



EUROPEAN  
COMMISSION

Brussels, 10.10.2024  
C(2024) 6766 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 10.10.2024**

**supplementing Regulation (EU) 2023/1114 of the European Parliament and of the  
Council with regard to regulatory technical standards on information to be exchanged  
between competent authorities**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Regulation (EU) 2023/1114 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 (MiCA) was published in the Official Journal of the European Union on 9 June 2023 and entered into force on 29 June 2023. MiCA starts applying on 30 June 2024 as regards Titles III and IV on issuers of asset-referenced tokens (ARTs) and e-money tokens (EMTs) respectively, and is fully applicable as of 30 December 2024.

MiCA regulates issuers of crypto-assets that are not already covered by other financial services acts as well as providers of services in relation to such crypto-assets (crypto-asset service providers). Its objective is to promote safe and sustainable innovation while addressing the risks to consumers, market integrity, financial stability as well as the risks to monetary policy transmission and monetary sovereignty arising from this new class of assets.

Article 95 of MiCA requires competent authorities to cooperate with each other when exercising their supervisory duties in accordance with the provisions of the regulation. In doing so, competent authorities are under the obligation to render assistance to each other and, for that purpose, exchange relevant information. To ensure that the information exchanged is of sufficient scope to allow competent authorities to discharge their supervisory, investigative and enforcement duties and functions effectively, Article 95(10) of MiCA mandates the European Securities and Markets Authority (ESMA) to draft regulatory technical standards (RTS) to specify the information to be exchanged between competent authorities.

Article 95(10) of MiCA empowers the Commission to supplement the regulation by adopting the regulatory technical standards drafted by ESMA.

This delegated act is to be adopted in accordance with Article 95(10) of MiCA and Article 290 of the Treaty on the Functioning of the European Union.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

ESMA has not carried out a public consultation on the draft RTS as the standards relate to the exchange of information between competent authorities and as such do not create obligations for market participants. Consequently, they are of limited market impact. ESMA sought the views of the Securities and Markets Stakeholder Group (SMSG) set up in accordance with Article 37 of Regulation (EU) No 1095/2010. The SMSG expressed support for the adoption of the proposed technical standards.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Articles 1 to 3 specify information that must be exchanged depending on the type of asset competent authorities are inquiring about (electronic money token, asset-referenced token or 'other' crypto-assets).

Article 4 specifies information to be exchanged with regards to crypto-asset service providers, while Article 5 details the type of information to be exchanged in case of suspicion of market abuse.

Article 6 sets out information to be exchanged in relation to precautionary measures.

Article 7 provides for the date of entry into force of the regulation and its applicability in Member States.

# COMMISSION DELEGATED REGULATION (EU) .../...

of 10.10.2024

## **supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards on information to be exchanged between competent authorities**

(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 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<sup>1</sup>, and in particular Article 95(10), third subparagraph, thereof,

Whereas:

- (1) Markets in crypto-assets are inherently cross-border markets. It is therefore necessary to ensure that competent authorities in different Member States can exchange information that enables them to effectively supervise entities operating in their respective jurisdictions.
- (2) The information to be exchanged by competent authorities pursuant to Article 95(1) of Regulation (EU) 2023/1114 should therefore allow those authorities to effectively carry out their investigation, supervision and enforcement activities under that Regulation. Consequently, it is necessary to specify the information that competent authorities may need to exchange to be able to perform those tasks.
- (3) To ensure that competent authorities can effectively monitor the issuance and offer to the public of crypto-assets other than asset-referenced tokens and e-money tokens, competent authorities should exchange information relating not only to the crypto-assets themselves, including their technical characteristics and categorisation, but also to the offer of the crypto-assets, the issuers and offerors of the crypto-assets and the persons seeking admission to trading of crypto-assets. In particular, competent authorities should exchange general information and documents allowing the identification of the relevant persons and the understanding of the crypto-asset issuance and offering, including notified crypto-asset white papers, as well as information related to identified breaches, penalties and measures, enforcement actions and relevant compliance and conduct history.
- (4) Similarly, to ensure that competent authorities can effectively supervise the issuance of asset-referenced tokens, competent authorities should exchange information relating

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<sup>1</sup> OJ L 150, 9.6.2023, p. 40, ELI: <http://data.europa.eu/eli/reg/2023/1114/oj>.

to the technical characteristics of such tokens. In addition, they should exchange information necessary to ensure that asset-referenced tokens are only issued by authorised persons, and offered by the issuer or by a person authorised by the issuer. Furthermore, in order to assess whether an issuer of asset-referenced tokens complies with Title III of Regulation (EU) 2023/1114, competent authorities should exchange information and documents on the prudential requirements and governance arrangements of the issuer, including its management body, its suitability and its shareholders as well as any imposed administrative penalties and measures, enforcement actions and information on the issuer's relevant compliance and conduct history.

