

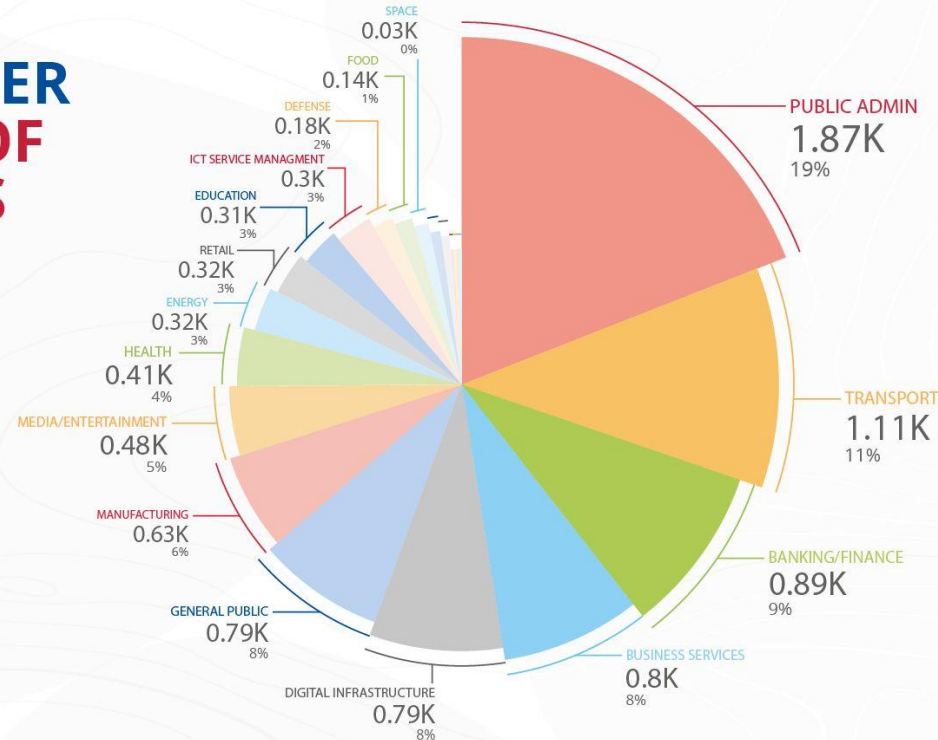


# Cybersecurity of CASPs in the Context of Legal Requirements

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## TARGETED SECTORS PER NUMBER OF INCIDENTS



# The main path

‘crypto-asset service’ means any of the following services and services and activities relating to any crypto-asset:

- (a) providing custody and administration of crypto-assets on assets on behalf of clients;
- (b) operation of a trading platform for crypto-assets;
- (c) exchange of crypto-assets for funds;
- (d) exchange of crypto-assets for other crypto-assets;
- (e) execution of orders for crypto-assets on behalf of clients; clients;
- (f) placing of crypto-assets;
- (g) reception and transmission of orders for crypto-assets on assets on behalf of clients;
- (h) providing advice on crypto-assets;
- (i) providing portfolio management on crypto-assets;
- (j) providing transfer services for crypto-assets on behalf of of clients;

Regulation (EU) 2023/1114 of the European Parliament and of the Council the Council of 31 May 2023 on markets in crypto-assets, and amending amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (Text with EEA with EEA relevance)

Regulation (EU) 2022/2554 of the European Parliament and of the Council the Council of 14 December 2022 on digital operational resilience for the resilience for the financial sector and amending Regulations (EC) No (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No No 909/2014 and (EU) 2016/1011 (Text with EEA relevance)

Regulatory Technical  
Standards (RTS)

Implementing Technical  
Standards (ITS)



# Crypto-asset service provider

## Definition according to MiCA

legal person or other undertaking whose occupation or business is the provision of one or more crypto-asset services to clients on a professional basis, and that is allowed to provide crypto-asset services in accordance with Article 59

