Some Considerations regarding the Regulation of E-commerce Taxation and Cryptocurrency Trading

Alin-Flavius MARTA[1]

Abstract

The globalization of e-commerce has raised the issue of regulating it and finding effective ways to charge and tax transactions. A species of international trade has emerged, namely the trading of cryptocurrencies, which presents even greater difficulties of regulation and taxation by the authorities.

The present study aims to analyze the regulations of some states or those already existing at the community level in order to identify the truly effective ones as possible models to be proposed for national regulations.

Keywords: *E-commerce, cryptocurrency, transaction taxation, tax on added value, trading platforms.*

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1. Introduction

In the last two decades, the e-commerce market has experienced an upward dynamic, thus being able to note that e-commerce volumes double, on average, about once every 5 years (OECD Statistics on the Evolution of Electronic Commerce, 2021).

The growth dynamics of this type of trade has made it extremely attractive for multinational companies because its relocation allows access to multiple local markets, thus generating a sustainable increase in turnover. "The immediate effect on the part of the states consisted in the identification of efficient ways of legislating taxation and its actual implementation" (Cockfield, Arthur, 2001, p. 163).

Electronic commerce, through online platforms, can be defined as the processes of "buying, selling, exchanging products and services, or information through the use of a computer or computer networks". In other words, any sale of goods and services using information technology can be considered as e-commerce.

In reality, however, an exact definition of the notion of electronic commerce, completely rigorous, is impossible to give due to the permanent diversification of the components this one. A direct consequence of this impossibility of definition is the difficulty of identifying the tax field because the typology of related activities has an extremely pronounced upward trend.

[1] Alin-Flavius Marta, West University of Timisoara, Romania, alin.marta79@e-uvt.ro

2. Literature review

Thus, "fiscal regulations must be extremely comprehensive in order to achieve the taxation of these activities, without creating loopholes or leaving the components unregulated or imprecisely regulated" (Neelesh, 2013, p. 15.).

Besides, it is well known the slowness of the legislative regulation of any innovative phenomenon - technological, industrial or communication. Then, the delay in legislative regulation, in the creation of verification procedures and norms, creates the premises for the action of lobby groups that can divert the law in favor of large multinational companies, with devastating long-term effects.

The European Union is also in a similar situation, not being able to intuitively regulate all types of online commerce. Moreover, beyond the regulation there is the question of the effectiveness of such regulations at the national level and, above all, if they can lead to an efficient collection of all the fees and taxes related to these activities.

The purpose of this study is to analyze the method of taxation of activities in the field of online commerce in the various European states, in order to finally identify the most effective instruments that can also be adopted in the Romanian legislation.

The scientific method used will be the comparative analysis of several legislations from various states and the case study method. We chose two forms of online commerce for analysis. One of these is online trading itself, the other form under analysis being cryptocurrency trading.

The fundamental problem is whether the analyzed states have identified the most optimal ways of taxing this dynamic form of trade. First of all, it must also be analyzed whether there are legal regulations distinctly imposed exclusively on e-commerce. We will focus on e-commerce itself and cryptocurrency transactions.

Cryptocurrencies aroused our interest because they represent another form of electronic commerce carried out on the basis of own methods and technologies but under conditions of complete anonymity.

E-retail is analyzed because it is one of the more dynamic ways of exploiting the economic valences of the Internet.

The paler existence of regulations specifically applicable to the two forms of electronic commerce will allow us to analyze their efficiency and the extent to which they could be adapted or modified.

Likewise, we are interested in analyzing the extent to which the provisions of the current legislation in the field of online commerce are effective or allow the appearance of regulatory gaps, gaps that can easily lead to tax evasion.

We also set out to evaluate the degree to which the two types of online commerce led to ways of committing a certain type of tax evasion also called "legal".

3. Globalization of forms of electronic commerce

An unknown phenomenon almost 3 and a half decades ago, "e-commerce has ended up being used by more than 2.2 billion consumers, the prospects for growth being obvious" (Hashimzade, Epifantseva, 2018, p. 19).

Electronic commerce was initially aimed at banking services or securities transactions, elements that perfectly adapted to the technical possibilities of the Internet at that time. But over time, with the growth of needs and with the diversification of the technical capabilities of the Internet, it has led to various uses, almost any sector market, offering unlimited possibilities. Any trade-to-retail transaction will be possible through the Internet.

