



Tax & Legal Newsletter

June 2025



Table of content

Tax Administration

01

- Changes in Tax authority management for foreign suppliers 5
- Guidance on the procedure for terminating the validity of tax code 5

Investment incentives and support policies

02

- ! Resolution No. 198/2025/QH15 on special mechanisms and policies to promote the development of private sector ([Read more](#)) 7

Corporate Income Tax

03

- Determination of CIT incentives when the investment project location is converted into a preferential area 9
- CIT incentives for income from training and joint training activities 9
- Real estate brokerage commissions and fees may be deductible for CIT purpose 9
- Financial contributions to the Vietnam Environmental Protection Fund are not deductible 9

Indirect Tax

04

- ! Extension of 2% VAT rate reduction through the end of 2026 ([Read more](#)) 11
- ! Update on Circular No. 32/2025/TT-BTC regarding tax and invoicing ([Read more](#)) 12
- Guidance on supplementary VAT declaration 13
- Guidance on issuing e-invoices for export processing enterprises 13
- Guidance on issuing VAT invoices for export samples 14
- Guidance on issuing e-invoices for goods and services 14
- VAT treatment for sales of loan collateral assets 15
- Guidance on issuing invoices with detailed schedules 15

Personal Income Tax

05

- ! Regarding the implementation of e-invoices generated from cash registers ([Read more](#)) 17
- Tax management regulations for business activities on e-commerce platforms and digital platforms of households and individuals 18
- Regarding incorrect registration of dependent's tax code 19
- Regarding PIT for real estate transfers 19
- Regarding PIT policy and Foreign Contractor Withholding Tax for non-resident individuals 20
- Regarding the submission of PIT returns for dependent units in different provinces 20
- Regarding determining dependents in PIT refund 21
- Regarding tax policy for business households and individual business owners 21





Table of content (cont.)

Transfer pricing

06

- ! Decree No. 122/2025/ND-CP on decentralization and delegation in tax administration, relating to application of advance pricing agreement ("APA") ([Read more](#)) 23

Trade & Customs

07

- Amended and supplemented regulations on the application of trade remedies to implement Free Trade Agreements between Vietnam and trade partners 25
- Announcement of newly issued, amended, supplemented and abolished administrative procedures in the field of import and export under the management of the Ministry of Industry and Trade 26
- Temporary approval for waiver of import license for paint, printing ink containing chemicals, precursors, and goods containing chemicals, precursors under certain conditions 26

Pháp lý

08

- New regulations on opening and use of Vietnamese dong accounts for implementation of foreign indirect investments in Vietnam 29
- Regarding the receipt of hard copies of application dossiers for administrative procedures in the field of enterprise registration in Hanoi 30
- Regarding the periodic report on labor accidents in the first 06 months of 2025 30



01

Tax Administration

Tax Administration

Guidance ruling

Changes in Tax authority management for foreign suppliers

Effective from 19 May 2025, the Tax authority directly managing foreign suppliers engaged in e-commerce, digital platform-based business, and other income-generating activities in Vietnam will be adjusted as follows:

- Managing Tax authority: E-Commerce Tax Sub-Department
- Main responsible unit: Tax Management Division No. 1

All procedures related to registration, declaration, tax payment, and information exchange by taxpayers will continue to be conducted via the Electronic Information Portal for Foreign Suppliers (website: <https://etaxvn.gdt.gov.vn/nccnn/>).

(Announcement No. 08/TB-TMDT dated 16 May 2025 issued by the E-Commerce Tax Sub-Department)

Guidance on the procedure for terminating the validity of tax code

In cases where a company terminates the validity of its tax code due to the revocation of its enterprise registration certificate, the company must submit a request for termination of the tax code (Form No. 24/ĐK-TCT) to the Tax authority and fulfill all tax, fee, and other financial obligations in accordance with regulations.

(Official Letter No. 1872/CCTKV01-QLDN6-HBI dated 07 May 2025 issued by Tax Sub-Department Region I)



02

Investment incentives and support policies

Investment incentives and support policies

Highlighted News

Resolution No. 198/2025/QH15 on special mechanisms and policies to promote the development of private sector

The National Assembly has issued Resolution No. 198/2025/QH15 ("Resolution 198") stipulating incentive mechanisms to develop the private sector, targeting enterprises, business households, and individual business operators, especially those engaged in science, technology, and innovation activities.

