

International Comparative Legal Guides

Fintech 2026

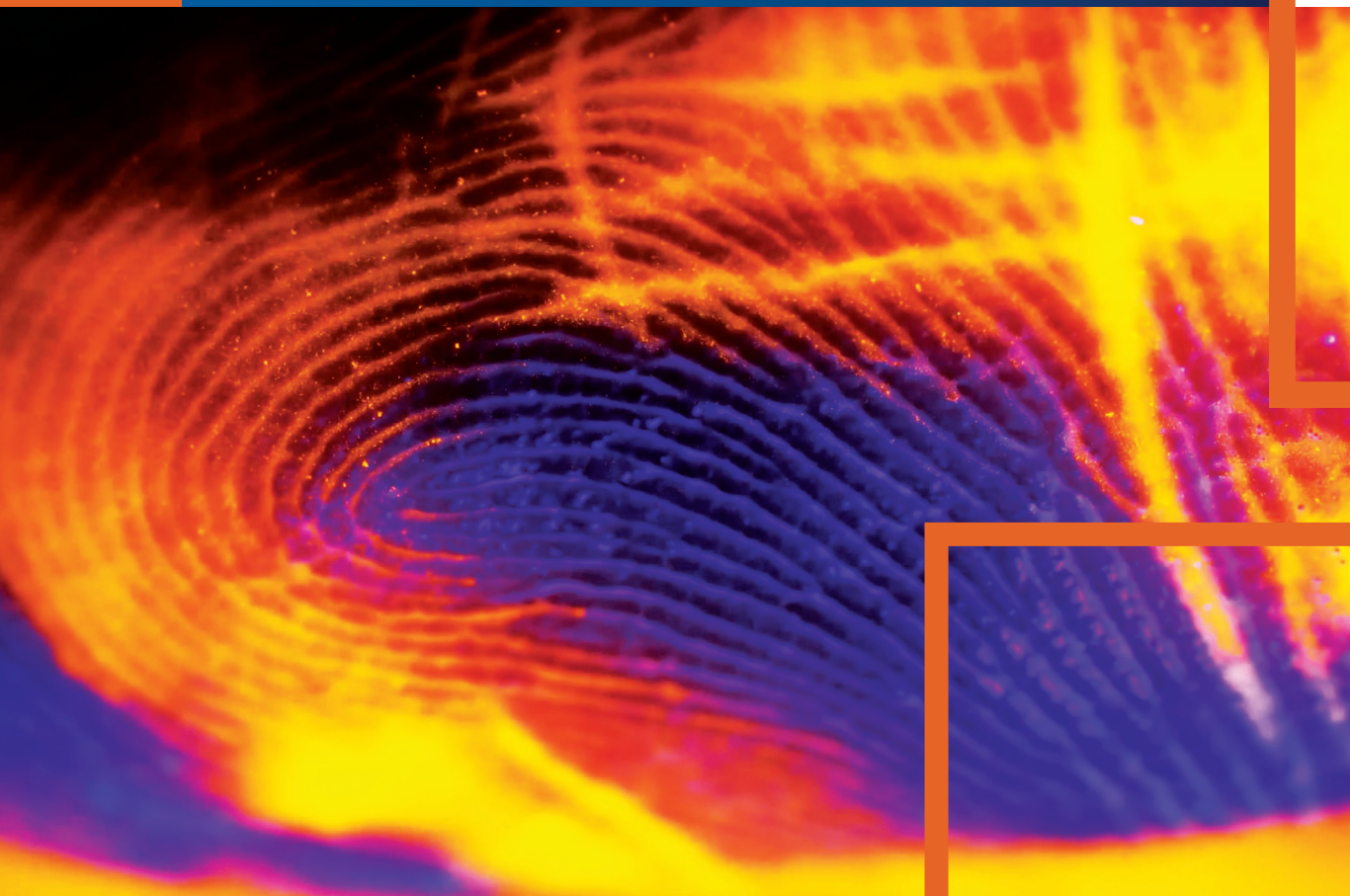
A practical cross-border resource to inform legal minds

10th Edition

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1 The Fintech Landscape

1.1 Please describe the types of fintech businesses that are active in your jurisdiction and the state of the development of the market. Are there any notable fintech innovation trends of the past year within particular sub-sectors (e.g. payments, asset management, peer-to-peer lending or investment, and insurance) including those relating to cryptoassets, tokenisation and artificial intelligence?

Austria hosts a growing and increasing FinTech and crypto ecosystem that spans across a wide range of business models, including payment services, digital asset management, crowdfunding and peer-to-peer lending, neobanking, RegTech, InsurTech and blockchain-based platforms, including crypto asset service providers (CASPs).

