



Smuggling: the role of the state and e-commerce platforms

An analysis of transparency and formalization
for public policy in Argentina

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Executive summary

Smuggling and illicit trade gained weight on the public agenda during 2025 and 2026, with sector estimates showing a sharp increase in categories such as mobile phones, growing concern among business chambers about unfair competition, and bills that assign strict or joint liability, or transfer verification and/or enforcement powers, to digital platforms. This report analyzes what role those platforms can play and acknowledges that certain macroeconomic factors, such as the easing of exchange controls and the appreciation of the peso, widened the price gap with other markets, but it focuses on the opportunities the digital channel offers to make transactions more transparent and help reduce smuggling.

In this context, e-commerce still accounts for a limited share of retail sales in Argentina, but its sustained growth has allowed it to reach a significant economic scale. In 2025, the digital channel is estimated to have accounted for about 15.5% of retail sales -with the limitations and possible overestimation bias explained in the methodological annex¹ -: 15 out of every 100 pesos spent in retail went through the digital channel, on a base of 25 million active buyers² and with nominal growth of 55%³ that outpaced inflation for the period and remained positive (+9% real growth in 2025) while physical retail recorded eight consecutive months of decline⁴.

The digital ecosystem is not a homogeneous category. It includes third-party marketplaces that organize or facilitate digital environments in which buyers and sellers can meet and carry out transactions; commerce solution platforms that allow each seller to manage its own sales channel; and conversational channels, such as social networks and messaging apps, that facilitate contact between the parties without necessarily recording the transaction. The specific involvement of each actor depends on its business model and the services it actually provides. Therefore, organizing the digital environment does not necessarily mean that the marketplace is a party to the sale, intervenes directly in its execution or exercises comprehensive control over its users' conduct. Each architecture has different capacities for recording, visibility and information generation, and that heterogeneity is the starting point for assessing the role and obligations of each actor.

The first part of the report **puts the growth of retail digital commerce in Argentina into context:** its sales volume and recent evolution, the structure of payment methods,

¹ Own estimate; see methodology in the Methodological annex

² Instituto Nacional de Estadística y Censos. (2025). *Accesos residenciales a internet: Informes técnicos*, Vol. 9, N° 300, tercer trimestre 2025. INDEC. <https://www.indec.gob.ar/indec/web/Nivel4-Tema-4-26-71>

³ Argentine Chamber of E-Commerce [CACE]. (2026). Estudio anual de comercio electrónico Argentina 2025. CACE.

⁴ Confederación Argentina de la Mediana Empresa. (2025, December). *Índice de ventas minoristas pyme: Diciembre 2025*. CAME. <https://www.redcame.org.ar/novedades/14449/las-ventas-minoristas-pyme-bajaron-52-interanual-e-n-diciembre>

cross-border trade and the growing weight of the courier regime. It also includes a dimension on the economic weight of the channel in terms of employment, the seller ecosystem and fiscal contribution.

The second part addresses the problem of economic informality and the opportunity that e-commerce traceability offers to reduce it. Informality operates in three analytically distinct dimensions: tax informality, customs smuggling and product markets (gray and black), with different legislation, causes and solutions in each case. The distinction matters because e-commerce produces traceability that is structurally relevant for domestic tax informality, but it has very different capabilities when it comes to smuggling and gray markets. The section documents that contrast, drawing on the most robust microeconomic evidence available on the role of intermediaries in tax compliance, and analyzes how the heterogeneity of the ecosystem (marketplaces, commerce infrastructure platforms and conversational channels) produces qualitatively different regulatory capabilities.

The third part analyzes the public policy challenges and opportunities opened up by that diagnosis. The starting point is the recognition that smuggling and gray markets generate significant fiscal losses, distort competition between the formal and informal channels and harm those who operate within the legal framework. In response to these problems, some legislative proposals in Argentina have sought to expand the obligations and liability of e-commerce platforms with respect to products sold by third parties. To assess these initiatives, it is necessary to distinguish between liability for customs infringements committed by others and the platforms' own duties of identification, information or action in the face of irregularities. The central argument of this section is that this route is not sufficient to solve these problems and may generate disproportionate costs when applied in a general and undifferentiated manner, for three reasons: it does not address the causes of the phenomenon, which are customs-related and stem from regulatory design; it may incorrectly assign control functions when it requires the intermediary to verify circumstances beyond its involvement or the information reasonably available to it; and it generates regressive effects on smaller sellers, who are the ones that depend most on the digital channel to access the formal market. This does not rule out specific obligations regarding seller identification, product information, reporting and action in the face of irregularities. Their justification must be assessed according to risk, the platform's involvement and the actual feasibility of compliance, as distinct from the automatic attribution of liability for smuggling committed by third parties. When previously imported goods are sold locally, the customs irregularity may precede the platform's involvement and verifying it may require information the platform does not have. In cross-border transactions, by contrast, the platform can intervene before the good enters the country and may hold data useful for its control. Gray markets, for their part, respond to price gaps generated by asymmetric tax burdens and certification barriers that make the informal channel a more convenient option than the formal one for buyers and sellers. In view of this, there is a route with greater potential to produce results: leveraging the information the State already receives through the existing information regimes,

developed incrementally since 2018, and through various cooperation schemes with actors in the digital ecosystem (payment processors, digital wallets and platforms). That information is already available. The challenge is to build the institutional capacity to integrate it with customs and tax records and thus target controls at the highest-risk operators and transactions. Section 3.1 develops the analysis of intermediary liability models and explains why none of them solves the problems of informality and illegality that prompted their discussion. Section 3.2 describes the information regimes, advance collection mechanisms and cooperation schemes currently in force. Section 3.3 analyzes the specific case of smuggling and its limits in relation to digital traceability. Section 3.4 proposes four concrete policy lines:

1. **Strengthen customs intelligence** through greater interoperability between ARCA, the General Customs Directorate and the technical control agencies regarding the transactional information the digital ecosystem already produces, in order to build risk profiles by operator and move from inspecting packages to identifying patterns.
2. **Redefine the incentives that fuel smuggling and gray markets**, aligning the courier regime with the commercial regime, guaranteeing mutual recognition of international certifications and periodically assessing the proportionality of technical regulations that operate as barriers to entry.
3. **Support the formalization of small sellers** through simplified procedures and official assistance materials developed by ARCA, with the possible voluntary collaboration of platforms in disseminating general information, reminders and links to official channels, where technically and operationally feasible.
4. **Build a permanent monitoring system for digital commerce**, entrusting INDEC, with the possible voluntary participation of ARCA, CACE and other private actors, with an annual estimate of the distribution of retail trade by channel following the methodology of the 2023 OECD-UNCTAD-IMF-WTO Handbook.

Treating the digital economy as a sector separate from the real economy is increasingly costly in public policy terms. The digital channel already produces traceability, already withholds taxes and cooperates with State agencies. The question guiding this report is **how to institutionalize that integration in a way that helps strengthen tax collection, reduce informality and preserve access to the formal market for producers, sellers and consumers.**

Note on sources. The report uses official statistics, academic literature and studies by business chambers and companies. The latter provide relevant information, but their results are interpreted taking into account their coverage, methodology and institutional interest. Corporate indicators of activity, employment or moderation do not, on their own, amount to estimates of causal impact or of the prevalence of irregular trade.

Section 1. Size and economic contribution of digital commerce

Key message. In 2025, Argentine e-commerce generated revenues of 34,033,238 million pesos, with real growth of close to 9%, and added 1.3 million new buyers to reach a base of 25 million people. The channel grew while physical retail contracted, gaining market share in a year of overall consumption decline. That dynamism took place within a heterogeneous ecosystem that includes third-party marketplaces, own-store platforms and conversational channels such as Instagram and WhatsApp, each with very different capacities for recording and generating fiscally usable information. Understanding that heterogeneity is a necessary condition for assessing the role of each actor in the economy.

1.1 A typology of the digital ecosystem

E-commerce is the segment of the economy in which a commercial transaction (the purchase or sale of a good or service) is ordered through computer networks, regardless of how it is delivered or paid for⁵. In other words, what makes a transaction e-commerce is not the type of product, the size of the company or the delivery channel, but the fact that the order is placed through digital means. This ranges from a purchase order between two industrial companies processed by a system to a consumer buying clothes on their phone at eleven at night.

This broad universe can be categorized according to different concepts. The first is: who are the parties to the transaction? This is a classification based on the type of actor that sells and buys. Business-to-business transactions (B2B, *business to business*) cover the digital purchase of inputs, corporate services and intermediate goods within production chains. They make up the dominant share of global e-commerce by volume and are the segment with the longest history, since the first forms of electronic exchange between companies predate the web and go back to the EDI (*electronic data interchange*) systems of the 1970s. Business-to-consumer transactions (B2C, *business to consumer*) are the most visible segment, the one that drives the large marketplaces and online stores, and the one that has grown the most since internet access became widespread in the second half of the 1990s. Consumer-to-consumer transactions (C2C, *consumer to consumer*) emerged with platforms for buying and selling between individuals, especially used goods, and online auction sites, and reached massive scale with the rise of social networks as a sales channel.

The second type of categorization is based on the question: what role does the platform play in that transaction? Here the question is not about both parties but about

⁵ IMF, OECD, UNCTAD and WTO. (2023). *Handbook on measuring digital trade (2nd ed.)*. OECD Publishing. <https://doi.org/10.1787/ac99e6d3-en>

how technology participates in the transaction⁶. Some digital actors are third-party intermediaries. This first type connects independent buyers and sellers without taking possession of the product at any point in the transaction. The platform organizes the meeting space, processes the payment and generates the record, but the good belongs to the seller until it reaches the buyer. **This model corresponds to the category of *third-party marketplace*, defined as a multi-sided platform that allows external sellers to interact with consumers without taking ownership of the products offered.** Other actors are direct sellers that use their own digital channels. In this case, the same company that produces or distributes the good manages its online store with no intermediary between it and the consumer. A third type of actor (such as social networks and messaging) works as a communication channel through which the parties coordinate an exchange that may be carried out entirely outside the platform, without the platform recording the actual transaction. These types of transactions are "digitally ordered transactions without an intermediary platform"⁷ and the actors offering these solutions appear in the literature as social commerce (s-commerce)⁸ or conversational commerce (c-commerce)⁹. This type of transaction lies in less defined territory because it is difficult to measure. Not every digitally enabled transaction may fall within the statistical definition of e-commerce. The distinction between platforms that order transactions and platforms that simply facilitate communication is a methodological problem still open at the international level.

⁶ OECD. (2019). Unpacking e-commerce: Business models, trends and policies. OECD Publishing. <https://doi.org/10.1787/23561431-en>

⁷ IMF, OECD, UNCTAD and WTO. (2023). Handbook on measuring digital trade (2nd ed.). OECD Publishing. <https://doi.org/10.1787/ac99e6d3-en>

⁸ Lin, X., Li, Y., & Wang, X. (2017). Social commerce research: Definition, research themes and the trends. *International Journal of Information Management*, 37(3), 190–201. <https://www.sciencedirect.com/science/article/abs/pii/S0268401216303784>

⁹ Messina, C. (2015, January 16). Conversational commerce: Messaging apps bring the point of sale to you. Medium. <https://medium.com/chris-messina/conversational-commerce-92e0bccfc3ff>

Chart 1. Typology of e-commerce actors

		WHO ARE THE PARTIES INVOLVED?		
		B2B BUSINESS → BUSINESS	B2C BUSINESS → CONSUMER	C2C CONSUMER → CONSUMER
WHAT ROLE DOES THE PLATFORM PLAY?	MARKET-PLACE Intermediary without owning the product High traceability	EXAMPLES Mercado Libre B2B Alibaba Nubiz / industrial portals	EXAMPLES Mercado Libre · OnCity Provincia Compras Temu · Shein Despegar · Kavak TikTok Shop (expanding)	EXAMPLES Mercado Libre C2C OLX second-hand and auctions
	OWN STORE Infrastructure for own channel Medium traceability	EXAMPLES SAP Commerce Own wholesale portals	EXAMPLES Tiendanube · Empretienda Shopify Frávega · Garbarino · Farmacity	Uncommon <i>Not a usual model in C2C</i>
	CONVERSATIONAL CHANNEL Social network or messaging. Transaction outside the platform Low or no traceability	EXAMPLES Email WhatsApp Business	EXAMPLES Instagram · TikTok WhatsApp Facebook	EXAMPLES Facebook Marketplace WhatsApp groups Telegram

Source: own elaboration based on OECD (2019), UNCTAD, DTL and ECDE (2024), Lin et al. (2017) and Messina (2015).

Source: own elaboration based on OECD (2019), UNCTAD, DTL and ECDE (2024), Lin et al. (2017) and Messina (2015).

Third-party marketplaces have come to play a relevant role in organizing the global e-commerce ecosystem. The value of transactions facilitated through 37 large platforms of this kind increased by more than 55% during the pandemic period. In OECD terms, these platforms mainly perform a function of organizing or matching supply and demand. That function sets them apart from a traditional seller, but it does not necessarily mean that they are a party to the transactions concluded between their users or that they control all of their elements. Depending on the business model and the services actually provided, their systems may record information related to the listing, the seller's declared identity, the order, the price or the payment. This recording capacity can contribute to traceability, although its scope varies across platforms and does not necessarily cover aspects outside their infrastructure, such as the physical delivery of the product, its customs origin or documentation provided outside the digital environment.

In short, the digital commerce ecosystem is not a homogeneous category but a set of technical architectures and business models with very different capacities for recording, traceability and regulatory visibility. Recognizing that heterogeneity is the necessary starting point for assessing the specific role of each type of actor in Argentine commerce. In Argentina, that heterogeneity is particularly pronounced. The ecosystem ranges from regional *marketplaces* with millions of registered sellers, such as Mercado Libre, to own-store platforms such as Tiendanube and Empretienda, as well as the digital stores of large retail chains such as Frávega, Falabella or Cencosud or of small businesses, and mass conversational channels such as Instagram and WhatsApp. Metaphorically speaking, while marketplaces are "shopping malls" where sellers rent store space, the digital stores of individual brands work as "street-front stores". *Social commerce*, meanwhile, can work both ways. The next part will look in more depth at the size and share of each of these channels in Argentine e-commerce.

It is worth noting that these categories are not mutually exclusive. Some platforms operate simultaneously as third-party intermediaries and as direct sellers of products from their own stock, which the specialized literature calls a hybrid model. This circumstance does not alter the conclusions of this report, which remain equally applicable, taking into account in each case the role actually played by the platform in the transaction in question. These modalities are not static. Actors that emerged as first-party direct sellers (where the platform acquires and sells the product in its own name) have progressively incorporated third-party sellers, while others that started as pure marketplaces have developed their own operations in certain categories. In all cases, there is only one condition for a transaction to be considered e-commerce: that the order is placed through computer networks, regardless of how the product is delivered or the payment is made.

1.2 Global overview: e-commerce around the world

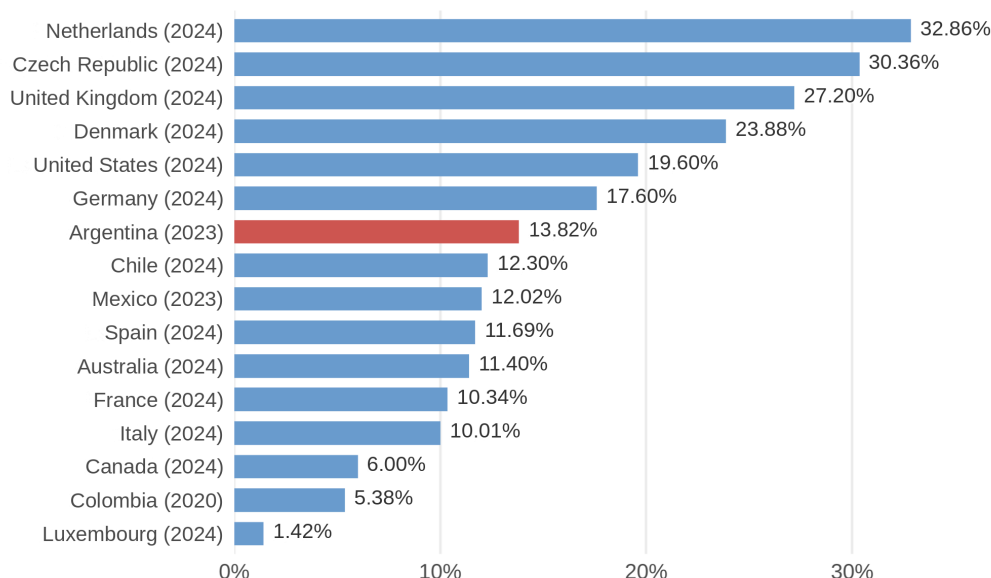
E-commerce is already one of the largest-scale economic activities in the world, with sales exceeding 27 trillion dollars a year. According to the technical note published in 2024 by the United Nations Conference on Trade and Development (UNCTAD)¹⁰, digital sales by businesses reached that figure in 2022. The volume is equivalent to more than the combined output of Germany and Japan, and represents growth of almost 60% compared with 2016. However, that figure aggregates two different phenomena that should be separated to understand the role of marketplaces. Most of the 27 trillion corresponds to business-to-business transactions (B2B or *business to business*) in sectors such as logistics, inputs or digitally ordered corporate services, while direct sales to final consumers (B2C or *business to consumer*) do not exceed a quarter of the total in most economies. The global volume of online retail sales was estimated at around 6 trillion dollars in 2022.

¹⁰ United Nations Conference on Trade and Development. (2024). *Business e-commerce sales and the role of online platforms* (UNCTAD Technical Notes on ICT for Development, No. 1; UNCTAD/DTL/ECDE/2024/3).
https://unctad.org/system/files/official-document/dtlecde2024d3_en.pdf

The penetration of the digital channel in retail varies enormously by country, but in all cases it is growing faster than the economy as a whole. The Netherlands, the United Kingdom and the Czech Republic are the most advanced markets, with between 25% and 33% of their total retail sales made online. The United States stands at around 19%. Most economies range between 5% and 10%. Experimental UNCTAD figures indicate that in all these contexts e-commerce sales are expanding significantly faster than gross domestic product, reflecting a structural shift of consumption towards the digital channel that does not reverse in periods of slowdown.

Chart 2. E-commerce share of total retail sales by country, latest available year (percentages)

E-commerce share of total retail sales. Latest available year by country



Source: Own elaboration based on UNCTAD (Digital Economy Report), ARCA, INDEC, CACE, Central Bank of Chile.
 Note: The figure for Argentina was estimated based on the weight of the retail channel in total trade (56.7%), total trade sales in 2023 (ARCA Yearbook) and e-commerce sales surveyed by CACE.

Source: UNCTAD, Central Bank of Chile, INDEC, ARCA and CACE.