- (5) Competent authorities should, in order to be able to effectively monitor the issuance of e-money tokens, exchange information relating to the technical characteristics of such tokens. Furthermore, competent authorities should exchange information to ensure that e-money tokens are issued by entities referred to in Article 48(1) of Regulation (EU) 2023/1114, to ensure that such issuers comply with the relevant requirements in Title IV of that Regulation, and to exchange information on any imposed penalties and measures, enforcement actions and information on the issuers' relevant compliance and conduct history.
- (6) To ensure effective monitoring of crypto-asset service providers, competent authorities should exchange general information, constituting documents and other documents that provide insight into the structure and operational activities of such providers. For the same reason, competent authorities should also exchange information about the authorisation process and the subsequent compliance with Title V of Regulation (EU) 2023/1114. This information should include information on the management body of crypto-asset service providers, its suitability to manage such providers, and the reputation of its members, as well as information about shareholders, imposed penalties and measures, enforcement actions and information of the providers' relevant compliance and conduct history.
- (7) Competent authorities should also exchange relevant information on suspicions of market abuse in order to discharge their supervisory duties in a comprehensive manner.
- (8) Finally, competent authorities should exchange information regarding any suspicions of irregularities in the activities of natural and legal persons falling within the scope of Regulation (EU) 2023/1114, as well as details of any risks such irregularities could pose to investor protection or financial stability.
- (9) The exchange of information between competent authorities in relation to investigation, supervision and enforcement activities should be carried out in compliance with the right to protection of personal data of the persons concerned, as set out in Articles 7 and 8, respectively, of the Charter of Fundamental Rights of the European Union and must comply with Regulation (EU) 2016/679<sup>2</sup>. It follows that only personal data that are necessary for the purpose of investigation, supervision and enforcement activities under Regulation (EU) 2023/1114 are exchanged and that those data are not kept longer than necessary for that purpose.

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<sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1–88, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>)

- (10) This Regulation is based on the draft regulatory technical standards drafted by the European Securities and Markets Authority (ESMA) in close cooperation with the European Banking Authority and submitted to the Commission.
- (11) ESMA has requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council<sup>3</sup>.
- (12) ESMA has not conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, nor has it analysed the potential related costs and benefits of introducing such standards, as that would have been highly disproportionate in relation to the scope and impact of those standards, taking into account that this Regulation only affects competent authorities and not market participants.
- (13) 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<sup>4</sup> and delivered an opinion on 27 May 2024,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### *Information to be exchanged in relation to crypto-assets other than asset-referenced tokens or e-money tokens*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange the following information in relation to a crypto-asset other than an asset-referenced token or e-money token :

- (a) general information and documents received in the context of the notification of an intended offer to the public or admission to trading, and, where relevant supplemented thereafter in the framework of supervision, including:
- (i) name, legal entity identifier or another identifier required pursuant to applicable national law as reported pursuant to Commission Implementing Regulation (EU) 2024/xxx [C(2024) 6900]<sup>5</sup>, registered address and, where different, head office, contact details, relevant excerpts from national registers and, where applicable, articles of association and other instruments of constitution of the following persons, as applicable:
- (1) the issuer of the assets;

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<sup>3</sup> Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84, ELI: <http://data.europa.eu/eli/reg/2010/1095/oj>).

<sup>4</sup> 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>).

