
Print from the website of the AMF

23 March 2018

Analysis of the legal qualification of cryptocurrency derivatives

The AMF has carried out a legal analysis of cryptocurrency derivatives. The process of reasoning is twofold: on the one hand, to determine the legal qualification of the notion of "derivative" in the context of cryptocurrency derivatives and on the other, to consider whether a cryptocurrency could be legally regarded as an eligible underlying.

In response to the cryptocurrency boom, many platforms offering forex derivatives have expanded their product ranges. AMF staff have noted the launch of new instruments, including options, contracts for difference (CFDs) and rolling spot forex (margin trading) products, whose underlyings are cryptocurrencies such as bitcoin, ether and ripple. These products are being marketed by platforms conducting business in France through a European passport, either as branches or under the freedom to provide services' framework.

The AMF has conducted a legal analysis to determine whether these participants need to comply with the regulations applicable to financial instruments. If these products are classified as financial instruments, they become subject to the rules of the Monetary and Financial Code (MFC) as regards with regard to authorisation to provide investment services and business conduct requirements, to obligations under the European Market Infrastructure Regulation (EMIR) of 4 July 2012 (particularly the obligation to report transactions to a trade repository) and to the provisions of MFC Article L. 533-12-7, which bans the advertising of certain financial contracts.

Read more

📄 Analysis of the legal qualification of cryptocurrency derivatives

Keywords

CRYPTO-ASSETS

ON THE SAME TOPIC

📡 Subscribe to our alerts and RSS feeds

NEWS

CRYPTO-ASSETS

10 June 2022

Digital assets: the AMF updates its policy on DASPs



WARNING

SAVINGS PROTECTION

30 March 2022

The AMF and the ACPR warn the public against the activities of several entities offering in France investments in Forex and in crypto-assets derivatives without being...



NEWS

CRYPTO-ASSETS

01 February 2022

New step forward in the adoption of the regulation on a Pilot Regime for market infrastructures based on the blockchain technology



Legal information:

Head of publications: The Executive Director of AMF Communication Directorate. Contact:

Communication Directorate – Autorité des marchés financiers 17 place de la Bourse – 75082 Paris
cedex 02