

### 1. CORPORATE INCOME TAX

#### ❖ Quarterly estimated CIT payment

Decree No. 91/2022/ND-CP dated 30 October 2022 issued by the Government guide on CIT policy as follows:

The total amount of provisional CIT paid in 04 quarters shall be at least 80% of the corporate income tax payable under the annual tax finalization dossier. Suppose the provisional CIT of 04 quarters is underpaid, late payment interest shall be charged on the tax arrears from the date succeeding the deadline for paying the provisional CIT of the fourth quarter to the date preceding the day on which tax arrears are paid to the State Budget.

In case late payment interest has been charged by competent authorities because the provisional tax paid by the taxpayer in the first 03 quarters of 2022 is smaller than 75% of the tax payable under the annual finalization dossier, the late payment interest is reduced. The taxpayer may submit a written request for late payment interest reduction according to Form No. 01/GTCN in the Appendix to the tax authority where late payment interest is charged.

#### ❖ CIT Policy on visa costs for foreign employees

OL No. 49303/CTHN-TTHT dated 12 October 2022 issued by the Hanoi Tax Department on CIT policy for visa costs of foreign employees as follows:

In case the Company pays a support services fee for foreign laborers to extend or renew their visas to qualify for working in Vietnam and this payment is of a welfare nature for employees, it shall be included in the deductible cost when determining the taxable income of the enterprise if the total welfare nature expenditure does not exceed 01 month of the average salary in the tax year of the enterprise specified in Clause 4, Article 3 of Circular No. 25/2018/TT-BTC and meets the conditions specified in Article 4 of Circular No.96/2015/TT-BTC dated 22/06/2015.

### 2. PERSONAL INCOME TAX

#### ❖ Additional cases of unrequired declaration

Decree No. 91/2022/ND-CP dated 30 October 2022 issued by the Government stipulated on additional cases where declaration is not required as follows:

When the income payer is subject to quarterly/ monthly PIT declaration but there is **no PIT withheld of PIT subjects in that quarter/ month**, PIT declaration is not required for such quarter/ month.

### 3. VALUE ADDED TAX

#### ❖ VAT rate for brokerage services performed in Export Processing Zone

OL No. 46742/CTHN-TTHT dated 23 September 2022 issued by Hanoi Tax Department regulates the VAT rate for brokerage services performed in Export Processing Zone as follows:

In case a Company provides brokerage services to customers located in an Exporting Processing Zone in Vietnam which are performed and consumed within the exporting processing zone (i.e., export services) and supported by sufficient contracts and bank payment vouchers for export services as regulated, the company can issue VAT invoices at 0%.

In case the Company provides brokerage services to domestic companies and foreign companies, and the services are performed and consumed in Vietnam, then the company should issue VAT invoices at 10%.

### 4. INVOICES

#### ❖ Replacing the notice form for the discontinuation of using invoice

Decree No. 91/2022/ND-CP dated 30 October 2022 issued by the Government supplement on the notice form for the discontinuation of using invoice as follows:

Form No. 04-1/CC (notice of invoice suspension) enclosed hereof replaces Form No. 04-1/CC in Appendix III of the Government's Decree No. 126/2020/ND-CP dated 19 October 2020 elaborating the Law on Tax Administration.

## 5. FOREIGN EXCHANGE CONTROL WITH RESPECT TO OFFSHORE LOAN'S BORROWING AND REPAYING OF ENTERPRISES

### ❖ Preparing reports on the status of short-term, mid-term and long-term loans

Circular No. 12/2022/TT-NHNN dated 30 September 2022 issued by the State Bank about the situation of foreign loans and repayments not guaranteed by the Government of enterprises are specified as follows:

On a monthly basis, **no later than the 05 days of the following month** after the reporting period, the borrower must prepare an online report on short-term, mid-term and long-term loans on websites.

In case any technical failure on the websites arises that makes the reporting unfeasible, the borrower shall send a written report using the form in Appendix 05 hereto.

## 6. LABOR

### ❖ Making reports on labor usage

OL No. 33629/SLDTBXH-VLATLD dated 14 November 2022 issued by the Department of Labor, War Invalids and Social Affairs of the Ho Chi Minh City guidance on the implementation of Article 4, Decree No. 145/2020/ND-CP dated 14 December 2020 on employment status reports as follows:

Enterprises with headquarters and operating locations in Ho Chi Minh City should submit the Report on the employment status in 2022 (by the attached form) **before 05 December 2022**.

Reports submitted online should include general information, a signed and red-stamped copy of the report (file format \*.pdf), and a soft copy (Excel file format: \*.xls, \*.xlsx). Mode of submission of the Report can choose one of the following two methods:

- Submit via the National Public Service Portal (address: <https://dichvucong.gov.vn>), select "The procedure for joint registration for adjustment of payment on social insurance premiums and report on the employment situation".
- Submit to the DOLISA via the link <https://forms.gle/JqHU5UoqVz5rXNc77> or scan the QR code attached to this Official Letter to submit.

### ❖ Report on the employment of foreign workers in 2022 must be submitted before 06 January 2023

OL No. 34158/SLDTBXH-VLATLD dated 18 November 2022 issued by the DOLISA of Ho Chi Minh City guidance on the implementation of reports on the employment of foreign employees as follows:

Enterprises with headquarters and operating locations in Ho Chi Minh City that foreign employees in 2022 will have to submit a report on the status of foreign employment by **Form No. 07/PLI** issued together with Decree No.152/2020/ND-CP. The deadline for submission is from 15 December 2022 to 05 January 2023.

Data for the reporting period is data of foreign employees collected from 15 December 2021 to 14 December 2022.

Methods to submit the Report:

- Submit to the DOLISA via the link <https://forms.gle/kNqRgsH42Vu4evwj8>
- Or Scan the attached QR Code to access the link to submit the Report and send it online to the DOLISA, including foreign worker data and copy of report with signed, red stamped (PDF file).

## Abbreviations

MOF	CIT
Ministry of Finance	Corporate Income Tax
GDT	PIT
General Department of Taxation	Personal Income Tax
DOLISA	VAT
Department of Labour, War invalids and Social Affairs	Value Added Tax
OL	
Official Letter	

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*This newsletter aims to update and summarize the general provisions related to Taxation, Accounting, Investment and Labor in Vietnam. You should seek professional advice before making a decision.*