

L45: Global Regulatory Landscape

Module G: Regulation & Future

Blockchain & Cryptocurrency Course

December 2025

- Understand why governments regulate cryptocurrencies
- Compare regulatory approaches across major jurisdictions
- Analyze the US fragmented regulatory landscape
- Evaluate EU MiCA as comprehensive framework
- Assess enforcement actions and their impact
- Understand the significance of Bitcoin ETF approval

Why Regulate Cryptocurrencies?

Regulatory Concerns

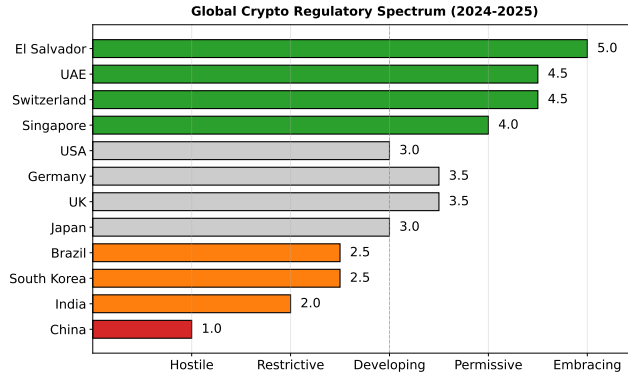
- **Money Laundering:** Anonymous transactions facilitate illicit finance
- **Consumer Protection:** Scams, rug pulls, exchange failures
- **Market Manipulation:** Pump-and-dump, wash trading
- **Tax Evasion:** Unreported capital gains
- **Systemic Risk:** Contagion to traditional finance

Core Tension: Innovation vs consumer protection vs financial stability

Industry Arguments

- **Legitimacy:** Legal certainty attracts institutional capital
- **Innovation:** Clear rules enable compliant products
- **Consumer Trust:** Regulated exchanges reduce fraud
- **Financial Inclusion:** Regulated stablecoins for payments

Global Regulatory Spectrum

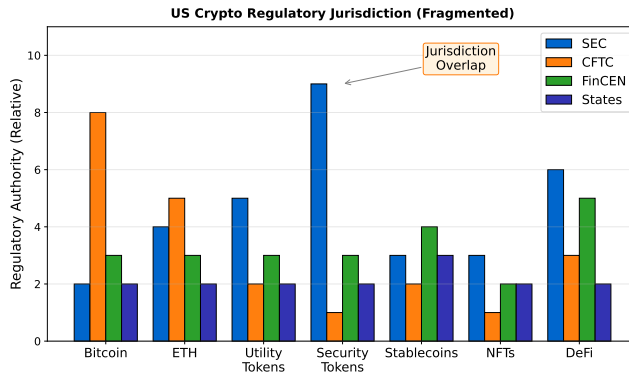


Most jurisdictions moving from restrictive toward regulated permissiveness

Hostile	Restrictive	Permissive
China (2021 ban) Algeria, Bangladesh Nepal, Morocco	India (30% tax) South Korea (strict KYC) Brazil (no DeFi clarity) Russia (payment ban) Turkey (payment ban)	Switzerland (clear framework) Singapore (licensing) UAE (crypto-friendly zones) Portugal (tax-friendly) El Salvador (legal tender)

Trend: Convergence toward licensing regimes with consumer protections

United States: Fragmented Jurisdiction



Multiple agencies with overlapping and unclear jurisdiction

- **No Unified Framework:** Multiple agencies with overlapping jurisdiction
- **Key Regulators:**
 - **SEC:** Securities regulation (most tokens per Howey Test)
 - **CFTC:** Commodities (Bitcoin, ETH, derivatives)
 - **FinCEN:** AML/CTF enforcement
 - **OCC:** Banking charters for crypto custody
 - **IRS:** Tax treatment (crypto = property)
 - **State regulators:** Money transmitter licenses (NY BitLicense)
- **Result:** Regulation by enforcement, legal uncertainty

SEC Position

- Most tokens are **securities**
- ICOs = unregistered offerings
- Exchanges must register

Howey Test:

- 1 Investment of money
- 2 Common enterprise
- 3 Expectation of profits
- 4 From efforts of others