The payment sector still dominates the Austrian FinTech landscape, with licensed payment institutions and electronic money institutions leveraging Application Programming Interface-based architectures and Single Euro Payments Area instant payment solutions. The demand for finance via tokenisation is high, but there is a lack of market participants to meet this demand.

Austrian regulators have continued their efforts with pragmatic supervisory approaches, including via the provision of sandbox solutions, attracting mayor players in the CASP field from around the world, such as Kucoin, Bluechip and Bybit. However, the regulatory landscape has become significantly more structured due to the full application of the EU Markets in Crypto-Assets Regulation (MiCAR) and the Digital Operational Resilience Act (DORA). These regimes have materially increased compliance and governance requirements, particularly in the crypto and digital infrastructure space.

Over the past year, Austria has seen several notable innovation trends across FinTech sub-sectors:

- In the crowdfunding space, platforms have increasingly focused on community-based and ESG-oriented investment projects, including green energy and social infrastructure.
- The InsurTech sector has evolved with machine learning to optimise underwriting processes and streamline claims handling.
- Blockchain applications have remained a key driver of innovation, particularly in the tokenisation of financial instruments (such as shares, bonds or real estate). The market is shifting from mere experimental token issuance towards regulated tokenisation models and regulated custody solutions.

- Tokenisation is expanding into the realm of real-world assets, in particular real estate. A variety of projects exist that enable fractionalised investment exposure to real estate assets mainly via so-called “profit participation rights” (*Genussrechte*).
- Artificial intelligence (AI) has evolved from a productivity tool into a core compliance and risk management infrastructure component. Financial institutions have increasingly deployed AI in automated document verification, fraud detection, sanctions screening, transaction monitoring and credit scoring. With the entry into force of the EU AI Act, FinTech operators are now required to assess whether their systems qualify as “high-risk AI systems”, triggering additional governance and transparency obligations. Further, AI is being increasingly utilised in the business models of asset management and data management companies.

1.2 Are there any types of fintech business that are at present prohibited or restricted in your jurisdiction (for example cryptoasset-based businesses)?

Not all crypto assets are regulated in Austria. However, following the entry into application of MiCAR, CASPs offering services such as custody, exchange, transfer or placement of crypto assets are subject to a harmonised EU licensing regime. Accordingly, certain crypto-related services require authorisation as a CASP under MiCAR. Transitional arrangements apply in Austria for providers previously registered under the national AML regime. Beyond crypto assets, Austria does not explicitly prohibit any specific FinTech business models. However, any activity qualifying as a regulated banking, payment, investment or electronic money service requires prior authorisation from the Austrian Financial Market Authority (FMA). The unauthorised provision of regulated financial services constitutes an administrative offence and may trigger supervisory enforcement measures.

2 Funding For Fintech

2.1 Broadly, what types of funding are available for new and growing businesses in your jurisdiction (covering both equity and debt)?

In Austria, there are generally the following equity and debt financing instruments for young and growing businesses:

- Equity funding: angel investments, venture capital and crowdinvesting under the legal framework for

Alternative Financing (*Alternativfinanzierungsgesetz*) and European Crowdfunding Service Providers (*Schwarmfinanzierungsverordnung*).

- Convertible instruments: convertible loans or simple agreements for future equity.
- Public grant programmes and co-financing schemes (e.g. those offered by the Austrian Research Promotion Agency (FFG), the Austrian Wirtschaftsservice (aws)), or some federal state-specific funds (such as the Vienna Business Agency for Vienna), provide significant non-dilutive support.
- On the debt side, bank loans, venture debt and subordinated instruments are available.
- The development of debt crowdfunding and tokenised debt instruments is emerging, but is still at an early stage.

2.2 Are there any special incentive schemes for investment in tech/fintech businesses, or in small/medium-sized businesses more generally, in your jurisdiction, e.g. tax incentive schemes for enterprise investment or venture capital investment?

Austria does not currently operate a scheme providing for angel tax credits for individuals investing directly in qualifying companies such as the UK's EIS/SEIS or similar schemes, but there is such a scheme for investments into alternative (venture capital or private equity) investment funds.

Austria's approach is grant- and R&D-focused rather than focused on investor-side tax credits for direct startup investments.

Thus, direct public funding and co-financing instruments are available through institutions such as the aws and the FFG. These include grants, convertible loans and guarantees for early-stage and technology-driven companies, including FinTechs.