The main support mechanism includes:

1. Improving business environment: including mechanisms and principles related to inspection and examination activities, licensing, violation handling, bankruptcy resolution, etc.;
2. Support for access to land, production and business premises, and leasing of public assets such as houses and land;
3. Financial, credit, and public procurement support, including key tax incentives such as:
 - Corporate Income Tax ("CIT") exemption for 02 years and 50% CIT reduction for the following 04 years on income from innovative start-up activities of innovative start-up enterprises, innovative start-up investment fund management companies, and intermediary organizations supporting innovative start-ups;
 - CIT, Personal Income Tax ("PIT") exemption on income from the transfer of shares, capital contributions, capital contribution rights, rights to purchase shares, rights to purchase capital contributions in innovative start-up enterprises;
 - CIT exemption for small and medium enterprises in the first 03 years from the date of establishment.
4. Support for science, technology, innovation, digital transformation, and workforce training, including some key incentives such as:
 - Super deduction of 200% actual costs for research and development expenses;
 - Provision of free legal consulting, business management training, accounting, taxation, and human resources services for small and micro enterprises, business households, and individual business operators.
5. Support for the establishment of medium and large enterprises, as well as pioneering enterprises.

(Resolution No. 198/2025/QH15 dated 17 May 2025 issued by the National Assembly)

Deloitte Vietnam's recommendation

Resolution 198 offers private enterprises with great opportunities of incentive and support policies that help optimize the investment costs and enhance operational efficiency. In particular, businesses investing in science, technology, and innovation should proactively study the new regulations and study the new regulations and strategically align their investment plans to effectively approach these new incentive schemes.



03

Corporate Income Tax

Corporate Income Tax

Guidance ruling

Determination of CIT incentives when the investment project location is converted into a preferential area

If the location where the company has an investment project is converted into an incentivized location, the company will enjoy tax incentives for the remaining period from the tax year when the conversion takes effect.

In cases where the project qualifies as an investment expansion project, the company may choose to either continue enjoying the incentives applicable to the original project for the remaining period or apply tax exemption or reduction on the additional income generated from the expansion investment for a period applicable to new investment projects in the same location or sector eligible for CIT incentives.

(Official Letter No. 1482/CT-CS dated 30 May 2025 issued by the Department of Taxation)

Real estate brokerage commissions and fees may be deductible for CIT purpose

In case the company incurs real estate brokerage commissions and fees paid to individuals or organizations legally authorized to provide real estate brokerage services in accordance with Articles 61, 62, and 63 of the Law on Real Estate Business No. 29/2023/QH15, such expenses may be treated as deductible for CIT purposes, provided that they meet the conditions for deductible expenses and are not classified as non-deductible expenses under the applicable CIT regulations.

(Official Letter No. 1408/CT-CS dated 26 May 2025 issued by the Department of Taxation)

CIT incentives for income from training and joint training activities

In case the company conducts training activities at its own training facilities and conducts joint training activities at other units, the application of CIT incentives will be determined as follows:

- Income from training activities at the company's training facilities is entitled to CIT incentives if meeting the conditions on type, scale, and standards of socialized facilities in the sector of education and training.
- Income from training activities outside the company's training facilities is not entitled to CIT incentives if fail to meet the requirements on type, criteria, scale, and standards.

(Official Letter No. 1430/CT-CS dated 28 May 2025 issued by the Department of Taxation)

Financial contributions to the Vietnam Environmental Protection Fund are not deductible

In cases where an enterprise makes financial contributions to the Vietnam Environmental Protection Fund to support the recycling of products and packaging, such expenses shall not be considered deductible for CIT purposes if they are not related to the enterprise's business or production activities, in accordance with prevailing tax regulations.

(Official Letter No. 1581/CT-CS dated 05 June 2025 issued by the Department of Taxation)



04

Indirect Tax

Indirect Tax

Highlighted News

Extension of 2% Value Added Tax ("VAT") rate reduction through the end of 2026

On 17 June 2025, the National Assembly passed Resolution No. 204/2025/QH15 ("Resolution 204") on VAT rate reduction.

- 1. Applicable subjects:** A 2% VAT rate reduction will apply to goods and services currently subject to the 10% VAT rate (reduced to 8%), **excluding:**
 - ✓ Telecommunications;
 - ✓ Financial, banking, securities, and insurance activities;
 - ✓ Real estate trading;
 - ✓ Metal products;
 - ✓ Mining products (except coal);
 - ✓ Goods and services subject to special consumption tax (except gasoline).
- 2. Effective period:** From 01 July 2025 to 31 December 2026.

The new resolution expands the scope of 2% VAT rate deduction to coke, refined petroleum, gasoline, chemical products and information technology services (as defined by information technology laws).

