



EUROPEAN
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ANNEX

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to the

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

**supplementing Regulation (EU) No 2023/1114 of the European Parliament and
of the Council on markets in crypto-assets with regard to regulatory technical
standards on continuity and regularity in the performance of crypto-asset
services**

ANNEX

Criteria for the self-assessment of crypto-asset service providers

- (a) the nature of the crypto-asset service provider, based on the following elements:
 - (i) the class designation referred to in Annex IV to Regulation (EU) 2023/1114;
 - (ii) the average liquidity levels, or market depth, of crypto-assets available to trade on a trading platform for crypto-assets, where applicable;
 - (iii) the role of the crypto-asset service provider in the financial system, including whether the crypto-asset service provider operates a trading platform for crypto assets and whether crypto-assets traded on its platform are traded on other trading platforms for crypto-assets.
- (b) scale, by assessing the impact of the crypto-asset service provider on the orderly functioning of the markets based on the following elements, where applicable:
 - (i) whether the crypto-asset service provider qualifies as significant as referred to Article 85 of Regulation (EU) 2023/1114;
 - (ii) the number of countries in which the crypto-asset service provider is conducting business activity;
 - (iii) the number of clients;
 - (iv) the number of active users;
 - (v) the value of crypto-assets held in custody;
 - (vi) the volume of transactions on a trading platform for crypto-assets;
 - (vii) the number of transfers of crypto-assets conducted on behalf of clients;
 - (viii) the number of orders executed on behalf of clients.
- (c) complexity, by assessing the following elements, where applicable:
 - (i) the structure of the crypto-asset service provider in terms of ownership and governance, and its organisational, operational, technical, physical, and geographical presence;
 - (ii) the level of outsourcing of the crypto-asset service provider, and in particular whether any critical or important operational functions have been outsourced;
 - (iii) the number and type of distributed ledgers used in the execution of services;
 - (iv) the number of DLT network nodes the crypto-asset service provider operates on one or multiple distributed ledger(s);
 - (v) the number and type of smart contracts deployed and maintained by the crypto-asset service provider;
 - (vi) how the private cryptographic keys of clients or other means of accessing crypto-assets are secured under safekeeping;
 - (vii) the use of software and hardware-based custodial wallets or wallets that secure cryptographic keys using multiple fiduciaries.

For the purposes of points (b)(iii) to (viii), the crypto-asset service provider shall use for the self-assessment the daily average over a one-year reference period.