MICAR (EBA/RTS/2024/11). The ITS include templates S 03.01 - COMPOSITION OF THE RESERVE OF ASSETS BY TYPE OF ASSETS AND MATURITIES and S 03.02 - COMPOSITION OF THE RESERVE OF ASSETS BY COUNTERPARTY/ISSUER that provide the information that the CAs need to monitor the compliance with the requirements related to reserve of assets prescribed by MiCAR and the abovementioned RTS. As Article 22(7) under MiCAR is the only provision that includes specific, harmonized reporting requirements for the issuers, it is especially important for CAs to receive the information needed to perform their supervisory and other statutory activities.

27. For issuers to accurately calculate the value of the token issued and the related size of the reserve of assets, taking into account recital 54 and paragraphs (1) and (7) of Article 36 of MiCAR, issuers should receive information from the CASPs on the overall number of tokens that are held by CASPs and their EU customers. This information especially relevant for those global, fungible tokens that are issued both in the EU and outside of the EU. Template S 08.00 – TOKEN HELD BY CASP has been added to the draft ITS to cover such information need of the issuers.

The scope and reporting by issuers of ARTs of transactions according to Article 22(1)(c) and (d) of MiCAR

28. The second subparagraph of Article 22(1) of MiCAR defines a “transaction”, for the purpose of points (c) and (d) of Article 22(1), as: “any change of the natural or legal person entitled to the

token as a result of the transfer of the token from one distributed ledger address or account to another". Relatedly, Recital 60 of MiCAR states that "To capture all transactions that are conducted in relation to any given asset-referenced token, the monitoring of such tokens therefore includes the monitoring of all transactions that are settled, whether they are settled on the distributed ledger ('on-chain') or outside the distributed ledger ('off-chain'), and including transactions between clients of the same crypto-asset service provider".

29. Taking into account recital 60, the ITS consider that "transactions" to be reported according to Article 22(1) of MiCAR should include both transactions settled on a distributed ledger ('on-chain') and transactions settled outside a distributed ledger ('off-chain'). Furthermore, transfers between different addresses or accounts of the same person would not qualify as a "transaction" within the meaning of Article 22(1) of MiCAR and therefore should be excluded from the scope of reporting transactions.

30. Transactions under Article 22(1)(d) of MiCAR are a subset of the transactions of Article 22(1)(c) of the same Regulation. The narrower scope of the transactions for Article 22(1)(d) is defined in the draft RTS under Article 22(6) of MiCAR (EBA/RTS/2024/13).

31. For the reporting requirements in Article 22(1)(c) of MiCAR, the ITS specify in template S 04.01 - TRANSACTIONS PER DAY - AVERAGE that issuers shall report them separately by the relevant countries. In template S 04.02 - TRANSACTIONS PER DAY - AVERAGE_EU, issuers shall report the transactions covering the EU. These templates include the following breakdown: *transactions made within the country*, *received transactions to the country* and *sent transactions from the country*[10].

32. The country of a transaction is the country of residence of the holders involved, as defined in paragraph 18 in this Final Report. In case that the countries of originator and the beneficiary of the transaction are the same, the transaction shall be reported under *transactions made within the country*. If the countries of the originator and beneficiary are different, then the transaction shall be reported as *received transactions to the country* when the country of the beneficiary is the country covered by the template, and transaction shall be reported as *sent transactions from the country* when the country of the originator is the country covered by the template. This approach means that transactions between holders of different countries will be reported twice but under different countries, once as a received transaction and once as a sent transaction. These templates should support CAs when monitoring the concentration and related volumes of the transactions, and support to determine which CAs qualify to be member of a college of supervisors under Article 119(2)(l) of MiCAR (as per the criteria defined in the related Final Report on draft RTS on supervisory colleges under MiCAR, EBA/RTS/2024/14) and when monitoring the significance criteria related to the international scale of the token as described in Article 43(1)(e) of MiCAR.

[10] For the separate template covering EU transactions, the wording will change accordingly from *country* to *EU* for these breakdowns.

33. For transactions under Article 22(1)(d), the ITS refers to the related RTS under Article 22(6) of MiCAR (EBA/RTS/2024/13). Template S 05.00 - TRANSACTIONS PER DAY THAT ARE ASSOCIATED TO ITS USES AS A MEANS OF EXCHANGE WITHIN A SINGLE CURRENCY AREA – AVERAGE follows the specifications made in the Final report of that draft RTS.

34. The ITS also include template S 04.03 - TRANSACTIONS AND TRANSFERS PER DAY BETWEEN NON-CUSTODIAL WALLETS – AVERAGE. This template is defined only for the purposes of the reporting under Article 22(1)(c) of MiCAR (not relevant for reporting under Article 22(1)(d) of the same Regulation) and covers:

    a) Transactions between non-custodial wallets or between other types of distributed ledger addresses where there is no CASP involved. Information on transactions between non-custodial wallets or other types of distributed ledger addresses where there is no CASP involved should only be requested on a best effort basis, taking into account the limited information available in such cases. Issuers would not necessarily know whether the transfer is made between addresses of different persons or between addresses of the same person, which means that the issuer may not be able to determine whether the transfer qualifies as a "transaction" as defined in Article 22(1) of MiCAR.

    b) and transfers between non-custodial wallets or between other types of distributed ledger addresses where there is no CASP involved. Template S 04.03 includes information on the number and value of transfers between non-custodial wallets or other types of distributed ledger addresses where there is no CASP involved. This information should allow CAs to monitor the scale of such transfers. This could be used as a proxy for the types of transactions referred in the previous paragraph (as "transactions", as defined in Article 22(1) of MiCAR, are a subset of transfers – which include any transfer with a token in scope, regardless of whether the transfer is made between addresses of different persons or between addresses of the same person).

35. Qualitative template S 04.04 - METHODOLOGY USED FOR TEMPLATE S 04.03 has been included in the draft ITS for issuers to provide a short description of their methodology used for template S 04.03. With this addition the values reported in template S 04.03 give more meaning and insight for CAs, to understand and compare numbers they receive on these types of transactions from the issuers.

Reporting transactions by CASPs according to Article 22(3) of MiCAR

36. According to Article 22(3) of MiCAR, CASPs shall provide issuers with the information that they need to fill in the templates related to Article 22(1)(c) and (d). In the CP, the draft ITS included template S 07.01 - INFORMATION ON TRANSACTIONS, which required CASPs to include the following transactional data for each transaction related to the ART in scope: the hash, the

distributed ledger address and the crypto-asset account number[11] of the originator and/or of the beneficiary, as applicable, the value and the date of the transaction, and the country of the holder of the originator and beneficiary involved in the transaction, and indicate whether the transaction is in scope for Article 22(1)(d) of MiCAR.

37. With the Final Report on the draft ITS a new approach on how CASPs should report transactions to issuers proposed, according to which CASPs shall share aggregate data with the issuers according to the below method:

    a) The CASP of the beneficiary/payee of the transactions shall report templates S 07.01, S 07.02 and S 07.03 as presented in Annex III and IV of the draft ITS, with aggregate values, to the issuers for the different scopes and types of transactions. As beneficiary/payee of these transactions, the CASP should possess all the information they need on both the beneficiary/payee and on the originator/payer involved in a transfer to decide which transfers meet the criteria to be considered a transaction as defined under Article 22(1) of MiCAR.

    b) The CASP of the originator/payer of the transactions, where the beneficiary/payee of the transaction is with a non-custodial wallet or without CASP involvement, shall also report templates S 07.01, S 07.02 and S 07.03 as presented in Annex III and IV of the draft ITS on a best effort basis, acknowledging that for these types of transactions, the CASPs might not possess all necessary information to accurately decide which transfers meet the criteria to be considered a transaction as defined under Article 22(1) of MiCAR.