Note: the estimate for Argentina tends to overestimate the penetration of the digital channel in retail sales. It was constructed from the weight of the retail channel in total trade and the sales registered by AFIP in 2023. In other words, informal trade at physical stalls is left out of the calculation. For further details, see the methodological note in the Annex

Developing economies take part in this global trend, but with a persistent structural asymmetry. Even though they generate close to 40% of world GDP, they account for a considerably smaller share of global e-commerce sales. Gaps in digital infrastructure and payment systems explain part of that distance, but so does a significant statistical deficit, since there are no reliable statistics on the value of their online transactions. Latin America presents a heterogeneous picture. While countries such as Argentina (13.8%), Chile (12.3%) and Mexico (12.0%) show estimated values close to those of developed countries such as Spain (11.7%) and Australia (11.4%), other countries such as Colombia (5.4%) show substantially lower values. Argentina is part of this trend from a position of relative maturity within the region. With more than two decades of development of its e-commerce ecosystem and penetration indicators above the Latin American average,

the country has consolidated a channel that is already a structural part of domestic consumption.

1.3 Recent evolution of e-commerce in Argentina

In 2025, Argentine e-commerce generated revenues of 34,033,238 million pesos, with nominal growth of 55% compared with 2024. To gauge that growth, however, price developments need to be taken into account.¹¹ Deflated by the average annual price index, the channel's revenues grew by approximately 9% in real terms, approaching 2023 levels after the sharp contraction of 2024. The evolution of units sold complements this reading and shows more precisely the actual expansion of the channel. Units sold grew 28% compared with 2024, after stagnating between 2023 and 2024, and reached 645 million products sold. The contrast between the two indicators outlines the type of growth the channel went through during 2025. Purchase orders rose 3% to 253 million transactions, while the average ticket rose 46% in nominal terms, exceeding the annual inflation of 31.5% cited in the report¹².

In addition, the economic weight of the channel extends to the employment generated directly or indirectly for the digital channel. According to CACE data¹³, 44% of companies operating in e-commerce reassigned or hired staff for the sector in 2025, with an average of 5 new employees per company. At the local level, the MELI Effect Argentina Report published in 2026 records that 330,000 SMEs and entrepreneurs sold on Mercado Libre in 2025, 51% of whom sold in cities where they had not sold before. Moreover, for almost 50% it is their main sales channel, and for 20% it represents 50% or more of their revenues¹⁴.

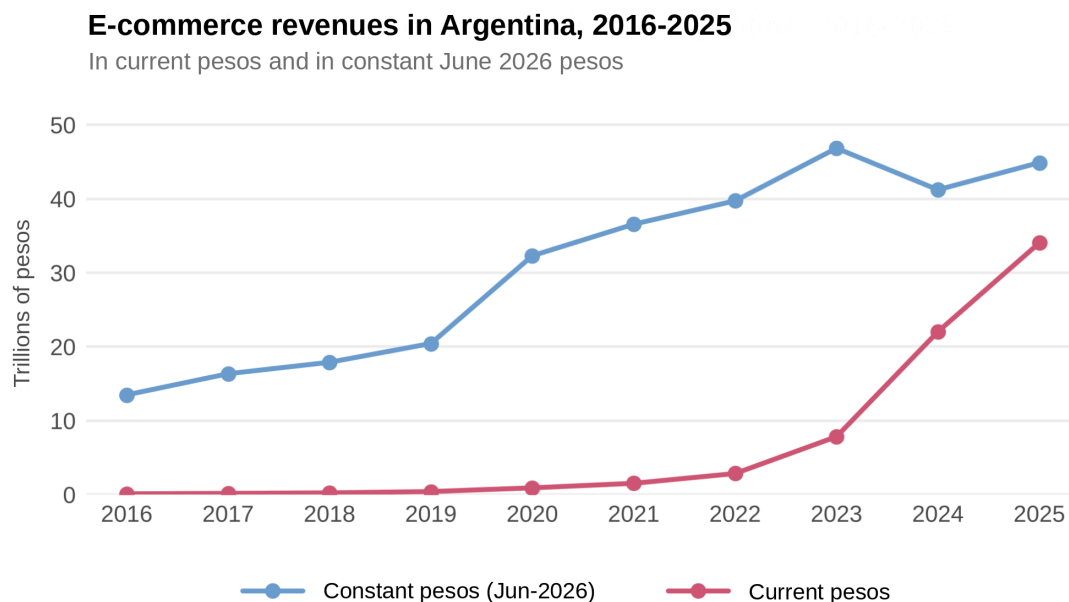
¹¹ Argentine Chamber of E-Commerce [CACE]. (2026). Los Argentinos y el e-commerce. ¿Cómo compramos y vendemos online? Available at https://cace.org.ar/pages/estadisticas?srsId=AfmBOoo2F0f6-JQL1qAQ5E33bQppnD5nB_IMv7nAx4kowg1O9XOkV43N

¹² Argentine Chamber of E-Commerce [CACE]. (2026). Estudio anual de comercio electrónico Argentina 2025. CACE.

¹³ Argentine Chamber of E-Commerce [CACE]. (2026). Estudio anual de comercio electrónico Argentina 2025. CACE.

¹⁴ Mercado Libre. (2026). *Efecto MELI: El impacto de nuestro ecosistema en la economía de Argentina*. <https://efectomeli.com/es/ar/emprendedores-y-pymes-en-argentina>

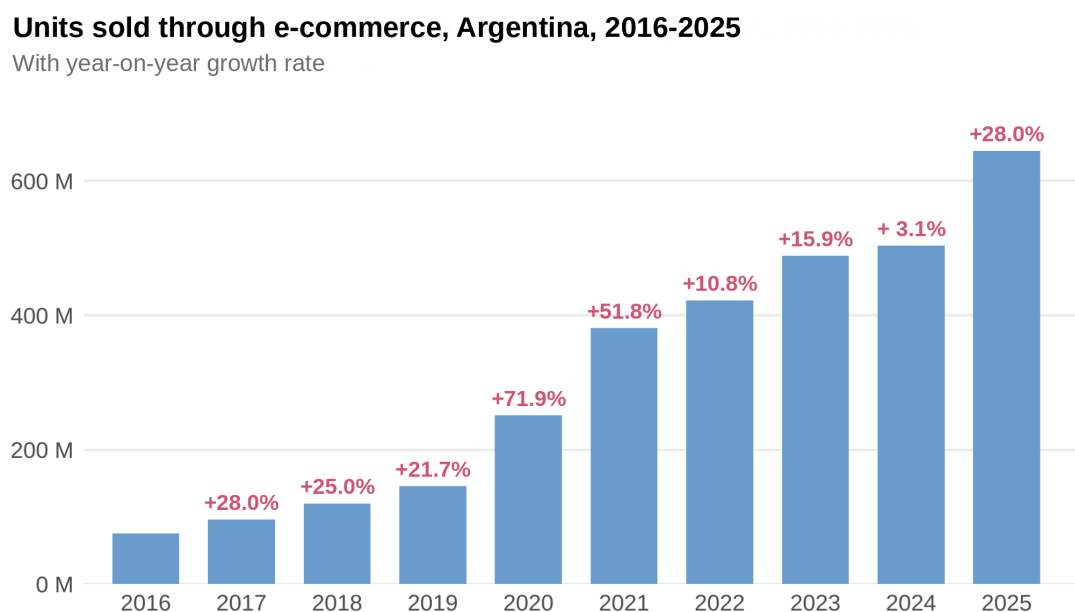
Chart 3. Evolution of e-commerce revenues in Argentina, 2016-2025, in current pesos and in constant June 2026 pesos.



Source: CACE (annual series; 2025 according to the final Annual Study, March 2026) and INDEC (average annual CPI).

Source: CACE (annual series, 2025 value according to the final Annual Study, March 2026) and INDEC. Constant pesos deflated by the average annual CPI.

Chart 4. Evolution of physical units sold through e-commerce in Argentina, 2016-2025, with year-on-year growth rate shown.



Source: CACE (annual series).

Source: CACE, annual series.

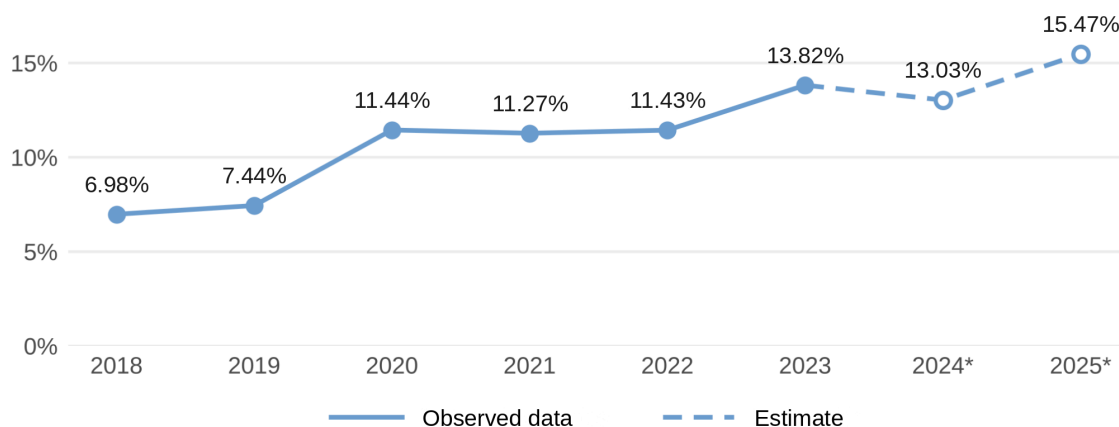
The comparison with the overall performance of Argentine retail during 2025 is especially relevant for gauging the scale of the phenomenon. The SME retail sales index compiled by CAME recorded eight consecutive months of year-on-year decline. At the same time, e-commerce recorded a 32.3% year-on-year increase in December and 14.1% cumulative growth for the year, according to Scentia's mass consumption survey. The divergence between the two indicators shows that the digital channel did not follow the general contraction in consumption but moved in the opposite direction.

According to data from INDEC, ARCA and CACE, the share of the digital channel in retail sales rose from around 7% in 2018 and 2019 to about 11.4% between 2020 and 2022, and reached 13.8% in 2023. The pandemic produced a jump in scale that did not reverse with the return to in-person work and the normalization of forms of commerce. The level reached in 2020 held over the following two years and rose again in 2023. Estimates for the last two years show a slight decline in 2024 (13.0%), in line with the real drop in the channel's revenues that year, and a new high in 2025 (15.5%). The expansion is also reflected in the buyer base. In 2025, about 1.3 million new buyers joined, bringing the total number of people who made at least one online purchase during the year to 25 million.

Chart 5. Share of the digital channel in total Argentine retail trade, 2018-2025.

Share of e-commerce in retail sales in Argentina

As a % of total retail sales, 2018-2025



Source: own elaboration based on CACE, ARCA and INDEC.

* Estimate: since sales registered with ARCA for 2024 and 2025 are not available, the denominator was estimated from National Accounts (see Methodological annex).

Source: CACE, ARCA, INDEC.

Note: the data presented for 2024 and 2025 are a less robust estimate than those for previous years, since the level of sales registered with ARCA for these years is not yet available. For this reason, there are discrepancies between the reported level and the general movement of the e-commerce channel relative to sales at physical points of sale.

1.4 Structure of payment methods

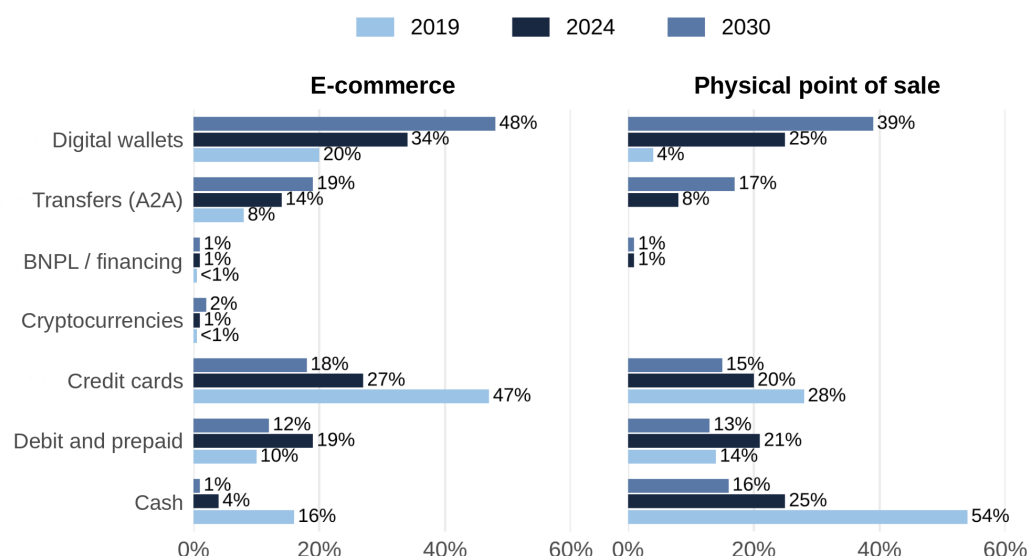
One of the defining features of Argentine e-commerce is the almost complete absence of cash as a means of payment. According to data from CACE's supply-side survey, in 2025 credit cards continued to lead with 67% of revenues, followed by 22% from digital wallets (20%) together with bank transfers (2%), and debit cards, which accounted for 10%. Meanwhile, cash payment through systems such as Pago Fácil or Rapipago remains at a marginal level of 1% of the total transacted. This digital payment structure contrasts sharply with that of traditional physical retail, where the use of cash still remains highly relevant.

The composition of payment methods has direct implications for the traceability of transactions. Each electronic instrument leaves a verifiable record of the transaction involving at least three independent parties: the buyer, the seller and the financial service provider. The convergence towards digitalized payment structures is one of the most significant structural changes of the recent period, with Argentina leading Latin America in the use of digital wallets and the adoption of interoperable QR codes as an everyday payment standard.

Worldpay data on the evolution of payment methods reinforce this diagnosis. In e-commerce, digital wallets rose from 20% of transaction value in 2019 to 34% in 2024, while credit cards fell from 47% to 27% and cash shrank from 16% to 4%. At the physical point of sale, a considerably larger market, the direction is convergent although the starting point differs: cash accounted for 54% of in-person transactions in 2019 and by 2024 had fallen by half, while digital wallets rose from 4% to 25%. The combination of wallets and account-to-account transfers accounted for just 4% of value at the physical point of sale in 2019 and reached 33% in 2024, **confirming that the digitalization of payments goes beyond the electronic channel.**

Chart 6. Share of payment methods by sales channel, 2019, 2024 and 2030 estimate.**Payment methods in Argentina: e-commerce and physical point of sale**

Share of transaction value (percentages, 2019, 2024 and 2030 projection)



Source: Worldpay, The Global Payments Report 2025. Totals may not add up to 100% due to rounding.

Source: Worldpay, The Global Payments Report 2025.

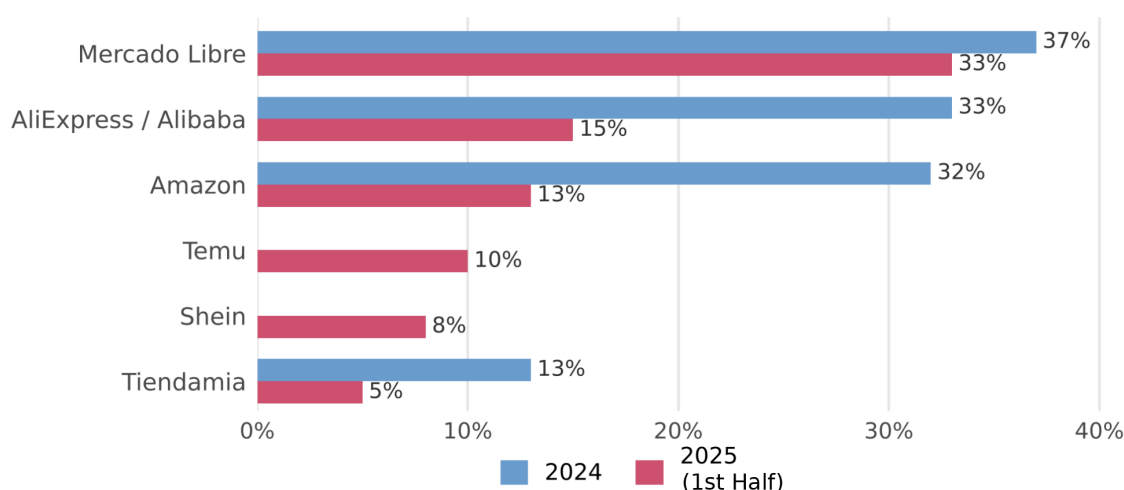
1.5 Purchases from abroad and cross-border trade

A second-order phenomenon that emerged strongly during 2025 is direct purchasing by Argentine consumers on foreign platforms, particularly Asian and US platforms. 47% of online buyers made at least one purchase abroad during 2025, with growth of 32% compared with 2024 in purchases from Asian platforms and of 211% in the use of the *courier* regime. The *courier* channel is the system for the international entry and exit of packages managed by private express delivery and transport companies, such as DHL, FedEx or UPS. Unlike a traditional import, which usually requires a customs broker and a more complex customs procedure, the *courier* channel works under a simplified regime: the carrier submits the shipment information, handles much of the procedure before Customs and delivers the package directly to the recipient. Among the main foreign platforms used by Argentine consumers are AliExpress, Amazon, Temu and Shein, whose evolution is presented in Chart 7 for 2024 and the first half of 2025. This phenomenon is supported by recent regulatory changes regarding customs duties and the *courier* regime, specifically the elimination of duties on the first 400 dollars of each shipment, the increase in the import limit to 3,000 dollars and the authorization of up to 5 personal shipments per year without additional procedures.

Chart 7. Distribution of foreign platforms used by Argentine consumers in 2024 and the first half of 2025.

Mercado Libre leads purchases abroad; Temu and Shein surge in 2025

Main platforms used for purchases abroad. As a % of buyers.



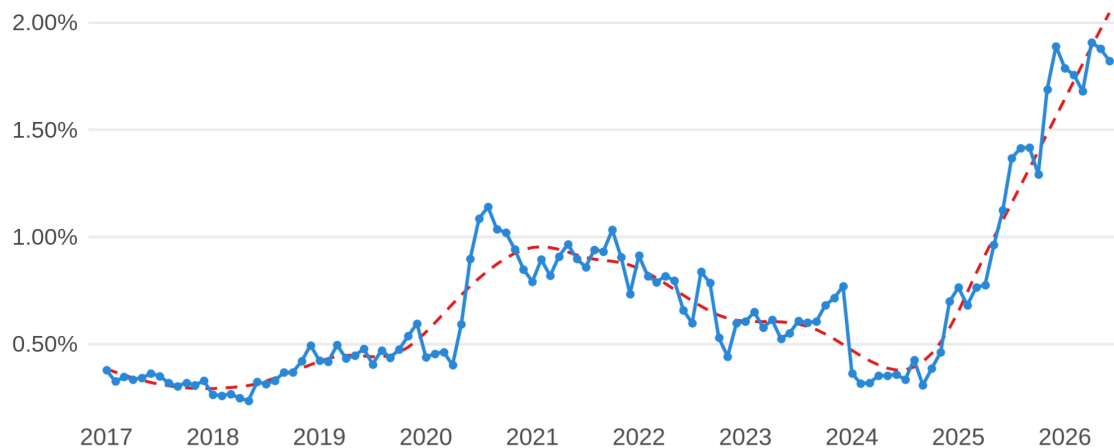
Source: Own elaboration based on CACE Annual Report 2024 and MID Report, 1st Half 2025

Source: CACE, demand-side survey.

