



Technical working document

produced in connection with ECB Opinion CON/2021/4¹

Drafting proposals in relation to a proposal for a regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937

Text proposed by the European Commission	Amendments proposed by the ECB ²
Amendment 1 Recitals (recital 7)	
'(7) Crypto-assets issued by central banks acting in their monetary authority capacity or by other public authorities should not be subject to the Union framework covering crypto-assets, and neither should services related to crypto-assets that are provided by such central banks or other public authorities.'	'(7) Crypto-assets and central bank money issued based on DLT or in digital form by central banks acting in their monetary authority capacity or by other public authorities should not be subject to the Union framework covering crypto-assets, and neither should services related to crypto-assets and central bank money issued based on DLT or in digital form that are provided by such central banks or other public authorities.'
<u>Explanation</u> <i>In order to avoid any potential confusion with regard to the legal nature and characteristics of crypto-assets issued by central banks, the ECB suggests that the proposed regulation refers to the issuance of central bank money based on DLT or in digital form by central banks, in the case of the ECB in accordance with the Treaty and the Statute of the European System of Central Banks and the European Central Bank (the 'Statute of the ESCB').</i>	
Amendment 2 Recitals (new recital 7a)	
	'(7a) Pursuant to the fourth indent of Article

¹ This technical working document is produced in English only and communicated to the consulting Union institution(s) after adoption of the opinion. It is also published on EUR-Lex alongside the opinion itself.

² Bold in the body of the text indicates where the ECB proposes inserting new text. Strikethrough in the body of the text indicates where the ECB proposes deleting text.

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	127(2), of the Treaty on the Functioning of the European Union (TFEU), one of the basic tasks to be carried out through the European System of Central Banks (ESCB) is to promote the smooth operation of payment systems. The ECB may, pursuant to Article 22 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), make regulations to ensure efficient and sound clearing and payment systems within the Union and with other countries. In this respect, the European Central Bank (ECB) has adopted regulations on requirements for systemically important payment systems. This Regulation is without prejudice to the responsibilities of the ECB and the national central banks (NCBs) in the ESCB to ensure efficient and sound clearing and payment systems within the Union and with other countries. Consequently, and in order to prevent the possible creation of parallel sets of rules, the European Banking Authority (EBA), the European Securities and Markets Authority (ESMA) and the ESCB should cooperate closely when preparing the relevant draft technical standards. Further, the access to information by the ECB and the NCBs is crucial when fulfilling their tasks relating to the oversight of clearing and payment systems.'
<u>Explanation</u> <i>In view of the close links between the provisions of the proposed regulation and the competences of the ECB and the ESCB under the Treaty, reference to these competences should be explicitly mentioned in the proposed regulation.</i>	

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Amendment 3 Recitals (recital 12)	
'12. [...] A first category of such services consist of ensuring the operation of a trading platform for crypto-assets, exchanging crypto-assets against fiat currencies that are legal tender or other crypto-assets by dealing on own account, and the service, on behalf of third parties, of ensuring the custody and administration of crypto-assets or ensuring the control of means to access such crypto-assets. [...]'	'12. [...] A first category of such services consist of ensuring the operation of a trading platform for crypto-assets, exchanging crypto-assets against fiat official currencies that are legal tender or other crypto-assets by dealing on own account, and the service, on behalf of third parties, of ensuring the custody and administration of crypto-assets or ensuring the control of means to access to such crypto-assets. [...]'
<u>Explanation</u> <i>It is not appropriate to make reference in a Union legal text to 'fiat currencies which are legal tender'. Rather, reference should be made to 'currencies' or 'official currencies'. See paragraph [2.1.5] of the ECB Opinion.</i>	
Amendment 4 Recitals (recital 29)	
'(29) A competent authority should refuse authorisation where the prospective issuer of asset-referenced tokens' business model may pose a serious threat to financial stability, monetary policy transmission and monetary sovereignty. The competent authority should consult the EBA and ESMA and, where the asset-referenced tokens is referencing Union currencies, the European Central Bank (ECB) and the national central bank of issue of such currencies before granting an authorisation or refusing an authorisation. The EBA, ESMA, and, where applicable, the ECB and the national central banks should provide the competent authority with a non-binding opinion on the prospective issuer's application. [...]'	'(29) A competent authority should refuse authorisation where the prospective issuer of asset-referenced tokens' business model may pose a serious threat to financial stability, monetary policy transmission and monetary sovereignty. The competent authority should consult the EBA and ESMA and, where the asset-referenced tokens is referencing Union currencies, the European Central Bank (ECB) and the national central bank of issue of such currencies before granting an authorisation or refusing an authorisation. The EBA, ESMA, and, where applicable, the ECB and the national central banks should provide the competent authority with an non-binding opinion on the prospective issuer's application. Such opinions shall be non-binding, except that such

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	opinions issued by the ECB and the national central banks shall be binding as regards the conduct of monetary policy, and the promotion of the smooth operation of payment systems. [...]
<u>Explanation</u> <i>In view of the exclusive competence of the ECB and the Eurosystem for the conduct of the monetary policy of the Union, and the promotion of the smooth functioning of payment systems, under Article 127(2), first and fourth indents, and Article 282(1) of the Treaty, and considering that the national central banks of the Member States which have not adopted the euro retain their powers in the field of monetary policy according to national law under Article 42.2 of the Statute of the ESCB, the competent authority should only refuse authorisation to a prospective issuer of asset-referenced tokens on monetary policy and payment system grounds where acting in accordance with the opinion of the ECB or the national central banks issuing the relevant Union currencies.</i>	
Amendment 5 Article 3, points (1)(3), (4) and (21)	
(3) 'asset-referenced token' means a type of crypto-asset that purports to maintain a stable value by referring to the value of several fiat currencies that are legal tender, one or several commodities or one or several crypto-assets, or a combination of such assets; (4) 'electronic money token' or 'e-money token' means a type of crypto-asset the main purpose of which is to be used as a means of exchange and that purports to maintain a stable value by referring to the value of a fiat currency that is legal tender; [...] (21) 'reserve assets' means the basket of fiat currencies that are legal tender, commodities or crypto-assets, backing the value of an asset-referenced tokens, or the investment of such assets;	(3) 'asset-referenced token' means a type of crypto-asset that purports to maintain a stable value by referring to the value of several fiat official currencies of that are legal tender, one or several commodities or one or several crypto-assets, or a combination of such assets; (4) 'electronic money token' or 'e-money token' means a type of crypto-asset the main purpose of which is to be used as a means of exchange and that purports to maintain a stable value by referring to the value of an fiat official currency that is legal tender; [...] (21) 'reserve assets' means the basket of fiat official currencies of countries that are legal tender, commodities or crypto-assets, backing the value of an asset-referenced tokens, or the investment of such assets;