38. By implementing this new approach, the data quality, reconciliation and privacy concerns related to sharing transactional data should be addressed, as issuers will only receive aggregate values. Furthermore, CASPs are in a better position than issuers to assess whether transfers meet the conditions to be considered as transactions following Article 22(1) of MiCAR, and to assign transactions to the different geographical areas.

39. CASPs shall also report to the issuers template S 07.04 - DISTRIBUTED LEDGER ADDRESSES FOR MAKING TRANSFERS ON BEHALF OF CLIENTS, providing the public distributed ledger addresses they use for making transfers on behalf of their clients, in order to make it easier for issuers to identify which transactions registered on the distributed ledger take place between non-custodial wallets.

Data quality and the reconciliation by the issuer of the data reported by CASPs to the issuer

40. On the CASPs side - The reporting obligations for the CASPs specified in the draft ITS following Article 22(3) of MiCAR should leverage on the controls and procedures that should be put in place by CASPs to identify and verify the identity of their customers and conduct ongoing

[11] Crypto-asset account number as in Article 14(1) and 14(2) of Regulation (EU) 2023/1113 of the European Parliament and of the Council of 31 May 2023 on information accompanying transfers of funds and certain crypto-assets and amending Directive (EU) 2015/849.

monitoring of the business relationship with their customers in accordance with Directive (EU) 2015/849 [12] (AMLD). By compliance with AMLD, CASPs should possess the necessary information on transactions and on holders to fill in their reporting templates defined in this ITS.

41. On the issuers side - When reporting the information in Article 22(1) of MiCAR to the CA, the issuer should ensure that the information reported is correct, complete and submitted within the deadlines specified in this draft ITS.

42. In order to facilitate a smooth reconciliation of the data shared by the CASPs, the issuers should prescribe the exact format and extension of the files they receive from the CASPs, as specified in Article 4 of the draft ITS. To avoid for CASPs to follow several different approaches introduced by different issuers, one common format and extension would be recommended to use. This should be widely used, easily accessible option in the market that would be suitable to transmit the data between the CASPs and issuers.

The reporting reference dates and related reporting remittance dates

43. MiCAR defines in Article 22(1), that issuers shall report on a quarterly basis to the CA, therefore the reporting reference dates shall be 31 March, 30 June, 30 September and 31 December. In order to give enough time for the CASPs to prepare and share the templates with the issuers, and then for the issuers to reconciliate the data received by the different CASPs and fill in the templates to be submitted to the CAs, the EBA sets the remittance dates for the draft ITS as following:

    a) For CASPs: 21 April, 21 July, 21 October and 21 January.

    b) For issuers: 12 May, 11 August, 11 November and 11 February.

44. If the remittance day is a public holiday in the Member State of the CA to which the submission of the reporting templates is to be provided, or a Saturday or a Sunday, the submission shall be on the following working day. The remittance dates have been extended compared to what has been proposed in the CP of the draft ITS taking into account the new approach for the reporting by CASPs of transactions to issuers.

45. The first reference date for issuers shall be 31 March 2025. Therefore, this draft ITS shall apply from 01 January 2025 in order for crypto-asset service providers to start submitting template *S 08.00 – Token held by CASP* of Annex III and Annex IV of this draft ITS on a daily basis to the issuers, thus issuers will possess all necessary information in due time for a first applicable reference date as 31 March 2025.

[12] Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing

4. Draft implementing technical standards

COMMISSION IMPLEMENTING REGULATION (EU) …/…

of XXX

laying down implementing technical standards for the application of Regulation (EU) 2023/1114 of the European Parliament and of the Council on markets in crypto-assets with regard to reporting related to asset-referenced tokens under Article 22(1) and (3) of Regulation (EU) 2023/1114 and the reporting related to e-money tokens pursuant to Article 58(3) of that Regulation

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1114 of the European Parliament and of the Council on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937[1], and in particular Article 22(7), third subparagraph, thereof,

Whereas:

(1) For the purposes of the reporting in Article 22(1)(a) of Regulation (EU) 2023/1114, issuers should provide the number of holders with a breakdown by the holders' location and within that location the number for custodial wallet holders and the number for non-custodial wallet holders or holders of any other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto asset service provider. Within these two categories of holders, issuers should provide, with an additional breakdown, the number of retail holders. All these breakdowns are necessary to the competent authorities, as information on the concentration of holders and on the volumes for the retail holders are relevant for the supervisors to meet the objectives of Regulation (EU) 2023/1114 and ensure the proper functioning of markets in crypto-assets, market integrity and financial stability in the European Union, as well as the protection of holders of crypto-assets, in particular retail holders. The information provided with the breakdown by location of the holders should also be used to determine which competent authorities will qualify to be members of a college under Article 119(2)(l) of Regulation (EU) 2023/1114, following the criteria stated in Commission Delegated Regulation (EU) 2023/xx [RTS under Article 119(8) of MiCAR].

(2) For the purposes of the reporting in Article 22(1)(b) of Regulation (EU) 2023/1114, and in order to ensure a proper supervision of the requirements stated for reserve of assets in accordance with Articles 36 and 38 of Regulation (EU) 2023/1114 and with Commission Delegated Regulation (EU) 2023/xx [RTS under Article 36(4) and 38(5) of MiCAR], issuers should provide the size of the reserve of assets in a broken-down

[1]OJ L 150, 9.6.2023, p. 40–205, ELI: http://data.europa.eu/eli/reg/2023/1114/oj.

manner to reflect the value and the composition of the reserve of assets, including liquidity management measures. Such a requirement under this Regulation can be considered as proportionate as asset-referenced tokens issuers shall, in any event, under Article 30 of Regulation (EU) 2023/1114, disclose, in a publicly and easily accessible place, on their website, the value and composition of the reserve of assets referred to in Article 36 of Regulation (EU) 2023/1114.

(3) Considering the definition of "transactions" in Article 22(1) second subparagraph of Regulation (EU) 2023/1114 and recital 60 of that Regulation, transaction to be reported according to Article 22(1) of Regulation (EU) 2023/1114 should include transactions settled on the distributed ledger ('on-chain') and transactions settled outside the distributed ledger ('off-chain'). Transfers of an asset-referenced token between different addresses or accounts of the same person should be excluded from the scope of the reporting in Article 22(1) (c) and (d) of Regulation (EU) 2023/1114 as they do not qualify as a "transaction" within the meaning of that Regulation, with the exception of transfers between non-custodial wallets or other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto-asset service provider. Such transfers are to be reported separately by the issuers pursuant to Article 22(1)(c) of that Regulation.

(4) The definition of "transaction" in Article 22(1) second subparagraph of Regulation (EU) 2023/1114 is agnostic to the type of wallets used by the originator or by the beneficiary for sending or receiving a transaction. Accordingly, the reporting in Article 22(1) (c) and (d) of that Regulation should include transactions between custodial wallets and transactions between a custodial wallet and a non-custodial wallet or other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto asset service provider. In addition, the reporting in Article 22(1) (c) should also cover transactions between non-custodial wallets or between non-custodial wallets and other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto-asset service provider. Since issuers have limited information on the holders involved in these transactions, in some cases it cannot be determined whether these are fulfilling the conditions to be treated as transactions. Therefore, to have the most accurate information possible on these transactions, the reporting in Article 22(1) (c) should also include information on transfers between non-custodial wallets or between non-custodial wallets and other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto asset service provider. As transactions are a subset of transfers, these additionally included transfers between non-custodial wallets or between non-custodial wallets and other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto-asset service provider could be used as a proxy and provide useful information on the number and value of the transactions between non-custodial wallets or between non-custodial wallets and other types of distributed ledger addresses that are used for settlement purposes and are not controlled by a user or by a crypto-asset service provider. The exact scope and related methodology for the calculation for the reporting obligations of issuers under Article 22(1) (d) of Regulation (EU) 2023/1114 is defined in the Commission Delegated Regulation (EU) 2023/xx [RTS under Article 22(6) of MiCAR].