Deloitte Vietnam's recommendation

The Resolution's expansion of scope along with the extension of the application period, indicates that this policy will have long-term implications for business operations. Therefore, enterprises are advised to proactively review their current portfolio of goods and services to develop an appropriate implementation plan. In parallel, businesses should closely monitor the issuance of detailed guiding regulations to stay updated on any new developments - particularly regarding the expanded scope of applicable sectors - in order to ensure compliance and effectively leverage the tax support policy.



Indirect Tax

Highlighted News

Update on the new Circular No. 32/2025/TT-BTC regarding tax and invoicing

On 31 May 2025, the Ministry of Finance issued Circular No. 32/2025/TT-BTC ("Circular 32"), providing guidance on implementing certain provisions of the Law on Tax Administration 2019, Decree No. 123/2020/ND-CP ("Decree 123") and Decree No. 70/2025/ND-CP ("Decree 70"). This Circular takes effect from 01 June 2025.

The Circular applies to organizations and individuals specified in Article 2 of Decree 123 and Clause 1, Article 1 of Decree 70, including guidance on issuing e-invoices for financial leasing and transitional handling, with some key provisions as following:

- Households and individual business under presumptive tax payment method which already registered to use POS-generated e-invoices before 01 June 2025 may continue using them;
- B2C businesses (retail, F&B, hotels, transport, entertainment, etc.) that registered to use e-invoices (with/without tax codes) before 01 June 2025 may switch to POS-generated e-invoices, or continue using their registered e-invoices;
- Receipts following Circular No. 303/2016/TT-BTC remain valid until exhausted, after which new templates under Decree No. 11/2020/ND-CP or Decree 70 should be applied;
- Invoices pre-printed under Decree No. 51/2010/ND-CP and Decree No. 04/2014/ND-CP remain valid if compliant with Circular 32 and Decree 123 (as amended);
- If an issued invoice contains errors, the company should:
 - ✓ Draft an error agreement specifying the mistake;
 - ✓ Issue a replacement invoice stating: "Replaces invoice [Template No.] [Serial No.] dated [DD/MM/YYYY]".
- "Lucky Invoice" Program: Tax authorities may use e-invoice data to run consumer reward programs to encourage invoice issuance;
- Businesses may delegate e-invoicing to qualified third parties, per Article 16 of Decree 123 (as amended).

(Circular No. 32/2025/TT-BTC dated 31 May 2025 issued by the Ministry of Finance)

Deloitte Vietnam's recommendation

Circular 32 replaces Circular No. 78/2021/TT-BTC and introduces several changes to regulations on e-invoices and electronic documents. Therefore, businesses, organizations, households, and individual business owners are advised to proactively review their current e-invoice systems, update relevant contents in accordance with the new Circular, and adjust internal procedures to ensure compliance and operational efficiency.



Indirect Tax

Guidance ruling

Guidance on supplementary VAT declaration

In cases where a taxpayer submits a supplementary VAT declaration and the adjustment only results in an increase or decrease of the remaining deductible VAT amount for the tax period with errors, the taxpayer shall prepare a supplementary dossier in accordance with regulations.

The adjusted VAT amount (either increased or decreased) for the tax period with errors shall be declared under item [38] *"Adjustment to increase deductible VAT carried forward from previous periods"*, or item [37] *"Adjustment to decrease deductible VAT carried forward from previous periods"* on the current VAT declaration (for a tax period still within the filing deadline). This complies with the provisions of Clause 4, Article 7 of Decree No. 126/2020/ND-CP dated 19 October 2020, issued by the Government.

(Official Letter No. 1592/CT-NVT dated 05 June 2025 issued by the Department of Taxation)

Guidance on issuing e-invoices for export processing enterprises

In cases where the company is an export processing enterprise engaged in exporting goods or providing services abroad, and its commercial e-invoice issuance meets the conditions for electronically transmitting e-commerce invoice data to the tax authorities, the company may use e-commerce invoices for its export activities.

If the company's e-commerce invoice issuance does not meet the conditions for electronic transmission of invoice data to the tax authorities, the company may choose to issue either electronic VAT invoices or electronic sales invoices, provided they comply with VAT declaration and payment requirements for exported goods and services.

For the liquidation of assets, scrap materials, packaging, etc. that are considered non-export processing enterprise activities under the laws on industrial parks, export processing zones, and export processing enterprises:

- If the export processing enterprise applies the direct VAT method, it shall use commercial invoices as stipulated in point a, Clause 2, Article 8 of Decree 123.
- If the export processing enterprise applies the VAT deduction method, it shall use VAT invoices in accordance with Clause 1, Article 8 of Decree 123.