2.3 In brief, what conditions need to be satisfied for a business to IPO in your jurisdiction?

In order to be admitted to regulated trading on the Vienna Stock Exchange (Prime and Standard Market), the following requirements must be met:

- Stock Company: the company must be incorporated as a stock company – *Aktiengesellschaft* (AG) – under Austrian law; limited liability companies are not eligible for listing on regulated markets.
- Prospectus: the company must prepare a prospectus in accordance with the EU Prospectus Regulation, subject to approval by the FMA.
- Legal Compliance: the issuer's incorporation and governance must comply with its home country's laws.
- Minimum Equity Capital: at least EUR 1 million for shares and EUR 250,000 for other securities.
- Company History: the issuer must have existed for at least three years and published financial statements, with exceptions possible.
- Regulatory Compliance: the issuer must adhere to all relevant legal and regulatory requirements.
- Accounting Standards: the issuer must apply International Financial Reporting Standards or other internationally renowned accounting principles.
- Denomination and Distribution: securities must be appropriately structured for trading and sufficiently distributed among the public (typically at least 25% or, in some cases, 10% held by at least 50 investors).

- Market Capitalisation: the listed shares must have EUR 20 million in market capitalisation if at least 25%, or EUR 40 million if less than 25%, is held by at least 50 investors.
- Complete Issuance: the application must cover all securities of the same type unless exceptions are justified.
- Exchange and Subscription Rights: if securities grant rights to other securities below EUR 50,000 in denomination, the underlying securities must also be admitted or adequately disclosed.

Further to that, please note that there are other market segments available for listing with the Vienna Stock Exchange, which may have less requirements as they qualify as multi-lateral trading facilities rather than as regulated markets. Therefore, the minimum equity capital may only be at least EUR 70,000, more than 20 different shareholders may suffice, national accounting standards may be applicable and the market capitalisation of only EUR 10 million may be sufficient.

2.4 Have there been any notable exits (sale of business or IPO) by the founders of fintech businesses in your jurisdiction?

Several notable founders have exited the FinTech space in Austria, primarily through strategic acquisitions. For example: Shpock, a mobile marketplace with integrated payment features, was acquired by Schibsted; and ready2order, a cloud-based point-of-sale (POS) and payments provider, was sold to Unzer in 2022. Finnest (crowdfunding/equity platform) was acquired by Finnish peer Invesdor in 2019. More recently, in March 2024, the French FinTech company Request Finance acquired the Vienna-based back-end financing platform Consola Finance. In 2025, the Greek unicorn Viva.com acquired a majority stake in the Austrian FinTech company Fiskaltrust, which specialises in fiscalisation and POS middleware. Additionally, kompany, a RegTech firm, was acquired by Moody's. While no FinTech IPO has taken place yet, later-stage companies signal growing exit potential. Bitpanda is currently the Austrian market's most anticipated exit. Publicly available reports from early 2026 speculate that Bitpanda has been preparing for an IPO in Frankfurt in the first half of the year, with a target valuation of EUR 4 to 5 billion.

3 Fintech Regulation

3.1 Please briefly describe the regulatory framework(s) for fintech businesses operating in your jurisdiction, and the type of fintech activities that are regulated.

FinTech businesses in Austria are subject to a function-based regulatory framework, meaning that regulation depends primarily on the nature of the activity performed, rather than the label "FinTech" as such.

The key regulatory frameworks are as follows:

- The Austrian Banking Act (BWG) – applicable to deposit-taking, lending and other core banking services.
- The Payment Services Act 2018 (ZaDiG 2018) – governing payment initiation, account information and other payment services in line with Payment Services Directive 2.
- The Electronic Money Act (E-GeldG 2010) – applicable to issuance of electronic money.
- The Securities Supervision Act (WAG 2018) and the Alternative Investment Fund Managers Act – regulating investment services and asset management.

- The Financial Markets Anti-Money Laundering Act (FM-GwG) – registration and compliance duties for certain crypto asset-related service providers and AML obligations.
- The Alternative Financing Act – setting out rules for public crowdfunding offerings.
- MiCAR and DORA – which have significantly impacted FinTech operators.

In practice, FinTechs may require a licence or registration with the FMA depending on whether their business model qualifies as a banking, investment, payment, electronic money, alternative investment fund management or crypto-asset service.

3.2 Are financial regulators and policy-makers in your jurisdiction receptive to fintech innovation and technology-driven new entrants to regulated financial services markets, and if so how is this manifested? Are there any regulatory 'sandbox' options for fintechs in your jurisdiction?

Austria takes a function-based and innovation-friendly regulatory approach to FinTech. The FMA maintains a dedicated FinTech contact point, enabling early regulatory dialogue and informal guidance for emerging business models.