The courier regime ceased to be a marginal channel within Argentine imports and has carried significantly greater weight since the reform of late 2024. Between 2017 and 2024, its share generally remained below 1% of monthly imports, although it slightly exceeded that threshold in some months of 2020 and 2021. From 2025 onwards, however, there was a jump in scale: the channel went from 0.70% of imports in December 2024 to 1.89% a year later, and during the first half of 2026 it remained at around 1.8%. In other words, in just over a year, the weight of courier shipments multiplied several times over relative to their historical levels. **This growth also poses a significant challenge for public policy: the available information does not make it possible to know in sufficient detail which goods enter through this route**, which creates a statistical gap precisely in a channel whose relative importance has been increasing rapidly.

Chart 8. *Share of the courier regime in total monthly imports, 2017-2026.***Weight of the courier regime in Argentine imports**

Monthly share of total CIF imports, in %. Dotted line: trend.



Source: own elaboration based on INDEC – Foreign trade.

Source: INDEC.

Section 2. The problem of informality and the opportunity of e-commerce

Key message. With VAT evasion in commerce that remains among the highest of the economic activities measured, Argentina faces a structural problem that growth cycles fail to reverse. Economic informality operates in analytically distinct dimensions (tax, customs, and gray and black markets) that require differentiated policy tools and that e-commerce affects unevenly. The most robust microeconomic literature available shows that **the determining factor of tax compliance is not the taxpayer's willingness but the information architecture of the system in which they operate:** when a legal regime requires an independent third party to record certain information and report it to the tax authority, the room for maintaining declarations inconsistent with that data shrinks. Some marketplaces, depending on their architecture and the services they actually provide, can generate records relevant for that purpose. However, generating information does not automatically make them parties obliged to report it, withhold taxes or perform enforcement functions: those obligations exist only when an applicable rule expressly establishes them and within the limits it defines. When it comes to smuggling and gray markets, on the other hand, platforms have substantially more limited capabilities. Smuggling is a customs phenomenon that, in domestic resale of previously imported goods, may have taken place before the platform's involvement, and gray markets may be fostered by regulatory design distortions (such as tariff gaps and certification or type-approval costs) that listing moderation systems cannot resolve on their own. Recognizing that heterogeneity is the necessary condition for building a public policy that leverages what the digital channel actually produces without assigning it responsibilities it cannot fulfill.

2.1 The problem of informality and its different faces

Tax informality is one of the structural problems of developing economies and has negative consequences for all actors in a society. In peripheral economies, the persistent coexistence of high-productivity and very low-productivity sectors makes informality a structural phenomenon, and not simply the result of individual decisions¹⁵. **Informality basically consists of a set of income-generating activities that are not regulated by the State**¹⁶. However, all actors experience negative consequences from this problem. For **formal businesses**, informality means unfair competition from units that reduce their costs by evading tax burdens, eroding incentives to formalize and putting downward pressure on standards across the sector. For the **State**, it means a reduced tax base that limits the capacity to finance public goods and concentrates the tax burden on a

¹⁵ Pinto, A. (1970). Naturaleza e implicaciones de la "heterogeneidad estructural" de América Latina. *El Trimestre Económico*, 37(145), 83–100.

¹⁶ Castells, M. & Portes, A. (1989). World underneath: The origins, dynamics, and effects of the informal economy. In A. Portes, M. Castells & L. A. Benton (Eds.), *The informal economy: Studies in advanced and less developed countries* (pp. 11–37). Johns Hopkins University Press.

narrower universe of taxpayers, generating additional pressure on rates and fueling a cycle in which formality becomes comparatively more costly. For the **economy as a whole**, informality depresses aggregate productivity by keeping small-scale units active that have no access to formal credit, do not invest in technology and do not take part in value chains that require certification and traceability.

Informality has different dimensions, and they need to be distinguished in order to identify possible causes and solutions. For the purposes of this report, the following are addressed: tax informality; smuggling or customs irregularity; black markets, comprising prohibited items and counterfeit products; and gray markets, comprising the sale of goods without the required regulatory authorization or certification and goods sold outside their official sales channel. A productive unit may be registered and comply with its tax obligations, yet sell products outside the distribution network authorized by the manufacturer, operating in the so-called **gray market**. Likewise, a smuggled good may subsequently be sold through unofficial distribution channels (gray market). Conversely, a genuine and lawful product may be sold through a gray market without having violated any customs rule upon entry. Therefore, these dimensions are **analytically independent, although in practice they may overlap in different ways**. Distinguishing them is relevant because each responds to different problems and poses specific challenges and opportunities for e-commerce. The following table sets out the main categories of informality and illegality and their possible intersections.

Table 1. Types of informality and illegality in an economy

Dimension	What it consists of	Legislation (non-exhaustive) that includes formality requirements
Tax informality	Failure to comply with registration, invoicing or filing obligations: the economic unit is not registered under the tax regime corresponding to its activity, remains in a category that does not reflect its level of operations, or fails to comply with its invoicing and filing obligations.	Law 11.683 on Tax Procedure (registration and filing obligations before ARCA), Law 24.977 on the Simplified Regime (Monotributo), rules of the General VAT and Income Tax Regime, possibly General Companies Law 19.550
Smuggling (customs offense)	Entry or exit of goods through artifice or deception that prevents or hinders control by the customs service: concealment, use of unauthorized crossings, false documentation or other maneuvers aimed at evading taxes, prohibitions or restrictions. What defines smuggling is the intent to evade control, not the type of product: it may involve genuine or counterfeit, permitted or prohibited products. When the value of the goods does not exceed the threshold set by law, the	Customs Code, Law 22.415, articles 863 to 876 (smuggling offense) and article 947 (minor smuggling)

	conduct is treated as minor smuggling and is penalized as an administrative infringement, not as a criminal offense.	
Customs infringements (customs irregularity)	<p>Failure to comply with customs obligations without the artifice or deception that characterizes smuggling. It includes inaccurate declarations regarding the quantity, quality, value, origin or tariff classification of the goods, failure to comply with the conditions of regimes such as temporary importation, and breach of formal obligations. Under-invoicing, for example, is usually classified as an inaccurate declaration.</p> <p>It may result from error, negligence or deliberate conduct that does not amount to smuggling, and is penalized through administrative proceedings, mainly with fines. All smuggling is a customs irregularity, but not every customs irregularity is smuggling.</p>	Customs Code, Law 22.415, Section XII, Title II (customs infringements), including inaccurate declaration (article 954)
Prohibited or restricted items (black market)	<p>Goods whose production, importation, possession, distribution or sale is prohibited, or subject to a special control regime for reasons of security, health or public order. The illegality derives from a prohibition or restriction on the product itself, and not from the channel through which it is sold or the seller's tax status.</p> <p>Depending on the product, the prohibition may be absolute (the good cannot be sold, such as narcotics) or relative (it may only be sold with specific authorizations and through authorized circuits, such as weapons or prescription drugs). Lawful goods that do not meet general technical or regulatory requirements, such as type approvals or certifications, are not part of this category.</p>	Criminal Code; Law 23.737 on narcotics; Law 20.429 on weapons and explosives; Law 16.463 on medicines, as applicable
Counterfeit products (black market)	Goods that reproduce, imitate or use without authorization trademarks, distinctive signs, designs or other elements protected by intellectual property rights, so that they are presented as, or may be perceived as, original products or products linked to their legitimate owner. Unlike prohibited items, the type of product may be perfectly lawful: the illegality derives from the counterfeiting, the unauthorized use of third-party rights or the misrepresentation of the origin or authenticity of the good.	Trademark Law 22.362 Law 11.723 on Intellectual Property and Decree-Law 6673/63 on Industrial Models and Designs, as applicable

<p>Sale of genuine products outside official distribution networks (gray market in the strict sense)</p>	<p>Sale of genuine products outside the distribution networks that are official or authorized by the manufacturer. What is "gray" lies in the sales channel: the product is authentic, but it is sold by actors that are not part of the brand's official distribution network. This dimension is independent of tax, customs and regulatory compliance. A product sold on the gray market may have been legally imported, with the corresponding taxes paid, and may meet all the technical or health requirements applicable in the local market.</p> <p>In turn, the gray market may overlap with other forms of irregularity. For example, a genuine product sold outside the official network may have entered through smuggling or may lack the type approval, electrical certification, health registration or other authorization required for its sale.</p>	<p>There is no specific public regulation: it is governed by agreements between private parties (for example, contracts with official distributors)</p>
<p>Sale of products without regulatory authorization (gray market in the broad sense)</p>	<p>Often referred to as "gray markets", this covers the sale of genuine products whose category is lawful but which do not meet one or more regulatory requirements for sale in the local market. These requirements may include technical type approvals, safety or energy efficiency certifications, health registrations or authorizations, mandatory labeling or other conditions established by sector regulation.</p> <p>The irregularity does not derive from the nature of the product or from a general prohibition on selling it, but from the failure to meet a regulatory condition necessary for its legal sale. It also differs from the gray market in the strict sense, since a product may be sold outside the manufacturer's official network and meet local regulatory requirements, or be sold by an authorized distributor and still present some regulatory non-compliance.</p>	<p>Type approval before ENACOM: Argentina Digital Law 27.078 and Resolution 57/2026</p> <p>Electrical safety certification: SIC Resolution 16/2025</p> <p>Toy safety certification: Resolutions 163/2005 and 313/2025</p> <p>Auto parts certification: Law 24.449 and Decree 196/2025</p> <p>Health authorization for food, supplements and cosmetics: Law 18.284 (Argentine Food Code) and ANMAT regulations</p>

Source: own elaboration

In Argentina, each dimension shows high levels. In the **tax dimension**, commerce in general ranks third in terms of VAT evasion, behind construction and services (which include domestic and care services, which are highly informal). Presumably, the retail channel is more heavily affected by this problem, since it is a channel more diversified in its actors and productivity levels, unlike the wholesale channel, which is concentrated in large brands. **However, since 2017 the incidence of evasion has decreased considerably, from 60% of potential revenue in 2017 to 42% in 2023, driven largely by the strong digitalization of payment methods and sales channels**, according to an estimate by the Center for Tax Studies of Universidad Austral (2025). According to the

authors, "the digitalization of the economy appears to be a positive and fundamental factor in the decline in evasion", and they point out that between 2019 and 2023 the number of corporate CUITs (tax IDs) registered in the financial system grew by 15.3% and the bank accounts associated with those CUITs by 42.6%, with a 9% increase in 2023 in the number of financial transactions between companies¹⁷.

With regard to smuggling and illicit trade, a study by ASIPI (Inter-American Association of Intellectual Property) estimates that illegal trade represents 5.06% of Argentina's GDP, with a documented impact on sectors such as apparel, electronics and tobacco¹⁸. Among the main products smuggled into Argentina are mobile phones (an estimated one third of the mobile phones in the country entered illegally), tobacco, alcoholic beverages, clothing and footwear, among others.

In all cases, this is a phenomenon shaped by the price differences with neighboring countries such as Paraguay and Bolivia, which have less stringent labor laws, lower taxes and less control over products¹⁹. In the case of tobacco, cigarettes can cost up to three times more in Argentina than in Paraguay because taxes represent about 80% of the product's final price, which makes the north of the country one of the areas most vulnerable to irregular entry²⁰. In the mobile phone market, sector estimates by AFARTE (a business chamber that brings together manufacturers of consumer electronics with production plants in Tierra del Fuego) indicate that the share of smuggling would have risen from 7% in 2023 to 35% in 2025, with a price gap between the formal and irregular channels that would have ranged between 30% and 40% for high-end models. These figures, released through a press article without public access to the full report or its methodology, should be interpreted as sector estimates and not as official or independent statistics.²¹ **Price differentials are analytically relevant to the**

¹⁷ Diagnóstico de informalidad de la economía en Argentina, Centro de Estudios Tributarios, Universidad Austral, Report No. 3, November 2025. Available at https://www.austral.edu.ar/wp-content/uploads/2025/11/CET-INFORME-N%C2%B0-3-INFORMALIDAD_v4.pdf?x50768&x50768

¹⁸ ASIPI (2025). Estudio sobre el impacto de la falsificación y el contrabando en el desarrollo económico y social de América Latina. Available at https://asipi.org/biblioteca/wp-content/uploads/sites/14/download-manager-files/Estudio-Falsificaci-on-Final_.pdf

¹⁹ See <https://www.lanacion.com.ar/economia/informe-reservado-un-fenomeno-que-crece-debajo-de-las-napas-nid31052026/> and <https://elpais.com/argentina/2026-07-04/de-ropa-a-terminos-para-el-mate-y-celulares-productos-de-contrabando-inundan-el-mercado-argentino.html>

²⁰ ASIPI (2025). Estudio sobre el impacto de la falsificación y el contrabando en el desarrollo económico y social de América Latina. Available at https://asipi.org/biblioteca/wp-content/uploads/sites/14/download-manager-files/Estudio-Falsificaci-on-Final_.pdf

²¹ Asociación de Fábricas Argentinas Terminales de Electrónica [AFARTE]. (2025). *Mercado de celulares en Argentina: estimaciones de contrabando* [Unpublished sector report, cited in Del Rio, J. (2026, May 31). *Informe reservado: un fenómeno que crece debajo de las napas*. La Nación]. <https://www.lanacion.com.ar/economia/informe-reservado-un-fenomeno-que-crece-debajo-de-las-napas-nid31052026/> For AFARTE's membership and institutional representation, see Asociación de Fábricas Argentinas Terminales de Electrónica. (n.d.). *Quiénes somos*. https://www.afarte.org.ar/_newsite/quienes-somos/

debate on irregular trade, since if the main driver leading consumers to turn to the informal channel is a structural cost gap generated by the tax burden and regulatory requirements of the formal channel, then an effective policy response should review the conditions that induce that choice (this is discussed in greater depth in Section 3, particularly Section 3.3). Many of these products reach their customers in physical stores, street fairs and street-vending channels, with distribution that varies by type of good. In products such as apparel, tobacco and alcoholic beverages, the physical circuit remains dominant. A clear example is that of clothing fairs, such as La Salada and the smaller "saladitas" in the country's interior. In 2022, 83% of apparel sales in Argentina were channeled through the Flores markets, La Salada (approximately two thirds of the total went through this channel in 2018), retail stores, fairs and street vendors, among others, most of them not reached by the digitalization of payment methods and outside any traceable framework²². An in-person price survey in Flores and La Salada found that the garments sold there are, on average, 3.7 times cheaper than the same garments surveyed in the formal online channel²³, with gaps ranging from 2.5 times (jogging pants) to 4.5 times (sweatshirts, jeans and T-shirts) depending on the product (Fundar, 2024)²⁴.

A recent survey by the Research Center of the Argentine Industrial Union (CEU-UIA)²⁵ of industrial firms on the impact of unfair competition and smuggling found that the sales channels identified as the main route through which these products enter the market are, for the most part, traditional in nature: wholesalers or distributors (26.4%), retail stores (16.2%) and fairs or informal sales (8.6%), which together account for just over half of the mentions, compared with international direct-to-consumer sales platforms (15.1%) and marketplaces (11.9%). It is important to note that these results reflect the perceptions of the firms surveyed and do not constitute a measurement of the actual incidence of smuggling in each channel, nor do they allow responsibility to be attributed to specific platforms. The surveyed firms themselves do not identify e-commerce as the central problem to be addressed either: when asked about the priority measures to tackle this problem, strengthening customs controls and auditing invoicing (33.2% and 31.5%, respectively) far exceed calls for greater control over e-commerce (15.1%). This ranking of priorities, formulated by the affected productive sector itself, is consistent with the academic evidence reviewed: the incentive structure and customs and tax enforcement

²² Ludmer, G.; Schuffer, N.; Scheingart, D. and Isaak, P. (2023). La industria textil-indumentaria en la Argentina del siglo XXI. Available at https://fund.ar/wp-content/uploads/2023/12/Fundar_La-industria-textil-indumentaria-en-la-Argentina-a-del-siglo-XXI_CC-BY-NC-ND-4.0-1.pdf

²³ The study itself attributes this gap to a combination of factors: greater tax evasion in in-person retail sales, lower intermediation costs in these circuits (transport and logistics, rents, online sales platform fees) and a possible quality differential between the garments compared.

²⁴ Scheingart, D.; Ludmer, G.; Schuffer, N.; Sidicaro, N. and Ibarra, I. (2024). Los precios de la ropa en la Argentina. Fundar. Available at: https://fund.ar/wp-content/uploads/2024/08/Fundar_Los-precios-de-la-ropa-en-la-Argentina_CC-BY-NC-ND-4.0.pdf

²⁵ CEU-UIA Report: impact of unfair competition and smuggling on industry (July 2026). https://uia.nyc3.cdn.digitaloceanspaces.com/media/documents/03.09.2026_-_Competencia_desleal_1.pdf

capacity are central dimensions of the problem. This does not rule out measures specific to the digital channel: international platforms and marketplaces together account for 27% of the mentions reported. Likewise, these results reflect the perceptions of the firms surveyed and do not make it possible to estimate the actual share of each channel in smuggling.

Each of these dimensions requires differentiated policy tools. Tax informality calls for withholding systems, tax identification and transactional traceability. Smuggling calls for better customs control at the border. Illegal trade requires policies aimed at preventing, detecting and penalizing both the sale of prohibited or counterfeit goods and practices that breach customs, tax and regulatory obligations, across all channels, physical and digital. This requires specialized controls, traceability mechanisms and adequate coordination among the public and private actors involved. Gray markets, for their part, respond less to sanctions than to the reduction of the frictions that generate them: certification costs, type-approval timelines and tariff gaps that make the irregular channel a structurally more convenient option than the formal channel. An IDB study (Blyde, 2024)²⁶ on technical measures in Latin America quantifies the magnitude of these frictions: the average regulatory distance between countries in the region is 58% (compared with full convergence in the European Union), and a 10% increase in that distance reduces the probability that a product enters the regional market by 16% and import volumes by 3.5%. In concrete terms, exporting to a market with the region's average regulatory distance implies volumes 46% lower than exporting to a market with low regulatory heterogeneity. Argentina is among the countries with the largest number of technical measures applied and the greatest regulatory distances from the rest of the region, which locally worsens the differential between the cost of the formal channel and that of the informal **channel. In addition to control tools and the reduction of frictions, there is a need to raise consumer awareness of the risks of purchasing products of illegal or gray-market origin. These risks range from effects on health and safety, in the case of uncertified cosmetics, medicines or electronics, to the harm these purchases cause to formal commerce, registered employment and tax revenue.**

The following sections present the challenges and opportunities that e-commerce poses in each of these dimensions.

2.2 Challenges and opportunities of e-commerce in the face of economic informality

The Argentine tax ecosystem combines high procedural complexity with low collection efficiency. Tax non-compliance is not solely the result of deliberate decisions by taxpayers. In a significant proportion of cases, it reflects the objective difficulty of

²⁶ Blyde, J. S. (2024). ¿Barreras o facilitadores?: hacia medidas técnicas compatibles con el comercio en América Latina y el Caribe. <https://doi.org/10.18235/0013014>

operating within a highly complex tax system. The World Bank's Paying Taxes index²⁷, which is part of the Doing Business report, weighs the number of annual payments required, the hours needed to comply with the three main taxes and the total tax burden on business profits. In its latest available edition (Doing Business 2020), Argentina ranked 170th out of 190 economies assessed worldwide, with a score of 49.9 out of 100, below the Latin America and Caribbean regional average of 60.5. The gap with high-income OECD economies is partly due to structural differences in development, but the fact that Chile reaches a score of 81.7 and Costa Rica 78 indicates that complexity is not an inevitable consequence of the level of development, but a feature of the system's design and management.