Moreover, the development of e-commerce has led to an unprecedented development of the courier sector and implicit commercial postal delivery services. These have become veritable complementary sectors that hold and preserve a great deal of data and information related to the true dimension of e-commerce.

The e-commerce volumes should, in principle, provide the concrete data related to the duties and taxes owed to the consolidated state budget and, in certain states, to the budgets of local authorities.

The development of e-commerce is dependent on the speed of delivery of the respective product, so that this is achieved without the product becoming perishable. This is the reason why, in the food industry, the degree of perishability of the products and their transport conditions determine the degree of electronic trading.

It was observed that the products that are hardly perishable, with a longer warranty (validity) period and that do not require very special transport conditions (temperature, humidity, etc.) become salable through the means of electronic commerce.

In our opinion, the fundamental problem of e-commerce taxation is related to the fact that the phenomenon has as actors both very large, often global companies and mainly occasional sellers of products.

A subsequent problem is also the fact that global or national e-commerce platforms allow the creation of seller accounts without any information related to fiscal aspects (unique registration code, personal numerical code, etc.).

In their defense, the trading platforms invoke the obligation of each entity that carries out operations on them to comply with the national tax legislation in force, or the applicable legislation of another country when dealing with international transactions.

The philosophy of taxation of online transactions has gone from total tax exemption or very low taxation, to normal taxation of any commercial activity in each state. This last sentence becomes mandatory because it is unacceptable to tax differently the same form of trade carried out in two different ways.

Moreover, a large part of the volumes made in e-commerce are made by operators who also practice traditional trade. In this context, differentiated taxation could create the temptation to "convert" higher volumes of sales to the lower form of taxation. Obviously, the temptation of fiscal "optimization" exists and will exist for any seller. It is essential that the data on the basis of which the taxes to be withheld and transferred to the consolidated budget of the state are calculated are accurate, precise and indisputable by the online merchant.

However, the great advantage of electronic commerce is that it leaves unmistakable computer traces that only need to be consulted, used and integrated for the exact determination of taxes and fees owed to the state.

In other words, beyond the legal regulation of e-commerce, the real challenge for the tax authorities in each state is to obtain the sales-related information, existing in electronic format, which they can complete and compare with the customs information, which exists in the companies courier or postal delivery services and thus, end up calculating the income level of each seller and, implicitly, the amount of fees and taxes.

Legal regulation of cryptocurrency transactions

Cryptocurrencies have been the "stars" of the last 7-8 years in terms of "investments". Although somewhat incorrectly called "currency", their value is given exclusively by the law of supply and demand, having no cover in anything at all, from an economic point of view.

However, not being burdened by any economic reality, they experienced spectacular increases followed by equally dramatic decreases. The value dynamics of Bitcoin, Ethereum, DogeCoin or even the Romanian cryptocurrency are well known Elrond recorded in recent years. Cryptocurrencies can be defined as "digital or virtual,""currency that uses cryptography for security."(Frankenfield, Jake, 2019)

Cryptocurrency holders can use "tokens" that enable online transactions or payments with a high degree of privacy. Because cryptocurrencies use highly advanced cryptographic technology to ensure security, they are quasi-anonymous.

Compared to bank deposits or the holding of shares in investment funds, "banking authorities or those that supervise the capital markets thus do not have access to information related to the holders or users of cryptocurrencies"(Nahorniak, 2018).

We appreciated that the acquisition, trading and selling cryptocurrencies is a special way of online commerce with different uses. They can be used for conversion into national currency, into other cryptocurrencies, for the purchase of goods or services.

The real challenge for the tax authorities is how you can regulate and tax a domain that does not want any kind of regulation and that takes all measures to ensure the anonymization of transactions.

The difficulty of regulation is compounded by the uncertain status of cryptocurrencies. If we ask ourselves the question: Are they considered coins or digital assets?

If they were to be considered coins, they would have to be considered in themselves the equivalent of some payments. However, this is not possible because payment with cryptocurrencies requires their conversion into the national currencies accepted for payment.

Moreover, the European Commission established that "in the euro zone, only euro has the official status of legal tender" (European Commission, 2010).

However, the European Commission admits that other currencies can be used, if the parties involved agree.

