

Blockchain & Cryptocurrency Regulation 2026

Eighth Edition

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Government attitude and definition

Austria's regulatory framework for crypto-assets is shaped primarily by the EU's Markets in Crypto-Assets Regulation (Regulation (EU) 2023/1114 – MiCAR),¹ which became fully applicable at the end of 2024. MiCAR introduced a harmonised and comprehensive legal framework for the crypto-asset market in the EU. Specifically, MiCAR sets out transparency and disclosure requirements for the issuance and trading of crypto-assets, mandatory licensing and ongoing supervision of crypto-asset service providers (CASPs), and standards for proper business organisation of issuers and service providers.

While MiCAR is central, it is not the only relevant source. Numerous delegated acts, Regulatory Technical Standards (RTS) and Implementing Technical Standards (ITS) adopted by the European Banking Authority (EBA) and the European Securities and Markets Authority (ESMA) supplement MiCAR. Keeping track of these legal acts is challenging; as no centralised index exists, we maintain a resource² to consolidate developments.

The Austrian government implemented MiCAR domestically through the *MiCA-Verordnung-Vollzugsgesetz* (MiCA-VVG),³ which entered into force on 20 July 2024. This law designates the Austrian Financial Market Authority (FMA) as the competent supervisory authority.

The FMA actively supports fintech innovation and provides legal certainty by publishing extensive guidance. For example, it has released a roadmap for CASPs⁴ as well as an Information Document⁵ for CASP applicants under Art. 62 MiCAR, outlining licensing requirements and including practical examples. The FMA's roadmap for CASPs encourages early dialogue with applicants to streamline the authorisation process. Importantly, the FMA accepts documentation in English, which lowers barriers for international applicants. Austria's central European location and proximity to Switzerland further enhance its attractiveness for market participants entering the EU.

There are no crypto-assets backed by the Austrian government or the central bank.

Cryptocurrency regulation

Since the entry into force of MiCAR, Austrian law refers exclusively to 'crypto-assets' as defined in Art. 3(1)(5) MiCAR: a digital representation of a value or right that can be transferred and stored electronically using distributed ledger technology (DLT). MiCAR distinguishes between:

- asset-referenced tokens (ARTs);
- e-money tokens (EMTs); and
- other crypto-assets.

Issuers of crypto-assets must generally prepare and submit a white paper to the FMA. For ARTs and EMTs, this white paper requires prior approval, or a licence. The previous term ‘virtual currency’ has mostly disappeared from Austrian law with MiCAR, but it persists in tax legislation (§ 27b (4) Income Tax Act (EStG)). Security tokens, by contrast, fall under MiFID II and its Austrian implementation.

Sales regulation

If a crypto-asset qualifies as a financial instrument (e.g., a security token), the full scope of MiFID II, the EU Prospectus Directive, and Austrian securities law applies. Public offerings then generally require a prospectus approved by the FMA. For non-financial instrument crypto-assets, MiCAR establishes comparable obligations: issuers must publish a white paper containing details on the issuer, the asset, rights and obligations, underlying technology, and risks. This white paper must be notified to the FMA (and approved in some cases) and made public.

Exemptions exist (e.g., offerings below EUR 1 million within 12 months, fewer than 150 investors per Member State, or free airdrops), but they do not apply to ARTs and EMTs. Issuers of ARTs and EMTs face stricter requirements, including approval of the white paper, a licence requirement, and detailed disclosures on stabilisation mechanisms, reserves, custody, and redemption rights.

Marketing materials must be consistent with the white paper. Violations may result in administrative fines of up to EUR 700,000 or twice the benefit obtained (§ 12 MiCA-VVG).

Taxation

Under Austrian income tax law (§ 27b (4) EStG), ‘cryptocurrency’ includes publicly offered crypto-assets used as means of exchange, including stablecoins. NFTs and asset tokens tied to real assets fall outside this definition and are taxed according to general rules.

Income from crypto-assets is subject to a special capital income tax rate of 27.5% (§ 27a (1) EStG). Capital gains tax (KESt) is withheld at source by domestic service providers, relieving taxpayers from further declaration in many cases. From 2025, service providers must provide tax reporting upon request. Realisation events triggering taxation include exchanges into fiat currency, other goods (e.g., securities, real estate, precious metals), or the settlement of invoices in crypto. Pure crypto-to-crypto exchanges remain tax-neutral. Losses can be offset only within crypto income under automatic mechanisms, while broader offsets require annual assessment. For more information, see *Tax treatment of cryptocurrencies*,⁶ published by the Austrian Federal Ministry of Finance.