In this framework, the literature recognizes two sources of tax informality. On the one hand, **the calculation of those who judge that the cost of formality outweighs its benefits**, and on the other, **the exclusion of those who were left out of the formal circuit due to lack of opportunities or the objective difficulty of complying with a complex system**²⁸. However, the most recent microeconomic evidence has shown that neither can be fully addressed through individual incentives or sanctions. The determining factor of tax compliance is not the taxpayer's willingness but the information architecture of the system in which they operate. Genuine informational friction can be understood as the cognitive, procedural and administrative costs faced by a taxpayer who wants to comply but lacks the means or knowledge to do so. In the face of either of these two sources, **a formal e-commerce platform operates as an essential architectural solution, since it can support the seller through the registration, invoicing and filing process from the transactional interface itself, removing part of the friction that produces non-compliance.**

E-commerce and, in particular, certain third-party marketplaces can help generate useful information to address informality. Unlike a transaction carried out entirely in cash or through an unregistered channel, some platforms keep data on the activities carried out within their systems, the scope of which depends on their architecture and the services actually provided. Seller identification, order recording, payment management and the keeping of a transaction history are not uniformly present in all platform models.

Likewise, the existence of these records does not mean that the platform must necessarily act as a withholding or collection agent or that it is obliged to report them to the tax authority. These functions apply only when the applicable regulations expressly designate the operator as an obliged party and determine the tax, the transactions, the taxpayers, the thresholds and the information covered. When there is a third party legally obliged to report a transaction, the room for maintaining a declaration inconsistent with that information can shrink considerably. The six studies presented below analyze the

²⁷ World Bank Group. (2020). Doing Business 2020: Comparing business regulation in 190 economies — Region Profile: Latin America & Caribbean. World Bank. <https://archive.doingbusiness.org/content/dam/doingBusiness/media/Profiles/Regional/DB2020/LAC.pdf>

²⁸ Perry, G. E., Maloney, W. F., Arias, O. S., Fajnzylber, P., Mason, A. D. & Saavedra-Chanduvi, J. (2007). Informality: Exit and exclusion. World Bank. <https://doi.org/10.1596/978-0-8213-7092-6>

effects of different information and control mechanisms in Denmark, Chile, Brazil, Pakistan, Costa Rica and South Asia.

Table 2. Recent studies providing evidence on the role of intermediaries in third-party tax compliance

Study	What was done	Main result
Denmark Kleven, Knudsen, Kreiner, Pedersen and Saez (2011) Econometrica, 79(3), 651–692. https://doi.org/10.3982/ECTA9113	Randomized tax audit experiment covering more than 40,000 individual taxpayers. Evasion rates were compared according to the type of income declared.	The evasion rate for income subject to reporting by an independent third party is close to zero. For self-reported income it is substantially higher. The difference does not depend on the taxpayer's ethical preferences but on the information architecture of the system: when there is a third party that reports, the taxpayer cannot maintain an inconsistent declaration without being automatically exposed.
Chile Pomeranz (2015) American Economic Review, 105(8), 2539–2569. https://doi.org/10.1257/aer.20130393	Field experiment covering more than 400,000 firms. The effect of the VAT paper trail on tax compliance along the production chain was analyzed.	The paper trail that firms require from each other in order to claim tax credits generates chain compliance effects. The effect weakens at the last link (sale to the final consumer) because the buyer has no direct incentive to demand an invoice, which creates a structural break in traceability at that stage.
Brazil Naritomi (2019) American Economic Review, 109(9), 3031–3072. https://doi.org/10.1257/aer.20160949	Evaluation of the Nota Fiscal Paulista program, a tax lottery scheme implemented in São Paulo. Its effect on the revenue reported by firms was measured.	Turning the final consumer into a voluntary verifier of the transaction produced an increase of at least 21% in the revenue reported by firms. The mechanism complements third-party reporting by closing the break at the final link of the chain identified by Pomeranz.
Pakistan Best, Brockmeyer, Kleven, Spinnewijn and Waseem (2015) Journal of Political Economy, 123(5), 1071–1115. https://doi.org/10.1086/683849	Analysis of administrative tax data and tax policy experiments. Turnover-based taxation schemes were compared with profit-based taxation in a context of limited enforcement capacity.	Countries with weak enforcement capacity use turnover-based rather than profit-based taxation schemes precisely so they can leverage third-party reporting, which is observable and verifiable even when net profits are not. The traceability mechanism partially substitutes for direct audit capacity.
Costa Rica Brockmeyer and Hernandez (2022) CEPR Discussion Paper No. 17716. Centre for	Empirical evidence on the effects of introducing a third-party withholding regime in a developing economy.	The introduction of a third-party withholding regime in Costa Rica produced observable improvements in tax compliance, extending the evidence of the Kleven–Pomeranz line of research to middle-income

Study	What was done	Main result
Economic Policy Research. https://cepr.org/publications/dp17716		economies with developing tax institutions.
South Asia Bussolo, M., Dixit, A., Golla, A., Kotia, A., Lee, J. N., Narasimhan, P. & Sharma, S. (2023). Policy Research Working Paper No. 10306. World Bank. https://openknowledge.worldbank.org/handle/10986/39393	Survey of firms selling on two e-commerce platforms in South Asia, with varying degrees of formalization. The impact of joining the digital channel on the tax and organizational behavior of firms was analyzed, including informal micro and small enterprises.	Joining the digital channel increases firms' incentive to register formally, by increasing their visibility to the tax authorities. Firms that have been on the platform longer are more likely to experience this impact, suggesting that the formalization associated with the digital channel is a cumulative process. It is one of the studies identified in this review that directly measures the effect of e-commerce platforms on the formalization of informal sellers.

Source: own elaboration

2.3 Scope and limits of e-commerce traceability in the face of smuggling and illegal and gray markets

The expansion of international e-commerce and the increase in imports through postal or express courier shipments have given rise to various concerns related to smuggling, illegal markets and gray markets. In Argentina, the expansion of the *courier* channel as an import route for consumer goods was driven largely by two moments of regulatory liberalization. The first, in 2019, when General Resolution 4447 modernized the international postal shipment regime, raised the value caps per shipment and simplified the declaration process to adapt it to the growth of cross-border e-commerce. The second, at the end of 2024, when Decree 1065/2024 and ARCA General Resolution 5608/2024 reduced the tax burden on lower-value shipments, eliminating import duties for shipments of up to USD 400. As mentioned in the first section, this led the channel to go from 0.3% of total imports to 1.89% by the end of 2025, consolidating a new structural floor in the weight of retail international trade within the Argentine economy.

The role of e-commerce in international trade. Historically, importing to sell in the local market involved high information costs, agreements with brands or official distributors and sufficient scale to absorb the costs of customs operations. Only actors with an established structure could take part in that circuit. E-commerce altered that logic in two simultaneous directions. For consumers, it lowered the barriers to accessing goods previously reserved for those who could import with their own infrastructure or access authorized distributors. For smaller sellers, it opened up the possibility of taking part in cross-border trade, both as importers and exporters, without the need for intermediaries that previously acted as market gatekeepers. Tariff liberalization amplifies this effect by lowering the cost of entry

for low-value transactions. Empirical academic evidence also supports this reading: e-commerce reduces search and information costs for consumers and sellers, with documented effects on prices and competition²⁹, and reduces the frictions of international trade disproportionately for small actors and those from emerging economies who were previously excluded by the fixed costs of accessing foreign markets³⁰.

The information available within platforms can help identify certain irregularities, but that capacity depends on the architecture and services provided by each intermediary. Marketplaces may have information on listings, sellers and transactions carried out within their systems; however, they do not necessarily know or control circumstances outside their infrastructure, such as the customs origin of the good, the authenticity of the documentation provided or the conditions under which the goods entered the country. For this reason, traceability does not operate in the same way with respect to tax informality, the offer of manifestly illegal products, smuggling and gray markets.

In certain cases, moderation systems can identify signals associated with potentially irregular listings, such as descriptions incompatible with the service's policies, anomalous prices, unusual volumes or repeated listing patterns. These signals may justify measures within the scope managed by the platform, such as reviewing a listing, requesting additional information or acting on a notice. However, they are indicators and do not in themselves prove the existence of a customs or tax infringement, the determination of which is the responsibility of the competent State agencies. Any linking of that information with the data obtained by ARCA through the existing regimes can facilitate the selection of transactions subject to audit, without turning the marketplace into a control authority or attributing to it comprehensive knowledge of its users' activities.

In the case of smuggling, however, traceability levels are lower. Smuggling is a customs infringement or offense whose central element is the evasion of the control exercised by the customs authority over the entry or exit of goods from the customs territory. The irregularity in this case does not always lie in the object itself but in how it entered the domestic market, without paying the corresponding import duties or without going through formal import channels. An electronic device, a cosmetic or a pair of shoes may belong to this circuit if their entry into the country bypassed any of those steps. **Consequently, its prevention depends mainly on the effectiveness of the State's systems of risk management, customs intelligence, physical inspection, information exchange between administrations and international cooperation, rather than on the commercial channel through which those goods are subsequently offered to consumers.** The World Customs Organization holds that contemporary control strategies rest on models of comprehensive risk management, data interoperability and intensive use of intelligence, progressively displacing traditional

²⁹ Brynjolfsson, E., & Smith, M. D. (2000). Frictionless commerce? A comparison of internet and conventional retailers. *Management Science*, 46(4), 563–585. <https://doi.org/10.1287/mnsc.46.4.563.12061>

³⁰ Lendle, A., Olarreaga, M., Schropp, S., & Vézina, P.-L. (2016). There goes gravity: eBay and the death of distance. *Economic Journal*, 126(591), 406–441. <https://doi.org/10.1111/eoj.12185>

schemes of mass physical inspection³¹. Similarly, the World Trade Organization's Trade Facilitation Agreement expressly recognizes that risk-based selectivity is the most efficient mechanism for reconciling customs control and trade facilitation³². From this perspective, **a digital e-commerce platform does not and should not replace the powers of the customs authority**. Its involvement begins, in domestic resale of previously imported goods, when the goods have already been incorporated into the domestic economic circuit.

Gray markets. The specialized literature uses this term to describe the sale of original products distributed through channels other than the official network authorized by the manufacturer. In these cases, a correctly described good, sold at a reasonable price by a seller with no anomalous patterns, may belong to the gray market if it is redistributed outside the distribution network the manufacturer authorized for that market. The legal controversy derives from the channel used for its distribution and from the regulatory, tax or contractual differences between jurisdictions³³. International evidence shows that the size of these markets tends to increase when there are significant price differences between countries. Such differences usually stem from tax structures, trade restrictions, regulatory costs, type-approval or certification requirements and territorial segmentation strategies implemented by manufacturers or exclusive distributors. The OECD has pointed out that regulatory and tax differences between jurisdictions are one of the main factors favoring the development of parallel sales channels³⁴. The Argentine case is illustrative. In certain sectors, especially those related to technology and electronic goods, the combination of import duties, excise taxes, VAT and other levies can generate significant price differences compared with other jurisdictions (discussed in more depth in Section 3.3). A report by the Tax Policy Department of the Argentine Industrial Union (2026)³⁵ ranks Argentina first among 30 countries in tax pressure on the formal sector, with a tax burden of 56% on formal businesses, and notes that the weight of taxes is one of the main obstacles to productive development and improved competitiveness. In addition, various studies on tax competitiveness have pointed out that the high tax burden borne by formal businesses is a factor that weakens their competitive capacity and increases the economic incentives to

³¹ World Customs Organization. (2021). *SAFE Framework of Standards to Secure and Facilitate Global Trade*. <https://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe-package.aspx>

³² World Trade Organization. (2017). *Trade Facilitation Agreement*. https://www.wto.org/english/docs_e/legal_e/tfa_e.htm

³³ Maskus, K. E. (2000). *Parallel Imports*. World Intellectual Property Organization (WIPO). <https://www.wipo.int/> and Organisation for Economic Co-operation and Development (OECD). (2022). *Competition Assessment Toolkit* (Version 4). OECD Publishing. <https://www.oecd.org/competition/competition-assessment-toolkit.html>

³⁴ Organisation for Economic Co-operation and Development (OECD). (2022). *Competition Assessment Toolkit* (Version 4). OECD Publishing. https://www.oecd.org/en/publications/2019/01/competition-assessment-toolkit-principles-version-4-0-volume-i_931b4e2c.html

³⁵ Unión Industrial Argentina (UIA). (2026). *Carga fiscal sobre el sector formal*. https://uia.nyc3.cdn.digitaloceanspaces.com/media/documents/Informe_carga_fiscal_sobre_el_sector_formal_-_V.F..pptx_6.pdf

turn to alternative supply and sales channels. In this context, the development of gray markets responds mainly to distortions generated by the tax and regulatory framework, rather than to the functioning of digital e-commerce platforms, which operate on transactions already embedded in the commercial circuit³⁶. Platforms have a limited capacity to determine whether a product circulates outside the authorized distribution network, fundamentally because selling outside the network authorized by the manufacturer does not, in itself, prove an infringement, but they can identify certain verifiable non-compliance in the listing. If customs, tax or technical non-compliance is also present, it must be analyzed separately. Some may produce verifiable signals (such as the absence or inconsistency of a mandatory identifier), although those signals are not enough to prove smuggling.

One of the main lines for addressing both smuggling and gray markets is, therefore, the incentive structure faced by operators. The economic literature has consistently shown that these practices intensify when bringing goods in through irregular channels is more profitable than doing so legally and, at the same time, the probability of detection and the expected cost of sanctions are low³⁷. This relationship does not depend solely on the level of tariffs: the complexity of procedures, the intensity and targeting of controls, the quality of the information available and the institutional capacity to detect non-compliance also play a role. In cross-border e-commerce, these factors are particularly relevant due to the growth of small shipments, the fragmentation of transactions and the difficulties in verifying their content, value and origin. Using global product-level data, Studnicka (2025) finds that evasion depends both on the level of tariffs and on the intensity of border controls.³⁸ In turn, Beverelli and Ticku (2022) show that trade facilitation, especially when it improves legal certainty and simplifies customs procedures, can significantly reduce tariff evasion.³⁹ Evidence obtained from customs records in developing countries also shows that evasion tends to be concentrated among certain operators and that targeted controls can effectively change their incentives.⁴⁰

In cross-border e-commerce, these incentives operate in a particular environment: large volumes of small shipments, limited or unreliable advance information, abusive use of de

³⁶ Fundación Mediterránea – IERAL. (2021). *Documento de trabajo: Presión Tributaria Legal en Argentina y comparación internacional*. Fundación Mediterránea. https://www.ieral.org/images_db/noticias_archivos/4466-Documento%20de%20trabajo.pdf?utm_

³⁷ This economic mechanism has an extensive theoretical tradition. The works of Bhagwati (1964), Pitt (1981) and Martin and Panagariya (1984) showed early on that illicit trade and customs evasion respond to the relationship between the expected benefit of non-compliance and its costs, determined, among other factors, by the probability of detection, the applicable sanctions and the costs of evasion. The subsequent empirical literature has taken up and updated this framework to analyze different commercial and regulatory contexts.

³⁸ Studnicka, Z. (2025). Tariff evasion, the trade gap, and structural trade. *Review of World Economics*, 161, 1215–1254. <https://doi.org/10.1007/s10290-025-00583-7>

³⁹ Beverelli, C., & Ticku, R. (2022). Reducing tariff evasion: The role of trade facilitation. *Journal of Comparative Economics*, 50(2), 534–554. <https://doi.org/10.1016/j.jce.2021.12.004>

⁴⁰ Clement, A., Chalendard, C., Fernandes, A. M., Rijkers, B., & Vicard, V. (2023). *Containing tariff evasion* (Policy Research Working Paper No. 10606). World Bank. <https://openknowledge.worldbank.org/entities/publication/201a822e-e8db-4077-b17d-36166712b60f>

minimis thresholds, split consignments and undervaluation.⁴¹ These factors reduce the expected cost of non-compliance and make individual auditing of transactions more difficult. Likewise, the expansion of small shipments and limitations in data quality hinder detection and make it necessary to strengthen advance information systems, risk analysis and cooperation with platforms and intermediaries.⁴² Therefore, the phenomenon can no longer be analyzed solely as the consequence of a price differential, but as the result of the interaction between profitability, risk of detection, regulatory design, data quality and institutional control capacity.⁴³

The second tradition, which is empirical, has quantified this relationship through the discrepancies between import and export statistics reported by different countries for the same trade flow. Fisman & Wei (2004)⁴⁴ documented, for the case of China, that a one percentage point increase in the tariff rate is associated with an increase of two to three percentage points in customs evasion, while Mishra, Subramanian & Topalova (2008)⁴⁵ confirmed this pattern for India with panel data and Javorcik & Narciso (2008)⁴⁶ found that evasion is systematically higher for differentiated products, where verifying the declared value is more costly for the tax authority.

For Argentina, empirical evidence on customs evasion is scarce. Among the available precedents for Argentina, the work by Park (2020) presents a systematic estimate of the relationship between tariffs and customs evasion. Replicating the Fisman & Wei methodology with bilateral trade data between 1993 and 2018, the study finds that a one percentage point increase in the import tariff is associated with a 0.91% increase in the gap between what exporting trading partners declare and what Argentina records. The documented mechanisms are the misclassification of products (declaring a good under a lower tariff category than the one that applies) and the under-declaration of quantities, but not the under-declaration of prices, a result that sets the Argentine case apart from the findings for Eastern Europe. A relevant finding is that evasion is significantly higher for differentiated goods: while the tariff-evasion elasticity for homogeneous goods is 0.18, for differentiated goods it rises to 1.18, reflecting that verifying the declared value and category is structurally more costly for the tax authority for products whose legitimate

⁴¹ World Customs Organization. (2024). *Compendium of case studies on e-commerce*. <https://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/ressources/permanent-technical-committee/243-244/pc0743eae1.pdf>

⁴² OECD & European Union Intellectual Property Office. (2025). *Mapping global trade in fakes 2025: Global trends and enforcement challenges*. OECD Publishing. <https://doi.org/10.1787/94d3b29f-en>

⁴³ OECD & European Union Intellectual Property Office. (2023). *Why do countries import fakes? Linkages and correlations with main socio-economic indicators*. OECD Publishing. <https://doi.org/10.1787/8a4a4508-en>

⁴⁴ Fisman, R., & Wei, S.-J. (2004). Tax rates and tax evasion: Evidence from "missing imports" in China. *Journal of Political Economy*, 112(2), 471–500. <https://doi.org/10.1086/381476>

⁴⁵ Mishra, P., Subramanian, A., & Topalova, P. (2008). Tariffs, enforcement, and customs evasion: Evidence from India. *Journal of Public Economics*, 92(10–11), 1907–1925. <https://doi.org/10.1016/j.jpubeco.2008.04.002>

⁴⁶ Javorcik, B. S., & Narciso, G. (2008). Differentiated products and evasion of import tariffs. *Journal of International Economics*, 76(2), 208–222. <https://doi.org/10.1016/j.jinteco.2008.07.007>

price has no easily comparable international benchmark. Park also warns that a complex tariff structure, with high dispersion at disaggregated levels, aggravates these incentives⁴⁷.