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<u>Explanation</u> <i>It is not appropriate to make reference in a Union legal text to 'fiat currencies which are legal tender'. Rather, reference should be made to 'currencies' or 'official currencies'. See paragraph [2.1.5] of the ECB Opinion.</i>	
Amendment 6 Article 18(4)	
'4. The EBA, ESMA, the ECB and, where applicable, a central bank as referred to in paragraph 3 shall, within 2 months after having received the draft decision and the application file, issue a non-binding opinion on the application and transmit their non-binding opinions to the competent authority concerned. That competent authority shall duly consider those non-binding opinions and the observations and comments of the applicant issuer.'	'4. The EBA, ESMA, the ECB and, where applicable, a central bank as referred to in paragraph 3 shall, within 2 months after having received the draft decision and the application file, issue a non-binding opinion on the application and transmit their non-binding opinions to the competent authority concerned, except that such opinions issued by the ECB and the national central banks shall be binding as regards the conduct of monetary policy, and the promotion of the smooth operation of payment systems. That competent authority shall duly consider those non-binding opinions and the observations and comments of the applicant issuer.'
<u>Explanation</u> <i>In view of the exclusive competence of the ECB and the Eurosystem for the conduct of the monetary policy of the Union, and the promotion of the smooth functioning of payment systems, under the Treaty, and the powers of the national central banks of the Member States which have not adopted the euro in the field of monetary policy according to national law, the competent authority should only refuse an authorisation on monetary policy and payment system grounds where acting in accordance with the opinion of the ECB or the national central banks issuing the relevant Union currencies. See the explanation to Amendment [3] above.</i>	
Amendment 7 Article 19	
'Article 19	'Article 19

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1. Competent authorities shall, within one month after having received the non-binding opinion referred to in Article 18(4), take a fully reasoned decision granting or refusing authorisation to the applicant issuer and, and, within 5 working days, notify that decision to applicant issuers. Where an applicant issuer is authorised, its crypto-asset white paper shall be deemed to be approved. 2. Competent authorities shall refuse authorisation where there are objective and demonstrable grounds for believing that: (a) the management body of the applicant issuer may pose a threat to its effective, sound and prudent management and business continuity and to the adequate consideration of the interest of its clients and the integrity of the market; (b) the applicant issuer fails to meet or is likely to fail to meet any of the requirements of this Title; (c) the applicant issuer's business model may pose a serious threat to financial stability, monetary policy transmission or monetary sovereignty. [...]	1. Competent authorities shall, within one month after having received the non-binding opinions referred to in Article 18(4), take a fully reasoned decision granting or refusing authorisation to the applicant issuer and, and, within 5 working days, notify that decision to applicant issuers. Where an applicant issuer is authorised, its crypto-asset white paper shall be deemed to be approved. 2. Competent authorities shall refuse authorisation where there are objective and demonstrable grounds for believing that: (a) the management body of the applicant issuer may pose a threat to its effective, sound and prudent management and business continuity and to the adequate consideration of the interest of its clients and the integrity of the market; (b) the applicant issuer fails to meet or is likely to fail to meet any of the requirements of this Title; (c) the applicant issuer's business model may pose a serious threat to financial stability, monetary policy transmission or monetary sovereignty; provided, however, that the competent authority shall act in accordance with the opinion of the ECB or the national central bank of issue of the relevant Union currency as regards the conduct of monetary policy and the promotion of the smooth operation of payment systems. [...]
<u>Explanation</u> <i>In view of the exclusive competence of the ECB and the Eurosystem for the conduct of the monetary policy of the Union and the promotion of the smooth functioning of payment systems, under the Treaty, and the powers of the national central banks of the Member States which have not adopted the euro in the field of monetary policy according to national law, the competent authority should only refuse authorisation on monetary policy grounds or the smooth operation of payment systems where acting in accordance with the opinion of the ECB or the national central banks issuing the relevant Union</i>	

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currencies. See the explanation to Amendment [4] above.	
Amendment 8 Article 21(3)(b)	
‘3. [...]’ (b). take any appropriate corrective measures to ensure financial stability.’	‘3. [...]’ (b). take any appropriate corrective measures to ensure financial stability and the proper conduct of monetary policy and the promotion of the smooth operation of payment systems, after having requested and obtained a non-binding opinion from the ECB and/or the relevant central banks of Member States the currency of which is not the euro, provided, however, that the competent authorities shall act in accordance with such opinions as regards the conduct of monetary policy and the promotion of the smooth operation of payment systems.’
<u>Explanation</u> <i>The ECB should be consulted and deliver a non-binding opinion on any corrective measures to ensure financial stability, in view of the ESCB’s task under Article 127(5) of the Treaty to contribute to the smooth conduct of policies pursued by the competent authorities relating to the stability of the financial system. The relevant non-euro central banks should also be consulted on such measures insofar as relevant to their financial stability mandates under applicable national laws.</i> <i>In view of the exclusive competence of the ECB for the conduct of the monetary policy of the Union, and the promotion of the smooth functioning of payment systems, the competent authorities should also take any appropriate measures to ensure the proper conduct of monetary policy and the promotion of the smooth operation of payment systems, and should act in accordance with the ECB’s and the relevant central banks’ opinions on these particular aspects.</i>	
Amendment 9 Article 30(12)	
‘12. The EBA, in close cooperation with ESMA, shall develop draft regulatory technical standards specifying the minimum content of the	‘12. The EBA, in close cooperation with ESMA and the ESCB, shall develop draft regulatory technical standards specifying the minimum

