Tax regime applicable to crypto currencies (and to NFT)*

Period	Category	Criteria for regime distinction		Methods of taxation	Taxable event	Reporting obligations	Prescription
Before January 1st 2023	Professional	Capital gains realized on a regular basis	Recurrence of transactions, time between purchase and resale dates, number of digital assets sold, acquisition conditions BOI-BIC-CHAMP-60-50, n°370 -	Taxable in the " BIC" category - BOI-RPPM-PVBMC 30-10 n*70 -	Purchase, sale and exchange transactions - No express mention of the exclusion of exchange transactions as for private individuals.	Complete a form n°3916 Bis - Article 1649 bis C of the French Tax Code - Complete a declaration to determine and control the taxable result - Article 53 A of the French Tax Code -	1
	Individual	Occasional capital gains		FLAT TAX (rate of 12.8% and social security contributions - 17.2%) - Article 150 VH Bis of the French ax Code-	As the time of the transfer of the digital asset with compensation (in FIAT) - BOI-RPPM-PVBMC-30-10 n* 70 - No taxation of crypto currency exchanges (and therefore not reportable - BOI-RPPM-PVBMC-30-30 n*20 -)	Complete a form n°3916-bis - Article 1649 bis C of the French Tax Code - ** Report on the annual income tax return the total amount of the capital gain realised in respect of the taxable disposals of the year Appendix n°2086 indicating all the capital gain realised even in the case of an exempted capital gain (if less than 305 €) - BOI-RPPM-PVBMC-30-30 n°70 -	
After January 1st 2023	Professional	Conditions similar to those of a professional (same regime as for stock exchange transactions - article 92 of the French Tax Code)	Preferential transaction fees in return for a commitment to trade a certain volume of digital assets per month; or use of professional tools and complex trading practices	Taxable in the "BNC" category - Article 92 of the French Tax Code-	Purchase, sale and exchange transactions - No more uncertainty about the exchange transactions explicitly mentioned in the future article 92 of the French Tax Code, and therefore taxable as such		In case of non-compliance with the obligation to declare accounts held abroad - 10 years***
	Individual	Non-professional setting	BOI-BNC-CHAMP-10-10-20-10 (criteria for assessing the professional nature of stock exchange transaction)-	FLAT TAX or possible option for the progressive scale of the IR (article 79 of the 2022 Finance law)	As the time of the transfer of the digital asset with compensation (in FIAT) - BOI-RPPM-PVBMC-30-10 n* 70 - No taxation of crypto currency exchanges (and therefore not reportable - BOI-RPPM-PVBMC-30-30 n*20 -)	Complete a form n°3916-bis - Article 1649 bis C of the French Tax Code - ** Report on the annual income tax return the total amount of the capital gain realised in respect of the taxable disposals of the year Appendix n°2086 indicating all the capital gain realised even in the case of an exempted capital gain (if less than 305 €) - BOI-RPPM-PVBMC-30-30 n°70 -	
Regime for persons engaged in a "mining" activity			A person engaged in the computer activity of maintaining the integrity and functioning of a blockchain network in exchange for crypto-currencies	Taxable in the "BNC" category - 801-BNC-CHAMP-10-10-20-40 n°1080 Covered by article 92 of the FrenchTax Code-	From the first operation Taxation of the result of this activity	Complete a form n*3916 Bis - Article 1649 bis C of the French Tax Code - Accounting obligations - Article 99 of the French Tax Code - Complete a declaration to determine and control the taxable result as non-commercial profit	

*The PLF had planned to subject NFTs (non-fungible tokens - digital assets issued by a blockchain) to the tax regime of the underlying asset they represent, in the case of a digital work of art, the capital gain generated on the sale of this NFT would have been determined and taxed in the same way as in the case of the sale of objects and precious metals, however, the amendment was rejected, and for the time being, NFTs are therefore subject to the tax action of crypto-currencies

**Unless the digital asset is held through a hardware wallet (a device to store your crypto-currencies securely) or through a French platform

***The administration allows, under certain conditions, not to make adjustments for the period exceeding the normal recovery period in the case where the taxpayer has spontaneously declared his activity before the start of the tax audit : BOI-CF-PGR-10-70 n°120 et 130