(5) For the purposes of the reporting in Article 22(1)(c) of Regulation (EU) 2023/1114, issuers should provide the information on the transactions with a breakdown for geographical distribution, meaning the countries of origin of the holders involved in the transactions. That is to provide useful information on the concentration of transactions for the competent authorities performing their supervisory roles. The information provided with the breakdown by countries of the transactions will be also used to determine which competent authorities will qualify to be members of a college under Article 119(2)(l) of Regulation (EU) 2023/1114, according to the criteria set out in Commission Delegated Regulation (EU) 2023/xx [RTS under Article 119(8) of MiCAR]. This breakdown is not required for the transactions and transfers between non-custodial wallets or between non-custodial wallets and other types of distributed ledger addresses that are used for settlement purposes, due to the limited information issuers have on the holders involved in such transactions and transfers.

(6) For the purposes of reporting in Article 22(3) of Regulation 2023/1114, some information which crypto-asset service providers should provide to the issuers can include personal data when it relates to natural persons. This includes for example full name(s) accompanied by national identification number, official tax registration number, or passport number. The collection of such personal data in this case is necessary in order to achieve the objectives of Regulation (EU) 2023/1114 as without this information the issuers could not determine the exact number of holders of an asset-referenced token and they would be double counting holders having multiple accounts with different crypto-asset service providers at the same time. This would distort the information reported to the competent authorities about the number of holders of an asset-reference token and would therefore hinder proper supervision by the competent authorities. As a result of the above, there is no other way to accurately reflect the information on the holders of asset-referenced tokens in the reporting and the usual measures for limiting or protecting personal data sharing, such as pseudonymisation, cannot be applied in this case. In any case, national conditions for the processing of such personal data, if any, apply.

(7) In addition, for the purposes of reporting in Article 22(3) of Regulation 2023/1114, crypto-asset service providers should also provide to the issuer the public distributed ledger addresses they use for making transfers on behalf of their clients. This information is necessary for issuers to be able to identify which transactions registered on the distributed ledger take place between non-custodial wallets and report the transactions in scope of the reporting obligations.

(8) To ensure that the information reported to the competent authority is correct and complete, issuers should have systems and procedures in place that allow the issuer to reconcile the data received from the crypto-asset service providers pursuant to Article 22(3) of Regulation (EU) 2023/1114. These systems and procedures should also allow the issuer to reconcile the data reported by crypto-asset service providers with the data available to the issuer from other sources, including, where applicable, transactional data available on the distributed ledger.

(9) In addition, issuers should implement in their internal policies a maximum retention period for the personal data of the individual holders shared by the crypto-asset service providers. Considering the objective of sharing such information, this maximum retention period should not exceed 5 years from the date of obtaining the personal data.

(10) This Regulation should also apply *mutatis mutandis* to e-money tokens denominated in a currency that is not an official currency of a Member State as Article 22 of Regulation (EU) 2023/1114 applies to e-money tokens denominated in a currency that is not an official currency of a Member State.

(11) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[2].

(12) This Regulation should apply from 01 January 2025. By applicable from that day, crypto-asset service providers should start submitting template *S 08.00 – Token held by CASP* of Annex III and Annex IV of this Regulation on a daily basis to the issuers, therefore issuers would possess all necessary information in due time to set for them the first applicable reference date as 31 March 2025.

(13) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Banking Authority.

(14) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council[3].

HAS ADOPTED THIS REGULATION:

Article 1

General provisions

1. For the purposes of the reporting referred to in Article 22(1) of Regulation (EU) 2023/1114, issuers shall submit to their competent authorities all the templates set out in Annex I, in accordance with the instructions specified in Annex II of this Regulation.
2. For the purposes of the reporting referred to in Article 22(3) of Regulation (EU) 2023/1114, crypto-asset service providers shall submit to the issuers the information set

[2] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

[3] Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331 15.12.2010, p. 12, ELI: http://data.europa.eu/eli/reg/2010/1093/oj)

out in Annex III, in accordance with the instructions specified in Annex IV of this Regulation in order for the issuers to comply with the reporting obligations under this Regulation.

Article 2

Reporting reference dates

1. For the purposes of the reporting referred to in Article 22(1) of Regulation (EU) No 2023/1114, issuers shall submit information to competent authorities on a quarterly reporting basis, with the following reporting reference dates: 31 March, 30 June, 30 September and 31 December.
2. The first reference date shall be the one corresponding to the quarter in which the issue value of the asset-referenced token is higher than the threshold referred to in Article 22(1) of Regulation (EU) 2023/1114.
3. The last reference date shall be the one corresponding to the third consecutive quarter in which the issue value of the asset-referenced token is lower than the threshold referred to in Article 22(1) of Regulation (EU) No 2023/1114.

Article 3

Reporting remittance dates

1. For the purposes of the reporting referred to in Article 22(1) of Regulation (EU) 2023/1114, issuers shall submit the information stated in Article 22(1) of that Regulation to competent authorities on a quarterly reporting basis, by close of business on the following remittance dates: 12 May, 11 August, 11 November and 11 February.
2. For the purposes of the reporting referred to in Article 22(3) of Regulation (EU) 2023/1114, crypto-asset service providers shall submit the information stated in Article 22(3) of that Regulation to the issuers on a quarterly reporting basis, by close of business on the following remittance dates: 21 April, 21 July, 21 October and 21 January.
3. Without prejudice to paragraph 2 of this Article, crypto-asset service providers shall submit template *S 08.00 – Token held by CASP* of Annex III and Annex IV of this Regulation to the issuers by close of business on a daily basis.
4. If the remittance day is a public holiday in the Member State of the competent authority to which the report is to be provided, or a Saturday or a Sunday, data shall be submitted on the following working day.
5. Issuers shall submit corrections to the reports submitted to the competent authorities without undue delay.

Article 4

Data exchange formats and information accompanying submissions

1. Issuers shall submit the information referred to in this Regulation in the data exchange formats and representations specified by the competent authorities and respecting the data point definition of the data point model and the validation formulae stated in Annex V and the following specifications:
   (a) information that is not required or not applicable shall not be included in a data submission;
   (b) numerical values shall be submitted as follows:
      i. data points with the data type 'Monetary' shall be reported using a minimum precision equivalent to ten thousands of units;
      ii. data points with the data type 'Integer' shall be reported using no decimals and a precision equivalent to units.
2. Crypto-asset service providers shall submit the information referred to in Article 1(2) to the issuers in the data exchange formats and representations specified by the issuers.

Article 5

Retention period of personal data by issuers

1. The maximum retention period for the personal data on holders shared by the crypto-asset service providers with issuers by submitting template *S 06.00 - Information on holders* of Annex III and Annex IV of this Regulation should not exceed 5 years from the date of obtaining the personal data by the issuers.

Article 6

Final provisions

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 01 January 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

[For the Commission
On behalf of the President

[Position]

ANNEXES

Please see separate files

Annex I – Reporting for issuers of asset-referenced token - templates

Annex II – Reporting for issuers of asset-referenced token – instructions

Annex III – Reporting for crypto-asset service providers - templates

Annex IV – Reporting for crypto-asset service providers – instructions

Annex V – DPM and validation rules

5. Accompanying documents

5.1 Draft cost-benefit analysis / impact assessment

According to Articles 10 of Regulation (EU) No 1093/2010 (EBA Regulation), the EBA shall analyse the potential costs and benefits of draft RTS and ITS developed by the EBA. The ITS developed by the EBA shall therefore be accompanied by an Impact Assessment (IA) which analyses 'the potential related costs and benefits'.

This analysis presents the IA of the main policy options regarding the draft ITS on the reporting on ARTs under Article 22(7) of MiCAR.