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governance arrangements on: [...].'	content of the governance arrangements on: [...].'
<u>Explanation</u> <i>In view of the ECB's strong interest in the governance arrangements relating to the issuers of tokens having particular regard to the close link between the provisions of the proposed regulation and the competences of the ECB and the ESCB under the Treaty, the ECB believes that a direct involvement in the preparation of the technical standards would be necessary. See paragraphs [2.2.3 and 2.2.4] of the ECB Opinion.</i>	
Amendment 10 Article 31, new (3a), and (4)	
'4. The EBA, in close cooperation with ESMA, shall develop draft regulatory technical standards further specifying: (a) the methodology for the calculation of the own funds set out in paragraph 1; (b) the procedure and timeframe for an issuer of significant asset-referenced tokens to adjust to higher own funds requirements as set out in	'3a. Without prejudice to the provisions under paragraph 3, issuers of asset-referenced tokens shall conduct, on a regular basis, stress testing that shall take into account severe but plausible financial (such as interest rate shocks stress scenarios, and non-financial such as operational risk) stress scenarios. Based on the outcome of such stress tests, the competent authorities of the home Member States may require issuers of asset-referenced tokens to hold an amount of own funds which is above 20 % higher than the amount resulting from the application of paragraph 1, point (b) in certain circumstances given the risk outlook and stress test results. 4. The EBA, in close cooperation with ESMA, shall develop draft regulatory technical standards further specifying: (a) the methodology for the calculation of the own funds set out in paragraph 1; (b) the procedure and timeframe for an issuer of significant asset-referenced tokens to adjust to

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paragraph 3; (c) the criteria for requiring higher own funds or for allowing lower own funds, as set out in paragraph 3. '	higher own funds requirements as set out in paragraph 3; (c) the criteria for requiring higher own funds or for allowing lower own funds, as set out in paragraph 3;- (d) the common reference parameters of the stress test scenarios to be included in the stress tests in accordance with paragraph 3a. The draft regulatory technical standards should be updated periodically taking into account the latest market developments.'
<u>Explanation</u> <i>From a financial stability perspective, revised stress testing requirements would be helpful. See paragraphs [3.2.3 and 3.2.4] of the ECB Opinion.</i>	
Amendment 11 Article 33(1), new point (e)	
'1. Issuers of asset-referenced tokens shall establish, maintain and implement custody policies, procedures and contractual arrangements that ensure at all times that: (a) the reserve assets are segregated from the issuers' own assets; [...]'	'1. Issuers of asset-referenced tokens shall establish, maintain and implement custody policies, procedures and contractual arrangements that ensure at all times that: (a) the reserve assets are segregated from the issuers' own assets; [...] (e) concentration risks in the custody of reserve assets are avoided.'
<u>Explanation</u> <i>From a financial stability perspective, custody policies of issuers of asset-referenced tokens should also ensure the prevention of concentration risks. See paragraph [3.2.5] of the ECB Opinion.</i>	
Amendment 12 New Article 34(1) and (4)	
'1. Issuers of asset-referenced tokens that invest a part of the reserve assets shall invest those	'1. Issuers of asset-referenced tokens that invest a part of the reserve assets shall invest those

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reserve assets only in highly liquid financial instruments with minimal market and credit risk. The investments shall be capable of being liquidated rapidly with minimal adverse price effect. [...] 4.The EBA shall, after consulting ESMA and the European System of Central Banks, develop draft regulatory technical standards specifying the financial instruments that can be considered highly liquid and bearing minimal credit and market risk as referred to in paragraph 1. When specifying the financial instruments referred to in paragraph 1, the EBA shall take into account: (a) the various types of reserve assets that can back an asset-referenced token; [...].’	reserve assets only in highly liquid financial instruments with minimal market, credit and concentration risk. The investments shall be capable of being liquidated rapidly with minimal adverse price effect. [...] 4.The EBA shall, after consulting ESMA and the European System of Central Banks, develop draft regulatory technical standards specifying the financial instruments that can be considered highly liquid and bearing minimal credit and market risk as referred to in paragraph 1. When specifying the financial instruments referred to in paragraph 1, the EBA shall take into account: (a) the various types of reserve assets that can back an asset-referenced token; [...] (d) liquidity requirements establishing which percentage of the reserve assets should be comprised of daily maturing assets, reverse repurchase agreements which are able to be terminated by giving one working day’s prior notice or cash which is able to be withdrawn by giving one working day’s prior notice; (e) liquidity requirements establishing which percentage of the reserve assets should be comprised of weekly maturing assets, reverse repurchase agreements which are able to be terminated by giving five working days’ prior notice, or cash which is able to be withdrawn by giving five working days’ prior notice; (f) concentration requirements preventing the issuer from investing more than a certain percentage of assets issued by a single body: (g) concentration requirements preventing the

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	issuer from keeping in custody more than a certain percentage of crypto-assets or assets with crypto-asset service providers or credit institutions which belong to the same group, as defined in Article 2(11) of Directive 2013/34/EU of the European Parliament and of the Council(*). (*) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).'
<u>Explanation</u> <i>From a financial stability standpoint, rigorous liquidity requirements for issuers of asset-referenced and e-money tokens issuers are critical to enable them to withstand liquidity strains and minimise the risks to financial stability. Specifically, stablecoin arrangements and their reserve assets have similarities to money market funds. In this respect, Regulation (EU) 2017/1131 requires money market funds to hold significant liquidity reserves for the case of abrupt outflow shocks when they promise stable returns to investors. Such buffers, where combined with sufficiently conservative investment requirements to be developed in the regulatory technical standards drafted by the EBA, as well as stringent concentration requirements, could allow the reserve assets of stablecoins to withstand severe outflow scenarios. See paragraph [3.2.4] of the ECB Opinion.</i>	
Amendments 13 New Article 35	
'1. Issuers of asset-referenced tokens shall establish, maintain and implement clear and detailed policies and procedures on the rights granted to holders of asset-referenced tokens, including any direct claim or redemption rights on the issuer of those asset-referenced tokens or on	'1. Issuers of asset-referenced tokens shall establish, maintain and implement clear and detailed policies and procedures on the rights granted to holders of asset-referenced tokens, including any direct claim or redemption rights on the issuer of those asset-referenced tokens or on

