



Legal FAQs - BEST IEO

The information contained in the Legal FAQs and on the website with respect to legal information are only of descriptive nature, and – unless explicitly referred to therein – do not form an integral part of the Terms, and are not and do not purport to be a full or complete description of any and all legal aspects and the Legal FAQs are not an advice, investment advice or legal advice of any kind.

Why is BEST no E-money under the Austrian E-Money Act (E-Geld Gesetz)?

Under the Austrian E-Money Act E-money means electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions, and which is accepted by other natural or legal persons other than the electronic money issuer.

BEST itself does not represent a claim on or against (Forderung gegenüber) Bitpanda GmbH or any of its affiliates. BEST's benefit will only be activated for Bitpanda users in connection with the Bitpanda ecosystem. This means that you may use BEST in connection with services and products of Bitpanda; hence, you have to be a Bitpanda user. Moreover, Bitpanda accepts the exchange and use of BEST whereas no other legal entities or persons are obliged to accept BEST and such acceptance by others is also not intended by Bitpanda.

Why is using BEST not falling under the Austrian Payment Service Act 2018 (Zahlungsdienstegesetz 2018)?

Under the Austrian Payment Service Act 2018 payment transactions (Zahlungsvorgänge) means an act, initiated by the payer or by the payee, of placing, transferring or withdrawing funds (Geldbeträge), irrespective of any underlying obligations between the payer and the payee. Funds (Geldbeträge) are defined as banknotes and coins, scriptural money and electronic money (in the meaning of the Austrian E-money Act).

BEST does not meet the legal requirements of the Austrian Payment Service Act 2018. In particular, only Bitpanda accepts the exchange and use of BEST whereas no other legal entities or persons are obliged to accept BEST and such acceptance by others is also not intended by Bitpanda.

Why is BEST not a commodity (Ware oder Handelsware)?

As BEST is an intangible movable thing (unkörperliche bewegliche Sache) like electronic data. The Austrian law does not qualify crypto assets (like BEST) as commodity.

Why is BEST not a financial instrument (Finanzinstrument)?

The Austrian Securities Supervision Act 2018 (Wertpapieraufsichtsgesetz 2018) has a clear definition of the term financial instrument (Finanzinstrument) and BEST does not fall under this definition.



Which tax consequences does the exchange of BEST between two parties have?

Whether the exchange of BEST triggers tax consequences (such as, for example, income tax or value added tax consequences) depends, inter alia, on the tax laws applicable in a party's state of residence and/or whether a party qualifies as an entrepreneur or not. The parties, therefore, should contact their own tax advisors on the tax consequences in connection with the exchange of BEST.

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For the ease of understanding only short summaries or explanations are given. The answers do not reflect and do not purport to reflect the entire answer on the respective questions and the answers do not cover any and all potential legal aspects of the question.

