

**Question ID**2024\_7166

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**Legal act**Regulation (EU) No 2023/1114 (MiCAR)

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**Topic**Authorisation of issuers of ARTs and EMTs (MiCAR)

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**Article**Article 16

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**Paragraph**2

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**Subparagraph**Not relevant

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**COM Delegated or Implementing Acts/RTS/ITS/GLs/Recommendations**Not applicable

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**Article/Paragraph**Not applicable

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**Name of institution / submitter**Central Bank of Ireland

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**Country of incorporation / residence**Ireland

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**Type of submitter**Competent authority

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**Subject matter**Publication of white papers

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## Question

Regarding entities exempted from authorisation pursuant to Article 16(2) of MiCAR, they shall notify the white paper to the competent authority of the home Member State, and the NCA is responsible for forwarding on the white paper of these entities to ESMA. However, it is unclear how the white paper is made available to the intended audiences of customers, and other relevant stakeholders and investors. Article 28 on publication of crypto-asset white papers only refers to 'approved' white papers (in accordance with Article 17(1) or Article 21(1) of MiCAR), without referring to notified white papers of exempted entities under Article 16(2) of MiCAR. Therefore, does Article 28 on publication of white paper of ART issuers also applies to issuers exempted under Article 16(2) of MiCAR?"

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## Background on the question

Refer above.

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## Submission date

08/08/2024

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## Final publishing date

08/05/2026

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## Final answer

Yes, Article 28 MiCAR on publication of white paper of ART issuers applies to issuers exempted under Article 16(2) of MiCAR.

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## Status

Final Q&A

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## Answer prepared by

Answer prepared by the European Commission because it is a matter of interpretation of Union law.

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