Taken together, these studies show that regulatory design and the incentive structure are relevant dimensions for explaining irregular trade, although they do not exhaust a phenomenon in which institutional, logistical and criminal factors also play a role. Incentives to evade can intensify when tariffs, excise taxes or administrative procedures generate high costs relative to the value of the good, especially when the perceived probability of detection and sanction is low. In the case of non-tariff barriers, UNCTAD has pointed out⁴⁸ that technical measures such as certification, type-approval requirements and safety standards impose compliance costs that in many countries exceed the ad valorem equivalent of the tariffs themselves, and that this burden falls disproportionately on smaller importers. When these costs are perceived as excessive or the time needed to obtain approvals as prohibitive, the incentive to seek alternative entry channels intensifies, regardless of the legitimacy of the good being sold. In Argentina, this mechanism takes on an additional dimension due to the asymmetry of burdens between neighboring countries. Differences in excise taxes and regulatory requirements with Paraguay and Bolivia generate enough margin for illegal trade to be economically attractive even at relatively small scales, without necessarily involving organized criminal networks.

2.4 Levels of traceability by type of platform

E-commerce produces traceability as a natural by-product of how it works. Every digital transaction leaves traces in at least two simultaneous layers. The first is the layer of the transaction itself: the interaction between the parties, whether a listing, a message, a payment or a purchase confirmation, generates records that are stored in the systems of the platform, the payment service provider and, in many cases, the telecommunications infrastructure that supports it. These records exist regardless of whether anyone consults or cross-checks them. They are a technical consequence of how digital platforms work. The second layer is that of State traceability, which is not an intrinsic property of the transaction but the result of regulatory decisions that determine what information the tax or customs authority can access, under what conditions and through what procedures. That second layer depends on the regulatory framework in force in each jurisdiction and is, by definition, a power that belongs to the State and not to the platforms. What platforms produce is the first layer, the record, and what the State decides is how much of that first layer becomes fiscally usable information. Both the selection and the use of that

⁴⁷ Park, L. F. (2020). Evasión de impuestos aduaneros: el caso de las importaciones argentinas [Master's thesis]. Universidad de San Andrés. https://www.economicas.uba.ar/iiep/desip/wp-content/uploads/Tesis_Park.pdf

⁴⁸ UNCTAD. (2026, May). Global trade update: Invisible barriers — the costs of non-tariff measures. United Nations. <https://unctad.org/publication/global-trade-update-may-2026-invisible-barriers-costs-non-tariff-measures>

information must meet criteria of necessity, reasonableness and proportionality, with full respect for the duties of confidentiality and secrecy applicable to each of the entities involved.

The difference between formal e-commerce and informal channels varies according to the type of actor in the digital ecosystem. Public policy that leverages platforms as agents of formalization must start from that heterogeneity: requiring all actors in the ecosystem to meet the same regulatory requirements, regardless of their architecture, tends to produce regressive results. It may impose obligations that some actors cannot meet given their technical structure, or it may leave unregulated precisely the channels where the greatest areas of opacity are concentrated. The analytically correct starting point is to recognize what each architecture produces by design, and from there build the incentives and obligations corresponding to each type of actor, subject to feasible and reasonable limits regarding the information to be provided, available technology and implementation costs.

The traceability of marketplaces. The OECD⁴⁹ has analyzed the possibility of using certain platform operators as collection or reporting points in the digital economy. However, these functions do not follow from the mere condition of being a marketplace. Their feasibility depends on the platform's architecture and, especially, on the existence of a rule that expressly identifies the obliged party and defines the transactions covered.

Some platforms may have, depending on their business model, information on the seller's declared identity, the orders placed, their amounts, dates and payment methods. When they are also involved in processing or settling the payment, they may meet the operational conditions needed to perform advance collection functions. However, the technical capacity to do so does not in itself constitute a legal obligation. In Argentina, certain regimes expressly designate certain owners or administrators of platforms, aggregators⁵⁰ and payment processors⁵¹ as collection agents, or as parties obliged to report. The application of these functions depends, in each case, on the definition of the party, the taxable event, the thresholds and the other conditions established by the corresponding regulations. Likewise, some operators maintain specific cooperation mechanisms with tax, customs, health or consumer protection authorities, the scope of which derives from the rule, request or agreement on which they are based and not from a general function inherent to digital intermediation.

⁴⁹ OECD. (2019). The role of digital platforms in the collection of VAT/GST on online sales. OECD Publishing. <https://doi.org/10.1787/e0e2dd2d-en>

⁵⁰ A payment aggregator is an intermediary platform that allows merchants to accept electronic payments (by card, account balance or QR code) using a single master account, without having to open individual bank accounts or sign direct contracts with each card brand. In Argentina, the main examples are Mercado Pago and Mobbex.

⁵¹ A payment processor (or technical processor) is the technological and operational entity responsible for connecting the merchant (or the acquirer) with the credit and debit card networks (such as Visa, Mastercard or American Express) and issuing banks in order to authorize, validate and settle a transaction. In Argentina, the main one is Prisma Medios de Pago (Payway), which is also the country's leading acquirer.

The traceability of commerce infrastructure platforms. Platforms that provide technological infrastructure so that a seller can manage its own digital channel (without intermediating in the transaction) produce a different and more limited set of traceable information by design. They know who the seller is as a customer of their software services and record the traffic and transactions that pass through their infrastructure. However, they hold no position whatsoever in the transaction itself. They do not hold the payment, are not a party to the contract between buyer and seller and have no visibility into the buyer's tax status. This places them outside the scope of tax withholding schemes in the strict sense. What regulation can require of them is more limited: registration of the business as a condition for accessing the service, integration with electronic payment methods and, in some frameworks, obligations to report aggregate sales volume. In the Argentine market, platforms such as Tiendanube or Empretienda operate under this logic. They enable the seller to access the digital channel and record the transaction, but the traceable information they produce depends more on the compliance decisions of the individual seller than on the platform's architecture.

The traceability of conversational channels. Communication platforms used as sales channels, such as social networks and messaging apps, produce the smallest volume of traceable information from a tax standpoint, although they produce more than in-person or offline commerce. What these platforms record by design is the communication between the parties, which may range from a post to a message or the coordination of the exchange, but not the actual transaction, which in many cases is carried out outside the platform by bank transfer or in cash. This places them in a position where the traceable information is of a different nature. On these platforms there is no record of the amount transacted, no tax identification of the seller as such and no possibility of withholding taxes. What exists is a trail of the interaction which, in the context of an investigation, may constitute relevant evidence. Therefore, what regulation can require of this type of actor is qualitatively different from what it can require of a marketplace. In Argentina, for example, Meta has an information-sharing protocol with the Undersecretariat of Consumer Protection. Through this mechanism, the agency centralizes complaints filed by companies about suspicious posts and forwards them to the company's legal teams, which assess each case and, where appropriate, remove the post or profile involved. From April to June 2026, around 30 profiles linked to the sale of mobile phones were taken down⁵².

⁵² Infobae. (2026, June 14). *La batalla contra el contrabando reaviva la disputa entre empresas y plataformas como Mercado Libre: qué hace el Gobierno*. <https://www.infobae.com/economia/2026/06/14/la-batalla-contra-el-contrabando-reaviva-la-disputa-entre-empresas-y-plataformas-como-mercado-libre-que-hace-el-gobierno/>

Box 1. The Chubut operation: how cooperation between Customs and a *marketplace* works in a court case

In September 2022, the General Customs Directorate raided a seller's home in the province of Chubut as part of an investigation that began with a profile showing suspicious activity on Mercado Libre. The profile offered cryptocurrency mining equipment, security camera kits and refrigerator and water sterilization filters. Specialized Customs agents noticed the anomaly and requested from the platform the details of the listing's owner and the history of communications with buyers. With that information, they concluded that the activity corresponded to a commercial firm and that the seller's home, registered under the simplified tax regime (*monotributo*), did not qualify as commercial premises. After a complaint was filed with the Public Prosecutor's Office, the Federal Court of Esquel ordered the raid, which was carried out with the participation of Customs, the DGI and the Federal Police. The seller could not prove the lawful entry of the goods into the country, so all the items, valued at ten million pesos, were seized, together with mobile phones, computers and documents relevant to the case.

The operation is part of a series of cooperation channels that public agencies currently have with platforms for gathering sensitive information on smuggling. Examples include Operation Origo, coordinated with Interpol to combat counterfeiting; the investigations into IPTV devices that led to dozens of simultaneous raids; and the economic cybercrime cases worked on together with the Federal Police, the Naval Prefecture and federal courts.

Sources: Infobae. (2022, September 29). La Aduana incautó \$10 millones en mercadería ilegal que se vendía en Mercado Libre [Customs seized \$10 million in illegal goods sold on Mercado Libre] <https://www.infobae.com/economia/2022/09/29/la-aduana-incauto-10-millones-en-mercaderia-ilegal-que-se-vendian-en-mercado-libre/>; El Cronista. (2022, September 29). La Aduana detectó productos de contrabando en Mercado Libre: cómo cruza la información [Customs detected smuggled products on Mercado Libre: how it cross-checks information]. <https://www.cronista.com/economia-politica/la-aduana-detecto-productos-de-contrabando-en-mercado-libre-como-cruza-la-informacion/>; Perfil. (2022, September 29). La Aduana desmanteló contrabando millonario de un usuario de plataforma digital [Customs dismantled a multi-million smuggling operation by a digital platform user]. <https://www.perfil.com/noticias/economia/la-aduana-desmantela-contrabando-millonario-de-un-usuario-de-plataforma-e-commerce.phtml>

Section 3. Public policy challenges and opportunities for a more transparent economy

Key message. The Argentine digital channel produces traceability that the State already leverages through permanent information regimes, tax withholding and collection, and cooperation mechanisms with platforms. This section analyzes that regulatory framework, places it within the international comparative debate and proposes four concrete policy lines. The central argument is that smuggling and gray markets are not solved by extending strict or joint liability for third-party conduct to platforms. This approach may blur the distribution of functions among actors, shift to private intermediaries enforcement tasks that belong primarily to the State and generate regressive effects on the smallest sellers, without acting on the conditions that make irregular trade possible and profitable. Smuggling is, in essence, a phenomenon of border control and customs intelligence, whose expansion may be fostered by the incentives generated by regulatory design itself (price gaps, asymmetric tax burdens and type-approval and certification barriers that make the formal channel more expensive). Both dimensions must be addressed simultaneously. For the first, the priority is to make better use of the information that existing regimes already produce, linking data from platforms, customs and technical agencies under common interoperability protocols. For the second, the direction is to reduce differential incentives between import regimes, review whether technical requirements are calibrated to the actual risk they seek to mitigate and promote regional convergence of standards in the categories with the highest incidence of irregular trade.

E-commerce and the traceability of the economy have grown significantly over the last decade. The central public policy question is which mechanisms make it possible to leverage that information appropriately. The first section of the report described the sustained growth of e-commerce in Argentina. The second explained that, depending on their architecture and the services actually provided, digital platforms can generate records of certain activities carried out within their systems. That capacity did not exist, or was more fragmented, in informal channels. The relevant question, then, is how to build a system in which each actor assumes the obligations corresponding to the function it actually performs and in which the available information can be used with the necessary safeguards. That question guides this third and final section.

Which regulatory model makes the best use of that traceability? That question requires a clarification that structures the entire regulatory debate, because two analytically distinct levels converge in it. The first is that of the civil liability of digital intermediaries; that is, which legal model determines when a platform is liable for the acts of its users, in this case especially sellers, and under what conditions. The second is that of specific governance mechanisms (tax information regimes, advance collection mechanisms, cooperation agreements with public agencies) that operate independently of civil liability and produce direct results on the traceability of the digital economy.

In Argentina and around the world, proposals have gained ground in recent years that, although they have not made significant progress, seek to solve problems of informality, tax evasion and illegal trade through the first route: extending the liability of intermediation platforms, under strict or joint liability models, for the products and transactions their users carry out through their infrastructure. As will be shown below, that route has significant limitations for solving these underlying problems on its own. Joint liability models do not serve to correct tax informality or smuggling, partly because the latter is a customs offense that, in domestic resale of previously imported goods, may precede the platform's involvement and whose verification may require information that the intermediary does not have and that the competent agencies are responsible for gathering. This limitation does not rule out the platform contributing data to investigations, nor does it automatically extend to cross-border transactions in which the platform intervenes before importation. When applied in a general and undifferentiated manner, these models can produce a set of regressive effects on smaller sellers and a concentration of the market among the actors with the greatest compliance capacity.

In parallel, there is a second level of discussion, distinct from the previous one and with greater potential to produce concrete results: that of the governance mechanisms that structure the interaction between platforms and public agencies.

These mechanisms include tax information regimes, advance collection systems and specific cooperation agreements. Their design and application should respect criteria of necessity, reasonableness and proportionality, as well as the economic, technical and operational capacities of intermediaries. Within those limits, the information obtained can help strengthen the State's tax and customs enforcement capacity. Below, Section 3.1 develops the analysis of intermediary liability models and explains why none of them solves the problems of informality and illegality that prompted their discussion. Section 3.2 describes the governance mechanisms that operate at that second level and that constitute, strictly speaking, the most promising route for leveraging the traceability the digital channel already generates, with its limitations in the particular case of smuggling.

3.1 The first debate: internet intermediary liability models

The three traditional internet intermediary liability schemes. The liability of digital intermediaries is an application of the general principles of tort law to an environment in which an actor can organize or facilitate exchanges between third parties without necessarily being the author of the content, the seller of the product or one of the parties to the transaction. The legal problem consists of determining under what conditions the intermediary's action or omission can generate legal consequences for the acts of its users.

The first specific regulatory responses emerged at the end of the 20th century and subsequently evolved differently depending on the jurisdiction, the type of intermediary, the type of content or product involved and the applicable sector regime. For analytical purposes, these responses can be organized around three traditional schemes: i)

immunity or broad limitation of liability; ii) liability conditioned on actual knowledge of the unlawfulness and the subsequent failure to act diligently; and iii) strict or joint liability. These are general categories that admit exceptions and combinations, so their application must be examined in light of the rules and particular circumstances of each case.

i) Immunity or broad limitation of liability model. This model originated in the formative period of the US commercial internet and responds to a logic of legal policy rather than being derived from general principles of tort law. The immediate precedent was the ruling in *Stratton Oakmont, Inc. v. Prodigy Services Co.* (N.Y. Sup. Ct., 1995)⁵³, which determined that Prodigy, by exercising editorial control over its message boards, had to be treated as a *publisher* and bear full liability for defamatory posts by third parties (as distinct from CompuServe, which in 1991 had been likened to a passive library and therefore exempted). The US Congress responded with the *Communications Decency Act* of 1996, whose Section 230 established that no provider of an interactive service could be treated as the publisher or speaker of information provided by another content provider⁵⁴. Kosseff (2019) describes it as the 26 words that "created the internet", because they dismantled the double standard of *Stratton Oakmont* and gave legal certainty both to non-intervention and to active good-faith moderation⁵⁵. Subsequent case law expanded that immunity to cover virtually any claim arising from third-party content, with limited exceptions for federal criminal law, intellectual property and/or sex trafficking.

ii) Actual knowledge-based liability model. This model limits the intermediary's liability for third-party content as long as it does not have actual knowledge of its unlawfulness. Liability may arise when, once that knowledge has been acquired under the conditions provided for by the applicable regime, the intermediary fails to act diligently. The scheme seeks to encourage responses to specific identified content without imposing a general obligation of prior monitoring over all the activities carried out by users. The initial formulation of this scheme in European law was found in the 2000 E-Commerce Directive (Directive 2000/31/EC) and is currently regulated by the Digital Services Act. Article 6 of this Regulation establishes a conditional limitation of liability for hosting services when the provider does not have actual knowledge of the illegal activity or content or, once it acquires such knowledge, acts expeditiously to remove it or disable access to it. In turn, Article 8 provides that providers cannot be subject to a general obligation to monitor the information they transmit or store or to actively seek facts indicating illegal activity.⁵⁶ The due diligence obligations introduced by the Regulation vary according to the nature, function and scale of the service, but they do not replace that principle with a general duty of preventive monitoring. Liability for third-party content is therefore linked to a specific

⁵³ *Stratton Oakmont, Inc. v. Prodigy Services Co.*, 23 Media L. Rep. 1794 (N.Y. Sup. Ct. 1995). <https://www.dmlp.org/threats/stratton-oakmont-v-prodigy>

⁵⁴ Dickinson, G. M. (2026). Section 230 and social media immunity. SSRN Working Paper No. 5995134. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5995134

⁵⁵ Kosseff, J. (2019). *The twenty-six words that created the internet*. Cornell University Press.

⁵⁶ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (*Digital Services Act*), arts. 6 and 8. <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>

unlawful act of which the intermediary has acquired actual knowledge and to the subsequent failure to act diligently, within the conditions provided for by the applicable regime. The absence of a general monitoring obligation does not exclude the existence of a duty of diligence or best efforts. The exemption from liability provided as a rule even applies when platforms, in good faith and diligently, on their own initiative and voluntarily, take measures to detect, identify and remove illegal content, or to block access to it. Along these lines, platforms usually have trust and safety systems, which typically include seller verification and onboarding systems (Know Your Customer or KYC); content policies based on prohibited items, prohibited conduct and intellectual property infringements, among others, on which they carry out *enforcement*; proactive content detection and moderation mechanisms; external reporting channels; cooperation systems with public authorities, cooperation programs with brands and transparency reports, among others. Requiring these mechanisms to be infallible is impossible. Therefore, due diligence must be understood as an obligation of means, where the platform's liability cannot arise automatically from the mere existence of an infringement or harm, but from a case-by-case assessment that determines whether the platform made its best efforts in light of the context and the capabilities available, from the moment it acquired actual knowledge of the unlawfulness of a piece of content. This due diligence is therefore contextual and must be assessed case by case, taking into account the legally applicable obligations, the information actually available to the intermediary, its reasonable capacity to act and the specific circumstances of the notified infringement. Liability cannot derive from the mere existence of illegal content posted by third parties or from the availability of technological tools for detecting it, but from the failure to act diligently once actual knowledge of a specific infringement has been acquired, under the conditions provided for by the applicable regime. **The voluntary adoption of proactive detection and moderation mechanisms should not generate additional monitoring obligations or raise the standard of liability required of the intermediary.** Nor are these mechanisms equivalent to a physical inspection of products, and they do not replace the powers of public authorities.

Latin America's adoption of this model generally followed the doctrine of the European Directive, although with relevant differences regarding the legal vehicle, the trigger for actual knowledge and the specificity of the content takedown procedure:

- In **Chile**, Law No. 20.435 of 2010⁵⁷, which amended Law No. 17.336 on Intellectual Property, introduced a safe harbor regime for internet service providers in matters of copyright. This regime defines their liability and establishes specific conditions for its application, including diligent action in response to the communications and orders provided for by the courts.