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the reserve assets. 2. Where holders of asset-referenced tokens are granted rights as referred to in paragraph 1, issuers of asset-referenced tokens shall establish a policy setting out: (a) the conditions, including thresholds, periods and timeframes, for holders of asset-referenced tokens to exercise those rights; (b) the mechanisms and procedures to ensure the redemption of the asset-referenced tokens, including in stressed market circumstances, in case of an orderly wind-down of the issuer of asset-referenced tokens as referred to in Article 42, or in case of a cessation of activities by such issuer; (c) the valuation, or the principles of valuation, of the asset-referenced tokens and of the reserve assets when those rights are exercised by the holder of asset-referenced tokens; (d) the settlement conditions when those rights are exercised; (e) the fees applied by the issuers of asset-referenced tokens when the holders exercise those rights. The fees referred to in point (e) shall be proportionate and commensurate with the actual costs incurred by the issuers of asset-referenced tokens. 3. Where issuers of asset-referenced tokens do not grant rights as referred to in paragraph 1 to all the holders of asset-referenced tokens, the detailed policies and procedures shall specify the natural or legal persons that are provided with such rights. The detailed policies and procedures shall also specify the conditions for exercising such rights and the obligations imposed on those	the reserve assets. 2. Where holders of asset-referenced tokens are granted rights as referred to in paragraph 1, issuers of asset-referenced tokens shall establish a policy setting out: (a) the conditions, including thresholds, periods and timeframes, for holders of asset-referenced tokens to exercise those rights; (b) the mechanisms and procedures to ensure the redemption of the asset-referenced tokens, including in stressed market circumstances, in case of an orderly wind-down of the issuer of asset-referenced tokens as referred to in Article 42, or in case of a cessation of activities by such issuer; (c) the valuation, or the principles of valuation, of the asset-referenced tokens and of the reserve assets when those rights are exercised by the holder of asset-referenced tokens; (d) the settlement conditions when those rights are exercised; (e) the fees applied by the issuers of asset-referenced tokens when the holders exercise those rights. The fees referred to in point (e) shall be proportionate and commensurate with the actual costs incurred by the issuers of asset-referenced tokens. 3. Where issuers of asset-referenced tokens do not grant rights as referred to in paragraph 1 to all the holders of asset-referenced tokens, the detailed policies and procedures shall specify the natural or legal persons that are provided with such rights. The detailed policies and procedures shall also specify the conditions for exercising such rights and the obligations imposed on those

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persons. Issuers of asset-referenced tokens shall establish and maintain appropriate contractual arrangements with those natural or legal persons who are granted such rights. Those contractual arrangements shall precisely set out the roles, responsibilities, rights and obligations of the issuers of asset-referenced tokens and each of those natural or legal persons. A contractual arrangement with cross-jurisdictional implications shall provide for an unambiguous choice of law. 4. Issuers of asset-referenced tokens that do not grant rights as referred to in paragraph 1 to all the holders of such asset-referenced tokens shall put in place mechanisms to ensure the liquidity of the asset-referenced tokens. For that purpose, they shall establish and maintain written agreements with crypto-asset service providers authorised for the crypto-asset service referred to in Article 3(1) point (12). The issuer of asset-referenced tokens shall ensure that a sufficient number of crypto-asset service providers are required to post firm quotes at competitive prices on a regular and predictable basis. Where the market value of asset-referenced tokens varies significantly from the value of the reference assets or the reserve assets, the holders of asset-referenced tokens shall have the right to redeem the crypto-assets from the issuer of crypto-assets directly. In that case, any fee applied for such redemption shall be proportionate and commensurate with the actual costs incurred by the issuer of asset-referenced tokens. The issuer shall establish and maintain contractual arrangements to ensure that the proceeds of the reserve assets are paid to the holders of asset-referenced tokens, where the	persons. Issuers of asset-referenced tokens shall establish and maintain appropriate contractual arrangements with those natural or legal persons who are granted such rights. Those contractual arrangements shall precisely set out the roles, responsibilities, rights and obligations of the issuers of asset-referenced tokens and each of those natural or legal persons. A contractual arrangement with cross-jurisdictional implications shall provide for an unambiguous choice of law. 4. Issuers of asset-referenced tokens that do not grant rights as referred to in paragraph 1 to all the holders of such asset-referenced tokens shall put in place mechanisms to ensure the liquidity of the asset-referenced tokens. For that purpose, they shall establish and maintain written agreements with crypto-asset service providers authorised for the crypto-asset service referred to in Article 3(1) point (12). The issuer of asset-referenced tokens shall ensure that a sufficient number of crypto-asset service providers are required to post firm quotes at competitive prices on a regular and predictable basis. Where the market value of asset-referenced tokens varies significantly from the value of the reference assets or the reserve assets, the holders of asset-referenced tokens shall have the right to redeem the crypto-assets from the issuer of crypto-assets directly. In that case, any fee applied for such redemption shall be proportionate and commensurate with the actual costs incurred by the issuer of asset-referenced tokens. The issuer shall establish and maintain contractual arrangements to ensure that the proceeds of the reserve assets are paid to the holders of asset-referenced tokens, where the

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issuer decides to stop operating or where it has been placed under an orderly wind-down, or when its authorisation has been withdrawn. 5. The EBA shall, in close cooperation with ESMA, develop draft regulatory technical standards specifying: (a) the obligations imposed on the crypto-asset service providers ensuring the liquidity of asset-referenced tokens as set out in the first subparagraph of paragraph 4; (b) the variations of value triggering a direct right of redemption from the issuer of asset-referenced tokens as set out in the second subparagraph of paragraph 4, and the conditions for exercising such a right. EBA shall submit those draft regulatory technical standards to the Commission by ... [please insert 12 months after the date of entry into force of this Regulation]. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.	issuer decides to stop operating or where it has been placed under an orderly wind down, or when its authorisation has been withdrawn. [See paragraph 8 below for the paragraph corresponding to paragraph 5 of the proposed text] 1. Holders of asset-referenced tokens shall be provided with a claim on the issuer of such asset-referenced tokens or on the reserve assets. Any asset-referenced token that does not provide all holders with a claim shall be prohibited. 2. Issuers of such asset-referenced tokens shall issue asset-referenced tokens at market value and on the receipt of funds within the meaning of Article 4(25) of Directive (EU) 2015/2366.