(Official Letter No. 9213/CCTKV.XVI-QLDN2 dated on 29 May 2025 issued by Tax Sub-Department Region XVI)



Indirect Tax

Guidance ruling

Guidance on issuing VAT invoices for export samples

If the company exports free product samples for customer trials in full compliance with commercial promotion procedures under trade laws, it shall issue VAT invoices as prescribed in Clause 1, Article 4 of Decree 123. The invoice must specify product name and quantity, clear annotation as "samples", taxable value recorded as zero (0).

If samples are provided without adherence to commercial promotion laws, they must be declared and taxed as internal consumption goods, gifts/donations under Clause 5, Article 7 of Circular No. 219/2013/TT-BTC.

Export samples qualify for 0% VAT rate if meeting export conditions under Article 9 of Circular 219/2013/TT-BTC.

(Official Letter No. 1219/CCTKV17-QLDN1 dated on 29 May 2025 issued by the Tax Sub-Department Region XVII)

Guidance on issuing e-invoices for goods and services

Taxpayers must include the buyer's tax identification number/citizen ID (particularly for business households and individuals) when issuing e-invoices, except for specific cases (retail sales at supermarkets, shopping centers, fuel sales to non-business individuals) as stipulated in Decree 123 (amended by Decree 70 effective from 01 June 2025).

If an e-invoice contains errors, it must be adjusted or replaced in accordance with Article 19 of Decree 123 (updated under Decree 70). The company should proactively review invoices to ensure compliance.

Failure to include mandatory information (particularly the buyer's tax identification number for registered businesses) constitutes a violation of invoice regulations and constitutes unlawful use of invoices, subject to administrative penalties under prevailing laws.

(Official Letter No. 2921/ĐTTNG-QLDN dated 21 May 2025 issued by the Tax Team of Thai Nguyen City)



Indirect Tax

Guidance ruling

VAT treatment for sales of loan collateral assets

For collateral assets sold under a registered security transaction in accordance with secured transaction laws and processed in compliance with legal provisions on secured transactions, such sales are exempt from VAT as stipulated in point 3, Article 1 of Circular No. 26/2015/TT-BTC.

Conversely, if the sold assets do not qualify as loan collateral under secured transaction laws, the transaction will be subject to VAT according to applicable regulations.

(Official Letter No. 1160/CT-CS dated 13 May 2025 issued by the Department of Taxation)

Guidance on issuing invoices with detailed schedules

For companies engaged in transportation services involving multiple shipments, if invoices are issued after data reconciliation and meet the requirements specified in point a.3, Clause 7, Article 1 of Decree 70, the company is permitted to use a detailed supporting schedule accompanying the invoice. This schedule must be retained together with the invoice for inspection and verification by competent authorities.

(Official Letter No. 10500/CCTKV.XVI-QLDN1 dated 11 June 2025 issued by the Tax Sub-Department Region XVI)



05

Personal Income Tax

Personal Income Tax

Highlighted News

Regarding the implementation of e-invoices generated from cash registers

Enterprises, household businesses, and individual businesses subject to the use of e-invoices (E-Invoices) generated from cash registers with a data connection to the tax authorities must comply with the provisions of Decree 70 starting from 01 June 2025.

These entities are required to implement the e-invoice solution via cash registers for specific types of business activities that operate regularly and continuously, where the value of each invoice is low but the frequency of issuance is high, such as shopping malls, supermarkets, retail of consumer goods, food and beverage services, restaurants and hotels, retail pharmacies, recreational and entertainment services, and other similar services.

It is important to proactively contact e-invoice solution providers and prepare the necessary information technology infrastructure for registration and transition to using e-invoices generated from cash registers.

In cases where registration has been completed but the solution has not yet been used, it must be implemented when providing goods or services to end consumers in accordance with the regulations.

If any difficulties arise during implementation, enterprises, household businesses, or individual businesses should contact their local tax office for support and guidance.

(Official Letter No. 731/CCTKV17-CNTK dated 06 May 2025 issued by the Tax Sub-Department Region XVII)

Deloitte Vietnam's recommendation

Household and individual businesses subject to the use of e-invoices generated from cash registers should note: this is a type of e-invoice that either carries a tax authority code or contains electronic data enabling buyers to look up and declare information. These invoices are issued from a point-of-sale system connected to the tax authority and automatically transmit data in the format specified in Article 12 of Decree No. 70/2023/NĐ-CP.

A cash register refers to a single electronic device or a system of interconnected devices with functions such as calculating transaction values, storing sales data, and managing sales operations. The application of e-invoices generated from cash registers enhances transparency, reduces risks, and improves tax monitoring efficiency, especially in sectors like retail, food services, and entertainment.