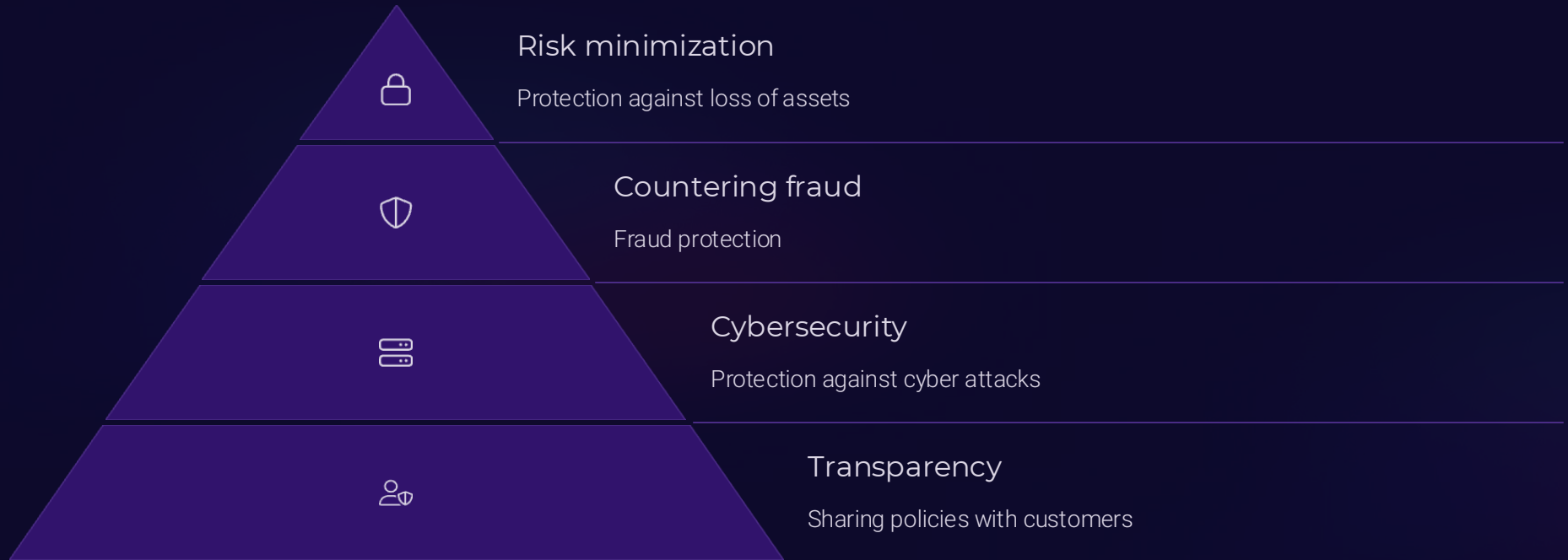
## Organizational requirements

Cryptocurrency service providers are subject to strict organizational requirements, which should depend on the services provided and because of the specific risks.

## Liability

Suppliers are liable for any losses resulting from information and communications technology (ICT) incidents, including incidents caused by cyber attacks, theft or any failure.

# Providing custody and administration of crypto-assets on behalf of clients



Pursuant to Article 75 of the MiCA, crypto storage providers must have policies that minimize the risk of losing customers' crypto assets or rights related to those crypto assets or means of accessing crypto assets due to fraud, cybersecurity threats or negligence. Customers may review a summary of such policies in electronic format upon request.

# Consequences according to DORA



The regulation of cryptoasset service providers in the MiCA allows them to be included in the scope of DORA. According to Article 2, paragraph 1 (f), DORA covers cryptoasset service providers authorized under the Cryptoasset Markets Regulation and asset-linked token issuers.

Implementation of the cybersecurity obligations indicated in DORA is a mandatory element of the existence of crypto service providers among financial entities.

Table 1: Overview of EU Legislations in the Digital Sector

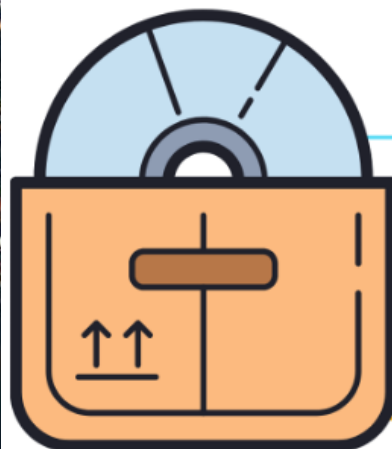
Regulation	Published in the Official Journal of the European Union
Proposal	Proposed by the European Commission entered the legislative process
Pending initiative	Mentioned by the European Commission as potential legislative initiative