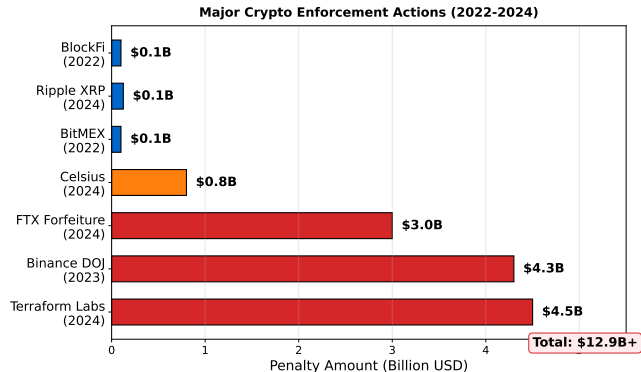
CFTC Position

- BTC and ETH are **commodities**
- Jurisdiction over derivatives
- Lighter regulatory approach

Congressional Debate:

- Multiple bills (FIT21, DCCPA)
- Goal: Clarify jurisdiction
- Status: Stalled until 2025

Major Enforcement Actions

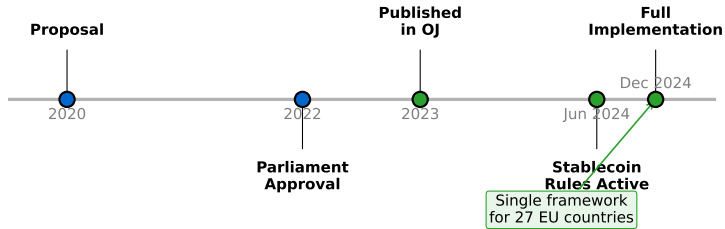


Regulation by enforcement creates legal uncertainty for industry

- **Ripple Labs (2020-2024):** SEC sued for \$1.3B unregistered XRP sales
 - Result: Institutional sales = securities, retail sales = not securities
 - Final penalty: \$125M (reduced from \$2B SEC request)
- **Binance (2023):** \$4.3B DOJ settlement, CZ resigned and served prison time
- **Terraform Labs (2024):** \$4.5B penalty for UST/LUNA fraud
- **FTX (2022-2024):** Criminal fraud charges, SBF convicted
- **Pattern:** Enforcement first, rulemaking later

- **MiCA (Markets in Crypto-Assets Regulation):** Comprehensive EU framework
- **Timeline:** Approved 2023, full implementation December 2024
- **Scope:**
 - Crypto-asset service providers (CASPs)
 - Stablecoin issuers (EMTs, ARTs)
 - NFTs excluded (unless fungible/fractionalized)
- **Key Requirements:**
 - Authorization and capital requirements for CASPs
 - Market abuse prohibitions
 - Consumer protection (disclosure, conflicts)
 - Stablecoin reserve requirements
- **Impact:** Single framework across 27 EU countries

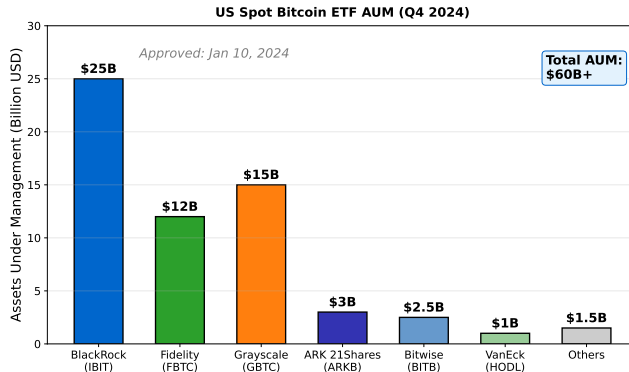
EU MiCA Regulation Timeline



First comprehensive crypto regulation covering entire trading bloc

- **E-Money Tokens (EMTs):** Pegged to single fiat (USDC, USDT)
 - Issuers must be credit/e-money institutions
 - 1:1 reserve backing in segregated accounts
 - Redemption at par value anytime
- **Asset-Referenced Tokens (ARTs):** Basket or non-fiat pegged
 - Stricter capital and governance requirements
- **Significant Tokens:** Enhanced EBA oversight
- **Algorithmic Stablecoins:** Effectively banned (post-Terra)
- **Practical Impact:** Tether (USDT) compliance issues, Circle (USDC) compliant

2024 Milestone: Bitcoin ETF Approval



SEC approved 11 spot Bitcoin ETFs on January 10, 2024

- **January 10, 2024:** SEC approves 11 spot Bitcoin ETFs
 - First spot Bitcoin ETFs in US history (after decade of rejections)
 - Issuers: BlackRock (IBIT), Fidelity (FBTC), Grayscale (GBTC)
- **Impact:**
 - \$50B+ inflows in first year
 - Institutional access via traditional brokerage accounts
 - Bitcoin legitimized as investable asset class
 - BTC reached new ATH ¿\$100k (late 2024)
- **July 2024:** SEC approves spot Ethereum ETFs
- **Significance:** Major shift from SEC's hostile stance