MiCAR sets out a new legal framework for the issuers of ARTs. This includes the obligation of issuers of ARTs to report, on a quarterly basis, to the Competent Authorities (CA) related to these tokens the number of holders, the value of the token issued and the size of the reserve of assets, the average number and average aggregate value of transactions per day during the relevant quarter, and an estimate of the average number and average aggregate value of transactions per day during the relevant quarter that are associated to its uses as a means of exchange within a single currency area. This reporting obligation applies to each ART with an issue value that is higher than EUR 100 000 000, and, where the CA so decides in accordance with paragraph 2 of Article 22, also to ARTs with a value of less than EUR 100 000 000. Regarding the transactions that are associated to its uses as a means of exchange, a separate RTS is defining the exact scope of the transactions and the methodology for their calculations (draft RTS under Article 22(6) of MiCAR, EBA/RTS/2024/13). In this regard, the costs and benefits related to the calculation and reporting of these transactions are covered in the IA in the Final Report on those RTS, and are not repeated in this IA.

To enable issuers to report this information, MiCAR requires CASPs that provide services related to ARTs to report to the issuer the information necessary for issuers to prepare such reports, including by reporting transactions that are settled outside the distributed ledger. The information that CASPs should report to the issuer in accordance with MiCAR is also specified in this draft ITS developed under Article 22(7) of MiCAR.

A. Problem identification

While the requirement for issuers to report the information mentioned above is clearly listed in MiCAR, the text does not specify exact details on how issuers should calculate and present the reportable values. Because the legal framework introduced by MiCAR is new, there is no established methodology to calculate these numbers and values. Moreover, currently there is limited data available particularly with regard to the geographical location of the holders of such tokens, as well as information whether the transfers of such tokens are made between addresses of different

persons or between addresses of the same person. These data limitations add challenges to what data can be reported and how it should be presented.

B. Policy objectives

The general objective of the draft ITS is to clarify the reporting obligation of issuers and CASPs in accordance with MiCAR and to support the objectives of MiCAR of ensuring that the data reported allows to:

a) the CAs to monitor and ensure the proper functioning of markets in crypto-assets, market integrity and financial stability in the EU;

b) protect holders, in particular retail holders;

c) monitor and prevent risks that the wide use of ARTs as a means of exchange may have on monetary policy transmission and monetary sovereignty within the EU, through currency substitution effects;

d) assess whether an ART meets the criteria in Articles 43(1) and 56(1) of MiCAR to be classified as significant.

The draft ITS also aims to ensure that issuers apply the same methodology to calculate the reportable numbers and values and submit them to the respective CAs using the same templates and formats. This is to have one common, harmonized general reporting package under MiCAR.

C. Baseline scenario

In a baseline scenario, the issuers of ART and respective CASPs would need to apply the MiCAR requirements to report the information described in Article 22 of MiCAR without a clear methodology on how to calculate the data, and without general harmonized reporting templates and related instructions for how to report the data. This scenario would lead to divergent approaches and interpretations on the calculation methods and in the reporting practices. This would lead to CAs having data that is not comparable and not in the format that facilitates their supervisory roles and activities. Moreover, such a divergence in approaches may lead to unreliable data quality in general which will create level playing field issues, and would not meet the objectives of MiCAR explained above.

The costs and benefits of the underlying Regulation, i.e. MiCAR, are not assessed within this impact assessment.

D. Policy issues, options considered

Policy issue 1: Level of detail on the number of holders

Following Article 22(1)(a) of MiCAR issuers required to report the number of holders. The EBA is of the view that holders of a token in scope of reporting obligations should be only counted once, regardless of the number of different accounts a holder might possess in several CASPs. In order to filter out possible duplications of the same holder having multiple accounts, CASPs should share their list of holders with the issuers with unique identifiers for each holder. Thus, issuers could reconcile the lists they receive from the CASPs and compare with their own data sources as well. This personal data to be kept for a limited period of 5 years in line with the EDPS direction.

Since Article 22(1) of MiCAR does not define the exact measures how the number of holders to be calculated for a quarter (reporting period), EBA has considered the following values to be reported on this subject: the maximum, the minimum and the average number of holders throughout the quarter (reporting period) and the total number of holders at the end of the quarter (reporting period), at reference date. Taking into account the abovementioned reconciliation activity that the issuer should perform in order to filter out the duplication of holders, and the related data sharing from the CASPs, for the calculation of the maximum, minimum and average number of holders a daily frequency of data sharing and reconciliation would be needed. The calculation of the number of holders at reference date requires the provision of data from CASPs and its reconciliation for one day only. Even though the maximum, minimum and average values would offer useful information for the CAs on the fluctuation of the number of holders, adding them to the requirements would significantly increase the reporting burden for both issuers and CASPs, by requiring the submission of datasets and reconciliation of the data for each day within the quarter. Therefore the option requiring the reporting of the number of holders only at reference date was preferred.

In order for CAs to perform their supervisory and other statutory activities, further information related to the number of holders would be needed. The following details and breakdown within the total number of holders at reference date were considered:

(a) Country of the holders;

(b) Number of retail and non-retail holders;

(c) Number of holders of custodial and non-custodial wallets[16];

(d) Sectoral breakdown, based on the industries the holders are associated to.

Concerning point (a), having a country level breakdown for the number of holders would provide useful information to the CAs on geographical concentration. Since the information on the country of a holder is essential for the reporting obligations following Article 22(1)(d)[17] of MiCAR and the separation of holders by country does not create huge additional reporting burden for issuers, the country level of breakdown was included in the template developed for the number of holders.

[16] Or holder of any other type of distributed ledger address that is used for settlement purposes and not controlled by a user or by a crypto asset service provider.
[17] Final Report on draft RTS under Article 22(6) of MiCAR, EBA/ RTS /2024/13

Concerning points (b) and (c), both breakdowns hold information important for the CAs. As one MiCAR objective is to protect holders, especially retail holders, it is important that the numbers of retail and non-retail holders are monitored. Information on the volume and its evolution through time of custodial and non-custodial wallet holders are also important for the CAs, taking into account the limited information on the transactions between holders of non-custodial wallets. As reporting the breakdowns in points (b) and (c) are not creating significant additional reporting burden for issuers, taking into account that reporting on non-custodial wallet holders to be done on a best effort basis, the benefits of their inclusion to the template outweigh the related reporting costs.

Regarding point (d), sectoral distribution of holders would give useful and important insight related to the token in scope of the supervisors and CAs. Even though this additional breakdown would bring benefits, adding it to the templates could create difficulties for complying with the reporting requirements, because the issuers and CASPs might not possess this type of information on each holder. Therefore inclusion of such breakdown has been discarded.

Policy issue 2: Value of the token issued and the size of the reserve of assets

Article 22(1)(b) of MiCAR requires issuers to report the value of the ART issued and the related reserve of assets, but it does not specify the exact type of the measures and related calculations for them. Apart from being one of the criteria for determining significance of an ART[18], the value of the token issued is also important because it is used to define the threshold for the reporting obligations following Article 22(1) of MiCAR: *"For each asset-referenced token with an issue value that is higher than EUR 100 000 000, the issuer shall report on a quarterly basis…".* The EBA is of the view that this reporting threshold should be the average value of the token issued during the quarter. Additionally, three other values have been considered to be added to the template: the minimum and the maximum values for the quarter, and the value at reference date of the token issued, giving important information for the CAs on the fluctuation and stability of the token. By setting the average value of the token issued during the quarter as the reporting threshold, adding these three other types of values does not create significant additional burden for issuers. Having the daily values, issuers only need to get its maximum, minimum and at the end of the quarter values form that list of values.

The same approach has been considered for reporting on the size of the reserve of assets, asking the minimum, the average, the maximum values for the quarter and the value at reference date. This is in line with Article 36(1) of MiCAR, since *"Issuers of asset-referenced tokens shall constitute and at all times maintain a reserve of assets.", therefore calculating the daily values and the three other types by using the daily values will not represent additional burden for the issuers.* The reporting itself will represent a limited burden, but since data will already be available, this would offer useful information for the CAs assisting their supervisory roles.