<sup>5</sup> Commission Implementing Regulation (EU) 2024/xxx laying down implementing technical standards for the application of Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to forms, formats and templates for the crypto-asset white papers (JO L, xxx/xxx, ELI: xxx ,) [OP please insert reference to C(2024) 6900]

- (2) the offeror of the assets;
- (3) the person seeking admission to trade the assets;
- (4) the operator of the trading platform;
- (5) any other person that has or should have drawn up the crypto-assets white paper referred to in Article 6 of Regulation (EU) 2023/1114;
- (ii) all versions of the crypto-asset white paper drafted pursuant to Article 4(1) and Article 5(1) of Regulation (EU) 2023/1114, and information relating to any updates made to it pursuant to Article 12 of that Regulation;
- (iii) all versions of the marketing communications referred to in Article 4(1) and Article 5(1) of Regulation (EU) 2023/1114, and information relating to any updates made to them pursuant to Article 12 of that Regulation;
- (iv) all information on the offer to the public and admission to trading received pursuant to Article 8(6) of Regulation (EU) 2023/1114;
- (v) the explanation, as referred to in Article 8(4) of Regulation (EU) 2023/1114, of why the crypto-asset described in the crypto-asset white paper should not be considered to be a crypto-asset excluded from the scope of Regulation (EU) 2023/1114 pursuant to Article 2(4) of that Regulation, an e-money token, or an asset-referenced token;
- (vi) the description of the offer to the public of a crypto-asset and any information used to assess the conditions for the exemptions contained in Article 4(2) and (3) of Regulation (EU) 2023/1114;
- (b) information on any penalty, including criminal penalties, administrative measures or enforcement actions, in relation to persons referred to in point (a)(i);
- (c) any other information necessary for cooperation among competent authorities in investigation, supervision and enforcement activities, pursuant to Article 95(1) of Regulation (EU) 2023/1114.

## *Article 2*

### *Information to be exchanged in relation to asset-referenced tokens*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange the following information in relation to an asset-referenced token:

- (a) general information and documents received in the context of the application for authorisation as an issuer of asset-referenced tokens pursuant to Commission Delegated Regulation establishing technical standards adopted pursuant to Article 18(6) of Regulation (EU) 2023/1114 or of the notification pursuant to Commission Delegated Regulation (EU) 2024/xxx [C(2024) 6914]<sup>6</sup>, and where relevant supplemented thereafter in the framework of supervision, including:
  - (i) names, legal entity identifier or another identifier required pursuant to applicable national law as reported pursuant to Implementing Regulation (EU)

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<sup>6</sup> Commission Delegated Regulation (EU) 2024/xxx supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards specifying the procedure for the approval of a crypto-asset white paper (JO L, xxx/xxx, ELI: xxx ,) [OP please insert reference to C(2024) 6914]

2024/xxx [C(2024) 6900], registered address and, where different, head office, contact details, relevant excerpts from national registers and, where applicable, articles of association and other instruments of constitution of the following persons, as applicable:

- (1) the applicant issuer of the assets;
  - (2) the issuer of the assets;
  - (3) the offeror of the assets;
  - (4) the persons seeking admission to trade the assets;
  - (5) third-party entities referred to in Article 34(5), point (h), of Regulation (EU) 2023/1114;
- (ii) all versions of the crypto-asset white paper referred to in Article 18(2), point (k), of Regulation (EU) 2023/1114, and information relating to any updates made to it pursuant to Article 25 of that Regulation;
  - (iii) all versions of the marketing communications referred to in Article 29 of Regulation (EU) 2023/1114;
  - (iv) the legal opinion referred to in Article 18(2), point (e), of Regulation (EU) 2023/1114;
  - (v) the programme of operations referred to in Article 18(2), point (d), of Regulation (EU) 2023/1114;
  - (vi) information about the members of the management body of the asset-referenced token issuer, including their names and positions within the management body, information necessary to assess their good repute and suitability, in particular information about their relevant knowledge, skills, work experience and time committed to their duties within the management body, and the information about their reputation referred to in Article 8(1), point (e) of Commission Delegated Regulation establishing technical standards adopted pursuant to Article 18(6) of Regulation (EU) 2023/1114;
  - (vii) where relevant, information on any changes to the management body of the issuer of asset-referenced tokens as referred to in Article 33 of Regulation (EU) 2023/1114, and the competent authority's assessment hereof;
  - (viii) information about shareholders holding 20 % or more of the share capital or voting rights of the issuer of asset-referenced tokens, including their identity, the amount of their holdings and the information about their reputation referred to in Article 2, point (a) of Commission Delegated Regulation 2024/xxx [C(2024) 6902]<sup>7</sup>;
  - (ix) the competent authority's assessment of any proposed acquisitions or disposals of a qualified holding in an asset-referenced token issuer, in accordance with Article 41 of Regulation (EU) 2023/1114;

