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| MALTA FINANCIAL SERVICES AUTHORITY |
| **Notification Form** |
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| **Form AA102: Other Crypto-Asset Whitepaper Notification Form** |
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| **High Level Guidelines** |
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| 1. General   This Notification Form shall be duly filled in by the governing body of the offeror or person seeking admission to trading of a crypto-asset (hereinafter ‘Applicant’), pursuant to Article 8 of Regulation 2023/1114.  In this respect, the Applicant, shall to the best of its knowledge, provide information, which is truthful, accurate and complete. The Applicant shall notify the MFSA immediately if the information provided changes in any respect.  The Applicant shall note that penalties may be imposed, under applicable legislation, when providing information or making a statement which one knows to be inaccurate, false or misleading in any material respect, or to recklessly furnish information or to make a statement which is inaccurate, false or misleading in any material respect, pursuant to the provisions of the [Markets in Crypto-Assets Act](https://legislation.mt/eli/act/2024/36/eng) (‘the Act’), or any condition, obligation, requirement, directive or order made or given as aforesaid. Information indicating a future date is explicitly identified in the application and we undertake to notify the authority in writing without delay if any such information should turn out to be untrue inaccurate, incomplete or is misleading.  The Applicant is required to make reference, and where applicable comply with the Regulation, any applicable Regulatory Technical Standards and any rules which may be issued by the Authority during the completion of the Application. The Applicant shall also refer to the respective National and/or European Regulatory Frameworks or other binding regulation as may be applicable.  The Applicant shall not tamper with, or modify in any manner, this Application or its respective Annexes. Should it transpire that the documents were tampered with, or modified in any manner, the Authority shall consider the Application to be invalid. Any potential improvements should be communicated to the MFSA for consideration.  The Authority may at its sole discretion request from the Applicant further information. The Applicant shall note that any information provided by the Applicant may be shared with the applicable European Supervisory Authorities after the Authorisation process in accordance with the provisions of the Regulation.   1. Definitions   For the purposes of this Notification Form, the definitions identified below should be read in conjunction with the provisions of the Regulation and other respective national or European regulatory frameworks or other binding regulations as may be applicable.  In the event that any of the definitions contained hereunder conflict with a definition under the Act, the definitions set out in the Act or in any other such law shall prevail, unless otherwise specified herein.  In the event that any terms within this Application Form are not defined hereunder, the definitions in the Regulation shall apply.   |  |  | | --- | --- | | **‘Act’** | refers to the Markets in Crypto-Assets Act (Act XXXVI of 2024). | |  |  | | **‘Authority’** | means the Malta Financial Services Authority established by the Malta Financial Services Authority Act (Chapter 330 of the Laws of Malta) | |  |  | | **‘Applicant’** | refers to any issuer, offeror or person seeking admission to trading of a crypto-asset which is not an asset-referenced token or an e-money token and which is notifying its whitepaper pursuant to Article 8 of the Regulation | |  |  | | **‘Regulation’** | means the Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets, and amending Regulations: (a) (EU) 1093/2010, (b) (EU) 1095/2010, and Directives 2013/36/EU and (EU) 2019/1937 |   Applicants are to note that further instructions in relation to the Application may be found on the Guidelines to the Authorisation Forms ([link](https://www.mfsa.mt/wp-content/uploads/2021/05/AG01-Applications-Guidelines.pdf)).  Following submission of the Application via the LH Portal, the Declaration Form (Part 3 of this Application) should be printed and sent, originally signed, to the Authority. In the printed Declaration Form, the Applicant is reminded to enter the Application ID, which is provided automatically through the LH Portal upon on-line submission of the Application. It is to be noted that only this Declaration Form should be sent physically to the Authority. Further instructions can be found in the Declaration Form itself.  In order for the Application to be considered complete, the Applicant is required to have submitted, along with a duly filled Application, all the required documentation as identified within this Application, as well as any applicable fees as set out in the [Markets in Crypto-Assets Act (Fees) Regulations](https://legislation.mt/eli/ln/2024/295/eng) (L.N. 295 of 2024).   1. Privacy Notice   The MFSA ensures that any processing of personal data is conducted in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation), the Data Protection Act (Chapter 586 of the Laws of Malta) and any other relevant European Union and national law. For further details, you may refer to the MFSA Privacy Notice available on the MFSA webpage <https://www.mfsa.mt/privacy-notice/>.   1. Disclaimer   It is noted that the submission of this Application and/or its determination of ‘completeness’ shall not be construed as a granting of Authorisation by the MFSA. |