In other words, "cryptocurrencies can be accepted for payments within the European Union even if they do not enjoy an official status" (Nahorniak, I., 2018).

From the point of view of approaching cryptocurrencies as a form of investment, the European Central Bank itself stated that "cryptocurrencies (especially Bitcoin) are a speculative asset" (European Central Bank, 2018).

But these assets are plagued by rapidly fluctuating values, often unconnected to absolutely any tangible economic reality. Treating cryptocurrencies as a form of investment would result in them being taxed as such, therefore a different tax regime in some states than income tax. Especially since there are jurisdictions that impose investment taxes at the local authority level.

Legal regulation of the electronic contract

Online commerce can be defined as the trading of goods between two parties using information and communication technology. It is made on large global trading platforms such as Ebay, Amazon, AliExpress or in Romania – Okazii, OLX, etc. These platforms allow consumers to order products online and make payments electronically through VISA, Mastercard, and so on.

Also, the sales that different companies make through their own websites, followed by electronic payments or cash on delivery upon receiving the parcels, also fall within the scope of electronic commerce.

On all trading platforms there are also "occasional" sellers who are not registered either as legal entities or as authorized traders. Or as it was seen in Romania, some of them realized revenues from online sales much higher than various companies, whose activity is centered on such sales.

It is estimated that "the volume of global online trade reached 4.4 trillion USD in 2021, with the level of tax evasion globally being approximately 500 billion dollars. The high level of global tax evasion in online trade is caused by by the fact that many of the sellers on global platforms operate in and from countries such as India, Pakistan, Vietnam, China or Africa where the legislation and tax controls are very relaxed" (OECD statistics on the evolution of electronic commerce, 2021).

It is also estimated that" at the level of the European Union, tax evasion in e-commerce, in 2021, would have reached the level of approximately 8 billion euros."

Another phenomenon related to e-commerce is related to "online discrimination whereby access to some products and goods sold on the Internet is linked to the nationality or residence of the consumer" (European Commission, 2018).

Known as Geoblocking, "this form of discrimination affects the right of consumers in the European Union to equal treatment, regardless of where they live or reside" (European Commission, 2019).

4. Legislative analysis in the incident fields

We will analyze the legislation incident to e-commerce in order to identify the modes of regulation and taxation and the extent to which they can leads to voluntary compliance with the payment of taxes and taxation or, as the case may be, the possibility of fiscal optimization of the trader's activity. We will achieve this through the incursion into the legislation of several developed European states that achieve a higher degree of collection of fees and taxes, in particular, based on voluntary compliance.

Legislative Analysis on Cryptocurrencies

Cryptocurrencies are a digital product for the creation of which different algorithms are used, especially encryption ones. Thus, cryptocurrency holders enjoy almost complete anonymity. This makes it impossible for national authorities to determine who owns these types of assets.

Especially since they are owned and traded on the basis of an electronic wallet that can be accessed by means of two encryption keys: one public and one private, owned exclusively by the owner of the wallet. Possession of the two keys allows several operations to be carried out such as: transactions between different wallets, making payments between various accounts, conversion into national currencies and so on.

It is certain, however, that the moment when the owner of cryptocurrencies can be identified is when they are converted into national currency to obtain cash amounts, in cash, or to make various payments.

The Kingdom of the Netherlands considers cryptocurrencies to be exclusively investments and not a currency itself. In this country, cryptocurrency holders, considered as investors, are taxed according to the profit related to the investment, defined as the difference between the purchase price and the sale value or the value of the electronic wallet held with a tax that can reach up to 5.53% . The conversion of cryptocurrency into physical national currencies is taxed at 31%.

The main fiscal condition of taxation as an investor is that the maximum total value of cryptocurrency holdings does not exceed the value of 50,650 Euros. When this value is exceeded, the holder of the electronic wallet(s) is considered a "trader" and, in this case, the tax varies between 9.42% and 49.50%.

Also, companies holding cryptocurrencies are taxed at 25.8% on the annual profit made from cryptocurrencies – asset appreciation or profit on sale. If this amount exceeds 395,000 euros, the tax drops to 15%.

Paying in cryptocurrency as well as borrowing them is also taxed. Cryptocurrency donations or gifts are also taxed based on value with percentages between 10%. – 40%.