In order for issuers to accurately calculate the required size of the reserve of assets in line with Recital 54 of MiCAR and also taking into account Article 36(7) of that same Regulation, CASPs to

[18] As defined in Article 43(1) of MiCAR

share with the issuers the overall amount of tokens that are held by CASPs and their EU customers. Without this provision issuers would not be able to properly estimate the required size of the reserve of assets. This is especially relevant for issuers with fungible tokens issued both in the EU and outside of the EU as well.

Policy issue 3: Reporting on the reserve of assets

Issuers face additional requirements related to their reserve of assets. Based on the RTS following Article 36(4)[19] and Article 38(5)[20] of MiCAR, issuers will be required to comply with specific liquidity requirements while building up and maintaining their reserve of assets. When doing so issuers shall follow the respective RTS on what could be included as highly liquid financial instruments in the reserve of assets. The mandates of these RTS do not prescribe general and harmonized supervisory reporting obligations for the issuers. The EBA is of the view, that additional two templates should be developed under the scope of letter (b) of Article 22(1) of MiCAR, covering the requirements set by the abovementioned RTS. Based on Article 30 of MiCAR, issuers shall disclose information on the value and composition of their reserve of assets in a publicly and easily accessible place on their website on a monthly basis. This provision does not specify harmonized templates and formats for disclosing this information, therefore comparability and data quality of these disclosures could be insufficient from a supervisor perspective. The additional cost for issuers by including these two templates would only come from filling them in, as they shall anyway monitor compliance with such requirements on their reserve of assets. Therefore, submitting these templates would not create significant additional reporting burden, and the benefits of their inclusion, namely CAs` ability to monitor compliance with the requirements and better performance of their supervisory roles, outweigh the related reporting costs.

Policy issue 4: Reporting on the transactions in scope under Article 22(1)(c) of MiCAR

Based on Article 22(1)(c) of MiCAR, issuers should report the average number and average aggregate value of transactions per day during the relevant quarter. This information will be used for determining the significance of an ART following Article 43(1) of MiCAR. For the CAs, further details could ensure better supervision, as having more information would cover more possible areas of risks. Therefore country breakdown of the transactions has been included, based on the holders involved in the transaction, also indicating the inflow and outflow transactions and transactions made within the country in the template for transactions under Article 22(1)(c) of MiCAR.

Following Article 22(1)(d) of MiCAR transactions used as a means of exchange shall be allocated to single currency areas. As further specified by the related draft RTS[21] under Article 22(6) of MiCAR, for this allocation information on the countries of the holders involved in the transaction would be needed. For transactions where there is CASP involvement, the CASP of the beneficiary/payee of the transaction[22] should know the country of the holders involved in the transaction. For transac-

[19] Final Report on draft RTS further specifying the liquidity requirements of the reserve of assets, EBA/RTS/2024/10
[20] Final report on draft RTS to specify the highly liquid financial instruments in the reserve of assets, EBA/RTS/2024/11
[21] Final Report on draft RTS under Article 22(6) of MiCAR, EBA/ RTS /2024/13
[22] Where the beneficiary/payee is with a custodial wallet

tions between a beneficiary/payee with a non-custodial wallet and an originator/payer with a custodial wallet, the CASP of the originator/payer in the transaction to allocate the holders to countries on a best effort basis. Taking into account, that CASPs to follow this approach for the transactions under Article 22(1)(d) of MiCAR, it does not add significant reporting burden to broaden the scope for this allocation to the transactions under Article 22(1)(c), as the CASPs assign the transactions to single currency areas (based on the countries of the holders involved). Therefore reporting these templates by the CASPs to the issuers will represent limited added burden for them, but at the same time this would offer useful information for the CAs on concentration assisting their supervisory roles.

By CASPs sharing aggregate values with issuers on the transactions under Article 22(1)(c), issuers only need to calculate the average values based on the data received by the CASPs. This process is without prejudice to the template covering transactions and transfers between non-custodial wallets (therefore without CASPs involvement), which is to be prepared on a best effort basis by issuers and without country breakdown.

The rationale and the related cost benefit analysis and impact assessment related to the template covering *transactions between non-custodial wallets*[23] and *transfers between non-custodial wallets*[24] under the scope of Article 22(1)(c) are presented in the Final Report on draft RTS under Article 22(6) of MiCAR (EBA/ RTS /2024/13), due to its interconnectedness with this ITS. In addition, the issuers will have the opportunity to describe the methodology they follow in order to best estimate the transactions and transfers between non-custodial wallets. This way CAs will be in a better position to understand and analyse the data and receive more comparable submissions from the issuers.

Policy issue 5: Reconciliation of data received from CASPs

Article 22(3) of MiCAR requires CASPs that provide services related to ARTs to report to the issuer the information necessary to enable the issuer to report to the CA the information in Article 22(1), including by reporting aggregated values that are settled outside the distributed ledger. Its related cost benefit analysis and impact assessment are presented in the Final Report on draft RTS under Article 22(6) of MiCAR (EBA/ RTS /2024/13), due to its interconnectedness with this ITS.

E. Cost and benefit analysis

When comparing with the baseline scenario (where the issuer and CASPs will need to report information without a clear methodology or guidance), the ITS is expected to bring benefits by achieving a higher level of harmonisation of methodology, comparability of data, and better data quality. This in turn will contribute to more effective supervision and monitoring of the crypto-assets market within the EU, in line with the MiCAR requirements. In that way, these ITS contribute to ensuring the safety and soundness of the European financial system.

[23] Or between any other type of distributed ledger address that is used for settlement purposes and not controlled by a user or by a crypto asset service provider.
[24] Or between any other type of distributed ledger address that is used for settlement purposes and not controlled by a user or by a crypto asset service provider.

The ITS is expected to lead to moderate costs to issuers and CASPs in relation to the application of the methodologies and complying with the reporting obligations. These costs are associated with the one-off costs related to the setting up of processes to fill in the reporting templates, as well as recurring costs related to the data collection and processing, filling-in of the templates, ensuring the data quality checks, and the submission of the reporting packages on a quarterly basis to the CAs. These costs are expected to be moderate, given that the costs of the ITS are only incremental to the costs for implementing the existing reporting requirements set out in MiCAR.

5.2 Feedback on the public consultation

The EBA publicly consulted on the draft proposal contained in this paper.

The consultation period lasted for 3 months and ended on 8 February 2024. 8 responses were received, of which 2 were published on the EBA's website.

This section presents a summary of the key points and other comments raised by the respondents, the analysis and discussion triggered by these comments, and the actions the EBA has taken to address them, if deemed necessary. In many cases respondents made similar comments, or the same respondent repeated its comments in its response to different questions. In such cases, the comments and the EBA's analysis are included in the section of this paper where the EBA considers them most appropriate. Changes to the draft ITS have been incorporated as a result of the responses received during the public consultation.

Summary of key issues and the EBA's response

The key points and concerns that were raised by respondents to the consultation related to:

- The scope and level of detail for transactions in issuers templates S 04.01, S 04.2, S 04.03 and S 05.00 and respectively in CASPs template S 07.01 – INFORMATION ON TRANSACTIONS;
- CASPs sharing personal data with issuers on holders via template S 06.00;
- The maximum value of the token issued during the reporting period to be used as the trigger for the reporting obligation; and
- CASPs to share with issuer additional information, for issuers to accurately calculate their aggregated value of token issued in the EU and respective size of reserve of assets.

