

The future of cryptoasset's regulation in the European Union

Abstract

This thesis focuses on the regulation of cryptoassets in the EU, more specifically with regard to its future form. The aim of the thesis is first to analyse the current EU legal framework for cryptoassets, including the identification of its main shortcomings, and then to analyse and evaluate the latest proposal for the future regulation of cryptoassets, which is the MiCA proposal.

The actual text of the thesis is divided into five chapters, preceded by a general introduction containing the overall concept of the thesis, its objectives and the methods used to achieve the stated objectives. The last part of this thesis is the conclusion, which summarises the main findings of the thesis.

In order to analyse the legal framework for cryptoassets at EU level, it is first necessary to become familiar with the technology on which cryptoassets are based, i.e. distributed ledger technology, and the basics of its operation, which was dealt with in the first chapter of this thesis.

The purpose of chapter two was to present the characteristics of cryptoassets and other terms commonly used in this context, in particular with regard to the approaches of selected EU institutions to their use and definition. The differences between the terms and the reasons why I am inclined to use the term cryptoasset are also presented.

The third chapter discusses the current legal regulation of cryptoassets at EU level, in particular the regulations on electronic money and financial instruments, under which cryptoassets are most often included. To a lesser extent, attention is then paid to AML-CFT legislation, and an equally important part of this chapter is a summary of the main shortcomings of the current legislation in relation to cryptoassets.

The fourth and fifth chapters focus on the future regulatory framework for cryptoassets in the EU. Chapter 4 presented the set of materials known as the Digital Finance Package, of which the future regulation of cryptoassets is a part, and in particular the objectives and background of the individual proposals.

The final but all the more important fifth chapter was devoted to the MiCA proposal, which aims to create a regulatory framework for cryptoassets not yet regulated by EU law. Given its scope, this chapter has been divided into five subchapters reflecting the structure of the MiCA, each of which, with the exception of subchapter five, contains a presentation of the

regulatory solution contained in the relevant part of the MiCA and a subsequent critical analysis of it, including proposals to address the identified shortcomings.