Failure to register or use the correct type of e-invoice as required may result in administrative fines ranging from VND 2 million to VND 10 million, depending on the nature and severity of the violation (under Decree No. 125/2020/NĐ-CP).

We recommend that household and individual businesses promptly contact their e-invoice software providers to ensure timely registration or transition to using e-invoices generated from cash registers, thereby ensuring compliance and mitigating legal risks.



Personal Income Tax

New regulation

Regulations on tax administration for business activities on e-commerce and digital platforms by households and individuals

Decree No. 117/2025/ND-CP regulates tax administration for business activities conducted on e-commerce and digital platforms by households and individuals, as follows:

- The scope of responsibility for withholding and paying VAT and PIT on behalf of taxpayers, applicable to organizations that operate e-commerce trading platforms, organizations that manage digital platforms with payment functions (including both domestic and foreign organizations), and other organizations engaging in digital economic activities;
- The methods by which organizations operating e-commerce trading platforms, managing digital platforms, and other organizations engaging in digital economic activities carry out tax withholding, tax payment on behalf of taxpayers, and declaration of the withheld tax amounts for business transactions conducted on e-commerce and digital platforms by households and individuals;
- Tax declaration dossier templates, tax declaration procedures, timing for tax declaration, applicable tax rates, as well as procedures for tax payment and tax refund for households and individuals conducting business on e-commerce and digital platforms.

(Decree No. 117/2025/ND-CP dated 09 June 2025 issued by the Government)



Personal Income Tax

Guidance ruling

Regarding incorrect registration of dependent's tax code

In cases where a taxpayer registers an incorrect tax code for a dependent, the taxpayer must file an adjustment declaration (reduction) of dependent information by using Form 20-ĐK-TH-TCT and submit the electronic dossier via the eTax system at <https://thuedientu.gdt.gov.vn>. At the same time, the dependent whose tax code was incorrectly registered is not eligible for the dependent deduction, and the taxpayer must adjust the amount of PIT payable (if applicable) in accordance with point h, Clause 1, Article 9 of Circular No. 111/2013/TT-BTC.

Tax Sub-Department Region XV is responsible for guiding taxpayers to correctly declare dependent information and handling any related matters within its authority and in accordance with legal regulations.

(Official Letter No. 672/CCTKV.XV dated 05 May 2025 issued by the Tax Sub-Department Region XV)

Regarding PIT for real estate transfers

Pursuant to the provisions of the Civil Code, the Law on Tax Administration, the Law on PIT, and relevant guiding documents, PIT from the transfer of real estate is exempt from PIT if, at the time of transfer, the individual owns only one residential property or one residential land use right in Vietnam.

In cases where an individual owns two or more residential properties, the income derived from the transfer is not eligible for tax exemption. The determination of ownership is based on the certificate of land use rights, ownership of residential housing, and other assets attached to land.

The Tax authority requests all subordinate Tax Sub-Departments to strictly implement regulations on PIT exemption for real estate transfers. It is necessary to accurately determine the number of properties and land use rights held by the individual at the time of transfer, to ensure the correct application of tax policy to eligible cases.

(Official Letter No. 1428/CT-CS dated 28 May 2025 issued by the Department of Taxation)



Personal Income Tax

Guidance ruling

Regarding PIT policy and Foreign Contractor Withholding Tax for non-resident individuals

Income from salaries and wages under sales brokerage contracts paid for the tax non-resident individuals, is subject to a PIT rate of 20%, in accordance with Clause 1, Article 18 of Circular No. 111/2013/TT-BTC.

In cases where a company enters a sales brokerage contract with an individual for goods or service provision to overseas markets, and the arrangement meets the conditions set out in Clause 4, Article 2 of Circular No. 103/2014/TT-BTC, the resulting brokerage income earned by the individual is not subject to Foreign Contractor Tax.

(Official Letter No. 2223/CCTKV18-QLDN2 dated 23 May 2025 issued by Tax Sub-Department Region XVIII)

Regarding the submission of PIT returns for dependent units in different provinces

Pursuant to the Law on Tax Administration No. 38/2019/QH14, Decree No. 126/2020/ND-CP and Circular No. 80/2021/TT-BTC, taxpayers who pay salaries or wages to employees working at dependent units or business locations situated in provinces other than where the head office is located are required to withhold PIT from such employment income and submit the PIT declaration using Form No. 05/KK-TNCN. They must also include the Appendix for determining the PIT amount payable to each local jurisdiction using Form No. 05-1/PBT-KK-TNCN, as issued under Appendix II of Circular No. 80/2021/TT-BTC and submit this to the Tax authority directly managing the taxpayer.