Money transmission laws and anti-money laundering requirements

AML requirements

Austria’s anti-money laundering (AML) framework follows the standards of the Financial Action Task Force (FATF), implemented through EU directives and the Austrian *Finanzmarktgeldwäschegesetz* (FM-GwG).⁷ CASPs are obliged entities under §§ 1 and 2 (22) FM-GwG, with duties including know-your-customer (KYC), monitoring, risk assessment, and AML officer appointment. Ongoing due diligence requires regular updates of customer data.

The FMA provides detailed AML guidance and supervision of CASPs. Further, the Transfer of Funds Regulation (Regulation (EU) 2023/1113)⁸ applies, requiring sender/beneficiary information for transfers,

including measures for self-hosted wallets. EMT-related transfers may also qualify as payment services under PSD2 (Directive 2015/236),⁹ potentially triggering dual licensing (EBA/Op/2025/08).¹⁰

For more information on AML requirements, please refer to the FMA website.¹¹

Promotion and testing

The FMA operates a regulatory sandbox programme¹² allowing companies to test innovative fintech and crypto business models under supervisory guidance and temporary licensing. Successful models transition into full regulation. An inquiry Contact Form¹³ is also available for non-licensed entities with questions on fintech models.

Ownership and licensing requirements

The Austrian regulatory framework for investment funds is based on *Investmentfondsgesetz* 2011 (InvFG)¹⁴ and the Alternative Investment Fund Managers Act (AIFMG),¹⁵ implementing UCITS¹⁶ and AIFM¹⁷ at national level.

UCITS funds

Crypto-assets may qualify as ‘eligible assets’ under strict conditions. However, if the assets are not traded on a regulated market under § 67 (2) InvFG, they may only be held up to the 10% limit (§ 67 (4) InvFG). This makes dedicated UCITS crypto funds practically impossible. Exposure is often gained indirectly.

Alternative investment funds (AIFs)

AIFs may generally invest directly in crypto-assets. Dedicated crypto AIFs are therefore possible, but they may only be marketed to professional clients. Retail distribution remains barred.

Licensing

Fund managers require an InvFG or AIFMG licence depending on fund type. Custody of crypto-assets raises additional operational and compliance challenges. The FMA has clarified that custodians must demonstrate robust safekeeping arrangements when holding crypto-assets.

Mining

Bitcoin and other crypto mining in Austria is permitted for natural persons on their own account or other entities without collecting investments from the public; such cases do not require a licence. However, business models involving pooled mining or third-party investment may trigger licensing requirements. For instance, if the activity qualifies as collective investment under the AIFMG, an AIF authorisation may be necessary. The FMA warns that mining-related business models may fall into regulated areas depending on their structure. Please also see the FMA’s website on Bitcoin & Co.¹⁸

Border restrictions and declaration

Currently, Austria does not impose specific border restrictions or customs declaration obligations for holding or transferring crypto-assets. However, general EU rules on cross-border capital flows apply, and AML reporting obligations may still be triggered by suspicious transaction patterns.

Reporting requirements

Austrian law does not impose special reporting obligations for crypto transactions above a certain value (e.g., the USD 10,000 threshold applicable in some jurisdictions). Instead, crypto transactions fall under

the general AML/CFT framework. CASPs must monitor and report suspicious activity irrespective of value thresholds. Additionally, with the forthcoming implementation of DAC8, tax reporting obligations will expand to cover crypto transactions by both domestic and foreign service providers offering services in Austria.

Estate planning and testamentary succession

In Austria, crypto-assets form part of the estate and pass to heirs in the same way as traditional property. On *Einantwortung* (formal transfer of estate), ownership rights to crypto-assets pass directly to heirs. However, crypto-assets are not centrally registered, and access depends entirely on knowledge of and access to private keys or recovery phrases. Without prior arrangements (e.g., through wills or secure custody solutions), digital assets risk being lost permanently. The FMA has emphasised consumer education on safekeeping of keys as a critical issue for investor protection.



Endnotes

- 1 <https://eur-lex.europa.eu/eli/reg/2023/1114/oj/eng>
- 2 <https://gomica.eu/resources>
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- 5 <https://www.fma.gv.at/wp-content/plugins/dw-fma/download.php?d=6843&nonce=ef0ef1cbe26ad090>
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- Ownership and licensing requirements
- Mining
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