Research & Innovation	Industrial Policy	Connectivity	Data & Privacy	IPR	Cybersecurity	Law Enforcement	Trust & Safety	E-commerce & Consumer Protection	Competition	Media	Finance
Digital Europe Programme Regulation, <a href="#">EU/2020/1044</a>	Recovery and Resilience Facility Regulation, <a href="#">EU/2020/1044</a>	Frequency Bands Directive, <a href="#">EU/2019/912</a>	ePrivacy Directive, <a href="#">EU/2002/95</a>	Databases Directive, <a href="#">EU/1996/93</a>	Regulation for a Cybersecurity Act, <a href="#">EU/2019/1908</a>	Law Enforcement Directive, <a href="#">EU/2016/680</a>	Product Liability Directive (PLD), <a href="#">EU/2024/3474</a>	Unfair Contract Terms Directive (UCTD), <a href="#">EU/1993/52</a>	EC Merger regulation, <a href="#">EU/2006/139</a>	Satellite and Cable Directive, <a href="#">EU/2002/95</a>	Common VAT system, <a href="#">EU/2006/111</a>
Horizon Europe Regulation, <a href="#">EU/2021/1060</a>	InvestEU Programme Regulation, <a href="#">EU/2020/1044</a>	Radio Spectrum Decision, <a href="#">EU/2009/185</a>	European Data Act, <a href="#">EU/2023/1799</a>	Community Design Directive, <a href="#">EU/2016/1701</a>	Regulation to establish a European Cybersecurity Competence Centre, <a href="#">EU/2024/1882</a>	Directive on combating fraud and counterfeiting of non-cash means of payment, <a href="#">EU/2018/945</a>	Toy Regulation, <a href="#">EU/2023/1515</a>	Price Indication Directive, <a href="#">EU/1993/52</a>	Technology Transfer Block Exemption, <a href="#">EU/2015/1029</a>	Information Society Directive, <a href="#">EU/2000/46</a>	Administrative cooperation in the field of taxation, <a href="#">EU/2011/117</a>
Regulation on a pilot regime for distributed ledger technology, <a href="#">EU/2023/1063</a>	Connecting Europe Facility Regulation, <a href="#">EU/2017/1001</a>	Open Internet Access Regulation, <a href="#">EU/2015/1002</a>	General Data Protection Regulation (GDPR), <a href="#">EU/2016/679</a>	Enforcement Directive (ED), <a href="#">EU/2015/849</a>	NIS 2 Directive, <a href="#">EU/2022/2555</a>	Regulation on interoperability between EU information systems in the field of border and visa, <a href="#">EU/2018/945</a>	European Standardisation Regulation, <a href="#">EU/2019/1009</a>	E-commerce Directive, <a href="#">EU/2000/31</a>	Company Law Directive, <a href="#">EU/2009/1009</a>	Audio-visual Media Services Directive (AVMSD), <a href="#">EU/2010/13</a>	Payment Services Directive 2 (PSD2), <a href="#">EU/2015/2366</a>
	Regulation on High Performance Computing Joint Undertaking, <a href="#">EU/2021/1179</a>	European Electronic Communications Code Directive (EECC), <a href="#">EU/2018/1875</a>	Regulation to protect personal data processed by EU institutions, bodies, offices and agencies, <a href="#">EU/2018/1725</a>	Directive on the protection of trade secrets, <a href="#">EU/2016/943</a>	Cybersecurity Regulation, <a href="#">EU/2019/841</a>	Regulation on terrorist content online, <a href="#">EU/2021/1786</a>	Radio Equipment Directive (RED), <a href="#">EU/2014/53</a>	Unfair Commercial Practices Directive (UCPD), <a href="#">EU/2005/29</a>	Market Surveillance Regulation, <a href="#">EU/2019/1092</a>	Portability Regulation, <a href="#">EU/2017/1382</a>	Digital Operational Resilience Act (DORA) Regulation, <a href="#">EU/2023/1554</a>
	Regulation on Joint Undertaking under Horizon Europe, <a href="#">EU/2020/1044</a>	5G Standalone Network Regulation, <a href="#">EU/2019/117</a>	Regulation on the free flow of non-personal data, <a href="#">EU/2018/1807</a>	Design Directive, <a href="#">EU/2017/1500</a>	Information Security Regulation, <a href="#">EU/2019/841</a>	Temporary CSAM Regulation, <a href="#">EU/2023/1532</a>	eIDAS Regulation (European Digital Identity Framework), <a href="#">EU/2014/53</a>	Directive on Consumer Rights (CRD), <a href="#">EU/2011/83</a>	PSR Regulation, <a href="#">EU/2019/1359</a>	Satellite and Cable II Directive, <a href="#">EU/2019/788</a>	Crypto-assets Regulation (MCA), <a href="#">EU/2023/1114</a>
	Decision on a path to the Digital Decade, <a href="#">EU/2022/164</a>	Roaming Regulation, <a href="#">EU/2015/1002</a>	Open Data Directive (PSD), <a href="#">EU/2019/1004</a>	Compulsory licensing of patents, <a href="#">EU/2019/1009</a>	Cyber Resilience Act, <a href="#">EU/2022/2555</a>	E-evidence Regulation, <a href="#">EU/2006/1541</a>	Regulation for a Single Digital Gateway, <a href="#">EU/2023/1294</a>	e-Invoicing Directive, <a href="#">EU/2014/53</a>	Single Market Programme, <a href="#">EU/2019/1009</a>	Copyright Directive, <a href="#">EU/2019/1700</a>	Financial Data Access Regulation, <a href="#">EU/2023/1009</a>
	European Chips Act (Regulation), <a href="#">EU/2023/1781</a>	Union Secure Connectivity Programme, <a href="#">EU/2023/1558</a>	Data Governance Act (DGA) Regulation, <a href="#">EU/2023/1691</a>	Standard essential patents, <a href="#">EU/2019/1350</a>	Cyber Solidarity Act (Regulation), <a href="#">EU/2023/1558</a>	Digitalisation of cross-border judicial cooperation, <a href="#">EU/2023/1784</a>	General Product Safety Regulation, <a href="#">EU/2023/1988</a>	Regulation on cooperation for the enforcement of consumer protection law, <a href="#">EU/2017/2384</a>	Vertical Block Exemption Regulation (VBER), <a href="#">EU/2022/720</a>	European Media Freedom Act, <a href="#">EU/2024/1083</a>	Payment Services Regulation, <a href="#">EU/2015/2366</a>
	Establishing the Strategic Technologies for Europe Platform (ITP), <a href="#">EU/2022/178</a>	Digital Infrastructure Act, <a href="#">EU/2024/1358</a>	European Data Act Regulation, <a href="#">EU/2023/1799</a>			Directive on combating violence against women, <a href="#">EU/2023/1532</a>	Machinery Regulation, <a href="#">EU/2023/1515</a>	Geo-Blocking Regulation, <a href="#">EU/2018/945</a>	Digital Market Act (DMA) Regulation, <a href="#">EU/2022/1925</a>	<del>Revision of the Satellite and Cable II Directive, <a href="#">EU/2019/788</a></del>	Digital euro, <a href="#">EU/2023/1799</a>
	European critical raw materials act (Regulation), <a href="#">EU/2023/1781</a>	<del>Research and innovation policy programme (RIPP), <a href="#">EU/2023/1781</a></del>	Interoperable Europe Act, <a href="#">EU/2024/1028</a>			Directive for combating sexual abuse and child sexual abuse material, <a href="#">EU/2023/1532</a>	AI Act (Regulation), <a href="#">EU/2024/1689</a>	Digital content Directive, <a href="#">EU/2019/1700</a>	Regulation on distorted foreign subsidies, <a href="#">EU/2022/2555</a>		Regulation on combating late payment, <a href="#">EU/2013/1009</a>
	Net Zero Industry Act, <a href="#">EU/2024/1689</a>	Digital Networks Act	Regulation on data collection for short-term rental, <a href="#">EU/2023/1799</a>			Regulation on digital content, <a href="#">EU/2023/1532</a>	Eco-design Regulation, <a href="#">EU/2023/1515</a>	Directive on certain aspects concerning contracts for the sale of goods, <a href="#">EU/2019/1700</a>	Horizontal Block Exemption Regulation (HBER), <a href="#">EU/2013/1009</a>		
	EU Space Law		European Health Data Space (Regulation), <a href="#">EU/2023/1799</a>				AI Liability Directive, <a href="#">EU/2023/1689</a>	Digital Services Act (DSA) Regulation, <a href="#">EU/2022/2555</a>	Platform Work Directive, <a href="#">EU/2024/1009</a>		
			Harmonisation of GDPR enforcement procedures, <a href="#">EU/2013/1009</a>					Political Advertising Regulation, <a href="#">EU/2023/1515</a>	Single Market Emergency Instrument (SMEI), <a href="#">EU/2022/2555</a>		
			Access to vehicle data, <a href="#">EU/2023/1799</a>					Right to repair Directive, <a href="#">EU/2023/1515</a>			
			Green Deal					Consumer protection, <a href="#">EU/2023/1515</a>			