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	3. Upon request by the holder of asset-referenced tokens, the respective issuer must redeem, at any moment and at market value, the monetary value of the asset-referenced tokens held, either in cash or by credit transfer to such holder of asset-referenced tokens. 4. The issuer shall establish and maintain contractual arrangements to ensure that the proceeds of the reserve assets are paid to the holders of asset-referenced tokens, where the issuer decides to stop operating or where it has been placed under an orderly wind-down, or when its authorisation has been withdrawn. 5. Issuers of asset-referenced tokens shall clearly state the conditions of redemption, including any fees relating thereto, in the crypto-asset white paper as referred to in Article 46. 6. Redemption may be subject to a fee only if stated in the crypto-asset white paper. Any such fee shall be proportionate to and commensurate with the actual costs incurred by issuers of asset-referenced tokens. 7. Where issuers of asset-referenced tokens do not fulfil legitimate redemption requests from holders of asset-referenced tokens within the time period specified in the crypto-asset white paper, which period shall not exceed 30 days, the obligation set out in paragraph 3 applies to any of the following third party entities that have entered into contractual arrangements with issuers of asset-referenced tokens: (a) entities ensuring the safeguarding of funds received by issuers of asset-referenced tokens in exchange for asset-referenced

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	tokens in accordance with Article 7 of Directive 2009/110/EC; (b) crypto-asset service providers authorised to provide the crypto-asset services referred to in Article 3(1) point (12) of providing liquidity or custodial services in relation to the asset-referenced tokens; and (c) any natural or legal person that owns or is the controlling shareholder of the issuer of asset reference tokens. 8. The EBA shall, in close cooperation with ESMA, develop draft regulatory technical standards specifying: (a) the obligations imposed on crypto-asset service providers the liquidity of asset-referenced tokens as set out in the first subparagraph of paragraph 4; (b) the variations of value triggering a direct right of redemption from the issuer of asset-referenced tokens as set out in the second subparagraph of paragraph 4, and the conditions for exercising such a right. any potential exemptions from the obligations set out in this article where asset-referenced tokens may only be used in a limited way. EBA shall submit those draft regulatory technical standards to the Commission by ... <i>[please insert 12 months after the date of entry into force of this Regulation]</i>. Power is delegated to the Commission to adopt the regulatory technical standards referred to in the first subparagraph of this paragraph in accordance with Articles 10 to 14 of Regulation (EU) No 1093/2010.'
<u>Explanation</u> <i>To the extent that asset-referenced and e-money tokens can be used to fulfil a payment function, they</i>	

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<i>should to the extent possible be subject to equivalent requirements in order to avoid the risk of regulatory arbitrage between the respective regimes. Thus, all issuers of asset-referenced tokens should at a minimum grant end-users a direct claim on the issuer or on the reserve assets and redemption rights at market value, as well as make end-users aware of any involved risks through appropriate disclosures. EBA should be required to issue a delegated act to guide the calculation of the market value and to provide potential exemptions for asset-referenced tokens that can be used only in a limited way as a means of payment. See paragraph [2.1.4] of the ECB Opinion.</i>	

Amendment 14	
Article 39	
'1. The EBA shall classify asset-referenced tokens as significant asset-referenced tokens on the basis of the following criteria, as specified in accordance with paragraph 6 and where at least three of the following criteria are met: [...]. 2. Competent authorities that authorised an issuer of asset-referenced tokens in accordance with Article 19 shall provide the EBA with information on the criteria referred to in paragraph 1 and specified in accordance with paragraph 6 on at least a yearly basis. 3. Where the EBA is of the opinion that asset-referenced tokens meet the criteria referred to in paragraph 1, as specified in accordance with paragraph 6, the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuers of those asset-referenced tokens and the competent authority of the issuer's home Member State. The EBA shall give issuers of such asset-referenced tokens and their competent authorities the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. 4. The EBA shall take its final decision on whether an asset-referenced token is a significant asset-referenced token within three months after the notification referred to in paragraph 3 and	'1. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall classify asset-referenced tokens as significant asset-referenced tokens on the basis of the following criteria, as specified in accordance with paragraph 6 and where at least three of the following criteria are met: [...] (g) the same legal entity or related group entities issue several e-money tokens, asset-referenced tokens and provide crypto-asset provider services. 2. Competent authorities that authorised an issuer of asset-referenced tokens in accordance with Article 19 shall provide the EBA and the ECB and the relevant central banks of Member States whose currency is not the euro with information on the criteria referred to in paragraph 1 and specified in accordance with paragraph 6 on at least a yearly basis. 3. Where the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that asset-referenced tokens meet the criteria referred to in paragraph 1, as specified in accordance with paragraph 6, the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuers of those asset-referenced tokens and the competent authority of the issuer's home Member State. The EBA shall give issuers of such asset-referenced tokens and their competent authorities the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA, after consultation of the ECB and the relevant central banks of Member States whose