The EBA reviewed the draft ITS in the light of the comments received and made a number of changes. The main changes made as a result include:

- Changing the approach how CASPs report transactions to issuers from a detailed transactional basis to aggregate amounts (the changes made in this regard are explained in the response to comments 10 in the feedback table);

- Included new template S 04.04 for issuers to provide a short description on their methodology used for template S 04.03 (the changes made in this regard are explained in the response to comments 9 in the feedback table);

- Amended template S 05.00 related to transactions used as a means of exchange, in accordance with the Final Report on the draft RTS (EBA/RTS/2024/13), that specifies the scope for this template;

- Instead of the maximum value, the average value of the token issued during the reporting period to be used as the trigger for the reporting obligation (the changes made in this regard are explained in the response to comments 4 in the feedback table);

- Included new CASPs template S 08.00, for issuers to receive additional information to accurately calculate their aggregated value of token issued in the EU and respective size of reserve of assets (the changes made in this regard are explained in the response to comments 6 in the feedback table); and

- Set new remittance dates for both the issuers and CASPs for their quarterly submissions (the changes made in this regard are explained in the response to comments 13 in the feedback table).

In some other areas, the EBA has retained its original views and made no substantial changes. In the feedback table that follows, the EBA has summarised the comments received from respondents and has explained which responses have or have not led to changes and the reasons for the decision.

Summary of responses to the consultation and the EBA's analysis

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
Q1. Do you agree with the proposal included in the ITS on how issuers and CASPs should report on holders in Article 22(1)(a) of MiCAR? If not, please provide your reasoning and suggest an alternative approach.			
1.	Most respondents agreed with the approach for CASPs to report to the issuers the respective holders on an individual basis, but suggesting to do so using pseudonymous identifiers for each of these holders. Some respondents indicated privacy concerns for issuers to handle personal information. One respondent shared concern if such personal information to be compromised, it could inadvertently expose holders` full transaction histories. Another respondent expressed, among the privacy concerns, the possible operational challenges of issuers and CASPs, particularly smaller entities, to manage such detailed data collection and reporting. Some respondents also raised, that issuers may experience difficulties reconciling the data received from different CASPs in cases when customers hold multiple accounts with different exchanges and when unique identifiers cannot be determined.	Having further assessed this issue, the EBA remains of the view, as explained in the CP, that using unique identifiers for the holders to be reported by the CASPs is necessary to prevent double-counting of holders by the issuers. Taking into account the multiple CASPs and the different types of holders (natural and legal persons) involved, the usual measures for limiting or protecting personal data sharing, such as pseudonymisation, cannot be applied in this case, as explained in the recitals of the draft ITS. Acknowledging the data privacy concerns, the European Data Protection Supervisor was consulted regarding this proposed approach and their comments have been taken into account. Reconciling such data could be challenging in those cases, where holders might have multiple accounts with several CASPs using different unique identifiers or where these identifiers cannot be determined, but these should only add an insignificant minority of the holders and this approach is still considers to be the best way to meet the reporting requirements set in Article 22(1) of MiCAR.	Recital (11) has been added to the draft ITS, that the European Data Protection Supervisor has been consulted. Following that consultation, Article 5 and related recital (9) have been also added, reflecting on the data privacy concerns and prescribing a 5 years of maximum retention period for such personal data. In addition, recital (6) has been amended with the following sentence: [*…"In any case, national conditions for the processing of such personal data, if any, apply."*]
2.	One respondent wanted to point out, that the number of holders of an ART/EMT through non-custodial wallets can only be estimated at best, as neither issuers nor CASPs know who a public blockchain address belongs to and where it is located.	The EBA take note of this comment and points out that this is in line with the proposed approach as stated in the CP and related instructions in Annex II, as these cases indeed to be reported only at a best effort basis.	No amendments.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
3.	One respondent shared concern that the proposed reporting will pose operational challenges for issuers and CASPs, particularly smaller entities, to manage such detailed data collection and reporting. A threshold-based reporting suggested by the respondent, where detailed holder information is required only beyond certain thresholds of transaction volume or holder concentration, thus reducing the reporting load for smaller entities.	Having assessed this feedback, the EBA is of the view, that proportionality has been already applied within the level 1 text, as MiCAR indicates an EUR 100.000.000 threshold for the issuers to be in scope for the reporting requirements under Article 22 of the same Regulation.	No amendments.
Q2. Do you agree with the template S 02.00 - VALUE OF THE TOKEN ISSUED AND THE SIZE OF THE RESERVE OF ASSETS on how issuers should report the different values of the token issued in Article 22(1)(b) of MiCAR, and in particular do you agree with how the maximum value that would trigger the reporting obligation is defined? If not, please provide your reasoning and suggest an alternative approach.			
4.	Most respondents disagreed with the proposal, as the maximum value of the token issued during the reporting period should be the trigger for the reporting obligation. Some argue, that this would impose unfairly the reporting obligation on issuers that may result reporting due to short-term fluctuations of the market and exceeded the threshold only once during the quarter. Some respondents propose to rather set the average value during the reporting period of the token issued as the trigger for reporting. One respondent proposed, that issuers should start reporting if the token has exceeded the EUR 100.000.000 threshold for at least 25% of the reporting period and is either at or within 10% of the threshold at the end of the reporting period. One respondent raised concern for implementing a one-size-fits-all approach setting the reporting trigger and proposed to rather use an alternative approach that would involve a more dynamic and risk-based threshold, taking into account factors such as market capitalisation, liquidity, and volatility of the underlying assets.	Having assessed the feedback received on this point, the EBA is of the view to drop its initial proposal to use the maximum value during the reporting period of the token issued as the trigger for the reporting obligation and rather use the average value during the reporting period for this purpose. This would prevent imposing unfair reporting obligation on issuers reaching the EUR 100.000.000 threshold only once during the quarter due to short-term fluctuations of the market, and rather take into account the consistent performance and presence of the token in the market. Regarding the comment related to the concern of a one-size-fits-all approach and to rather use dynamic and risk-based threshold, the EBA points out that the approach and the actual value of the threshold to use have been set by the level 1 text, specified in Article 22 of MiCAR.	The draft ITS has been amended, as to use the average value during the reporting period of the token issued for the trigger of the reporting obligation rather than the originally proposed maximum value during the reporting period.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
Q3. Do you agree with template S 02.00 - VALUE OF THE TOKEN ISSUED AND THE SIZE OF THE RESERVE OF ASSETS on how issuers should report the size of the reserve of assets in Article 22(1)(b) of MiCAR, and with templates S 03.01 - COMPOSITION OF THE RESERVE OF ASSETS BY TYPE OF ASSETS AND MATURITIES and S 03.02 - COMPOSITION OF THE RESERVE OF ASSETS BY COUNTERPARTY/ISSUER related to the requirements specified on the RTS developed under Articles 36(4) and 38(5) of MiCAR? If not, please provide your reasoning and suggest an alternative approach.			
5.	One respondent argued, that by adding template S 03.01 in the draft ITS, which includes information on the composition of the reserve of assets, the EBA would impose additional reporting requirements than mandated for. Therefore, it is suggested to remove this template from the ITS and give the issuers flexibility over how they report the composition of the reserve assets. One respondent in on hand pointed out, that template S 02.00 should be more flexible to accommodate the diversity of assets that might be included in such reserves, considering their varying levels of liquidity and market behaviour. On the other hand, the same respondent commented on template S 03.01 and S 03.02, that an alternative approach, a tiered reporting system should be implemented for these more complex templates, where the level of detail required is proportional to the size and risk profile of the issuers and their tokens. One respondent expressed its agreement with the proposed templates, supporting the approach presented.	Having assessed this issue, the EBA remains of the view, as explained in the CP, that since the ITS under Article 22(7) of MiCAR is the only common, supervisory reporting mandate in MiCAR, including information on the composition of the reserve of assets is crucial for CAs to monitor compliance with the related requirements (as specified in Article 36 of MiCAR and Commission Delegated Regulation (EU) 2024/xx [RTS under Article 36(4) of MiCAR]), and do not go beyond the given mandate either. For supervisory reporting purposes, comparability of the data received by the CAs is one of the minimum requirements. To note, the flexibility over how issuer would like to disclose the composition of the reserve of assets could be still achieved with complying the provisions of Article 30 of MiCAR (where no standardised formats and templates are defined for the information to be disclosed). Regarding the proposed tiered reporting system, to take into account the level of size and risk profile of the issuers and tokens, the EBA is of the view, that proportionality has been already applied within the level 1 text, as MiCAR indicates an EUR 100.000.000 threshold for the issuers to be in scope for the reporting requirements under Article 22 of the same Regulation.	The level of complexity and the number of datapoints included in template S 03.01 has been reduced, as presented in Annex I and II of the draft ITS.
6.	One respondent pointed out, that in order for the issuers to accurately calculate the value of the token issued and the size of the reserve of assets mentioned in Article 22(1)(b) of MiCAR, the issuers should receive information from the CASPs on the overall amount of tokens that are held by CASPs and their EU customers. Taking into account the provisions of	Having assessed the feedback received on this point, the EBA is of the view to include such reporting of the CASPs towards the issuers, to provide the overall amount of tokens that are held by CASPs and their EU customers. This additional information seems to be relevant for issuers, especially whose fungible tokens are issued both in and outside	A new template (S 08.00) has been added for the CASPs reporting requirements, as