The Dutch taxpayer has 2 (two) documents to complete for taxation of cryptocurrency income. Inaccurate filling is punishable by a fine of three (3) times the value of the incorrectly declared amounts. Failure to complete these declarations

is considered a criminal offense by the Dutch state and is punishable by imprisonment.

In France, the authority that established the principles of cryptocurrency taxation is the General Directorate of Public Finance. These principles cover all operations that can be performed with cryptocurrencies such as: mining, buying, transferring and selling them.

The French tax authorities treat income from cryptocurrencies as earnings from securities (shares, bonds, etc.). No taxes are due for buying cryptocurrencies, converting to other cryptocurrencies or transferring between e-wallets.

The operations following which cryptocurrencies determine taxation are those from the moment they are converted into physical currency, taxes being levied for total annual earnings greater than 305 euros from trading with cryptocurrencies or by mining them, respectively other forms of creating cryptocurrencies.

Cryptocurrency holdings as well as any other transactions with them are subject to EU Directive 8 for the exchange of data, directives that allow the General Directorate of Public Finances to identify the holders of cryptocurrency accounts, respectively the real beneficiaries of transactions with them, as well as the resulting profits.

Any cryptocurrency holding or transaction must be declared in France. Failure to declare cryptocurrency accounts is punishable by a fine of 750 euros. Erroneous declaration of accounts worth up to 10,000 euros is punishable by a fine of 125 euros. The fine increases to 1,500 euros for accounts worth 50,000 euros or more.

Those who trade cryptocurrencies occasionally are taxed in the French state with a flat fee of 30% of the profit made. Professional cryptocurrency traders are charged 45% of the profit made. The same level of tax applies to individuals or businesses that mine cryptocurrency.

To determine the amount of taxes, a number of 4 forms are used in France, respectively: - Form 2042 for declaring the return of income taxes, to which form 2086 (declaration of profits from capital appreciation) is also attached, - Form 2042C (income from cryptocurrency mining) and - Form 3916 bis (cryptocurrency accounts opened outside France).

Instead, the Belgian state applies an extremely harsh tax treatment to cryptocurrency-holding residents. Thus, cryptocurrency holders are charged 33% of the value for earnings from cryptocurrency transactions. Those who trade cryptocurrencies as a business or profession pay higher taxes, up to 50% of income (not profit). In the same way, Iceland imposes a very high tax on cryptocurrency transactions. Thus, earnings from cryptocurrency transactions are taxed at 40% if they do not exceed the value of 7000 euros. If this value is exceeded, the tax will increase to 46% of the income value.

Israel also has a high level of taxes applied to cryptocurrency transactions. In the Israeli tax system, the taxes applied to the profits resulting from the sale of cryptocurrencies are at the rate of 33%, when they are made by ordinary taxpayers.

If profits from cryptocurrency transactions are made by professional traders or companies, taxes rise to a rate of 50%.

The Swiss Confederation, the true citadel of anonymity, has a complex system of charging cryptocurrency transactions. This is also due to the taxation of income on 3 levels: national tax, cantonal tax and local tax.

The Swiss Tax Administration has had constant concerns in this area of effective regulation and taxation of cryptocurrency transactions. The Swiss consider cryptocurrencies a private wealth asset and, on this basis, holdings in cryptocurrencies are not taxed no matter how much their value appreciates.

But if you're self-employed or just employed by a company, cryptocurrency holdings are taxed gradually based on the increase in value.

The Swiss tax system treats income from cryptocurrency transactions as income in its own right. Thus, incomes up to 14,500 Swiss francs are not taxed. Between 14,500 and 755,200 Swiss francs, however, taxes vary between 0.77% and 13.20%. Values exceeding the equivalent of 755,200 Swiss francs are taxed at a rate of 13.5%.

The purchase of cryptocurrency with national currency, the transfer of cryptocurrency between electronic wallets or, in the case of professionals and trading companies – buying, selling and trading are exempt from taxation. In 2021, the Spanish Government passed a law aimed at increasing the tax authorities' control over cryptocurrency transactions. According to this regulation, all holders of cryptocurrencies have the obligation to notify the tax authorities in relation to any holding of cryptocurrency as well as any transaction made with cryptocurrencies.