immediately notify the issuers of such asset-referenced tokens and their competent authorities thereof. [...] 6. The Commission shall be empowered to adopt delegated acts in accordance with Article 121 to further specify the criteria set out in paragraph 1 for an asset-referenced token to be deemed significant and determine: [...] (c) the content and format of information provided by competent authorities to EBA under paragraph 2. [...]	currency is not the euro, shall duly consider those observations and comments. 4. The EBA shall take its final decision on whether an asset-referenced token is a significant asset-referenced token within three months after the notification referred to in paragraph 3 and immediately notify the issuers of such asset-referenced tokens and their competent authorities thereof. The EBA may also subject the issuer of a significant asset-referenced token to the authorisation requirements set out in Article 43(1). [...] 6. The Commission shall be empowered to adopt, after consultation of the ECB, delegated acts in accordance with Article 121 to further specify the criteria set out in paragraph 1 for an asset-referenced token to be deemed significant and determine: [...] (c) the content and format of information provided by competent authorities to EBA, the ECB and the relevant central banks of Member States whose currency is not the euro under paragraph 2. [...]"
<u>Explanation</u> <i>In view of the potential implications of significant asset-referenced tokens for the conduct of monetary policy, and the smooth operation of payment systems, a direct involvement by the ECB, and, when the token can have an impact on the same fields in Member States whose currency is not the euro, the relevant central bank in the assessment of whether an asset-referenced token is significant would be necessary. Moreover, an entity may also be significant when considering its combined activities relating to the issuance of e-money or asset reference tokens as well as the provision of crypto-asset services. In addition, in the case of significant asset-referenced tokens that become widely used for payments in the Union, the EBA should be able to subject the issuer of such significant asset-referenced tokens to the authorisation requirements provided for issuers of e-money tokens. See paragraph [2.2.4 and section 3.1] of the ECB Opinion.</i>	

Amendment 15	
Article 40	
'1. Applicant issuers of asset-referenced tokens that apply for an authorisation as referred to in Article 16, may indicate in their application for authorisation that they wish to classify their asset-referenced tokens as significant asset-referenced tokens. In that case, the competent authority shall immediately notify the request from the prospective issuer to the EBA. [...] 2. Where, on the basis of the programme of operation, the EBA is of the opinion that asset-referenced tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the competent authority of the applicant issuer's home Member State. The EBA shall give competent authority of the applicant issuer's home Member State the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. 3. Where, on the basis of the programme of operation, the EBA is of the opinion that asset-referenced tokens do not meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the applicant issuer and the competent authority of the applicant issuer's home Member State. [...] 4. The EBA shall take its final decision on whether an asset-referenced token is a significant asset-	'1. Applicant issuers of asset-referenced tokens that apply for an authorisation as referred to in Article 16, may indicate in their application for authorisation that they wish to classify their asset-referenced tokens as significant asset-referenced tokens. In that case, the competent authority shall immediately notify the request from the prospective issuer to the EBA, the ECB and the relevant central banks of Member States whose currency is not the euro. [...] 2. Where, on the basis of the programme of operation, the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that asset-referenced tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the competent authority of the applicant issuer's home Member State. The EBA shall the give competent authority of the applicant issuer's home Member State the opportunity to provide observations and comments in writing prior to the adoption of its final decision. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall duly consider those observations and comments. 3. Where, on the basis of the programme of operation, the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that asset-referenced tokens do not meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall

referenced token within three months after the notification referred to in paragraph 1 and immediately notify the issuers of such asset-referenced tokens and their competent authorities thereof. [...]	prepare a draft decision to that effect and notify that draft decision to the applicant issuer and the competent authority of the applicant issuer's home Member State. [...] 4. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall take its final decision on whether an asset-referenced token is a significant asset-referenced token within three months after the notification referred to in paragraph 1 and immediately notify the issuers of such asset-referenced tokens and their competent authorities thereof. [...].
<u>Explanation</u> <i>In view of the potential implications of significant asset-referenced tokens for the conduct of monetary policy, and the smooth operation of payment systems, a direct involvement by the ECB and, when the token can have an impact on the same fields in Member States whose currency is not the euro, the relevant central bank in the assessment of whether an asset-referenced token is significant would be necessary. See the explanation to Amendment 14 above.</i>	
Amendment 16 Article 41(3), (4), and new (7)	
'3. Issuers of significant asset-referenced tokens shall assess and monitor the liquidity needs to meet redemption requests or the exercise of rights, as referred to in Article 34, by holders of asset-referenced tokens. [...]	'3. Issuers of significant asset-referenced tokens shall assess and monitor the liquidity needs to meet redemption requests or the exercise of rights, as referred to in Article 34, by holders of asset-referenced tokens. [...] Issuers of significant asset-referenced tokens shall also conduct liquidity stress testing, on a regular basis, and depending on the outcome of such tests, the EBA may decide to strengthen liquidity risk requirements. Where an issuer of significant asset-referenced tokens offers two or more categories of crypto-asset tokens and/or provides crypto-asset services, these stress tests shall cover

'4. The percentage referred to in Article 31(1), point (b), shall be set at 3% of the average amount of the reserve assets for issuers of significant asset-referenced tokens. [...]	all of these activities in a comprehensive and holistic manner.' '4. The percentage referred to in Article 31(1), point (b), shall be set at 3% of the average amount of the reserve assets for issuers of significant asset-referenced tokens. In addition, issuers of significant asset-referenced tokens shall conduct, on a regular basis, stress testing that shall take into account severe but plausible financial (such as interest rate shocks) stress scenarios and non-financial (such as operational risk) stress scenarios. Where an issuer of significant asset-referenced tokens offers two or more categories of crypto-asset tokens and/or provides crypto-asset services, these stress tests shall cover all of these activities in a comprehensive and holistic manner. Based on the outcome of such stress tests, the EBA where relevant, may impose additional own funds requirements on top of the 3% requirement. Moreover, issuers of significant asset-referenced tokens shall also conduct liquidity stress testing, on a regular basis, and depending on the outcome of such tests, the EBA may decide to strengthen liquidity risk requirements. [...] '7. The EBA, in close cooperation with ESMA, shall issue guidelines with a view to establishing the common reference parameters of the stress test scenarios to be included in the stress tests in accordance with paragraphs 3 and 4. The guidelines should be updated periodically taking into account the latest market developments.'
<u>Explanation</u> <i>From the perspectives of the smooth operation of payment systems and the stability of the financial system, it is suggested to introduce enhanced stress testing requirements, mandatory liquidity stress</i>	