PIT amounts withheld from salaries and wages must be remitted to the state budget of each province where the employees are actually working, in accordance with Clause 4, Article 12 of the Circular. The PIT payable to each province must be determined monthly or quarterly in line with the PIT filing period, and such allocations shall not be adjusted during the annual PIT finalization.

(Official Letter No. 2529/CCTKV13-QLDN4 dated 27 May 2025 issued by Tax Sub-Department Region XIII)



Personal Income Tax

Guidance ruling

Regarding determining dependents in PIT refund

In cases where an individual has not claimed the dependent deduction (e.g., for biological mother or child) during the tax year, they may still claim the deduction from the month the obligation to support the dependent arises, provided that the individual completes the dependent registration in accordance with regulations at the time of filing the PIT finalization.

If the dependent deduction information (for biological mother, child) declared by the individual in the attached form 02-1/BK-QTT-TNCN differs from the data recorded by the Tax authority, the taxpayer is advised to contact the local Tax Sub-Department. This is to coordinate the review of both the PIT finalization dossier and the dependent registration data recorded in the Tax authority's information system, and to receive guidance on how to proceed in compliance with applicable regulations.

(Official Letter No. 1580/CT-CS dated 05 June 2025 issued by the Department of Taxation)

Regarding tax policy for business households and individual business owners

At Clause 1, Article 9 of Circular No. 40/2021/TT-BTC on VAT, PIT, and tax administration applicable to business households and individual businesspersons, it is guided as follows:

"Article 9. Tax calculation method for certain special cases

Individuals leasing out property are individuals who generate revenue from leasing property, including: leasing houses, premises, shops, factories, warehouses, excluding accommodation services; leasing means of transport, machinery and equipment without operators; leasing other properties without accompanying services. Accommodation services not considered as property leasing activities under this Clause include: provision of short-term accommodation for tourists and other temporary guests; provision of long-term accommodation, not being apartments, for students, workers, and similar subjects; provision of accommodation along with food services or recreational facilities."

Pursuant to Appendix I - List of business lines and VAT and PIT rates based on revenue applicable to business households and individual businesspersons, issued together with Circular No. 40/2021/TT-BTC dated 01 June 2021 of the Ministry of Finance.

The Department of Taxation recommends basing on the above regulations and the taxpayer's actual documents to determine the appropriate VAT and PIT rates. In case the taxpayer is determined to lease property with accompanying services, the VAT rate is 5% and the PIT rate is 2%; in case the taxpayer leases property without accompanying services, the VAT rate is 5% and the PIT rate is 5%.

(Official Letter No. 1556/CT-CS dated 03 June 2025 issued by the Department of Taxation)



06

Transfer pricing

Transfer Pricing

Highlighted News

Decree No. 122/2025/ND-CP on decentralization and delegation in tax administration, relating to application of advance pricing agreement ("APA")

On 11 June 2025, the Government has officially issued Decree No. 122/2025/ND-CP ("Decree 122") on decentralization and delegation in tax administration, including the decentralization in the application of the Advance Pricing Agreement (APA) mechanism.

Decree 122 provides detailed and concise regulations on the procedures for decentralization in the application of APA as follows:

- The Tax Department shall carry out the process of exchanging and negotiating APA content, develop negotiation plan, seek opinions from relevant ministries and department if necessary, and submit it to the Minister of Finance for approval before proceeding with negotiations. The Tax Department shall exchange, negotiate with taxpayers and foreign Tax authorities on the APA content according to the approved plan. Based on the negotiation content, Tax Department shall draft the APA and submit it for approval and signing by the Minister of Finance.
- The Minister of Finance shall directly exercise authority to approve negotiation plans, provide opinions, sign APAs, and determine APA effective dates.
- Transitional provisions: for bilateral and multilateral APA dossiers submitted to Tax authorities before the effective date of this Decree and not yet reported to the Government and the Prime Minister, the authority to approve and sign bilateral and multilateral APAs shall comply with the provisions of this Decree.

This Decree shall take effect from 01 July 2025 and expire from 01 March 2027 (except for the cases specified in Clause 2, Article 10, Chapter IV of this Decree).

Kindly refer to the Newsletter on the updates of Decree 122 [HERE](#).

(Decree No. 122/2025/ND-CP dated 11 June 2025 issued by the Government)

Deloitte Vietnam's recommendation

Decree 122 is a step forward in tax administrative reform and transfer pricing management. With the positive impact of the Decree 122, enterprises should consider the followings:

- ✓ This is the favorable time to apply and enhance APA application process in Vietnam;
- ✓ Consider APA as a tool for reducing tax risks and stabilizing long-term financial plans, save compliance resources;
- ✓ Consult with experts to support in advisory regarding APA application process.