⁵⁷ Chile, Ministry of Education. (2010, May 4). Ley N° 20.435 que modifica la Ley N° 17.336, sobre Propiedad Intelectual. Diario Oficial de la República de Chile. <https://www.bcn.cl/leychile/navegar?idNorma=1012443>

- In **Paraguay**, E-Commerce Law No. 4.868 of 2013⁵⁸ established a regime limiting the liability of intermediation service providers, subject to the conditions and procedures set out in the legislation itself.
- In **Argentina**, in *Rodríguez, María Belén v. Google Inc. (damages)*, the Supreme Court ruled out the application of a strict liability standard to search engines and held that they have no general obligation to monitor, supervise or oversee content created and published by third parties. According to the ruling, fault-based liability may arise when the search engine acquires actual knowledge of the unlawfulness of specifically identified content and, despite this, fails to diligently take the measures necessary to correct or stop the harmful situation.⁵⁹ The Court distinguished between cases of manifest or blatant unlawfulness, in which a sufficiently precise and reliable communication could produce such knowledge, and doubtful cases or those requiring a legal assessment, in which notification from a competent authority should be required. The precedent refers specifically to the liability of search engines for third-party content and does not establish a general regime automatically applicable to all digital intermediaries, to marketplaces or to the customs obligations of their users.

In October 2016, the Senate gave half-approval to a bill resulting from the joint consideration of files S-1865/15 and S-942/16⁶⁰, which provided for a limitation of liability for technology intermediaries and ruled out a general monitoring obligation. Although it obtained a committee report in the Chamber of Deputies in 2017, the initiative did not complete the legislative process and lost parliamentary status. In December 2016, a different initiative was introduced in the Chamber of Deputies, File 5771-D-2016⁶¹, which proposed a hybrid system of private notification for manifestly illegal content and court orders for other content, and which also did not become law. More recently, in May 2025, Bill 2818-D-2025⁶² was introduced in the Chamber of Deputies; it takes the latter bill as a precedent and proposes to regulate the liability of intermediaries for illegal content

⁵⁸ Paraguay, National Congress. (2013, February 26). Ley N° 4.868 de Comercio Electrónico. Gaceta Oficial de la República del Paraguay, No. 43. <https://www.bacn.gov.py/leyes-paraguayas/961/ley-n-4868-comercio-electronico>

⁵⁹ Supreme Court of Justice of the Nation (Argentina). (2014). *Rodríguez, María Belén c/ Google Inc. s/ daños y perjuicios*, Fallos: 337:1174, especially recitals 15 to 18 and 20 to 21, judgment of October 28, 2014. CSJN, Fallos 337 <https://repositorio.mpd.gov.ar/documentos/Rodriguez.%20Mar%C3%ADa%20Bel%C3%A9n%20c.%20Google%20Inc.%20s.%20da%C3%B1os%20y%20perjuicios.pdf>

⁶⁰ Sponsored by Senators Liliana Fellner and Federico Pinedo. Available at <https://www.senado.gob.ar/parlamentario/comisiones/verExp/1865.15/S/PL> and <https://www.senado.gob.ar/parlamentario/comisiones/verExp/942.16/S/PL>

⁶¹ Sponsored by PRO Deputy Karina Banfi. Available at <https://www.hcdn.gob.ar/diputados/kbanfi/proyecto.html?exp=5771-D-2016>

⁶² Sponsored by Coalición Cívica Deputies Juan Manuel López, Victoria Borrego, Marcela Campagnoli and Maximiliano Ferraro. Available at https://www.hcdn.gob.ar/proyectos/detalle_tp_adjunto/index.html?id=285161

generated by third parties. The initiative establishes the absence of a general monitoring obligation, links liability to the acquisition of actual knowledge and the subsequent failure to act diligently, and provides that the voluntary adoption of preventive moderation tools should not deprive the intermediary of the limited liability regime. As of October 2026, this bill is still pending and is not law in force. Moreover, since it focuses on content generated by third parties, its provisions should not be automatically transferred to the customs control of physical goods sold through marketplaces⁶³. These precedents are included as a general framework on digital intermediation; assessing initiatives relating to goods of irregular origin requires examining their specific provisions, without presuming that the solutions provided for third-party content can be transferred to the customs sphere.

iii) Strict or joint liability model. In this scheme, the attribution of liability does not depend on proving the fault or intent of the party concerned, but on the conditions established by the applicable regime, such as the risk or defect of the product or the nature of the legal relationship. Strict or joint liability does not appear as a uniform horizontal rule applicable to every platform for any act of its users. However, there are sector-specific regimes (especially in consumer protection, safety and product liability) that may reach certain operators when, because of the functions they actually perform, they are considered suppliers. Therefore, it is not correct to claim that these models do not exist; rather, their scope depends on the applicable rule, on each specific case and on the specific position occupied by the intermediary. In the European Union, Directive (EU) 2024/2853 on liability for defective products provides, under specific conditions, for the possible liability of online platform providers when no economic operator established in the Union can be identified and the conditions set out in the Directive itself and in the Digital Services Act are met.⁶⁴ **These precedents show a trend towards sector-specific and conditional solutions, rather than towards a general and undifferentiated attribution of liability for all activity carried out by third parties.** However, in Argentina, in January 2026, Bill 7089-D-2025⁶⁵ was introduced in the Chamber of Deputies, aimed at updating consumer protection in e-commerce and strengthening control over the sale of imported goods. The initiative shares objectives that this report considers relevant, such as seller traceability and control over the origin of imported goods. However, it provides for the joint liability of platforms with the supplier vis-à-vis the consumer, as well as in relation to certain customs infringements and unpaid import taxes, with the possibility of exemption only if they prove compliance with several obligations that exceed the verification capacities of an intermediary and shift to platforms control functions that belong to State agencies. Its design raises questions about the

⁶³ Marval, O'Farrell & Mairal. (2016, December 20). Media sanción para el proyecto de ley que regula la responsabilidad de los proveedores de servicios de Internet. <https://www.marval.com/publicacion/media-sancion-para-el-proyecto-de-ley-que-regula-la-responsabilidad-de-los-proveedores-de-servicios-de-internet-12908>

⁶⁴ European Parliament and Council of the European Union. (2024). *Directive (EU) 2024/2853 of 23 October 2024 on liability for defective products*, especially articles 8.4 and 12. *Official Journal of the European Union*. <https://eur-lex.europa.eu/legal-content/es/ALL/?uri=CELEX:32024L2853>

⁶⁵ Sponsored by Unión por la Patria Deputies Guillermo Michel and Kelly Olmos. Available at <https://www.hcdn.gob.ar/comisiones/permanentes/cpyhacienda/proyecto.html?exp=7089-D-2025>

proportionality of the burdens imposed and about its uniform application to "any digital interface that allows goods to be offered", a universe that includes architectures with very different recording and control capacities, as analyzed in Section 2.4.

The choice between these three schemes produces different legal and economic consequences and may distribute their costs unevenly depending on the function, business model and size of the actors involved. In the case of e-commerce, general joint liability encourages reducing the number of sellers admitted and raising barriers to entry, since each new seller brings legal risk to the platform. Faced with a general joint liability obligation, one incentive for any platform is to restrict access for sellers with a shorter track record and higher perceived risk, precisely the universe of entrepreneurs and micro-businesses that most need the digital channel as a route into the formal market. In addition, among platforms, while the largest ones could eventually absorb that cost through *compliance* teams and verification systems, the smallest actors in the ecosystem, from emerging platforms to sellers with an incipient track record, are left exposed to the regressive effects of that restriction⁶⁶. An econometric study published in 2022 by SmC+ Digital Public Affairs and the Argentine Chamber of E-Commerce (CACE)⁶⁷ modeled the possible effects of a general joint liability regime on e-commerce platforms. Under the assumptions and market structure considered at the time, it estimated that the measure could affect more than 31,000 sellers and up to 47,000 jobs, in addition to reducing e-commerce volume by between 1.1% and 1.5%⁶⁸. These figures are *ex ante* projections and not actually observed results; therefore, they should be interpreted as an estimate of the direction and potential magnitude of the effects analyzed, subject to the methodological assumptions and the market conditions existing at the time of the study. Its estimates refer to the general joint liability regime modeled and cannot be automatically extrapolated to specific obligations of identification, information or diligent action. Due diligence, on the other hand, distributes control obligations according to the role each actor plays in each type of transaction, which prevents open platforms from reacting by closing access to sellers with a shorter track record, who are usually the ones that depend on the digital channel to integrate into the formal market. Each of these models entails different incentives, different costs and different distributional effects on the ecosystem of smaller sellers and platforms.

The conditional liability regime for intermediaries. Comparative law shows a trend towards differentiating the intermediary's own liability from that arising from acts carried out by third parties through its services. In the European Union, this criterion, initially set out in the 2000 E-Commerce Directive, is currently regulated by the *Digital Services Act*, which maintains a regime of conditional limitation of liability and the prohibition on imposing general monitoring obligations, while introducing specific duties of diligence,

⁶⁶ Lefouilli, Y., & Madio, L. (2022). The economics of platform liability. *European Journal of Law and Economics*, 53, 319–351. <https://doi.org/10.1007/s10657-022-09728-7>

⁶⁷ Tappatá, M., Cabello, S., & Ferrarini, L. (2022). Efectos económicos del proyecto de ley de defensa del consumidor en Argentina. SmC+ Digital Public Affairs and Argentine Chamber of E-Commerce.

⁶⁸ *Ibid.*

traceability and cooperation.⁶⁹ In Argentina, the Supreme Court held in *Rodríguez, María Belén v. Google Inc.* that the liability of search engines for third-party content is fault-based and may arise when the intermediary acquires actual knowledge of the unlawfulness of specifically identified content and subsequently fails to act with due diligence.⁷⁰ Given the particular subject matter of that precedent, its doctrine should not be automatically transferred to all e-commerce platforms or to the customs obligations of their users. Consequently, the attribution of liability to intermediaries should be examined according to the function actually performed, their degree of involvement, their knowledge of the irregularity and their concrete capacity to prevent or remedy it.

3.2 The second debate: governance mechanisms through intermediaries in Argentina

Beyond the debate on intermediary civil liability models, there is a set of governance instruments that operate at a different level and produce concrete results in terms of traceability, formalization and control: advance collection mechanisms, information regimes and cooperation agreements between platforms and public agencies, subject to the economic, technical and operational capacities of platforms. These mechanisms do not assign liability for the acts of third parties; instead, they leverage the structural capacity of digital commerce to generate verifiable information on the transactions it intermediates. This is the direction being taken by the most advanced regulatory frameworks internationally, from the European DSA to the OECD model rules for digital platforms, and one that Argentina has been building incrementally since 2018. These mechanisms are detailed below, organized by type of obligation and by the actor on whom they fall.

⁶⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, arts. 12 to 15; and Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (*Digital Services Act*), especially arts. 4 to 8 and 30 to 32. <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>

⁷⁰ Supreme Court of Justice of the Nation (Argentina). (2014). *Rodríguez, María Belén c/ Google Inc. s/ daños y perjuicios*, Fallos: 337:1174, judgment of October 28, 2014. <https://repositorio.mpd.gov.ar/documentos/Rodriguez,%20Mar%C3%ADa%20Bel%C3%A9n%20c.%20Google%20Inc.%20s.%20da%C3%B1os%20y%20perjuicios.pdf>

Table 3. Compendium of Argentine regulations related to e-commerce

Regulation	Who is obliged and what they must do	Status
RG 140/1998 — AFIP · Payments (withholding)	Card payment processors ⁷¹ . VAT withholding on settlements made to merchants for credit, debit or purchase card collections.	Repealed by RG 5554/2024, since Sep. 2024
RG 3685/2014 · AFIP · Tax (information)	VAT-registered taxpayers. Monthly reporting of purchases and sales.	Title I was rendered ineffective for parties incorporated into the Digital VAT Book, according to the applicable schedule.
RG 4011-E/2017 — AFIP · Payments (withholding)	Card payment processors. Income tax withholding on settlements made to merchants for credit, debit or purchase card collections.	Repealed by RG 5554/2024, since Sep. 2024
RG 4240/2018 — AFIP · Tax (collection)	Payment intermediaries abroad. VAT collection on digital services provided by foreign providers to users in Argentina.	In force
RG 4614/2019 — Title I · AFIP · Payments (information)	Payment method aggregators. Monthly report to ARCA: CUIT, line of business, CBU/CVU, total amount of transactions and fees for each affiliated seller.	In force
RG 4614/2019 — Title II · AFIP · Payments (information)	Administrators of virtual accounts and wallets (PSPs). Monthly report to ARCA: list of accounts, inflows, outflows and balances of users exceeding the applicable thresholds.	In force. Amended by RG 5804/2025

⁷¹ A Card Payment Processor (also called a technical processor) is the technological and IT engine that acts as the secure, real-time communication channel between the merchant where the purchase is made and global financial networks. In Argentina, the best-known examples are Prisma and Fiserv.

RG 4622/2019 — AFIP · Payments (withholding)	Administrators of electronic payment and collection services. VAT and income tax withholding on settlements made to sellers on digital platforms.	Repealed. RG 5554/2024, since Sep. 2024
Communication A 7769/2023 · BCRA · Infrastructure (interoperability)	Acquirers ⁷² , aggregators and digital wallets. Every QR code that accepts credit cards must accept payment from any registered interoperable digital wallet, regardless of its brand.	In force. Since Feb. 2024
RG 5319/2023 — AFIP · Tax (collection)	Owners and administrators of digital platforms (marketplaces). VAT collection at differential rates (1%–8%) according to the seller's tax status; ARCA registry check valid for 30 calendar days.	In force. Amended by RG 5794/2025
RG 5554/2024 — ARCA · Payments (repeal)	Repeals RG 140/1998, 4011/2017 and 4622/2019. Eliminates the VAT and income tax withholding regimes on electronic collections as of September 1, 2024.	In force. Since Sep. 2024
RG 5794/2025 — ARCA · Tax (collection)	Owners and administrators of digital platforms (marketplaces). Updates the habitual-activity thresholds for non-categorized parties: 10 or more monthly transactions for an amount equal to or greater than \$750,000, or 4 or more monthly transactions in each month of a four-month period with a cumulative amount ≥ \$750,000.	In force. Since Dec. 2025

⁷² An acquirer (or acquiring company) is the financial entity or member institution of the card networks (such as Visa or Mastercard) that signs up and contracts merchants so that they can accept electronic payments. In Argentina, the leading ones are Payway (Prisma Medios de Pago), Clover and Getnet.

RG 5804/2025 — ARCA · Payments (information)	Administrators of virtual accounts, wallets and PSPs offering payment accounts. Expands and breaks down the information required under Title II of RG 4614; expressly includes PSPs with payment accounts.	In force. Since May 2026
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Source: own elaboration

The Argentine regulatory framework affecting e-commerce is structured on three distinct levels: advance collection mechanisms, third-party information regimes and operational cooperation mechanisms. All three produce traceability but are different in nature, with different effects on tax compliance and different obligations for actors in the ecosystem. The tax administration literature systematically distinguishes between these compliance technologies (withholding at source, third-party reporting and auditing) because their effects on taxpayer behavior are neither equivalent nor perfect substitutes⁷³.

The inclusion of a platform or another intermediary in any of these mechanisms cannot be presumed from its technological capacity or from the information it may generate. Withholding, collection and reporting obligations are enforceable only with respect to the parties, transactions, taxes, data, amounts and periods covered by each regulatory regime. Likewise, cooperation mechanisms may respond to a legal or judicial request, a specific agreement or a voluntary initiative, and their existence does not imply a general obligation to cooperate applicable to all platforms or to all activities carried out by their users.

Every request for, access to, exchange or use of information should respect criteria of necessity, reasonableness and proportionality with respect to the public purpose pursued. The information requested should be limited to what is strictly necessary, used exclusively for the purposes determined in advance and retained only for the period required to fulfill them. The design of these obligations should also take into account the nature and scale of the intermediary, its business model and its economic, technical and operational capacities, avoiding uniform burdens that may disproportionately affect emerging or smaller platforms. Likewise, technical, legal and institutional safeguards should be provided to protect personal data, tax secrecy, confidential commercial information, trade secrets, intellectual property rights and any other sensitive or legally protected information.

⁷³ Keen, M., & Slemrod, J. (2017). Optimal tax administration. *Journal of Public Economics*, 152, 133–142. <https://doi.org/10.1016/j.jpubeco.2017.04.006>

Advance collection mechanisms. RG 5319/2023⁷⁴ designated the owners and administrators of digital platforms as VAT collection agents at rates of between 1% and 8% depending on the seller's tax status. The differential between categories is the central economic mechanism of the scheme, since those who are not categorized bear the highest rate and cannot offset it until they regularize their situation; this steers sellers towards formalization without imposing it as a condition of access. In this respect, collection (*percepción*) is more effective than withholding because it appears as an explicit cost in each transaction, generating a visible price signal⁷⁵. RG 4240/2018⁷⁶ applies the same logic to digital services from abroad. At the subnational level, platforms act as gross income tax withholding agents in the participating jurisdictions. This precedent remains relevant because it shows that advance collection mechanisms and information regimes can be the subject of different regulatory decisions. Through Ministry of Economy Resolution 780/2024 and RG 5554/2024, the VAT and income tax withholding regimes applicable to electronic collections were eliminated for payments made from September 1, 2024.⁷⁷ According to the official grounds, the measure sought to prevent these withholdings from hindering transactions carried out through electronic means, to promote their use in order to foster formalization and financial inclusion, and to reduce the costs associated with payment systems. The repeal did not mean abandoning the traceability of transactions, since Article 102 of Law 27.743 expressly preserved the possibility of establishing reporting duties. The case therefore shows that it is possible to reduce the financial burden associated with advance collection without giving up the information needed for State enforcement. Academic evidence shows that advance collection mechanisms can contribute to tax compliance, although their effectiveness must be assessed together with the financial, administrative and economic costs they generate. In particular, withholdings on digital payments can affect the liquidity of small merchants and discourage the use of electronic means, reducing the formalization and traceability benefits they produce. In this context, the elimination of certain withholding regimes does not necessarily mean a loss of enforcement capacity, provided that **the State effectively leverages the available transactional information through reporting, interoperability and risk analysis mechanisms**. The priority should be to strengthen that institutional capacity, avoiding additional burdens that may hinder the digitalization and formalization of the economy.

⁷⁴ Federal Administration of Public Revenue (AFIP). (2023, January 19). Resolución General N° 5319/2023. IVA. Operaciones de venta de cosas muebles, locaciones y prestaciones concertadas electrónicamente a través de plataformas digitales. Régimen especial de ingreso. Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/280060/20230123>

⁷⁵ Chetty, R., Looney, A., & Kroft, K. (2009). Saliency and taxation: Theory and evidence. *American Economic Review*, 99(4), 1145–1177. <https://doi.org/10.1257/aer.99.4.1145>

⁷⁶ Federal Administration of Public Revenue (AFIP). (2018). Resolución General 4240/2018: Impuesto al Valor Agregado. Servicios digitales prestados por un sujeto residente o domiciliado en el exterior. Ingreso del gravamen, formas, plazos y condiciones. Boletín Oficial de la República Argentina No. 33869, May 14, 2018.