Spanish tax authorities treat cryptocurrencies as a form of property. Consequently, cryptocurrencies may be subject to capital tax, income tax, property tax and inheritance or gift tax. The Spanish state taxes cryptocurrency profits at rates between 19% for profits below €6,000 and 26% for profits above €20,000.

Also, in Spain there are regional taxes that vary between 0.21% and 3.75%, and inheritance and donation taxes are also variable between 7 and 36.5%.

Germany has also adopted some regulations related to "the purchase of cryptocurrencies with traditional currencies, respectively the conversion of cryptocurrencies into euros are not subject to VAT"(De Broe, Luc; Goyette, Nathalie and Martin, Philippe, 2011, p. 377).

But as in other European states, the German Ministry of Finance has deemed that cryptocurrency transactions should be taxed as trading profit. The taxes owed are similar to the Swiss system at the national level, the tax owed to the Land and the local tax. The margin of tax on profits made from cryptocurrency transactions varies between flat rates of 4.5% and 40%.

VAT can be charged on the value of cryptocurrencies when they are used for the direct purchase (without conversion into euros) of goods or services in the tax territory of Germany. "The second situation of VAT taxation of cryptocurrencies occurs in the case of platforms that trade cryptocurrencies" (Gesley, 2018).

As in other states, cryptocurrency mining in Germany is not subject to any tax, except when it is done by companies.

Sweden was one of the first countries to seriously consider controlling and taxing cryptocurrency transactions. But, paradoxically, the issue of cryptocurrency taxation was accelerated by a tax case, namely the Tax Authority (Skatteverket) vs David Heqvist Case. The subject of the case was the taxation/non-taxation of bitcoin-national currency exchanges.

The situation was resolved by the European Court of Justice, which confirmed the decision that when cryptocurrencies are used for payments, they are exempt from VAT.

But the European Parliament and the European Commission did not consider it necessary to specifically regulate cryptocurrencies or tax them. The Hedqvist case has become a community reference regarding the taxation of cryptocurrencies within the European Union.

Returning to Sweden, it does not heavily tax cryptocurrency profits, with taxes varying between 8% and 25%. Cryptocurrencies are mainly taxed through income tax or corporate tax for companies that trade cryptocurrencies or hold cryptocurrencies as financial assets. There is no charge for converting cryptocurrencies to national currency, nor for mining cryptocurrencies. Swedish tax treatment applies indiscriminately to all cryptocurrencies held or traded by Swedish individuals or companies.

The UK has regulated the taxation of the holding and trading of cryptocurrencies as part of the system to combat illegal activities or money laundering that would seriously affect the British financial system.

"The UK tax system applies value added tax (VAT) to cryptocurrency purchases of goods and services from UK merchants." (Kharpal, 2019).

"Profits made from cryptocurrency trading are taxed differently, depending on the types of activities that generated that profit." (HM Revenue & Customs, 2014, Bitcoin and Other Cryptocurrencies, 2019).

As a way of taxing profits made from cryptocurrency transactions, income tax is used as a tax. The UK Inland Revenue uses and applies differential taxes followed by annual adjustments based on information from the tax forms used in relation to the UK taxpayer.

Cryptocurrency mining is not taxed in the UK either, except when it is done by corporations.

The most relaxed systems of taxation of the ownership and taxation of cryptocurrencies are found in Luxembourg and Portugal where income from cryptocurrencies is taxed only as global income tax, without any other form of additional taxation.

Legislative analysis in the field of electronic commerce

E-retail is the most used, especially on the B2C (business to client) component. The new regulation entered into force on July 1, 2021 aimed to eliminate any form of discrimination in electronic commerce in order to ensure free access for all customers and merchants from the member countries of the European Union.

It is very important, as the new regulation clearly establishes the method of taxation on the added value of sales made both in the Community space and in the rest of the world, as well as the taxation of some products that are the subject of imports from the non-EU area.

The need for regulation resides in the need to clarify controversial situations in which European states illegally granted tax exemptions to multinational companies, such as the case where the Amazon online commerce platform benefited in Luxembourg from "undue tax benefits" worth 250,000,000 Of euro.

The European Commission "found that Luxembourg allowed the company Amazon Luxembourg to illegally transfer its profits from the company Amazon in Luxembourg to Amazon Europe Holdings Tehnologie, although they should have been taxed" (European Commission, 2017).