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
	recital 54 of MiCAR, this is especially relevant for those global, fungible tokens that are issued both in the EU and outside of the EU. The respondent also highlighted, that the quality of the data reported under Article 22(1)(b) of MiCAR will be also relevant for the CAs and for the EBA, since those are listed under the significance assessment criteria under Article 43 of MiCAR.	of the EU, in order to accurately calculate the value of the token issued and the size of the reserve of assets.	presented in Annex III and IV of the draft ITS.
Q4. Do you agree with templates S 04.01 - TRANSACTIONS PER DAY - AVERAGE, S 04.02 - TRANSACTIONS PER DAY - AVERAGE_EU and S 05.00 - TRANSACTIONS PER DAY THAT ARE ASSOCIATED TO ITS USES AS A MEANS OF EXCHANGE WITHIN A SINGLE CURRENCY AREA - AVERAGE on how issuers should report transactions under Article 22(1)(c) and (d) of MiCAR? In particular, do you agree to include a separate template (S 04.03 - TRANSACTIONS AND TRANSFERS PER DAY BETWEEN NON-CUSTODIAL WALLETS - AVERAGE) requesting information on transactions and transfers made between non-custodial wallets or other types of distributed ledger addresses where there is no CASP involved? If not, please provide your reasoning and suggest an alternative approach.			
7.	Three respondents proposed that reporting obligation covering transactions "within a single currency area" should be limited for those cases, when both the payer and the payee are located within the Eurozone, of which one also suggested that transactions under Article 22(1)(c) MiCAR should mirror this same scope. Another respondent proposed, that that reporting obligation covering transactions "within a single currency area" should be limited when both payer and payee are located within the same single currency area. Additionally, a different respondent highlighted the need for further clarification regarding the exact scope of transactions under Article 22(1)(d) MiCAR. Another respondent shared concern, that by reporting cross-boarder transactions, namely sent and received transactions from and to a country, by double counting those transactions the maximum threshold of such transactions set in Article 23 of MiCAR would be wrongly breached prematurely. It was also noted, that double-counting of cross-border transactions could also be exploited by traders to increase the reporting of transaction numbers in order to manipulate the market by	The scope of the transactions to be reported "within a single currency area" relates to the draft RTS under Article 22(6) of MiCAR, and not these ITS. The EBA's assessment in relation to these comments is presented in the Final Report on the draft RTS (EBA/RTS/2024/13) Regarding the proposal, that transactions under Article 22(1)(c) should follow the same geographical scope as transactions under Article 22(1)(d), this suggestion has been disregarded by the EBA, as that would go against the underlying level 1 text, namely Article 22(1) of MiCAR. Related to the comment received regarding the possible premature breaching of the threshold defined in Article 23 of MiCAR due to double counting cross-boarder transactions (sent and received transactions from and to a country), this is to note, that the subject of the threshold in Article 23 of MiCAR is not the transactions under Article 22(1)(c), but Article 22(1)(d). The scope of the transactions under Article 22(1)(d) is to be defined in the draft RTS under Article 22(6) of MiCAR, and not in these ITS. When the reporting requirements are related to transactions	The scope of the transactions under Article 22(1)(c) has not been changed. The scope of the transactions under Article 22(1)(d) is to be defined in the draft RTS under Article 22(6) of MiCAR. All amendments made related to template S 05.00 are based on the Final Report of that underlying draft RTS.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
	breaching the thresholds imposed on the issuing of non-EU currency-denominated EMTs, as referenced in Article 23 of MiCAR.	under Article 22(1)(d) of MiCAR, the ITS mirror the applicable scope for such transactions by referring to the draft RTS under Article 22(6).	
8.	Three respondents disagree with the proposal to report transactions under Article 22(1)(c) with a country breakdown. One argues that it introduces unnecessary complexity and potential privacy concern, another that this breakdown should be only requested from issuers once their token got classified as significant, so CAs could determine whether they qualify to be a member of the supervisory college of the significant token. Additionally, it has been pointed out, that information regarding concentration has been already captured by template S 01.00 for holders, as it is also to be reported with a country breakdown.	EBA having assessed the feedback received on this point and also taking account the response to comment 10 below in this feedback table related how CASPs should report transactions to issuers, for issuers reporting transactions with country breakdown will not impose unnecessary complexity, nor potential privacy concerns, as the data will be received in aggregate formats from the CASPs. The country level of breakdown for transactions under Article 22(1)(c) deemed necessary for general supervisory purposes, apart from its relevance for the establishment of the supervisory colleges, to monitor concentration. Indeed, template S 01.00 on holders also to be reported with country breakdown, but the level of concentration could differ between holders and related volumes of transactions.	Templates S 04.01 and S 04.02 and their scope have not been changed, but the new approach how CASPs will report transactions to issuers will significantly ease the process for them to prepare these templates.
9.	Most of the respondents disagree with the proposal to report transactions and transfers between non-custodial wallets or between other types of distributed ledger addresses where there is no CASP involved. This is mainly due to the fact, that issuers face limited available information for reporting such values. Some respondents highlighted, that as it will be based on a best effort basis and to only provide an estimate, there will be quite a divergence and an unlevel playing field on how this data is assessed and reported. Therefore, this inaccurate and inconsistent data across issuers should be treated with extreme caution from a regulatory perspective. One respondent expressed concern, that including in the reporting requirements these transactions between non-custodial wallets, where no CASP is involved, could be exploited with artificially manipulating	EBA notes the difficulties to report template S 04.03 and that CAs should treat the information shared with this template with extreme caution. Nevertheless, monitoring the volumes of such transactions and transfers, even if just their best effort estimates, is crucial for supervisors. In order for CAs to better understand these estimated figures and for issuers to give the possibility to explain their numbers reported, a qualitative table has been added to accompany this template, where issuers shall provide a short description of the methodology used. This would increase the meaningfulness of the data reported and facilitate transparency between the CAs and issuers. Regarding the comment on reaching the thresholds under Article 23 of MiCAR with the inclusion of the transactions between non-custodial wallets, where no CASP is involved, it is to be noted, that the scope for template S 04.03 is the transactions under Article 22(1)(c) of MiCAR. The thresholds defined under Article 23 refers to the transactions	Template S 04.03 and its scope has not been changed, but template S 04.04 has been added to the draft ITS, for issuers to provide a short description of the methodology used for template S 04.03.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
	these reporting numbers to quickly reach the circulation thresholds under Article 23 of MiCAR.	under Article 22(1)(d), for which the exact scope is defined in the draft RTS under Article 22(6) of MiCAR.	
Q5. Do you agree with template S 07.01 - INFORMATION ON TRANSACTIONS how CASPs should report transactions of Article 22(1)(c) and (d) of MiCAR to the issuers? Do you agree with template S 07.02 - DISTRIBUTED LEDGER ADDRESSES FOR MAKING TRANSFERS ON BEHALF OF CLIENTS to be reported by the CASPs to the issuers? If not, please provide your reasoning and suggest an alternative approach.			
10.	Three respondents agreed with the proposal on how CASPs should report transactions to issuers, as it offers some benefits of enhancing data reconciliation and quality for issuers. On the other hand, they have reiterated their views on excluding from the scope of reporting transactions between non-custodial wallets or where no CASPs involved, as explained for comment 8 in this feedback table. One respondent also highlighted, such transactions related to payments would be also difficult to accurately report and should be required only at a best effort basis. One respondent shared concern, that template S 07.01 might not provide all necessary information to issuers for a proper reconciliation and to accurately filter out those transactions should be in scope, taking into account how transactions are defined under Article 22(1) of MiCAR. It is pointed out, that different account numbers do not necessarily mean that there is a *transaction* in the meaning of Article 22(1) of MiCAR, as that transaction requires *a change of the natural or legal person entitled to the token* and one holder may have multiple accounts with the same CASP, or accounts across different CASPs. Therefore, the proposed data set may result in transactions which do not meet the Article 22(1) definition being erroneously included in reports. CASPs should therefore also report unique pseudonymous identifiers of the originators and beneficiaries. One respondent shared concern regarding template S 07.01, that as CASPs handle a vast volume of transactions, reporting to issuers such transactional level of data could jeopardise the privacy and security of	Regarding the scope of reporting transactions between non-custodial wallets, please refer to comment 9 above in this feedback table. Regarding the comment on template S 07.01 might not provide all necessary information to the issuers for them to distinguish transactions, as defined under Article 22(1) of MiCAR, from transfers, the EBA having further assessed this point introduces a different approach, how CASPs should report transactions to the issuers. Instead of sharing detailed transactional data, CASPs to report aggregate values to the issuers, following the below approach: • The CASP of the beneficiary/payee of the transactions shall report templates S 07.01, S 07.02 and S 07.03 as presented in Annex III and IV, that provide aggregate values to the issuers for the different scopes and types of transactions. Being the CASP of the beneficiary/payee of these transactions, in these cases, based on the requirements under the TFR, CASP should possess all necessary information on both the beneficiary/payee and on the originator/payer involved in a transfer to accurately assess which transfers meet the criteria to be considered a transaction as defined under Article 22(1) of MiCAR. • The CASP of the originator/payer of the transactions, where the beneficiary/payee of the transaction is with a non-custodial wallet or without CASP involvement, shall also	The original template S 07.01 – INFROMATION ON TRANSACTIONS has been removed from Annex III and IV, and new CASPs templates S 07.01, S 07.02 and S 07.03 have been added, to implement the new approach of how CASP report aggregate values of the transactions in scope, rather than detailed transactional data.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
	clients' transactions, due to issuers` operational challenges to ensure data privacy and confidentiality.	report templates S 07.01, S 07.02 and S 07.03 as presented in Annex III and IV on a best effort basis, acknowledging that for these types of transactions, the CASPs might not possess all necessary information to accurately assess which transfers meet the criteria to be considered a transaction as defined under Article 22(1) of MiCAR. By implementing this new approach of CASPs reporting transactions to issuers, the data quality, reconciliation and privacy concerns related to transaction are addressed, as issuers will only receive aggregate values.	
11.	Four respondents shared the view, that with template S 07.02 providing these ledger addresses do help issuers in identifying transactions on the blockchain. However, they do not fully allow issuers to distinguish transactions involving non-custodial wallets and, as a result, limit any efforts at complete data reconciliation. One respondent also pointed out, that due to their internal policies and practices, the list of such addresses will be very long and also out of date very quickly. One respondent shared concern, that template S 07.02 could introduce privacy and data security issues, as CASPs must ensure that reporting these addresses does not compromise the anonymity of their clients or expose sensitive transaction details. It is proposed, to implement an alternative approach of a tiered reporting system for CASPs, where the level of detail and frequency of reporting is proportional to their size and market activity. One respondent expressed its agreement with the inclusion of template S 07.02 stating that CASPs should indeed report the public distributed ledger addresses they use for making transfers on behalf of their clients as this will help identify which transactions on the distributed ledger do not take place between non-custodial wallets.	EBA notes that by CASPs sharing template S 07.02 with the issuers, issuers might still face challenges to distinguish transactions involving non-custodial wallets. But, as mentioned by the respondents as well, it supports this activity and this way helps to provide a better estimate of the volumes of transactions between non-custodial wallet, therefore worth to keep it in the scope of reporting. Regarding the proposal to introduce a tiered reporting system for CASPs, where the level of detail and frequency of reporting is proportional to their size and market activity, the EBA notes that as issuers shall receive all necessary information for them to comply with the reporting obligations following Article 22 of MiCAR, all CASPs in scope shall provide the prescribed data to the issuers, as stated in Article 22(3) of MiCAR.	No amendments.

