HATEGAN ATTORNEYS | DIGITAL

CASP Authorisation Application Checklist (MiCA Article 62)

I. Applicant Identity and Footprint (Sections A–F)

Information Requirement	Description / Source MiCA Article	Status
A. Legal Identity & Contact		
Official corporate name + stable contact details (phone, email)	Official corporate name, phone, and email address.	
Commercial / trading name(s)	Any brand names, apps, or platforms used or planned.	
Legal Entity Identifier (LEI)	The global identifier used in financial markets.	
Designated contact point	Full name, function/title, direct email, and phone for the supervisor.	
Legal form + national ID number	The legal form of the entity and its national company registration number.	
Proof of registration/incorporation	Extract/certificate from the trade register.	
Date and Member State of incorporation	Jurisdictional anchor and age of the entity.	
B. Corporate Documents		
Constitutional documents	Instruments of constitution, articles of association, and bylaws.	
C. Establishment & Footprint		
Head office address	Where management runs the business.	
Registered office address	The legal seat of the entity, if different from the head office.	
Existing or planned branches	List of locations, footprint, and LEI (if available).	
D. Digital Presence		
Websites & social media accounts	All domains and official social media handles controlled/operated by the applicant.	
E. Special Cases		
If not a legal person	Extra evidence proving equivalent third-party and tokenholder protection (including insolvency) and equivalent prudential supervision.	
F. Trading Platform ID (If applicable)		

Platform-specific identity details	Platform physical address, contact details, and commercial name.	

II. The Programme of Operations (3-Year Plan)

Information Requirement	**Description / Source MiCAR Article**	**Status**
Group and Affiliates		
Group context & structure	Explanation of how the CASP fits the group strategy and structure, identifying cross-entity dependencies.	
Affiliate impacts	List of affiliated entities, their activities, and domains/websites.	
Services & Perimeter		
Service inventory matrix	Map of each CASP service (MiCAR taxonomy) to crypto-asset types (ART/EMT/"other"), client types, channels, and jurisdictions.	
Other planned activities	Disclosure of any regulated or unregulated activities outside MiCAR services (e.g., lending, staking-as-a-service).	
Offer/admission statement	State if the CASP will offer crypto-assets to the public and/or seek admission to trading.	
Geography & Client Segmentation		
Geographic plan	Targeted EU Member States and third countries, including expected client numbers.	
Prospective client types	Segmentation (retail vs professional, SMEs, institutions, market makers, etc.).	
Operating Model & Resources		
Resources plan (3-year)	Headcount plan by function, key roles, ICT stack location, budget overview, and geographic location of teams.	
Outsourcing policy	Description of governance, risk assessment approach, and compliance with MiCAR Art. 73.	
Outsourced providers list	Summary list including provider identity, geography, and services performed (separating intra-group vs third-party).	
Financial & Risk		
Financial forecast	3-year accounting plan, including stress scenarios (e.g., volume shock, cyber incident cost) and planning assumptions.	
Own-account activity disclosure	Disclosure if the CASP engages in own-account crypto-asset activity or interacts with DeFi apps.	

III. Prudential Requirements (Art. 67)

Information Requirement	Description / Source MiCAR Article	Status
Amount and Calculation		
Numerical amount of safeguards	The specific amount of prudential safeguards held at application.	
Calculation explanation	Transparent explanation showing whether the amount is based on Annex IV permanent minimum capital or one-quarter of fixed overheads.	
Form of Safeguards		
Portion covered by own funds	Exact amount covered by own funds, limited to eligible CET1 instruments.	
Portion covered by insurance/guarantee	Amount covered by insurance policy or comparable guarantee.	
Insurance documentation	Proof that the policy meets qualitative criteria (e.g., minimum 1-year term, 90-day cancellation notice, EU-wide coverage, coverage for operational/custody/liability risks).	
Ongoing Monitoring		
3-year forecast calculation	Forward-looking calculation of prudential safeguards for the first three years.	
Internal procedures	Description of internal procedures to monitor capital levels and react to breaches or near-breaches.	
Financial statements/proof	Historical financial statements (if already active) and bank confirmation (for new entities) or supervisor certification.	

IV. Governance and Key Personnel (Art. 7, 8, 68, 72)

Information Requirement	Description / Source MiCAR Article	Status
Management Body (Art. 7)		
Identity and CVs	Full identity details, address history, and a CV covering at least the last 10 years for each member.	
Proof of good repute	Official certificates or declarations on criminal records, sanctions, or regulatory refusals.	
Conflicts of interest	Description of financial or non-financial conflicts and mitigation plan.	