"Amazon Europe Holdings Tehnologie did not provide services to the parent company that would justify payments of such a large value. The final decision of the European Commission was that Luxembourg must recover the amount of 250 million euros illegally transferred between Amazon holding companies." (James, Alm; Yongzheng, Liu and Kewei, Zhang, p. 78-81).

Moreover, the practice of using transfer prices to reduce the taxable or chargeable base is a procedure often found in multinational corporations.

The problematic part of this reality is that "European states have entered into a kind of unofficial competition to attract foreign investments, especially in the field of new technologies, by which they allow multinational companies, unofficially, such practices." (Alm, James, Mikhail Melnik, 2012, New York, USA: Springer p. 52).

The new EU regulation, namely the EU Council Directive 2019/1995 establishes the implementation rules of the EU Council Directive 2017/2455 which established the method of charging the added value of products and services transacted in electronic commerce.

Thus, the concept of Mini One Stop Shop (MOSS) is replaced by One Stop Shop (OSS) and covers any type of business to customer (B2C) online sales made to customers from other countries.

One Stop Shop (OSS) is a simplified institution that allows the registration of a seller in a single member state even if he sells online, from one or more member states, to other countries in the European Union area or outside the European Union.

The purpose of establishing this institution was to debureaucratize the system, thus avoiding the need to register the seller in each member state from which the sales were made.

The following are considered:

- Online marketing of products imported from non-EU states made by suppliers and alleged suppliers, with the exception of excisable goods;
- Intra-Community online marketing carried out by suppliers or alleged suppliers;
- Internal online marketing of products made by alleged suppliers; ÿ Provision of services to final consumers by established entities or not in

the territory of the European Union, but not in the country where the service is provided.

The new directive also regulates the purported supplier as an electronic interface through which e-commerce operations are carried out such as:

- Online marketing of products imported from non-EU countries with a value of up to 150 euros;
- Online marketing of products within the European Union by a non-resident entity in the EU to a non-taxable person, including internal transactions within the same state or electronic commerce of products within the European Union.

So, a taxable person becomes a presumed supplier when he carries out transactions through the electronic interface that have as their object:

- Goods imported with a value lower than 150 euros imported into union and supplied to a community customer;
- Goods legally entered from a customs point of view on the territory of the EU delivered to community customers, regardless of their value, this is no longer limited because the goods have legally received "customs clearance".

The way in which a purported supplier can act in e-commerce can be: a trading platform, an auction site, a trading portal or other similar ways.

Another very important aspect regulated by the new directive, from the perspective of preventing and combating tax evasion, is the establishment of the obligation to keep records of transactions to which electronic interfaces are subject.

Thus, the alleged supplier who uses an electronic interface to carry out online transactions is considered the real trader for the purposes of charging the value added tax. In other words, the purported supplier becomes the holder of the tax obligation in the case of value added tax, instead of the downstream supplier for the supply of the goods or services to the customer.

This implies that the alleged supplier will have to store all transaction records like any other merchant and here we have two (2) distinct situations:

- The first, occurs when the alleged supplier uses the special regimes at Community level, provided for in chapter 6 of title XII of VAT Directive, and must keep the records referred to in Article 63c of the VAT Implementing Regulation.
- The second situation is the case when he does not use these special regimes and then he has the obligation to store the records according to the law of the community state where he is registered, with all the consequences that arise from this.

The problem of tax evasion in online commerce also manifests itself in the United States of America, but here too it has two components from the point of view of the level of operations: the tax evasion and taxation of some small traders, respectively the transfer prices and the tax optimization they resort to multinational companies.

The permanent adaptation to new technologies presents delays in the issuance of precise regulations, especially in the direction of electronic commerce, ensuring some more opportunities, loopholes to avoid taxes and duties by commercial actors.

In the UK a reverse charge applies to online trading where the supplier of a product or service is not registered in the UK. In other words, it is the buyer who will bear and pay the value added tax. Where both the seller and the buyer are British, VAT is borne by the seller alone.

Both in the case of the British and in the case of the Americans, the premise is that it is impossible to obtain taxation when the seller is located in the territory of other states.

5. Conclusions

The purpose of the study was to analyze and identify good practices both from the perspective of regulation and the procedure of taxation and charging of the two forms of online commerce, in states with advanced and efficient tax systems. From this perspective, it was also possible to note the existence of extremely applied ways of regulating and taxing the forms of electronic commerce, which eliminate any loophole that could be used to commit acts of tax evasion.