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
Q6. Do you agree that issuers should define and agree on one common harmonized format and file extension, that they request the CASPs to use for submitting the reports for them? If yes, please provide your suggestions for this common format and file extension.			
12.	Five respondents were supporting the approach, to defined and agree on one common harmonized format and file extension, for the CASPs reporting to the issuers. While most of these respondents have not specified any preference, one respondent suggested a comma-separated values format, such as CSV files. One respondents pointed out, that while this approach may be beneficial, it is to keep in mind the crypto asset market's diversity and the use of various types of assets and technologies. Additionally, ensuring seamless interoperability with the existing systems and technologies utilised by issuers and CASPs is crucial for preventing operational disruptions and mitigating additional implementation expenses. Therefore, it is proposed to define a standardised core format while allowing for flexibility and adaptability to accommodate specific reporting needs.	The EBA take notes of these comments and also agree that apart from defining a standardised core format, it is important to allow flexibility and adaptability to accommodate specific reporting needs.	No amendments.
Q7. Do you have any other comments on the ITS, the templates or instructions?			
13.	One respondent was of the view that for both the CASPs and issuers more time should be provided to prepare and submit their reports. Therefore suggesting to change the remittance dates respectively from 10 and 30 calendar days to 30 and 90 calendar days. One respondent expressed its appreciation and agreements, that this proposal does not extend to algorithmic stablecoins. One respondent wanted to raise attention to the highly dynamic and innovative nature of the crypto asset market, therefore pointing out, that the regulatory framework should allow for flexibility to accommodate emerging technologies and business models of different sizes.	EBA having assessed the feedback received on the point of the remittance dates, the deadlines for submitting the quarterly reports have been changed. For CASPs the new remittance dates are set as following: 21 April, 21 July, 21 October and 21 January. For issuers, these are: 12 May, 11 August, 11 November and 11 February. These new remittances dates take into account also the new approach how CASPs should report transactions to issuers (templates S 07.01, S 07.02 and S 07.03), and that for issuers preparing the related templates for transactions (S 04.01, S 04.02 and S 05.00) have become less complex and time consuming (see comment 10 in this feedback table).	Article 3 of the draft ITS have been amended to implement new remittance dates for both the issuers and CASPs for their quarterly submissions. These new remittance dates are: • For CASPs: 21 April, 21 July, 21 October and 21 January

No	Summary of responses received	EBA's analysis	Amendments to the draft ITS
		The comments related to the algorithmic stablecoins and related to the specific nature of the crypto asset market, the EBA takes note, but also highlight that these are beyond the scope of these draft ITS.	• For issuers: 12 May, 11 August, 11 November and 11 February