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| * 1. Applicant Details | | | | | | | | | | | |
|  | **Applicant Person Type** | | | | | | | | | | |
|  | Person Type | Select item | |  | | | If ‘*Other Legal Form*’:  Specify Form | | Enter text | | |
|  | **Applicant – General and Identification Details** | | | | | | | | | | |
|  | **Identification** | | | | | | | | | | |
|  | Status of Applicant | Select item | | | | | | | | | |
|  | Registered Name  *(If not yet Formed, provide proposed name)* | Enter text | | | | | | | | | |
|  | LEI | Enter text | | | | | | | | | |
|  | Registered Number | Enter text | |  | | | Date of Registration | | Enter date | | |
|  | Phone Number | Enter text | |  | | | E-Mail Address | | Enter text | | |
|  | **Addresses** | | | | | | | | | | |
|  | **Registered Address**  *If Formed, indicate registered address as indicated on the Registration Document.*  *If not yet Formed, indicate proposed registered address.* | | | | | | | | | | |
|  | Number/Name | Enter text | |  | | | Street/Road | | Enter text | | |
|  | City/Town/Village | Enter text | |  | | | Region/State  *(if applicable)* | | Enter text | | |
|  | Post Code | Enter text | |  | | | Country | | Select country | | |
|  | **Primary Business Address** | | | | | | | | | | |
|  | Is the Primary Business Address different than the Registered Address?  *If ‘Yes’, indicate the Primary Business Address:* | | | | | | | | | Select item | |
|  | Number/Name | Enter text | |  | | | Street/Road | | Enter text | | |
|  | City/Town/Village | Enter text | |  | | | Region/State  *(if applicable)* | | Enter text | | |
|  | Post Code | Enter text | |  | | | Country | | Select country | | |
|  | **General Information** | | | | | | | | | | |
| 1.4.1 | Does the crypto-asset qualify as a utility token? | | | | | Select item | | | | | |
| 1.4.2 | Does the whitepaper relate to an offer to the public, admission to trading on a trading platform for crypto-assets, or both? | | | | | Select item | | | | | |
| 1.4.3 | Does the application relate to the modification of a previously notified whitepaper? | | | | | Select item | | | | | |
|  | *If ‘Yes’ – the Applicant is only required to submit information which has been previously submitted where there are changes to such information.* | | | | | | | | | | |
| 1.4.4 | Provide an explanation as to why the crypto-asset described in the crypto-asset whitepaper should not be considered to be:   1. a crypto-asset excluded from the scope of Regulation 2023/1114 pursuant to Article 2(4) of that Regulation 2. an e-money token; or 3. an asset-referenced token. | | | | | | | | | | |
|  | Enter text | | | | | | | | | | |
| 1.4.5 | Indicate the intended starting date of the offer to the public/ admission to trading | | | | | Enter text | | | | | |
| 1.4.6 | Indicate the website where the whitepaper will be made publicly available: | | | | | Enter text | | | | | |
| 1.4.7 | Indicate the website where the Applicant will issue marketing communication relating to the offer to the public/ admission to trading: | | | | | Enter text | | | | | |
|  | **Representation**  *Indicate the details of the external / internal representatives of the Applicant and their contact details, as applicable.* | | | | | | | | | | |
| 1.5.1 | Type of Representation | | Select item | | | | | | | | |
| 1.5.2 | Representative Entity Name *(if applicable)* | | Enter text | | | | | | | | |
| 1.5.3 | Position | | Enter text | | | | | | | | |
| 1.5.4 | Title | | Select item | | | | | | | | |
| 1.5.5 | Name | | Enter text | | 1.5.6 | | | Surname | | Enter text |
| 1.5.7 | Representative’s Business Email Address | | Enter text | | | | | | | | |
| 1.5.8 | Representative’s Business Direct Number | | Enter text | | | | | | | | |

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|  | **Safeguarding Arrangements** | | | |
|  | **Crypto-Assets**  *This sub-section is only applicable if the Applicant is receiving crypto-assets as part of the offer to the public/ admission to trading.* | | | |
|  | Does the Applicant intend to receive crypto-assets as part of the offer to the public/ admission to trading? | | Select item | |
|  | If *‘yes’* please provide details for each crypto-asset service provider where such crypto-assets are held: | | | |
|  | |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  |  | | --- | --- | | * 1. Crypto-Asset Service Providers | | | Name of CASP | Enter text | | Jurisdiction of CASP | Enter text | |  | | |   *(Add multiple as applicable)* | | | |
|  | **Funds** | | | |
|  | Does the Applicant intend to receive funds as part of the offer to the public/ admission to trading? | Enter text | | |
| If *‘yes’* please provide details for each credit instituion with which funds are held: | | | |
|  | |  |  | | --- | --- | | * 1. Credit Institution | | | *Identification* | | | LEI Code *(if applicable)* | Enter text | | Name of Credit Institution | Enter text | |  | |   *(Add multiple as applicable)* | | | |
|  | **Countries and Geographical Areas** | | |
|  | **EEA States**  *It is noted that any details provided in this sub-section will not exonerate the Applicant from the requirements and procedures outlined in the relevant passporting regulations, which would need to be followed if an authorisation is granted.* | | |