07

Trade & Customs



Trade & Customs

New regulation

Amended and supplemented regulations on the application of trade remedies to implement Free Trade Agreements between Vietnam and trade partners

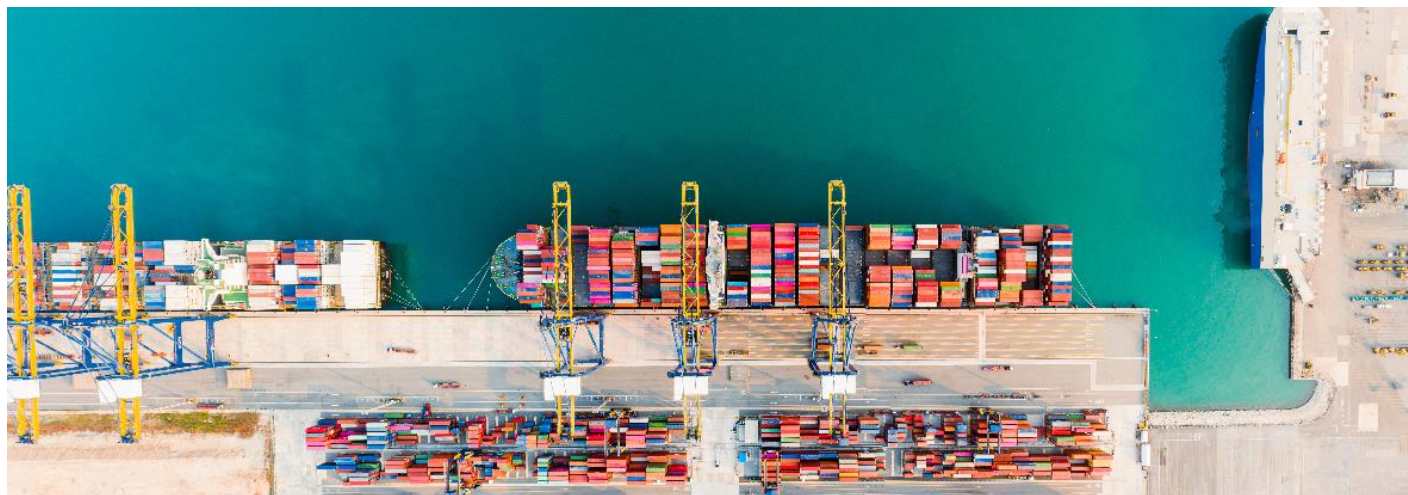
On 15 May 2025, the Ministry of Industry and Trade issued Circulars amending and supplementing a number of regulations on the application of trade remedies under the Free Trade Agreements signed between Vietnam and trade partners. Accordingly, regulations on the application of trade remedies under the Free Trade Agreements will be based on the 2017 Law on Foreign Trade Management and Decree No. 86/2025/ND-CP ("Decree 86") dated 11 April 2025 guiding the Law on Foreign Trade Management.

Kindly refer to the newsletter on the updates of Decree 86 [HERE](#).

The said newly issued Circulars include:

1. **Circular No. 27/2025/TT-BCT** amending and supplementing a number of provisions on the application of trade remedies to implement the Free Trade Agreement between the Vietnam and the United Kingdom of Great Britain and Northern Ireland ("UKFTA").
2. **Circular No. 28/2025/TT-BCT** amending and supplementing a number of provisions on the application of trade remedies to implement the Vietnam – European Union Free Trade Agreement ("EVFTA").
3. **Circular No. 29/2025/TT-BCT** amending and supplementing a number of provisions on the application of trade remedies to implement the Regional Comprehensive Economic Partnership Agreement ("RCEP").
4. **Circular No. 30/2025/TT-BCT** amending and supplementing a number of provisions of Circular No. 19/2019/TT-BCT regulating the application of special safeguard measures to implement the Comprehensive and Progressive Agreement for Trans-Pacific Partnership ("CPTPP").