⁷⁷ Law 27.743 on Palliative and Relevant Fiscal Measures, art. 102; Ministry of Economy, Resolution 780/2024 of August 20, 2024; and Federal Administration of Public Revenue, General Resolution 5554/2024 of August 20, 2024, applicable to payments made from September 1, 2024.

Third-party information regimes. On the other hand, while withholding and collection produce a flow of funds to the tax authority, information regimes produce data that the tax authority then uses to detect inconsistencies between what is declared and what is actually transacted. This closes the room for under-declaration, because taxpayers cannot maintain a declaration inconsistent with what is already in the tax authority's database⁷⁸. A precondition for these regimes is the digitalization of the payment system, since without electronic payments there is no transaction trail to report. In Argentina, the BCRA has rolled out the Transfers 3.0 program since 2020⁷⁹, which built an ecosystem of interoperable payments that allows any user to make transfers from any wallet via QR code. Communication A 7769 of 2023 extended this interoperability to credit card payments, establishing that merchants must accept payments from any registered wallet regardless of its brand. This standardization process is what makes digital channel transactions leave a verifiable trail in independent layers: the platform, the payment aggregator and the financial institution. In Argentina, moreover, RG 4614/2019 establishes two different obligations. Title I requires payment method aggregators to report monthly, for each affiliated seller, the CUIT, CBU or CVU, transaction amount and fees charged. Title II requires administrators of virtual accounts and wallets to report inflows, outflows and balances exceeding the applicable thresholds of \$50,000,000 for individuals and \$30,000,000 for legal entities, updated every six months by the CPI. For sellers operating within marketplace ecosystems with their own wallet, both titles complement each other and each transaction leaves a verifiable trail in at least two independent layers. Since March 2026, there has also been an exchange scheme between Mercado Libre and ARCA to detect inconsistencies in four high-risk categories (tires, mobile phones, toys and cosmetics), through the reporting of the twenty sellers with the highest revenues in each⁸⁰.

Cooperation mechanisms. Unlike the two previous levels, cooperation mechanisms are activated in response to complaints or court cases, and their scope depends on the will of the parties rather than on a continuous regulatory obligation. Two different types of cooperation coexist at this level. The first operates between platforms and public agencies. In the context of court cases, for example, Customs may request data on the owner of a listing and the communication history, and platforms provide them. An older precedent with a specific sector scope is the agreement that Mercado Libre has with the National Administration of Drugs, Food and Medical Technology (ANMAT) under its *Cooperation Agreement Program*, in place for more than a decade⁸¹. The program allows

⁷⁸ Kleven, H. J., Knudsen, M. B., Kreiner, C. T., Pedersen, S., & Saez, E. (2011). Unwilling or unable to cheat? Evidence from a tax audit experiment in Denmark. *Econometrica*, 79(3), 651–692. <https://doi.org/10.3982/ECTA9113>

⁷⁹ Central Bank of the Argentine Republic. (2020). Transferencias 3.0: pagos con transferencia interoperables. Retrieved from <https://www.bcra.gob.ar/en/transfers-3-0/>

⁸⁰ Infobae. (2026, June 14). La batalla contra el contrabando reaviva la disputa entre empresas y plataformas como Mercado Libre: qué hace el Gobierno. <https://www.infobae.com/economia/2026/06/14/la-batalla-contra-el-contrabando-reaviva-la-disputa-entre-empresas-y-plataformas-como-mercado-libre-que-hace-el-gobierno/>

⁸¹ National Administration of Drugs, Food and Medical Technology (ANMAT). (2025, December 16). *ANMAT y Mercado Libre continúan trabajando sobre el monitoreo de anuncios de*

ANMAT to systematically report listings with irregular health products and has led to sustained improvements in the platform's response times and in its criteria for acting on listings that sell products without health authorization⁸². During the second half of 2025, the Mercado Libre Anti-Counterfeiting Alliance (MACA) initiative carried out six joint operations with authorities and brands that led to seizures which, added up since the initiative's launch in 2021, exceed 45 tons of counterfeit products, with nine new criminal complaints filed in Brazil, Mexico and Chile during the period⁸³. Meta has an agreement with the Undersecretariat of Consumer Protection that between April and June 2026 led to the removal of around 30 profiles linked to the sale of mobile phones⁸⁴. The second type operates between platforms and private rights holders through *notice and takedown* mechanisms. Mercado Libre's *Brand Protection Program*, for example, allows trademark and copyright owners to report infringing listings directly on the platform, without State mediation⁸⁵. The literature identifies these mechanisms as forms of self-regulation or private governance compatible with the safe harbor logic: platforms can implement them to facilitate the receipt and assessment of complaints, without this implying a general obligation of prior monitoring or the automatic acknowledgment of liability for the acts of third parties⁸⁶. Their advantage is scale and speed, although their documented limitation is the risk of abusive use by the complainant to take down legitimate listings of competitors or authorized resellers.

These mechanisms should have transparent and well-defined procedures that identify the information covered, the parties authorized to request or receive it, the permitted purposes, the retention periods and the applicable security measures. Cooperation should not enable general or indiscriminate access to platforms' databases or allow the subsequent use of the information for purposes incompatible with those that justified its disclosure. Where confidential information, personal data, trade secrets or intellectual property rights could be affected, mechanisms should be provided for minimization, anonymization or pseudonymization, access control, traceability of queries and review of decisions taken on the basis of that data.

comercialización de productos para la salud. Argentina.gob.ar.
<https://www.argentina.gob.ar/noticias/anmat-y-mercado-libre-continuan-trabajando-sobre-el-monitoreo-de-anuncios-de>

⁸² Mercado Libre. (2026, March). *Reporte de transparencia: Julio–diciembre 2025*.
<https://news.mercadolibre.com/reportes-de-transparencia-segundo-semestre-2025>

⁸³ Mercado Libre. (2026). *Reporte de Transparencia: Segundo semestre de 2025*.

⁸⁴ Infobae. (2026, June 14). La batalla contra el contrabando reaviva la disputa entre empresas y plataformas como Mercado Libre: qué hace el Gobierno.
<https://www.infobae.com/economia/2026/06/14/la-batalla-contra-el-contrabando-reaviva-la-disputa-entre-empresas-y-plataformas-como-mercado-libre-que-hace-el-gobierno/>

⁸⁵ Mercado Libre. (2024, September). *Reporte de transparencia primer semestre 2024*.
<https://www.mercadolibre.com.ar/institucional/comunicamos/noticias/transparency-report-first-half-2024>

⁸⁶ Wallberg, K. (2017). Notice and takedown of counterfeit goods in the Digital Single Market: A balancing of fundamental rights. *Journal of Intellectual Property Law & Practice*, 12(11), 922–933.
<https://doi.org/10.1093/jiplp/jpx136>

3.3 How is smuggling fought?

The different types of informality and illegality also have different levels of traceability and, therefore, different public policy challenges. Section 2 argued that the different types of informality also have different solutions depending on the level of traceability of the problem in the digital channel, and that e-commerce platforms have a greater capacity to contribute to reducing tax informality than to reducing smuggling or gray markets. Having described the regulatory mechanisms that allow the State to leverage the traceability of the former, it is now appropriate to return to that distinction in order to specify what can and cannot be expected from e-commerce and public policy in relation to the specific problem of customs control of cross-border trade.

Selling a broad and heterogeneous set of product categories in the Argentine market requires prior accreditation before specialized technical agencies whose involvement is a condition of legality and not a mere formality. Argentina has historically maintained one of the most restrictive regulatory frameworks in Latin America in terms of market access. The OECD PMR indicators (which measure, on a scale of 0 to 6, the distance from international best practices in competition) gave Argentina a score of 3.11 in the latest measurement available for the country (2014 and 2016), compared with values of 1.58 for Chile and 2.10 for Mexico in 2018, with significant gaps relative to the OECD average both in administrative barriers to new businesses and in obstacles to trade and investment⁸⁷. This system of mandatory certifications and registrations covers at least five distinct regulatory areas:

1. In terms of **electrical safety**, Resolution 16/2025 of the Secretariat of Industry and Commerce, which replaced the regime of Resolution 169/2018, establishes essential quality and safety requirements for the electrical equipment included in its Annex II, including power supplies and chargers, household electrical appliances, lighting devices and electronic, audio and video equipment. Manufacturers and importers must guarantee compliance through a sworn declaration of conformity and the corresponding assessment procedure. Distributors and sellers must have a copy of that declaration to display when required.⁸⁸
2. In terms of **health products**, Law No. 16.463⁸⁹ subjects to prior authorization the importation, production, splitting and sale of medicines, drugs, reagents, pharmaceutical forms, diagnostic items and any product used in human medicine, with ANMAT as the enforcement authority since its creation by Decree No. 1490/1992. For medical devices of different risk levels, cosmetics, household

⁸⁷ OECD. (2020). Panorama de las administraciones públicas América Latina y el Caribe 2020. OECD Publishing. <https://doi.org/10.1787/1003c4d8-es>

⁸⁸ Secretariat of Industry and Commerce. (2025, February 24). Resolución 16/2025. Reglamento técnico de equipamiento eléctrico. Boletín Oficial de la República Argentina, February 25, 2025. Official text.

⁸⁹ National Congress of Argentina. (1964). Ley N° 16.463. Medicamentos. Boletín Oficial de la República Argentina.

cleaning products, dietary supplements and hygiene products for external or intravaginal use, ANMAT Provision 236/2026⁹⁰ introduced a simplified sworn declaration scheme for lower-risk categories authorized in international reference markets, but maintains the prior authorization of importing companies as a necessary condition in all cases. Medicines are excluded from this simplified scheme, since their sale requires individual registration in the Register of Medicinal Specialties with technical evaluation by ANMAT, with no possibility of automatic recognition based on approval in third countries.

3. In terms of **toy safety**, Resolution 163/2005 of the Secretariat of Technical Coordination⁹¹, updated by Resolution 313/2025⁹² of the Secretariat of Industry and Commerce, establishes mandatory certification of essential safety requirements based on IRAM-NM 300 standards for every product designed for use by children under 14 that is manufactured, imported or distributed in the national territory, with the involvement of INTI and certification bodies accredited by the Argentine Accreditation Body.
4. In terms of **safety-related auto parts**, Traffic Law No. 24.449⁹³ establishes the certification requirement for every component intended for the replacement market (tires, brake systems, seat belts, lighting systems and motorcycle helmets, among a total of 22 categories), which was reformulated by Decree 196/2025⁹⁴ without eliminating the substantive requirement. Added to these categories are plant protection products, agrochemicals and fertilizers, whose registration with SENASA is a necessary condition for their sale, under the regulations that assign that agency responsibility for controlling the products used in agricultural production and pest control. Although there has been a significant process of modernization and unification over the last decade, the OECD warns in its 2025 Economic Survey of Argentina that barriers to entry remain high in several sectors and that the effects of regulatory changes on competition are not systematically assessed⁹⁵.

⁹⁰ National Administration of Drugs, Food and Medical Technology [ANMAT]. (2026, February 6). Disposición 236/2026. Mecanismos aplicables para la importación y comercialización de productos de origen extranjero sujetos a fiscalización sanitaria. Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/338244/20260206>

⁹¹ Secretariat of Technical Coordination. (2005). Resolución N° 163/2005. Régimen de certificación obligatoria de juguetes. Ministry of Economy and Production.

⁹² Secretariat of Industry and Commerce, Ministry of Economy. (2025, August 12). Resolución N° 313/2025. Reglamento técnico sobre requisitos esenciales de calidad y seguridad para productos de consumo, incluyendo juguetes. Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/329773/20250813>

⁹³ National Congress of Argentina. (1994). Ley N° 24.449. Ley de Tránsito. Boletín Oficial de la República Argentina.

⁹⁴ National Executive Branch. (2025, March 18). Decreto N° 196/2025. Modificación de la Reglamentación General de la Ley N° 24.449 de Tránsito y Seguridad Vial. Libre comercialización, producción e importación de autopartes. Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/322652/20250318>

⁹⁵ OECD. (2025). OECD Economic Surveys: Argentina 2025. OECD Publishing. <https://doi.org/10.1787/27dd6e27-en>

5. In terms of **telecommunications equipment**, Argentina Digital Law No. 27.078⁹⁶ establishes the obligation of type approval before ENACOM for every device sold in the country, including mobile phones, tablets, laptops, wireless headphones, smartwatches, IoT devices and any equipment that operates on the radio spectrum. This case, the type approval of telecommunications equipment, illustrates precisely how the regime can be simplified and modernized without eliminating it. The previous regime, in force since the 1980s, required local technical tests to be duplicated on equipment already certified by recognized international agencies, concentrated the process in a single State agency with the mandatory participation of representatives registered with a specific professional association, and required registrations to be revalidated every three years regardless of whether the equipment had undergone technical modifications. ENACOM Resolution 57/2026⁹⁷ corrected these distortions by automatically recognizing international standards, delegating certification to private agencies accredited under the ISO/IEC 17065 standard and eliminating the three-year renewal for products without technical changes. However, Article 10 of the resolution includes a provision establishing that telecommunications materials sold through web portals must indicate their RAMATEL registration number in the listing, extending this obligation not only to sellers but also to the digital intermediaries that serve as platforms. Although the requirement to display the RAMATEL number must be distinguished from an obligation to technically certify the product or guarantee its regular customs entry, its extension to platforms raises proportionality issues. Although the registry of registered equipment is publicly accessible⁹⁸ and **consulting it makes it possible to verify that a registration exists, the platform cannot verify with certainty that it actually corresponds to the product offered in each listing, a correspondence that only the party selling or importing the good can ensure**. In addition, registrations have limited validity and the registry is constantly adding new products. A requirement to permanently verify every third-party listing would therefore be difficult to comply with and would attribute to platforms responsibilities that exceed their functions and capabilities. A more proportionate scheme would distinguish between the seller's obligation to declare the RAMATEL number and the platform's obligation to enable a mandatory field for entering it and, eventually, to check it automatically against the public registry, without assuming responsibility for verifying its correspondence with the product.

Traceability becomes even more relevant in cross-border e-commerce channeled through the courier regime, where the operational simplification designed to

⁹⁶ National Congress of Argentina. (2014). Ley N° 27.078. Argentina Digital. Boletín Oficial de la República Argentina.

⁹⁷ National Communications Agency [ENACOM]. (2026, February 26). Resolución 57/2026. Actualización del régimen de homologación de equipos de telecomunicaciones. Reglamento del Registro de Actividades y Materiales de Telecomunicaciones (RAMATEL). Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/338750/20260226>

⁹⁸ Available at https://www.enacom.gob.ar/equipos-inscriptos_p348

facilitate legitimate trade coexists with a set of structural incentives that may encourage its use for covert commercial purposes. ARCA General Resolution 5884/2026⁹⁹ introduced two changes with direct consequences for traceability: it established an admissible value limit of up to USD 3,000 FOB per shipment with a limit of three units of the same kind, and it exempted shipments covered by the regime from a series of interventions by technical agencies that previously operated as entry controls, including the prior intervention of ANMAT for cosmetics and medical devices for personal use, SENASA free circulation certificates for food and supplements imported by individuals, and the electrical safety certification for electronic devices and spare parts approval issued by the Secretariat of Industry and Commerce.

The exemption from these technical interventions is analytically relevant because it covers categories such as mobile phones and electrical devices, whose sale in the domestic market is subject to type-approval requirements before ENACOM. This differentiation could create negative incentives for the general import regime since, as long as the certification, type-approval and documentation requirements associated with formal importation represent significant costs, the simplified regime for personal shipments could be perceived as an alternative channel with a lower regulatory burden. Reducing this cost gap, by modernizing and unifying schemes across all import regimes, is a necessary condition for traceability mechanisms to operate on less distorted incentives. In this regard, the reform does incorporate a mechanism with significant tracing potential, since it requires a mandatory advance declaration through the Universal Postal Union's CDS system, which the postal operator must transmit to ARCA before the goods physically arrive. That tax identifier connects the moment of importation with subsequent tax records and, in particular, with the sales data that platforms already report monthly to ARCA under RG 4614/2019. If these two information flows are systematically cross-checked within ARCA, it is possible to detect patterns of inconsistency between what a person declares they are importing for personal use and what they might later sell on a domestic platform. Once again, however, the problem is not the absence of data (which already exists through information regimes and specific cooperation mechanisms) but the absence of an analytical architecture that links them.

In this scenario, digital platforms already generate high-value information that the State can manage to carry out smart customs enforcement. The Argentine State has a highly granular flow of transactional information on the digital channel: RG 4614/2019 requires payment method aggregators and wallet administrators to report monthly to ARCA data by seller (CUIT, CBU or CVU, transaction amount and fees), and since March 2026 this regime has been complemented by a direct exchange scheme between ARCA and Mercado Libre focused on four categories of high tax risk (see Section 3.2). Cross-checked with information from customs and tax systems, this mass of data makes

⁹⁹ Customs Revenue and Control Agency [ARCA]. (2026, July 30). *Resolución General 5884/2026. Régimen de envíos postales. Resolución General N° 4.447. Su sustitución (RESOG-2026-5884-E-ARCA-ARCA)*. Boletín Oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/345190/20260730>

it possible to detect inconsistencies between what a seller invoices on the platform and what they declare to the tax authority, identify atypical commercial behavior patterns and segment operators by category, frequency and volume. The availability of this information makes it possible to develop considerably more accurate risk management systems, targeting enforcement resources at the transactions most likely to involve non-compliance while reducing administrative burdens on legitimate trade¹⁰⁰. Along the same lines, ARCA has a protocol with Meta¹⁰¹ for reporting and removing posts, and a pilot test of advance information with Amazon to collect taxes before the purchase arrives¹⁰². The challenge, then, is to build the institutional analytical capacity to use this information, and its use should be developed within express legal and institutional limits. In particular, a platform's participation in voluntary cooperation mechanisms should not, on its own, be interpreted as the assumption of a general enforcement duty, as an acknowledgment that it has the capacity to verify the customs origin of goods or as a precedent that changes its liability regime. Any future expansion of its obligations should be established through a specific rule that defines its scope, purpose, proportionality, safeguards for information, cost allocation and review mechanisms. The determination of infringements and the exercise of enforcement powers would continue to be the responsibility of the competent State agencies.

This approach is consistent with developments observed in comparative law. The World Customs Organization has pointed out that the growing complexity of international trade makes it materially impossible to sustain control models based on the systematic inspection of all transactions. Consequently, it has promoted the modernization of customs control systems through intelligence tools, data analysis, advance information exchange, interoperability and risk management, which make it possible to concentrate enforcement resources on the transactions showing the strongest indicators of irregularity¹⁰³. Similarly, the World Trade Organization's Trade Facilitation Agreement expressly incorporates risk management as one of the guiding principles of contemporary customs administrations, seeking to reconcile the effectiveness of controls with the facilitation of international trade¹⁰⁴. Both European regulation¹⁰⁵ and the recommendations

¹⁰⁰ World Trade Organization. (2017). *Trade Facilitation Agreement*. https://www.wto.org/english/docs_e/legal_e/tfa_e.htm

¹⁰¹ source: <https://www.cronista.com/economia-politica/fraude-en-importaciones-y-fronteras-permeables-jeans-a-us-010-y-mas-celulares-de-contrabando/>

¹⁰² Source: <https://www.cronista.com/economia-politica/fraude-en-importaciones-y-fronteras-permeables-jeans-a-us-010-y-mas-celulares-de-contrabando/>

¹⁰³ World Customs Organization. (2021). *SAFE Framework of Standards to Secure and Facilitate Global Trade*. <https://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe-package.aspx>

¹⁰⁴ World Trade Organization. (2017). *Trade Facilitation Agreement*. https://www.wto.org/english/docs_e/legal_e/tfa_e.htm

¹⁰⁵ European Commission, Taxation and Customs Union. (2026, June 8). Guidance and legal text on temporary flat fee on low-value imports which will apply until 1 July 2028.

of international organizations¹⁰⁶ combine cooperation, information exchange and traceability mechanisms with specific obligations and, under certain regimes, enhanced liability of operators for possible failure to comply with obligations whose verification is the responsibility of specialized public agencies.