<i>testing, binding liquidity and concentration requirements. In addition, the EBA should issue guidelines establishing common reference parameters for stress testing for issuers of significant asset-referenced tokens and e-money tokens. See paragraphs [3.2.3 and 3.2.4] of the ECB Opinion.</i>	
Amendment 17 Article 49	
'Funds received by issuers of e-money tokens in exchange of e-money tokens and that are invested in secure, low-risk assets in accordance with Article 7(2) of Directive 2009/110/EC shall be invested in assets denominated in the same currency as the one referenced by the e-money token.'	'Funds received by issuers of e-money tokens in exchange of e-money tokens and that are invested in secure, low-risk assets in accordance with Article 7(2) of Directive 2009/110/EC shall be invested in highly liquid financial instruments with minimal market and credit risks in accordance with Article 34(4) of this Regulation, instead of Article 7(2) of Directive 2009/110/EC, denominated in the same currency as the one referenced by the e-money token.'
<i>Explanation</i> <i>From a financial stability standpoint, issuers of asset-referenced and e-money tokens should invest the funds received in exchange for their tokens in the same categories of highly liquid financial instruments with minimal market and credit risks to be specified in the draft regulatory technical standards to be adopted. Harmonisation in the investment requirements between asset-referenced and e-money tokens is necessary because both tokens pose a similar degree of risk, and it is therefore important that the same rules apply in the area of investment of reserve assets. See [paragraph 3.2.3] of the ECB Opinion.</i>	
Amendment 18 Article 50	
'1. The EBA shall classify e-money tokens as significant e-money tokens on the basis of the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), and where at least three of those criteria are met. 2. Competent authorities of the issuer's home Member State shall provide the EBA with information on the criteria referred to in Article 39(1) of this Article and specified in accordance with Article 39(6) on at least a yearly basis.	'1. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall classify e-money tokens as significant e-money tokens on the basis of the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), and where at least three of those criteria are met. 2. Competent authorities of the issuer's home Member State shall provide the EBA, the ECB and the relevant central banks of Member States whose currency is not the euro with

3. Where the EBA is of the opinion that e-money tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuers of those e-money tokens and the competent authority of the issuer's home Member State. The EBA shall give issuers of such e-money tokens and their competent authorities the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. [...]	information on the criteria referred to in Article 39(1) of this Article and specified in accordance with Article 39(6) on at least a yearly basis. 3. Where the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that e-money tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuers of those e-money tokens and the competent authority of the issuer's home Member State. The EBA shall give issuers of such e-money tokens and their competent authorities the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall duly consider those observations and comments. [...].'
<u>Explanation</u> <i>In view of the potential implications of significant e-money tokens for the conduct of monetary policy, and the smooth operation of payment systems, a direct involvement by the ECB and, when the token can have an impact on the same fields in Member States whose currency is not the euro, the relevant central bank in the assessment of whether e-money tokens are significant would be necessary. See the explanation to Amendment [14] above.</i>	
Amendment 19 Article 51	
'1. An issuer of e-money tokens, authorised as a credit institution or as an 'electronic money institution' as defined in Article 2(1) of Directive 2009/110/EC or applying for such authorisation, may indicate that they wish to classify their e-money tokens as significant e-money tokens. In that case, the competent authority shall immediately notify the request from the issuer or	'1. An issuer of e-money tokens, authorised as a credit institution or as an 'electronic money institution' as defined in Article 2(1) of Directive 2009/110/EC or applying for such authorisation, may indicate that they wish to classify their e-money tokens as significant e-money tokens. In that case, the competent authority shall immediately notify the request from the issuer or

applicant issuer to EBA. [...] 2. Where, on the basis of the programme of operation, the EBA is of the opinion that the e-money tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the competent authority of the issuer or applicant issuer's home Member State. The EBA shall give competent authority of the issuer or applicant issuer's home Member State the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. 3. Where, on the basis of the programme of operation, the EBA is of the opinion that the e-money tokens do not meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuer or applicant issuer and the competent authority of the issuer or applicant issuer's home Member State. The EBA shall give the issuer or applicant issuer and the competent authority of its home Member State the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. 4. The EBA shall take its final decision on whether an e-money token is a significant e-money token within three months after the notification referred to in paragraph 1 and immediately notify the issuers or applicant issuer of such e-money tokens and their competent authorities thereof.	applicant issuer to EBA, the ECB and the relevant central banks of Member States whose currency is not the euro. [...] 2. Where, on the basis of the programme of operation, the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that the e-money tokens meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the competent authority of the issuer or applicant issuer's home Member State. The EBA shall give the competent authority of the issuer or applicant issuer's home Member State the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, shall duly consider those observations and comments. 3. Where, on the basis of the programme of operation, the EBA, after consultation of the ECB and the relevant central banks of Member States whose currency is not the euro, is of the opinion that the e-money tokens do not meet the criteria referred to in Article 39(1), as specified in accordance with Article 39(6), the EBA shall prepare a draft decision to that effect and notify that draft decision to the issuer or applicant issuer and the competent authority of the issuer or applicant issuer's home Member State. The EBA shall give the issuer or applicant issuer and the competent authority of its home Member State the opportunity to provide observations and comments in writing prior the adoption of its final decision. The EBA shall duly consider those observations and comments. 4. The EBA, after consultation of the ECB and
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[...]. '	the relevant central banks of Member States whose currency is not the euro, shall take its final decision on whether an e-money token is a significant e-money token within three months after the notification referred to in paragraph 1 and immediately notify the issuers or applicant issuer of such e-money tokens and their competent authorities thereof. [...]. '
<u>Explanation</u> <i>In view of the potential implications of significant e-money tokens for the conduct of monetary policy, and the smooth operation of payment systems, a direct involvement by the ECB and, when the token can have an impact on the same fields in Member States whose currency is not the euro, the relevant central bank in the assessment of whether e-money tokens are significant would be necessary. See the explanation to Amendment [14] above.</i>	
Amendment 20 Article 52	
'Issuers of at least one category of e-money tokens shall apply the following requirements applying to issuers of asset-referenced tokens or significant asset-referenced tokens: (a) Articles 33 and 34 of this Regulation, instead of Article 7 of Directive 2009/110/EC; (b) Article 41, paragraphs 1, 2, and 3 of this Regulation; [...]. '	'Issuers of at least one category of e-money tokens shall apply the following requirements applying to issuers of asset-referenced tokens or significant asset-referenced tokens: (a) Articles 33 and 34 of this Regulation, instead of Article 7 of Directive 2009/110/EC; (b) Article 41, paragraphs 1, 2, 3, 4 and 7 of this Regulation; [...]. '
<u>Explanation</u> <i>The EBA, in close cooperation with the ESMA and the ECB, should issue guidelines concerning stress-testing of liquidity and capital requirements of issuers of asset-referenced and e-money tokens. See the explanation to Amendment [16] above.</i>	
Amendment 21 Article 63(3)	
'3. Crypto-asset service providers shall, promptly place any client's funds, with a central bank or a	'3. Crypto-asset service providers shall, promptly place any client's funds, with a central bank credit