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<sup>7</sup> Commission Delegated Regulation (EU) 2024/xxx supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards specifying the detailed content of information necessary to carry out the assessment of a proposed acquisition of a qualifying holding in an issuer of an asset-referenced token (JO L, xxx/xxx, ELI: xxx ,) [OP please insert reference to C(2024) 6902]

- (x) information about the organisational structure, operational conditions and compliance with the requirements set out in Title III of Regulation (EU) 2023/1114 of the issuer of the asset-referenced token, including:
  - (1) the governance arrangements and internal control mechanisms referred to in Article 34 of Regulation (EU) 2023/1114;
  - (2) the compliance with own fund requirements, including on the outcome of stress testing programmes, in accordance with Article 35(1), (2) and (5) of Regulation (EU) 2023/1114;
  - (3) where applicable, the compliance with additional own funds requirements in accordance with Article 35(3) of Regulation (EU) 2023/1114;
  - (4) the compliance with the requirements on the reserve of assets in accordance with Article 36 of Regulation (EU) 2023/1114;
  - (5) the independent audit of the reserve of assets, including a summary of results, pursuant to Article 36(9) of Regulation (EU) 2023/1114;
  - (6) all versions of the recovery plan produced pursuant to Article 46(2) of Regulation (EU) 2023/1114, and information relating to the implementation of or updates to the recovery plan pursuant to Article 46(3) of Regulation (EU) 2023/1114;
  - (7) all versions of the redemption plan produced pursuant to Article 47(1) of Regulation (EU) 2023/1114, and information relating to any amendments made to it pursuant to Article 47(3) of Regulation (EU) 2023/1114;
- (b) information about the authorisation as an issuer of asset-referenced tokens, including where the authorisation was refused or the application for authorisation was retracted, and information about the withdrawal of an authorisation pursuant to Article 24 of Regulation (EU) 2023/1114;
- (c) the plan of the issuer of asset-referenced tokens to discontinue the provision of services and activities as approved pursuant to Article 34(7) of Regulation (EU) 2023/1114;
- (d) information on the loss by the third-party entity referred to in Article 34(5), point (h) of Regulation (EU) 2023/1114 of its authorisation as a credit institution, as a crypto-asset service provider, as a payment institution, or as an electronic money institution;
- (e) information on any temporary suspensions by a competent authority of the redemption of asset-referenced tokens and an identification of the circumstances that might affect the interests of the holders of asset-referenced tokens and financial stability pursuant to Article 46(4) of Regulation (EU) 2023/1114;
- (f) information on any infringements of the national provisions transposing Directive (EU) 2015/849 of the European Parliament and of the Council<sup>8</sup> by the members of the management body of the issuer of asset-referenced tokens or by shareholders or

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<sup>8</sup> 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, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73, ELI: <http://data.europa.eu/eli/dir/2015/849/oj>).



members, whether direct or indirect, that have qualifying holdings in the issuer of asset-referenced tokens;

- (g) information on any penalty issued pursuant to Regulation (EU) 2023/1114, including criminal penalties, administrative measures or enforcement actions, in relation to an issuer of an asset-referenced token;
- (h) any other information necessary for cooperation among competent authorities in investigation, supervision and enforcement activities pursuant to Article 95(1) of Regulation (EU) 2023/1114.

### *Article 3*

#### *Information to be exchanged in relation to e-money tokens*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange the following information about e-money tokens:

- (a) information and documents received in the context of the notification by an issuer of e-money tokens pursuant to Article 48 of Regulation (EU) 2023/1114 and, where relevant, supplemented thereafter in the framework of supervision, including:
  - (i) the name of the issuer, legal entity identifier or another identifier required pursuant to applicable national law as reported pursuant to Commission Implementing Regulation (EU) 2024/xxx [C(2024) 6900], its registered address and, where different, head office and its contact details, as referred to in Part A, points 1, 3, 5 and 4, of Annex III to Regulation (EU) 2023/1114;
  - (ii) all versions of the crypto-asset white paper referred to in Article 48(7) of Regulation (EU) 2023/1114;
  - (iii) all versions of the marketing communications referred to in Article 53 of Regulation (EU) 2023/1114;
  - (iv) information about the organisational structure, operational conditions and compliance with the requirements set out in Title IV of Regulation (EU) 2023/1114 of the issuer of the e-money token, and information provided as part of the authorisation process as credit institution pursuant to Directive 2013/36/EU of the European Parliament and of the Council<sup>9</sup> or as electronic money institution pursuant to Directive 2009/110/EC of the European Parliament and of the Council<sup>10</sup> and as updated in the framework of supervision, including:
    - (1) its compliance with the requirements on the investment of funds set out in Article 54 of Regulation (EU) 2023/1114;
    - (2) the recovery and redemption plans produced pursuant to Article 55 of Regulation (EU) 2023/1114 and information relating to any updates to

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<sup>9</sup> Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338, ELI: <http://data.europa.eu/eli/dir/2013/36/oj>).

<sup>10</sup> Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10.10.2009, p. 7, ELI: <http://data.europa.eu/eli/dir/2009/110/oj>).

them, as well as to any arrangements or measures of the recovery plan effectively implemented pursuant to that Article;

- (3) information on the compliance with the requirements in Article 58(1) of Regulation (EU) 2023/1114, where a competent authority has required an electronic money institution issuing non-significant e-money tokens to comply with such requirements in accordance with Article 58(2) of that Regulation;
- (b) information on any temporary suspensions by a competent authority of the redemption of e-money tokens and an identification of the circumstances that might affect the interests of the holders of e-money tokens and financial stability, pursuant to Article 55 of Regulation (EU) 2023/1114;
- (c) information on any penalty issued pursuant to Regulation (EU) 2023/1114, including criminal penalties, administrative measures or enforcement actions, in relation to an issuer of e-money tokens;
- (d) any other information necessary for cooperation among competent authorities in investigation, supervision and enforcement activities pursuant to Article 95(1) of Regulation (EU) 2023/1114.

#### *Article 4*

##### *Information to be exchanged in relation to crypto-asset service providers*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange the following information concerning crypto-asset service providers:

- (a) information and documents received in the context of the application for authorisation as a crypto-asset service provider pursuant to Commission Delegated Regulation (EU) 2024/xxx [(2024) 6904]<sup>11</sup> or of the notification pursuant to Commission Delegated Regulation (EU) 2024/xxx [(C(2024) 6903)]<sup>12</sup>, and where relevant supplemented thereafter in the framework of supervision, including:
  - (i) the name of the crypto-asset service provider, its legal entity identifier as referred to in Article 17 of Commission Delegated Regulation establishing technical standards adopted pursuant to Article 68(10)(b) of Regulation (EU) 2023/1114, its website's URL, its contact email address, telephone number, and physical address, and excerpts from national registers;
  - (ii) where applicable, the crypto-asset provider's articles of association, as referred to in Article 62(2), point (c), of Regulation (EU) 2023/1114;
  - (iii) information about the management body of the crypto-asset service provider, including:

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<sup>11</sup> Commission Delegated Regulation (EU) 2024/xxx supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be included in an application for authorisation as a crypto-asset service provider (JO L, xxx/xxx, ELI: xxx ) [OP please insert reference to C(2024) 6904]

<sup>12</sup> Commission Delegated Regulation (EU) 2024/xxx supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards specifying the information to be included by certain financial entities in the notification of their intention to provide crypto-asset services (JO L, xxx/xxx, ELI: xxx ) [OP please insert reference to C(2024) 6903]