# Cyber Resilience Act

Product with digital elements means computer software or hardware and related related remote computing solutions, including software or hardware components that components that are separately marketed



## **HARDWARE**

a physical electronic information system, or parts thereof capable of processing, storing or transmitting digital data

## **SOFTWARE**

the part of an electronic information system which consists of computer code

## **COMPONENT**

software or hardware intended for integration into an electronic information system





Policies

Procedures

Other

# Organisation (entity)

Law

Agreement  
provision

Standards

Other

Regulations

Directives



**RTS:** impose detailed technical requirements for implementing the regulations.

**ITS:** deal with the unification and standardization of implementation processes.

# Rafał Prabucki

is a Doctor of Law, an Engineer and COO at an technology expert house. Member of the Social Expert Team at the President of the Personal Data Protection Office. Lead Auditor for ISO/IEC 27001, BCMS ISO 22301, and ISO/IEC 42001/2023. Holder of the Certified in Cybersecurity (CC) credential issued by (ISC)<sup>2</sup>. Assistant Professor at the University of Silesia. Member of CYBER SCIENCE and SABİ. Founder of LegalHackers Katowice. Assistant in completed projects on the use of new technologies in industry: MAS4AI at the University of Silesia and SHOP4CF at the University of Opole. Alumnus of scholarships in Poland, Spain, and Germany. Lecturer at universities in Poland, Lithuania, and France.



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