credit institution. Crypto-asset service providers shall take all necessary steps to ensure that the clients' funds held with a central bank or a credit institution are held in an account or accounts separately identifiable from any accounts used to hold funds belonging to the crypto-asset service provider.'	institution or, where the relevant eligibility criteria and conditions for opening an account are met, a credit institution central bank. Crypto-asset service providers shall take all necessary steps to ensure that the clients' funds held with a credit institution central bank or, where the relevant eligibility criteria and conditions for opening an account are met, with a central bank, credit institution are held in an account or accounts separately identifiable from any accounts used to hold funds belonging to the crypto-asset service provider.'
<u>Explanation</u> <i>Access to central bank accounts for credit institutions in the context of Eurosystem monetary policy operations, or for credit and financial institutions in the context of the TARGET2 payment system operations, is based on eligibility criteria and conditions under the applicable ECB Guidelines. Similar requirements may apply for ESCB central banks of Member States which have not adopted the euro as their currency. See paragraph [2.1.6] of the ECB Opinion.</i>	
Amendment 22 Article 82(1) and (4)	
'1. [...] Supervisory and investigative powers exercised in relation to e-money token issuers are without prejudice to powers granted to relevant competent authorities under national laws transposing Directive 2009/110/EC. [...] 4. Competent authorities shall exercise their functions and powers referred to in paragraphs 1 and 2 in any of the following ways: (a) directly;	'1. [...] Supervisory and investigative powers exercised in relation to e-money token issuers are without prejudice to powers granted to relevant competent authorities under national laws transposing Directive 2009/110/EC, as well as to the prudential supervisory powers granted to the ECB under Council Regulation (EU) 1024/2013(*) (*) Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63). [...] 4. Competent authorities shall exercise their functions and powers referred to in paragraphs 1 and 2 in any of the following ways: (a) directly;

(b) in collaboration with other authorities; (c) under their responsibility by delegation to such authorities; (d) by application to the competent judicial authorities.'	(b) in collaboration with other authorities; (c) under their responsibility by delegation to such authorities; (d) by application to the competent judicial authorities. With respect to (a) and (b) above, supervisory powers exercised in relation to crypto-assets issuers and providers are without prejudice to the prudential supervisory tasks of the ECB with respect to significant credit institutions that are crypto-assets service providers and/or crypto-assets issuers.'
<u>Explanation</u> <i>The supervisory powers and arrangements in question would also need to take into account the ECB's prudential supervisory role as far as significant credit institutions are concerned. Inter alia, the NCAs should notify the ECB in cases where a significant credit institution issues a white paper, applies for an authorisation in order to provide one of the crypto-assets services or is in breach of the proposed regulation. See paragraph [3.3] of the ECB Opinion.</i>	
Amendment 23 Article 98	
'1. Where an asset-referenced token has been classified as significant in accordance with Article 39 or Article 40, the issuer of such asset-referenced tokens shall carry out their activities under the supervision of the EBA. The EBA shall exercise the powers of competent authorities conferred by Articles 21, 37 and 38 as regards issuers of significant asset-referenced tokens. 2. Where an issuer of significant asset-referenced tokens provide crypto-asset services or issue crypto-assets that are not significant asset-referenced tokens, such services and activities shall remain supervised by the competent authority of the home Member State. 3. Where an asset-referenced token has been classified as significant in accordance with Article 39, the EBA shall conduct a supervisory reassessment to	'1. Where an asset-referenced token has been classified as significant in accordance with Article 39 or Article 40, the issuer of such asset-referenced tokens shall carry out their activities under the supervision of the EBA, without prejudice to the prudential supervisory competences of the ECB where relevant. The EBA, where relevant after consultation of the ECB, shall exercise the powers of competent authorities conferred by Articles 21, 37 and 38 as regards issuers of significant asset-referenced tokens. 2. Where an issuer of significant asset-referenced tokens provides crypto-asset services or issue crypto-assets that are not significant asset-referenced tokens, such services and activities shall remain supervised by the competent authority of the home Member State, in

ensure that issuers of significant asset-referenced tokens comply with the requirements under Title III. 3. Where an asset-referenced token has been classified as significant in accordance with Article 39, the EBA shall conduct a supervisory reassessment to ensure that issuers of significant asset-referenced tokens comply with the requirements under Title III. 4. Where an e-money token has been classified as significant in accordance with Articles 50 or 51, the EBA shall be responsible of the compliance of the issuer of such asset-significant e-money tokens with the requirements laid down in Article 52.'	accordance with Article 82(4). 3. Where an asset-referenced token has been classified as significant in accordance with Article 39, the EBA, after consultation of the ECB, shall conduct a supervisory reassessment to ensure that issuers of significant asset-referenced tokens comply with the requirements under Title III. 4. Where an e-money token has been classified as significant in accordance with Articles 50 or 51, the EBA, after consultation of the ECB, shall be responsible of the compliance of the issuer of such asset-significant e-money tokens with the requirements laid down in Article 52.'
<u><i>Explanation</i></u> <i>The referred supervisory powers and arrangements would also need to take into account the ECB's prudential supervisory role as far as significant credit institutions are concerned. See explanation to Amendment [22] above and paragraph [3.3] of the ECB Opinion.</i>	