- **Singapore (MAS):**
 - Payment Services Act licensing
 - Strict AML/CFT, retail protections
- **Hong Kong (SFC):**
 - Mandatory licensing (2023)
 - Positioning as Asian crypto hub post-China ban
- **Japan (FSA):**
 - Early framework (2017), strict custody standards
- **China:** Complete ban (2021) - transactions, mining, exchanges
 - Rationale: Capital controls, CBDC strategy
 - Result: Mining exodus to US, Kazakhstan, Russia

- **Crypto Valley (Zug):** Global blockchain hub
- **Legal Framework:**
 - DLT Act (2021): Tailored regulation for digital assets
 - Token classification: Payment, Utility, Asset tokens
 - Securities law applies to asset tokens only
- **FINMA Guidance:**
 - Clear licensing categories
 - AML/CFT compliance for exchanges
 - No blanket prohibition on specific activities
- **Advantages:** Regulatory clarity, innovation-friendly, strong rule of law

- **FATF Recommendation 16:** Apply to Virtual Asset Service Providers
- **Requirements:**
 - Collect/transmit customer info for transactions ≥\$1,000
 - Originator and beneficiary details
- **Implementation:**
 - Centralized exchanges: Implemented (Coinbase, Kraken)
 - Cross-border: Technical solutions (TRP, TRUST, Notabene)
 - Self-hosted wallets: Controversial (EU proposed restrictions)
- **Challenge:** DeFi has no intermediary to enforce rules
- **Tension:** KYC requirements conflict with crypto privacy ethos

- **Problem:** Traditional regulation assumes intermediaries
- **DeFi Reality:** Smart contracts, no central operator
- **Key Questions:**
 - Who is liable for smart contract exploits?
 - How to enforce AML without custodian?
 - Are DeFi protocols securities or commodities?
- **Enforcement Actions:**
 - Tornado Cash (2022): Treasury sanctioned mixer protocol
 - Uniswap Labs: SEC Wells Notice
 - Ooki DAO (2022): CFTC sued DAO as legal entity
- **Debate:** Code is speech vs code is conduct

- **2024 Election Impact:**
 - Crypto PACs spent \$100M+ on elections
 - Pro-crypto candidates elected to Congress
- **New Administration (2025):**
 - Promise to make US “crypto capital of the world”
 - SEC Chair Gensler resigned
 - Strategic Bitcoin Reserve proposal discussed
- **Legislative Outlook:**
 - FIT21 (Financial Innovation and Technology Act) revival
 - Stablecoin legislation priority
 - CFTC vs SEC jurisdiction clarity expected
- **Shift:** From enforcement to rulemaking approach

- **Trend 1: Convergence:** Countries adopting similar frameworks (MiCA template)
- **Trend 2: Stablecoin Focus:** Banking-like regulation for systemic stablecoins
- **Trend 3: DeFi Reckoning:** Regulatory clarity (or crackdown) coming
- **Trend 4: CBDC Competition:** Central banks competing with private stablecoins
- **Trend 5: Global Coordination:** FATF, FSB harmonizing standards
- **Trend 6: Licensing Regimes:** Most jurisdictions requiring VASP licenses
- **Uncertainty Remains:** Technology evolves faster than regulation

Key Takeaways:

- **Global landscape:** Highly fragmented, evolving rapidly
- **US:** Fragmented (SEC vs CFTC), regulation by enforcement
- **EU:** Comprehensive MiCA framework, December 2024 full implementation
- **Asia:** Diverse (Singapore/HK permissive, China ban, Japan conservative)
- **Switzerland:** Clear framework, crypto-friendly (Crypto Valley)
- **Bitcoin ETF (Jan 2024):** Major legitimization milestone
- **Enforcement:** \$13B+ in penalties (2022-2024)
- **Trend:** Convergence toward licensing with consumer protections

- ① How does regulatory fragmentation affect crypto innovation in the US?
- ② Why did the EU choose comprehensive legislation (MiCA) vs enforcement?
- ③ What are the trade-offs of China's complete ban approach?
- ④ Should DeFi protocols be regulated like traditional financial services?
- ⑤ How significant is the Bitcoin ETF approval for mainstream adoption?