National regulatory frameworks, in turn, show **different alternatives regarding the distribution of functions and responsibilities among public authorities, sellers and intermediaries**. In the United States, the **INFORM Consumers Act** establishes obligations to collect, verify and disclose information about certain high-volume sellers, as well as mechanisms for reporting suspicious activity and suspending non-compliant sellers. This approach is mainly focused on strengthening **seller identification and traceability**, relying on capabilities that are usually part of how e-commerce platforms work (such as user identification, validation of certain information, transaction records and reporting mechanisms), without thereby establishing a general regime of joint liability for the regulatory compliance of products sold by third parties.

The experience of **Brazil, where ANATEL Resolution 780/2025 extended joint liability to e-commerce platforms for the sale of non-approved telecommunications equipment offered by third parties**, constitutes a questionable regulatory precedent. This approach shifts to intermediaries responsibilities that belong to sellers, blurs the distinction between the two actors and creates risks of over-restriction of listings, higher compliance costs and barriers to entry.

However, the Brazilian experience offers a positive lesson, especially relevant for **Argentina: the importance of having accessible, reliable and interoperable public information infrastructure that makes it possible to verify regulatory compliance**. Beyond the debate on the scope of liability, the rule shows something relevant for policy design: **the possibility of requiring these duties of platforms rests on infrastructure that the Brazilian State built beforehand**. ANATEL has a type-approval system that assigns a code to each approved model, with publicly searchable information, and since 2018 it has operated a national system for blocking mobile phones with irregular IMEIs on mobile networks. On that basis, the verification requested from platforms does not require assessing the technical conformity of a product, but checking a code against an official registry. Experience showed that it is operationally feasible: following a 2024 court decision, listings of equipment with a visible code on Amazon Brazil went from 47% to 100% in ten days. In Argentina, by contrast, the absence of equivalent automated query and interoperability mechanisms limits the possibilities for verification¹⁰⁷.

https://taxation-customs.ec.europa.eu/news/guidance-and-legal-text-temporary-flat-fee-low-value-imports-which-will-apply-until-1-july-2028-2026-06-08_en

¹⁰⁶ OECD. (2019). The role of digital platforms in the collection of VAT/GST on online sales. OECD Publishing. <https://doi.org/10.1787/e0e2dd2d-en>

¹⁰⁷ As of October 2026, the registry of equipment registered in RAMATEL is publicly accessible. However, it is a database in an Excel spreadsheet, with a manual query method, which makes interoperability with the platform rather unfeasible.

Therefore, the priority is to strengthen public capacities and facilitate collaboration with platforms, while responsibility for compliance with type-approval requirements and the accuracy of information must rest with the seller, as the obliged party. However, the availability of this infrastructure does not justify shifting to platforms verification obligations or responsibilities that belong to sellers, importers and the competent authorities. The technical possibility of consulting a registry is not equivalent to the capacity to prove the regulatory conformity of each product sold, nor should it be grounds for imposing general monitoring duties or joint liability. Interoperability should be understood as a tool to strengthen public enforcement and facilitate proportionate cooperation mechanisms, not as a mechanism for delegating State control functions to private intermediaries.

3.4 Public policy lines

Based on the analysis developed in the previous sections, it is possible to identify four public policy lines that could strengthen the contribution of digital commerce to the formalization and transparency ecosystem in Argentina, without generating regressive effects on the base of small sellers that currently access the channel.

1. Strengthen customs intelligence by integrating existing information

One of the main problems in tackling irregular trade is the capacity to integrate existing data. The information regimes in force (in particular, RG 4614/2019 with respect to the parties expressly covered by it) and certain specific exchange schemes produce flows of transactional information that are currently processed in a fragmented manner and are not always systematically integrated with the import records available at the General Customs Directorate. This fragmentation limits the State's capacity to build a consolidated picture of the flow of goods from their importation to their final sale, particularly in the courier regime, which combines high volume, low declared unit value and difficulties in systematic control. The advance declaration with the recipient's tax identifier introduced by RG 5884/2026 is an input that, integrated within the State with the information it already receives from the parties obliged under the applicable regimes, could help detect inconsistencies between what is declared as an import for personal use and its possible subsequent sale.

The recommendation therefore aims to improve interoperability between State agencies with respect to the information they already receive under the regimes in force. Under common protocols for format, purpose, frequency, security and data protection, ARCA, the General Customs Directorate and the competent technical agencies could integrate the information they already hold on importers, sellers, frequency, quantities and transactions to build cumulative risk profiles by CUIT, category and origin. This would make it possible to move from the individual control of packages to the identification of patterns of possible commercial use of regimes intended for personal consumption.

Another problem identified is the requirement for prior consent from the sector regulator in some regimes in force in Latin America, which operates as a condition for customs release. This creates a logistical bottleneck that translates into delivery delays, storage costs and a negative experience for consumers, who in most cases are unaware, at the time of purchase, that there is a pending regulatory stage. That friction ends up encouraging informal acquisition channels that escape both the technical control of the sector regulator and the fiscal control of the tax authority.

Replacing prior physical control with subsequent electronic enforcement, supported by the information the system itself already generates, would be a viable solution. In other words, it would be a "sworn declaration" to be completed after customs clearance, instead of operating as a precondition for the release of the goods. This option does not eliminate the requirement to declare the equipment's conformity, but rather decouples it from the physical flow of the goods: the registration must be completed before the product is first used, but it can be enforced electronically once the parcel has been released, precisely the type of architecture that makes it possible to build cumulative risk profiles instead of intervening in each shipment at the border.

The proposal is based on precedents such as Argentina's "Door to Door" (Puerta a Puerta) regime, which allows a simplified content declaration and online payment of taxes between the product's arrival in the country and its final delivery, and the Mexican Official Standards (NOM), which speed up the release of products for personal use once compliance with labeling and information requirements has been verified, without additional discretionary controls at the border.

Implementation conditions. In a first stage, interoperability should be limited to the internal integration of the information that State agencies already receive under the regimes in force. Additional information provided through voluntary cooperation agreements should be used exclusively for the expressly defined purposes.

Every request for or exchange of information should have a sufficient legal basis and respect criteria of necessity, reasonableness and proportionality. Protocols should identify the strictly necessary data, the parties authorized to access them, the permitted purposes, the retention periods and the applicable security measures. They should also take into account the economic, technical and operational capacities of the different intermediaries and establish safeguards to protect personal data, tax secrecy, confidential commercial information, trade secrets and intellectual property rights.¹⁰⁸

Voluntary agreements should expressly establish their limited nature and that they do not create new liabilities. Any more burdensome future obligation would require a specific rule, a prior impact assessment and general, objective and technology-neutral criteria, applicable under equivalent conditions to comparable operators. That is, a platform's

¹⁰⁸ See Law 25.326 on Personal Data Protection; Law 11.683 on Tax Procedure, especially Article 101 on tax secrecy; and Law 24.766 on the confidentiality of legitimately controlled information. [Law 25.326](#); [Law 11.683](#); [Law 24.766](#)

technical capacity to generate or process information should not, on its own, be considered sufficient grounds for imposing new legal obligations on it. In this way, cooperation could strengthen State risk management without shifting to private intermediaries functions that belong to the State's police power.

What does the State gain? Consolidated capacity to detect inconsistencies between importation, sale and tax declaration, with a reduction in estimated evasion in the digital channel. The State maintains, and even strengthens, its control capacity, but with a more efficient, risk-based model. It reduces delays at the border, discourages informality and improves traceability.

What is required? Gradual development of State interoperability infrastructure, information governance and security protocols, risk analysis systems and training of the competent officials. The estimate of the resources needed should consider not only development and integration costs, but also those of maintenance, cybersecurity, data protection, auditing and incident response, as well as the differentiated capacities of the public and private actors involved.

Who implements it? The General Customs Directorate and ARCA, with operational coordination with courier operators and the Postal Service, agencies such as ANMAT and ENACOM, and logistics operators as parties.

2. Redefine the incentives that fuel smuggling and gray markets, including tax gaps and disproportionate type-approval or certification barriers, and systematically assess the competitive impact of technical regulations

From the standpoint of institutional economics, informality and smuggling can be explained as rational responses of economic agents to incentive structures. When price differences stemming from the regulatory framework exceed the expected costs of operating through alternative channels, the economic appeal of parallel markets increases¹⁰⁹. Consequently, the existence of these circuits cannot be attributed exclusively to enforcement failures, but also to the incentives generated by regulatory design itself¹¹⁰. In this sense, no control strategy will be fully effective unless it simultaneously addresses the structural conditions that lead actors to operate outside the formal channel. Certification and type-approval processes, when excessively costly or lengthy, operate as a barrier to entry that widens the price gap between the formal channel and alternative circuits, feeding back into the incentive for regulatory arbitrage. The recent trend towards simplification and recognition of international certifications is

¹⁰⁹ North, D. C. (1990). *Institutions, Institutional Change and Economic Performance*. Cambridge University Press.

https://assets.cambridge.org/97805213/94161/excerpt/9780521394161_excerpt.pdf

¹¹⁰ Acemoglu, D., & Robinson, J. A. (2012). *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*. Crown Business.
<https://ia601506.us.archive.org/27/items/WhyNationsFailTheOriginsODaronAcemoglu/Why-Nations-Fail-The-Origins-o-Daron-Acemoglu.pdf>

heading in the right direction, but its implementation is still fragmented. We therefore propose four concrete mechanisms for the certification system as a whole:

1. **Close the regulatory gap between the courier/personal regime and commercial importation.** Given the difference between the certifications required under the general regime and under the simplified *courier* regime, there may be an incentive to use a regime designed for personal consumption as a commercial supply route. The policy would not be to indiscriminately tighten the courier regime or to eliminate all the requirements of the general regime, but to align incentives between the two: detect habitual use, establish automatic regime transitions and prevent the regulatory differential from rewarding the splitting of shipments¹¹¹. This assessment must include sales facilitated by foreign platforms and possible shifts towards less traceable channels. Equivalent obligations should be considered for operators performing comparable functions, together with viable cross-border compliance mechanisms and measures adapted to the information actually available in each channel. On the one hand, it is proposed that the "sworn declaration" procedure for products for personal use be free of charge, as a principle that should extend to any new procedure involving the participation of marketplaces in issuing type approval, even under an experimental regime, given that, for products with a low unit value, any administrative fee could exceed the value of the product itself, making the formal route unviable and directly encouraging informality; the same principle already operates in the simplified tariff regimes adopted by China and Argentina. On the other hand, it is recommended to maintain a personal-use criterion based on quantity and frequency compatible with that purpose (without constituting a commercial act), rather than an alternative that would replace it with a value limit tied to the tax exemption regime. As a complement, it is proposed that displaying the type-approval code, when available, for higher-risk products operate as a double-verification mechanism, applicable only to the range of products that actually warrants monitoring by the regulatory authority.
2. **Guarantee mutual recognition of authorizations issued by accredited agencies in international reference markets,** which eliminates the duplication of technical tests for products already certified in jurisdictions with equivalent standards.
3. **Assess opening the certification process to multiple accredited bodies,** breaking up the de facto institutional monopolies that concentrate the procedure in a single State or professional actor and create bottlenecks with direct effects on the costs and time needed to access the market.
4. **Ensure that every relevant type approval, certification, authorization or technical restriction periodically incorporates an assessment of necessity, proportionality and effects on competition and prices.** This does not mean

¹¹¹ Understood as the mechanism of artificially splitting a commercial import into multiple small shipments so that each appears to be intended for personal consumption or remains below the value, quantity or weight limits of the simplified or courier regime.

eliminating safety standards, but identifying when a regulation ends up creating barriers to entry or exclusivity rents that fuel parallel markets. A complementary policy is the **elimination of mandatory periodic renewals for products that have not undergone technical modifications**, which impose recurring costs with no added safety value. At the regional level, the asymmetry of tax burdens and technical requirements between Argentina and neighboring countries is a structural factor that no domestic policy can neutralize on its own. In this context, it is appropriate to promote dialogue within Mercosur aimed at the progressive convergence of technical standards and certification requirements for the product categories with the highest incidence of irregular trade. One case that illustrates this practice is the possible creation of a new category for imports for personal use: a "very low risk category" for telecommunications equipment. Instead of simplifying the type-approval procedure, the proposal is to eliminate it entirely for a limited range of products whose risk of harmful interference is, in practice, negligible, as is the case with low-power mice and keyboards. Many of today's telecommunications products use mature and standardized radio frequency technologies, for which even a simplified certification procedure represents disproportionate administrative friction relative to its zero contribution to risk management. There are several precedents in comparative law that support this logic: the US Federal Communications Commission (FCC) exempts products for personal use from formal type approval and Peru exempts certain low-power devices from approval, while Brazil's own technical metrology agency (INMETRO) already recognizes exempt categories when use is exclusively private, which confirms that this type of proportionality-based exemption is not an isolated idea but a regulatory trend already consolidated in different jurisdictions.

What does the State gain? A structural reduction in the economic appeal of parallel markets, efforts channeled into the highest-risk categories, improved competitiveness of the formal channel and greater effective tax collection.

What costs does it entail? Short-term fiscal costs due to the review of tariffs and tax burdens, although a net gain is expected in the medium term from the broadening of the tax base.

Who implements it? The Ministry of Economy in coordination with ARCA, the Secretariat of Industry and Commerce and the technical certification agencies (ANMAT, ENACOM, INTI).

3. Support for the formalization of small sellers

International evidence on reducing economic informality in Latin America shows that the most effective instruments combine productivity improvements, regulatory simplification, economic incentives and gradual enforcement capacity. In this framework, ARCA could develop simplified assistance mechanisms for sellers reaching the habitual-activity thresholds, reducing the administrative cost of first registration and facilitating access to

the corresponding procedures. Platforms could collaborate voluntarily by disseminating general information, reminders and links to official channels, where technically and operationally feasible.

This collaboration should not include tasks of verifying sellers' compliance or general monitoring of their transactions, nor require the collection or communication of information beyond that required by the applicable regimes and necessary to achieve the intended purpose.

What does the State gain? A broader formal tax base, higher collection of monotributo and social security contributions, and better knowledge of real economic activity.

What is required? Development by ARCA of simplified procedures and official assistance materials. Any collaboration by platforms should be voluntary, limited and compatible with their technical and operational capacities.

Who implements it? ARCA, with the possible voluntary participation of e-commerce platforms and the coordination of the Ministry of Human Capital regarding entrepreneur support programs.

4. Building a permanent monitoring system for digital commerce and formalization

A central limitation of the Argentine public debate on e-commerce and informality is the absence of official data to estimate what proportion of informal trade is currently channeled through digital platforms, social networks or street fairs and how that distribution evolves over time. Without that data, any estimate of the impact of a regulation on formalization is conjectural. In 2023, the OECD, UNCTAD, the IMF and the WTO jointly developed a Handbook on Measuring Digital Trade that offers a standardized methodological framework for national statistical offices to incorporate digital trade into their national accounts and economic activity surveys, including specific guidance for capturing platform activity and the conversational channel. A concrete policy line could consist of entrusting INDEC with producing an annual estimate of the distribution of retail trade by channel, following the methodology of the joint OECD-UNCTAD-IMF-WTO handbook and primarily using statistical and administrative information already available. Any collaboration by ARCA, CACE, platforms or other private actors should be voluntary and based on aggregated or anonymized information, under criteria of specific purpose, minimization, confidentiality and security. That collaboration should not give general access to individualized transactional data.

What does the State gain? A solid empirical basis for designing and evaluating public policies on e-commerce, informality and competition; internationally comparable information.

What is required? Strengthening INDEC's capacities and updating existing economic activity surveys.

Who implements it? INDEC, with the possible voluntary participation of ARCA, CACE and other private actors, within the limits provided for by the applicable regimes.

Methodological annex

Estimate of e-commerce penetration in Argentina

The share of e-commerce in total retail sales in Argentina has no direct estimate comparable to those published by statistical offices or industry chambers in other countries (such as the ONS in the United Kingdom or the Census Bureau in the United States). To construct an approximate value, a three-stage procedure was followed.

First, the share of retail sales in the total gross output value (VBP) of the commerce sector was obtained from the Supply and Use Tables (COU) published by INDEC. For the 2018-2023 period, the COU for each available year was used. This ratio reflects the structural composition of the sector across its wholesale, retail and motor vehicle components. Second, this ratio was applied to the annual revenues of the commerce sector declared to ARCA (formerly AFIP) to obtain an estimate of the level of formal retail sales in each year. Third, the ratio between the annual e-commerce revenues reported by the Argentine Chamber of E-Commerce (CACE) and the retail sales estimate from the previous step was computed.

For 2024 and 2025, since sales data from ARCA are not yet available, the average ratio between VBP and sales observed in previous years was used to estimate, based on INDEC's National Accounts, a plausible invoiced value for retail trade. E-commerce penetration for those years was calculated from that estimated denominator. The resulting values should be treated with greater caution than those for the 2018-2023 period.

Main assumptions

The calculation rests on the following assumptions. First, that the wholesale/retail composition of the COU is a reasonable approximation of the structure in force in each reference year. Second, that the revenues declared to ARCA adequately represent the universe of formal retail trade. Third, that the revenues reported by CACE capture all, or the vast majority, of e-commerce transactions. Fourth, that for 2024 and 2025 the historical average of the VBP/sales ratio is an acceptable proxy in the absence of tax data.

Limitations and biases

The main bias identified is an overestimation of penetration. The denominator (retail sales) is built exclusively on tax records and therefore excludes informal trade: street vending, fairs, unregistered businesses and the under-declared portion of formal businesses. Since e-commerce transactions are traceable by nature and are mostly recorded, the numerator has proportionally greater coverage than the denominator, which raises the ratio. The resulting value (13.82% for 2023) should be interpreted as an upper bound of penetration in the formal segment and as an overestimate of penetration in total retail trade.

Conversely, there is a volume of informal e-commerce (sales through social networks, messaging and platforms without invoicing) that CACE does not capture, which would reduce the numerator. However, this effect is unlikely to offset the magnitude of informality in in-person retail trade in Argentina.

In addition, the ratio taken from the COU may not reflect recent changes in the composition of the sector, for example the relative growth of wholesale self-service stores aimed at final consumers, which would introduce an error whose direction depends on the specific evolution of each component. This limitation is more pronounced for 2024 and 2025, where the lack of tax data makes it necessary to rely on a historical average that may not capture recent structural changes.