In 2020, Austria introduced a formal regulatory sandbox regime under the Financial Market Innovation Act. The sandbox allows selected firms to test innovative financial services under close FMA supervision for a limited time, often in parallel with a phased licensing process.

In 2026, the FMA aims to strengthen the resilience and stability of financial market participants. This will entail addressing new structural issues arising from the current geopolitical situation and digitalisation, ranging from crypto markets and financial sanctions to AI.

In addition, national initiatives such as the FinTech Advisory Board and participation in EU-level digital finance strategies (such as MiCAR or DORA) reflect a broader policy commitment to financial innovation while maintaining supervisory integrity.

3.3 What, if any, regulatory hurdles must fintech businesses (or financial services businesses offering fintech products and services) which are established outside your jurisdiction overcome in order to access new customers in your jurisdiction?

Foreign FinTechs must carefully assess whether their activities result in a cross-border service triggering the application of Austrian regulatory laws. In Austria, a licence or registration may be required if the service is actively directed at Austrian clients, regardless of the provider's domicile (exceptions apply under certain circumstances to securitisation special purpose entities where the transaction qualifies as a Simple, Transparent and Standardised securitisation under the EU Securitisation Regulation, or – particularly in the case of bespoke, single-transaction structures – where it can be substantiated that the initiative originates primarily from the sellers).

Key regulatory hurdles include:

- Licensing Requirements: if the foreign FinTech offers services that fall under a respective regulatory act, such as the BWG, ZaDiG 2018, E-GeldG 2010 or WAG 2018, it may require a licence from the FMA, unless an EU passporting regime applies.
- No Reverse Solicitation Exception: in general, Austria does not recognise a reverse solicitation exemption.

3.4 How is your regulator approaching the challenge of regulating the traditional financial sector alongside the regulation of big tech players entering the fintech space?

Austria applies a technology-neutral and activity-based regulatory framework, meaning that both traditional financial institutions and Big Tech firms must comply with the same rules if they offer regulated financial services in Austria. There is no distinction made between providers based on their size or industry sector. Instead, the focus lies on whether the service provided requires a licence under existing legislation, such as the BWG or ZaDiG 2018.

At the same time, the FMA pays close attention to new business models, especially where Big Tech firms offer finance solutions, act as critical IT service providers or control access to customer data.

Austria supports EU-wide efforts to ensure that Big Tech companies are effectively supervised, and that fair competition, financial stability and consumer protection are preserved as the financial sector becomes increasingly digital.

4 Other Regulatory Regimes / Non-Financial Regulation

4.1 Does your jurisdiction regulate the collection/use/transmission of personal data, and if yes, what is the legal basis for such regulation and how does this apply to fintech businesses operating in your jurisdiction?

Yes, the collection, use and transmission of personal data in Austria is strictly regulated. The legal basis is primarily the EU General Data Protection Regulation (GDPR), which is directly applicable, supplemented by national rules under the Austrian Data Protection Act (*Datenschutzgesetz*).

FinTech businesses operating in Austria must ensure full compliance with GDPR principles.

4.2 Do your data privacy laws apply to organisations established outside of your jurisdiction? Do your data privacy laws restrict international transfers of data?

Austria's data protection framework is governed by the GDPR, which applies not only to entities established within the EU, but also to organisations based outside the EU if they target individuals in Austria through the offering of goods or services or monitor their behaviour. With respect to international data transfers, Austria follows the GDPR's strict transfer regime.

4.3 Please briefly describe the sanctions that apply for failing to comply with your data privacy laws.

The GDPR's sanctions regime provides for administrative fines of up to EUR 20 million or 4% of global annual turnover, whichever is higher. Furthermore, if an infringement of the GDPR results in damages, there is also the possibility of claiming damages under the GDPR.

4.4 Does your jurisdiction have cyber security laws or regulations that may apply to fintech businesses operating in your jurisdiction?

The GDPR and the Austrian Network and Information Systems

Security Act, which implements the EU NIS Directive, apply to certain digital service providers and operators of essential services. Furthermore, the EU NIS2 Directive was to be implemented in EU Member States by 17 October 2024. While Austria has not implemented the EU NIS2 Directive yet, national legislation is likely to be issued soon, resulting in additional cyber security requirements.

4.5 Please describe any AML and other financial crime requirements that may apply to fintech businesses in your jurisdiction.

FinTech businesses operating in Austria are subject to a comprehensive AML and counter-terrorist financing regime. The primary legal basis is the FM-GwG, which implements the EU AML Directives and is supplemented by sector-specific regulations such as the BWG, ZaDiG 2018, WAG 2018 and E-GeldG 2010.