- (1) the names and where available, the personal identification numbers of its members;
  - (2) information on the functions that each of its members hold within the crypto-asset service provider;
  - (3) where relevant, information on any changes to the management body and the competent authority's assessment hereof ;
- (iv) information about the members of the management body of the crypto-asset service provider necessary to assess their good repute and suitability, including where available:
  - (1) information about their work experience, skills and time committed to their duties within the management body;
  - (2) the information about their reputation referred to in Article 7, point (e) of Delegated Regulation (EU) 2024/xxx [(2024) 6904];
- (v) information about shareholders holding 10 % or more of the share capital or voting rights of the crypto-asset service provider, including their identity, the amount of their holdings, and the information about their reputation listed in Article 2, point (a), of Delegated Regulation (EU) 2024/xxx [C(2024) 6907]<sup>13</sup>, and where relevant, the competent authority's assessment of any proposed acquisitions or disposals of a qualified holding in a crypto-asset service provider, in accordance with Article 83 of Regulation (EU) 2023/1114;
- (vi) information about the organisational structure, operational conditions and compliance with the requirements set out in Title V of Regulation (EU) 2023/1114, including:
  - (1) the programme of operations setting out the types of crypto-asset services provided, including where and how those services are marketed, pursuant to Article 62(2), point (d), of Regulation (EU) 2023/1114;
  - (2) information about the governance arrangements and internal control mechanisms pursuant to Article 62(2), points (f) and (i) of Regulation (EU) 2023/1114 ;
  - (3) information concerning compliance with Articles 67, 68 and 70 of Regulation (EU) 2023/1114, including risk-management and accounting procedures;
  - (4) where available, the number of clients established or situated in a given Member State to which the crypto-asset service provider is providing services, the value of the crypto-assets managed or held for those clients, and the volumes of transactions executed for those clients;
  - (5) information about any situations in which a crypto-asset service provider is suspected of not complying with the requirements set out in Title V of

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<sup>13</sup> Commission Delegated Regulation (EU) 2024/xxx supplementing Regulation (EU) 2023/1114 of the European Parliament and of the Council with regard to regulatory technical standards specifying the detailed content of information necessary to carry out the assessment of a proposed acquisition of a qualifying holding in a crypto-asset service provider (JO L, xxx/xxx, ELI: xxx ) [OP please insert reference to C(2024) 6907]

Regulation (EU) 2023/1114, together with an explanation of the consequent measures taken or planned by the competent authority;

- (b) information relating to the records kept by crypto-asset service providers in accordance with Articles 68(9) and 76(15) of Regulation (EU) 2023/1114;
- (c) information about the authorisation as a crypto-asset service provider, including where the authorisation was refused or the application for authorisation was retracted, and information on any withdrawal of the authorisation pursuant to Article 64 of Regulation (EU) 2023/1114;
- (d) information on any penalty issued pursuant to Regulation (EU) 2023/1114, including criminal penalties, administrative measures or enforcement actions in relation to a crypto-asset service provider;
- (e) any other information necessary for cooperation among competent authorities in investigation, supervision and enforcement activities pursuant to Article 95(1) of Regulation (EU) 2023/1114.

#### *Article 5*

##### *Information to be exchanged in relation to the prevention and prohibition of market abuse involving crypto-assets*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange information concerning suspicions of insider dealing as referred to in Article 89 of Regulation (EU) 2023/1114, of unlawful disclosure of inside information as referred to in Article 90 of Regulation (EU) 2023/1114, or of market manipulation as referred to in Article 91 of Regulation (EU) 2023/1114, including:

- (a) records of crypto-asset services, activities, orders and transactions undertaken by crypto-asset service providers kept pursuant to Article 68(9) of Regulation (EU) 2023/1114;
- (b) data relating to all orders in crypto-assets advertised through the systems of a crypto-asset service provider operating a trading platform kept pursuant to Article 76(15) of Regulation (EU) 2023/1114;
- (c) reports of suspicious orders or transactions as referred to in Article 92(1) of Regulation (EU) 2023/1114;
- (d) any relevant indications or evidence supporting such suspicions;
- (e) any other information necessary for cooperating in investigation, supervision and enforcement activities relating to Title VI of Regulation (EU) 2023/1114.

#### *Article 6*

##### *Information to be exchanged in relation to precautionary measures*

Where necessary for the purpose of investigation, supervision and enforcement, competent authorities shall exchange information in relation to precautionary measures as referred to in Article 102 of Regulation (EU) 2023/1114, including:

- (a) information on any suspicions of irregularities in the activities of an offeror or person seeking admission to trading of crypto-assets other than asset-referenced tokens or e-money tokens, an issuer of an asset referenced token or e-money token, or a crypto-asset service provider;

- (b) information on any precautionary measures planned or taken in accordance with Article 102(2) of Regulation (EU) 2023/1114;
- (c) any other information necessary for cooperating in the adoption of precautionary measures.

*Article 7*

*Entry into force*

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

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

Done at Brussels, 10.10.2024

*For the Commission*

*The President*

*Ursula VON DER LEYEN*