Time commitment	Estimated time dedicated to the CASP and list of all other mandates.	
Suitability assessment results	Results of individual and collective suitability assessments.	
Qualifying Shareholders (Art. 8)		
Ownership chart (organigram)	Clear chart identifying direct and indirect shareholders with qualifying holdings.	
Shareholder information	Identity, legal form, reputation, integrity, and financial soundness for each qualifying shareholder.	
Acquisition structure & financing	Explanation of strategic intent, shareholding before and after acquisition, any acting-in-concert agreements.	
Origin of funds	Description of activities that generated the funds, supported by financial statements, bank statements, tax documents, and AML evidence (crucial for borrowed funds/crypto sales).	
Internal Controls (Art. 68, 72)		
Organisational structure	Organisational chart and description of reporting lines between management body, senior management, and internal control functions.	
Heads of internal functions	Personal details and CVs of heads of internal control functions.	
Compliance policies	Policies and procedures ensuring MiCAR compliance, record-keeping, and whistleblowing arrangements (Art. 116).	
Conflicts of Interest Policy	Copy of the policy detailing identification, prevention, management, disclosure, and ensuring remuneration does not create conflicts.	
Market abuse prevention	Arrangements to prevent and detect market abuse (Art. 92), where relevant.	

V. Risk, ICT, and Client Protection

Information Requirement	**Description / Source MiCAR Article**	**Status**
Business Continuity (Art. 5)		

Business Continuity Plan (BCP)	Written plan covering all services, ensuring continuity and orderly recovery after incidents.	
Outsourced functions continuity	Explanation of how continuity is ensured if an outsourced critical function fails.	
Key person availability	Procedures addressing continuity if a key person is unavailable (succession/back-ups).	
AML/CFT Framework (Art. 6)		
AML/CFT risk assessment	Explanation of how risks are assessed based on clients, services, access channels, and jurisdictions.	
Risk-mitigation measures	Description of measures including AML risk assessment process, KYC, transaction monitoring, and suspicious activity reporting.	
MLRO identity	Identity, knowledge, experience, and qualifications of the person responsible for AML/CFT.	
AML policies and training	Copies of AML/CFT policies/procedures and evidence of regular staff training.	
ICT Systems and Security (Art. 9)		
ICT risk management framework	Explanation of ICT systems, DLT infrastructure, and how security, availability, and integrity of data are protected.	
Critical ICT services	Identification of critical or important ICT services (in-house or third-party).	
Incident management	Explanation of detection, response, and recovery processes for incidents.	
Cybersecurity audits	Results or summaries of independent cybersecurity audits (penetration tests, smart-contract reviews, etc.), if available, or planned.	
Segregation & Safekeeping (Art. 10)		
No use of client assets	Procedures ensuring clients' assets/funds are never used for the CASP's own account.	
Key management	Description of how cryptographic keys are created, stored, protected, and accessed (including multi-signature use).	
Fiat funds procedure	Procedure ensuring client fiat funds are deposited with a central bank or credit institution by the next business day, in separate accounts.	

Client information	Explanation of how clients are informed about asset holding, segregation, and protections.	
Complaints Handling (Art. 11)		
Staff and resources	What staff and IT tools are used, plus the identity and CV of the person responsible for complaints.	
Procedures compliance	Explanation of how procedures comply with MiCAR technical standards (definition, free-of-charge filing, clear timelines).	
Client information and remedies	Explanation of how clients are informed about the process and available remedies/escalation options.	

VI. Service-Specific Annexes

The application must include specific rules and policies for every service provided (MiCAR Art. 3(16)).

Service (Art. 3(16))	**Required Documentation / Policies**	**Status**
a. Custody & Administration (Art. 75)	Copy of the **standard custody agreement** and the **client-facing summary** of the custody policy. The **Custody and Administration Policy** detailing key management, risk controls, and return of assets in stress scenarios.	
b. Operating a Trading Platform (Art. 76, 92)	**Full Operating Rules**, covering admission rules, listing approval process, execution rules, fee structure. **Systems/Procedures** for detecting and preventing market abuse (Art. 92).	
c/d. Exchange Services (Art. 77)	**Commercial Policy**. **Pricing Methodology** explaining calculation, reference markets, spreads, mark-ups, and how volatility affects pricing.	
e. Execution of Orders (Art. 78)	**Execution Policy**. List of execution venues and criteria used for selection (Art. 78(6)). Procedures demonstrating how best execution factors (price, costs, speed) are achieved.	
f. Placing of Crypto-Assets (Art. 79)	**Procedures** to identify, prevent, manage, and disclose conflicts of interest. Arrangements to comply with Art. 79, including allocation policy and due diligence gates.	
g. Reception & Transmission of Orders (Art. 80)	**Procedures** (copy). Arrangements demonstrating compliance with Art. 80, including order intake controls, recording, and conflicts controls.	
h/i. Advice / Portfolio Management (Art. 81)	Explanation of **organizational arrangements** ensuring advisers/managers possess and maintain necessary **knowledge and expertise**. Proof of **staff competence** to carry out suitability assessments (Art. 81(1)).	

j. Transfer Services (Art. 82)	Specification of **supported crypto-asset types**. Arrangements (ICT/human resources) demonstrating compliance with Art. 82, focusing on controls for **operational failures** and **cybersecurity risks**.	