

# Consultation on Changes to Chapter 2 of the Virtual Financial Assets Rulebook

**Ref:** 12-2023

**Date:** 19 December 2023

**Closing Date:** 19 January 2024

NOTE: The documents circulated by the MFSA for the purpose of consultation are in draft form and consist of proposals. Accordingly, these proposals are not binding and are subject to changes and revisions following representations received from Licence Holders and other involved parties. It is important that persons involved in the consultation bear these considerations in mind.

## 1. Introduction

The [Markets in Crypto-Assets Regulation](#) ('MiCAR') entered into force in June 2023 and shall apply to issuers of crypto-assets other than asset-referenced tokens or e-money tokens as of 30 December 2024.

Earlier this year, the Malta Financial Services Authority (the 'MFSA' or 'Authority') proposed legal amendments to remove the role of the VFA Agent from the VFA Act, which amendments are set to come into effect shortly. So as to continue in its efforts to align the VFA Framework to the MiCAR as well as ensure that changes to the VFA Act are reflected in Chapter 2 of the VFA Rulebook applicable to issuers, the MFSA is today issuing a consultation on changes to Chapter 2 which:

1. remove any reference to the role of the VFA Agent once the necessary legal amendments to the VFA Act are published; and
2. remove the Systems Audit requirement and replace this with the requirement to disclose information on the outcome of any technology audits undertaken by the Issuer within its whitepaper.

The proposed amendments to Chapter 2 have been reflected in the draft version of the Rulebook attached to this communication.

It is intended that the new rulebook will become applicable on the date of its publication, which will correspond with the publication of legislative amendments removing the role of the VFA Agent from the VFA Act. A three-month transitional period will nevertheless apply upon publication of the legal amendments.

Stakeholders are invited to express their feedback or submit any queries in relation to the above to [vfa@mfsa.mt](mailto:vfa@mfsa.mt) by no later than **Friday 19 January 2024**.