FinTechs become subject to AML obligations when they carry out regulated activities, such as payment services, electronic money issuance, investment services or virtual asset services. The Austrian regime also applies to operators of crowdfunding platforms within the scope of the European Crowdfunding Service Providers Regulation. These entities must comply with strict requirements regarding customer due diligence, transaction monitoring and identification of politically exposed persons.

FinTechs are further required to establish and maintain effective internal AML systems, including the appointment of an AML officer, the implementation of risk-based policies and procedures, and staff training.

The FMA pursues a proactive supervisory approach and has made it clear that AML compliance is expected to be robust, documented and proportionate to the risk profile of the business – regardless of its size or digital business model.

4.6 Are there any other regulatory regimes that may apply to fintech businesses operating in your jurisdiction (for example, AI)?

FinTech businesses in Austria are also subject to additional legal frameworks, depending on their specific business model. This includes, in particular, the EU AI Act, which has already entered into force and establishes a risk-based regulatory regime for AI systems. This regime is especially relevant for tools used in credit scoring, fraud detection and robo-advice. As a directly applicable regulation in Austria, the EU AI Act imposes strict transparency, risk assessment and documentation requirements on FinTechs utilising high-risk AI systems.

5 Technology

5.1 Please briefly describe how innovations and inventions are protected in your jurisdiction.

Innovations and inventions in Austria are protected through a comprehensive system of intellectual property (IP) rights, in line with both national and EU law. Patentable inventions are protected under the Austrian Patent Act, provided they are novel, involve an inventive step and are industrially applicable. Applications can be filed nationally with the Austrian Patent Office, or via the European Patent Office or under the Patent Cooperation Treaty.

Software-based innovations can benefit from copyright protection under the Austrian Copyright Act, provided they are sufficiently original. Trademarks and designs may also be registered to protect product identity and visual elements.

In addition, trade secrets benefit from protection under the Austrian Trade Secrets Act, implementing the EU Trade Secrets Directive, provided that appropriate confidentiality measures are in place.

5.2 Please briefly describe how ownership of IP operates in your jurisdiction.

In Austria, ownership of IP generally vests in the creator or inventor, unless contractually agreed otherwise.

5.3 In order to protect or enforce IP rights in your jurisdiction, do you need to own local/national rights or are you able to enforce other rights (for example, do any treaties or multi-jurisdictional rights apply)?

IP rights can be enforced in Austria both on the basis of nationally registered rights and international or EU-wide rights, depending on the nature of the protection and the applicable legal instruments.

5.4 How do you exploit/monetise IP in your jurisdiction and are there any particular rules or restrictions regarding such exploitation/monetisation?

In Austria, IP can be exploited and monetised through a variety of legal mechanisms, including assignment, licensing, franchising, pledging and contribution in kind to a company.



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Herbst Kinsky is an Austrian commercial law firm with offices in Vienna and Linz. Since its establishment in 2005, Herbst Kinsky has emerged as one of Austria's leading commercial law firms. Its team of lawyers combine experience gained both internationally and within reputable Austrian law firms. The firm represents a diverse clientele encompassing large international privately held and publicly listed companies, banks, insurance companies and private equity investors, as well as small and mid-size business entities. Its clients cut across many industries, including life sciences, energy, IT, financial institutions and insurance.

The driving force behind Herbst Kinsky lies in its curiosity and openness towards emerging developments in law and business. With an understanding of the intricate interplay between law and new technological advancements, the firm advises clients on technology startups, including areas such as AI, metaverse, SaaS solutions, blockchain, quantum technology and aerospace, providing support to these ventures, from their establishment and financing rounds, to the creation and negotiation of crucial contracts, regulatory compliance and other matters relevant to their market presence.

Over the years, Herbst Kinsky has been recognised with numerous awards and accolades. In 2023, three of its partners were rated among the top 50 finance lawyers in Austria by *Borsianer*. The firm was also ranked in eight practice groups in *The Legal 500 EMEA 2022* and acknowledged by *Chambers and Partners Europe 2023* for its expertise in five practice areas.

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The **International Comparative Legal Guides** (ICLG) series brings key cross-border insights to legal practitioners worldwide, covering 59 practice areas.

Fintech 2026 features one expert analysis chapter and 29 Q&A jurisdiction chapters covering key issues, including:

- The Fintech Landscape
- Funding For Fintech
- Fintech Regulation
- Other Regulatory Regimes / Non-Financial Regulation
- Technology