|  | Does the Applicant intend to operate in another EEA state/s following authorisation? | | Select item |
|  | If ‘*Yes*’: Indicate the EEA state/s within which the Applicant intends to provide its activity and the type of authorisation intended to be pursued | | |
|  | |  |  |  |  | | --- | --- | --- | --- | |  | | | | | No. | Country | Activities | Intended Type of Passporting/Authorisation | |  | Select item | Enter text | Select item | |  | | | |   *(Add multiple as applicable* | | |
|  | **Third Countries** | | |
|  | Does the Applicant intend to provide its service in a Third Country following authorisation? | | Select item |
|  | If ‘*Yes*’: Indicate (i) the Third Country/ies within which the Applicant intends to provide its activity; (ii) the respective activities to be provided, (iii) whether an authorisation is currently being sought; and (iii) whether a legal determination has been carried out outlining whether these services are in accordance with the laws of the Third Country | | |
|  | |  |  |  |  |  | | --- | --- | --- | --- | --- | |  | | | | | | No. | Country | Activities | Does the Applicant intend to obtain authorisation to provide such services? | Has a legal determination been made as to whether these services are in accordance with the laws of the Third Country | |  | Select item | Enter text | Select item | Select item | | |  | | | | | |   *(Add multiple as applicable)* | | |
|  | **Attachment | Whitepaper**  *Provide the crypto-asset whitepaper.* | | |

| **Declaration Form** | | | |
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| *Following submission of the Application, this Declaration Form should be printed and sent, originally signed, to the attention of* ***Authorisations, Fintech Supervision Function, MFSA*** *or upload the application on the LH portal as PDF electronically signed* ***with a qualified signature****. If the application will be signed using wet signature, only the Declaration form should be sent physically to the Authority and the Applicant should submit the entire Application, only the version submitted via the LH Portal shall be maintained and used for the purposes of the MFSA’s authorisation processes.*  *This Declaration Form should be signed by the two signatories vested with legal representation of the Applicant.* | | | |
| The undersigned, on behalf of Applicant, declare that:   1. Application Submission and Authorisation Requirements    1. the Applicant has duly authorised the undersigned to complete and submit this Notification Form to the MFSA;    2. the Applicant is aware of the requirements under the provisions of the Regulation and other respective national or European Regulatory Frameworks or other binding regulation as may be applicable; and    3. the Applicant shall at time of notification, be in adherence with the obligations stipulated under point 1 (c) above. 2. Information Provided to Authority    1. the information given in answer to the questions within the Notification Form is complete and accurate to the best of our knowledge, information and belief and that there are no other facts relevant to this Notification Form of which the Authority should be aware;    2. the Applicant has not tampered with, or modified in any manner, this Notification Form, and understands that such tampering with, or modification in any manner of these documents will result in a refusal of this Notification;    3. the MFSA will be notified immediately if the information given in answer to the questions within the Application changes and/or affects the completeness or accuracy the Application either prior to or subsequent to authorisation should this be granted; and    4. this Declaration Form corresponds to the Application submitted to the Authority via the LH Portal bearing the following ID:  |  |  | | --- | --- | | **Application ID**  *This ID is provided automatically by the MFSA through the LH Portal and is not required for the on-line submission of the Application. In this respect, following submission of this Application via the LH Portal the Application ID will be available on the submission page and also within the acknowledgement email.* | Enter text |  * 1. the following documentation as indicated in the below have been submitted together with this Application:  |  |  |  | | --- | --- | --- | | Checklist of Documentation to be Submitted with the Application | | | |  | Notification Fee | Select item | |  | Whitepaper | Select item |  1. Representatives and Disclosure    1. the MFSA is hereby being authorised to contact the representatives provide by the Applicant in this Application;    2. the MFSA is hereby being authorised to make such enquiries as it may consider necessary in connection with this Application; and    3. the MFSA is hereby being authorised to contact any or all of the above-named or any other person considered by the Authority to be relevant, both at the date of notification and at any time in the future unless and until I/we rescind this authority in writing. 2. Privacy Notice    1. I/we have read and understood the [MFSA Privacy Notice](https://www.mfsa.mt/privacy-notice/)[[1]](#footnote-2) and the terms and conditions included therein. | | | |
| Signature 1 |  |  | |
| Name | Enter text | Surname | Enter text |
| Position | Enter text |
| Date | Enter date |
|  | |
| Signature 2 |  | | | |
| Name | Enter text | Surname | Enter text | |
| Position | Enter text |
| Date | Enter date |

1. For further information visit: <https://www.mfsa.mt/privacy-notice/> [↑](#footnote-ref-2)