The new EU regulation will obviously lead, over time, to a readjustment of the national taxation and collection systems, with the aim in the future of reducing acts of tax evasion and limiting other types of fraud that could be committed as a result of electronic commerce.

Although the cryptocurrency market is in a downward dynamic, strongly visible, the values that are still traded are quite significant. Although relatively recent, this market is witnessing the bankruptcy of trading platforms, the theft of electronic wallets, bribery activities through cryptocurrencies and transfers of cryptocurrencies to provide legitimate cover, through artifices and new money laundering procedures. These arguments are unbeatable for increasing the interest of the states in the strict and efficient regulation of this market.

It is expected and desirable that similar ways, in which the European Union managed to regulate the taxation and taxation of online trade, will be applicable through regulatory procedures and rules in the case of cryptocurrencies as well.

Trading anonymously in a global, legally unregulated market, the appetite for untaxed earnings can become very high for people who own and trade cryptocurrencies.

In the future, it is expected that all online traders who want to commit tax evasion, in any of the known forms, will hide under the benefits that new technological developments provide. In fact, the new technological facilities, offered

by the future platforms, can and will ensure the informational anonymity of some transactions, especially international transactions, in many states of the world, the value of the goods sold remaining at the exclusive discretion of the main actor - the seller, even if the payment made through the platform had a different value.

In essence, the conclusion of the analysis is the need for a multi-source assessment of regulatory and enforcement systems of innovative technological activities that are constantly evolving, given the danger already well known by the tax authorities. In fact, the ability of the state to regulate these sectors that are constantly evolving due to technological perspectives remains under the magnifying glass of analysis, especially as a continuous improvement activity is needed for the mechanisms and methods to limit the "legal" or factual opportunities that are decisive in committing evasion fiscal.

References

1. Alm, J., Liu, Y., Zhang, K., (2019), Financial constraints and firm tax evasion. International Tax and Public Finance, 26 (1), New York, USA: Springer, pp. 71-102.
2. Alm, J., Melnik, M., (2012), Cross-Border Shopping and State Use Tax Liabilities: Evidence From Ebay Transactions. Public Financial Publications, 3(1), New York, USA: Springer, pp. 51-53.
3. European Central Bank. (2018) What is Bitcoin?
4. European Commission. (2010) The Euro as a Legal Tender.
5. European Commission. (2017) State aid: Commission finds Luxembourg gave illegal tax benefits to Amazon worth around 250 Million.
6. European Commission. (2018) New details on rules for e-commerce presented, including a new role for online marketplaces in the fight against tax fraud.
7. European Commission. (2018) VAT: New details on rules for e-commerce presented, including a new role for online marketplaces in the fight against tax fraud.
8. European Commission. (2019) New EU rules on e-commerce
9. Frankenfield, J. (2019) Cryptocurrency.
10. Gesley, J., (2018), Germany: Federal Ministry of Finance Publishes Guidance on VAT Treatment of Virtual Currencies, Global Legal Monitor,
11. Hashimzade, N., Epifantseva, Y., (2018). The Routledge companion to tax avoidance research. (16th ed.) Abingdon, Routledge, UK, p. 19.
12. HM Revenue & Customs, Revenue and Customs Brief 9 (2014): Bitcoin and Other Cryptocurrencies (April. 12, 2019)
13. Kharpal, A., (2019) Bank of England's Carney Calls for More Regulation around the 'Speculative Mania' of Cryptocurrencies, CNBC.
14. Laudon, Kenneth. C., Traver Carol. G. (2008). E-Commerce: Business, Technology, Society. (2nd ed.) California, USA: Addison-Wesley.
15. Luc DB., Nathalie, G., Philippe, M., (2011), Tax Treaties and Tax Avoidance. Application of Anti-Avoidance Provisions. Bulletin for International Taxation, Vol. 65; iss. 7; p. 377.
16. Nahorniak, I., Leonova, K., Skorokhod, V., (2018) "Cryptocurrency In The Context of Development of Digital Single Market In European Union". Volume 3. Odessa: CIUS Press.
17. Skatteverket v David Hedqvist, Case no. C-264/14
18. Statistica OCDE privind evoluția comerțului electronic 2021