

that there are many significant differences in the positions and risks connected with issuance and trading of digital assets and traditional securities. Taking into account that digital assets as a category don't fit neatly into existing regulatory framework – currencies or securities, but rather cover all of them, most jurisdictions have yet to develop thoughtful regulation to create a fair, transparent and orderly digital assets market. The current legal loophole maintains fraud and a digital asset market is not yet safe for investors, particularly for institutional investors to enter with certainty and confidence. Therefore, a comprehensive legal approach is necessary, combining insights from digital processes with securities law, capital market regulation, contract law and property law.

The Republic of Serbia is one of the few countries in the world that has adopted the Law on Digital Assets. The Law on Digital Assets provides legal security on the digital assets market and withdraws the digital asset itself out of the grey zone, giving its status a legal form. Hence, the Law on Digital Assets is a good step forward but it remains to be seen whether its implementation will follow the digital assets market. Regulations will to an important extent be regulated by bylaws. Such bylaws will regulate in more detail the issuance and secondary trading of digital assets, whose efficiency will determine the successful implementation of the Law on Digital Assets in practice (Božović, 2021, p. 7).

Therefore, the Law on Digital Assets unequivocally represents a remarkably step forward towards the introduction of digital assets in both life and economy. When it comes to the introduction of the institute of fiduciary, such a step is even progressive. It seems indisputable that this is definitely a good beginning of the regulation of the digital assets market in the Republic of Serbia. However, a clear position of the legislator regarding certain relevant issues is yet to come in the future.

LEGAL SOURCES

- ESMA, 2018. Securities and Markets Stakeholder Group, *Advice to ESMA - Own Initiative Report on Initial Coin Offerings and Crypto-Assets*. ESMA22-106-1338. pp. 1-36.
- FINMA, 2018. Swiss Financial Market Supervisory Authority, *ICO Guidelines for enquiries regarding the regulatory framework for initial coin offering (ICOs)*, Bern: Finma, pp. 1-11.
- Gibraltar Financial Services (Distributed Ledger Technology) Regulations, *LN 2017/204*, Repealed by Act.2019-26 as from 15.1.2020.
- Gibraltar Financial Services (Distributed Ledger Technology Providers) Regulations, *LN 2020/012*.
- Law on Digital Assets, *Official Gazette RS*, No 153/2020.
- Law on the Capital Market, *Official Gazette of RS*, No. 31/2011, 112/2015, 108/2016, 9/2020 and 153/2020.
- Malta Digital Innovation Authority Act, Chapter 591 of the laws of Malta, *Act XXX of 2018*.
- Virtual Financial Assets Act, Chapter 590 of the laws of Malta, *Act XXX of 2018*, as amended by *Legal Notice 106 of 2021 and Act XLVI of 2021*.