(Circulars No. 27/2025/TT-BCT, No. 28/2025/TT-BCT, No. 29/2025/TT-BCT, No. 30/2025/TT-BCT dated 15 May 2025 issued by the Ministry of Industry and Trade)



Trade & Customs

New regulation

Announcement of newly issued, amended, supplemented and abolished administrative procedures in the field of import and export under the management of the Ministry of Industry and Trade

The Minister of Industry and Trade has issued Decision No. 1261/QD-BCT dated 07 May 2025 and Decision No. 1564/QD-BCT dated 03 June 2025 announcing new administrative procedures, and some amended, supplemented and abolished procedures in the field of import and export and trade defense under the management of the Ministry of Industry and Trade. Specifically:

Decision No. 1261/QD-BCT promulgates new, amended and supplemented administrative procedures, including:

1. **New administrative procedures:**
 - ✓ Issuance of Certificate of Origin ("C/O") form GSTP;
 - ✓ Issuance of C/O form BR9 (for goods exported to Brazil).
2. **Amended and supplemented administrative procedures:**
 - ✓ Issuance of preferential C/O form A;
 - ✓ Issuance of non-preferential C/O form B;
 - ✓ Issuance of C/O form DA59 (for goods exported to Africa);
 - ✓ Issuance of C/O form ICO (for exported coffee);
 - ✓ Issuance of C/O form Peru;
 - ✓ Issuance of C/O form Türkiye;
 - ✓ Issuance of C/O form Venezuela;
 - ✓ Issuance of C/O issued later;
 - ✓ Re-issuance of C/O;
 - ✓ Issuance of Certificate of Non-Manipulation ("CNM").

Decision No. 1564/QD-BCT promulgates the amended, supplemented, and abolished administrative procedures, including:

1. **Amended and supplemented administrative procedures:**
 - ✓ Waiver of trade remedies application;
 - ✓ Supplement the quantity of goods that is subject to the waiver of trade remedies application.
2. **Abolished administrative procedures:**
 - ✓ Import declaration for goods under investigation for trade remedies.

(Decision No. 1261/QD-BCT dated 07 May 2025 and Decision No. 1564/QD-BCT dated 03 June 2025 issued by the Minister of Industry and Trade)



Trade & Customs

Guidance ruling

Temporary approval for waiver of import license for paint, printing ink containing chemicals, precursors, and goods containing chemicals, precursors under certain conditions

Per Clause 11, Article 1, Decree No. 82/2022/NĐ-CP, paint, ink, household adhesive, household detergents containing precursors, import licences should be obtained prior to any importation of such goods. However, the Department of Customs and the Department of Drug Crime Investigation Police have agreed to temporarily create favorable conditions for businesses to use such goods in production. Accordingly, at this stage, businesses importing the above-mentioned goods containing industrial precursors are allowed to be waived from an export or import license when carrying out customs procedures.

To enjoy the waiver, enterprises must comply with the following requirements to support the competent authorities' management and oversight responsibilities:

- ✓ Provide a written commitment and assume responsibility for using the imported goods in accordance with their intended purpose;
- ✓ Notify the Department of Chemicals - Ministry of Industry and Trade upon customs clearance completion.

(Official Letter No. 1896/C04-P5 dated 19 May 2025 issued by the Ministry of Public Security)



08

Legal

Legal

Legal Document

New regulations on opening and use of Vietnamese dong accounts for implementation of foreign indirect investments in Vietnam

The State Bank of Vietnam has issued Circular No. 03/2025/TT-NHNN dated 29 April 2025, on the opening and use of Vietnamese dong accounts for implementation of foreign indirect investments in Vietnam by foreign investors.

Followings are the noticeable point of the Circular:

- Foreign investors cannot open shared indirect investment accounts (i.e., accounts with two or more named holders);
- All transfer orders related to foreign indirect investment in Vietnam must specify the transfer purpose for banks to verify, inspect, retain records, and execute transactions;
- Foreign investors may open additional accounts corresponding to securities trading codes issued by Vietnamese authorities, provided that they meet the Circular's requirements;
- Supplementation of notable cases which permit transactions through the indirect investment account, including (i) payment/receipt of deposit or escrow deposit in relation to the performance of foreign indirect investment transactions, and (ii) payment/receipt of stock buying transactions where sufficient funds are not required when placing order of foreign investors;
- Reduction the foreign capital threshold in foreign-invested enterprises from 51% to 50%. Accordingly, companies with foreign investment capital from 50% to 51% must open a direct investment capital account (DICA) **within 12 months from 16 June 2025**.

The Circular shall be effective from 16 June 2025.

(Circular No. 03/2025/TT-NHNN dated 29 April 2025 issued by the State Bank of Vietnam)



Legal

Other document

Regarding the receipt of hard copies of application dossiers for administrative procedures in the field of enterprise registration in Hanoi

The Business Registration and Corporate Finance Office of the Department of Finance of Hanoi has issued Notification No. 74/NB-DKKD dated 22 May 2025 on the receipt of hard copies of application dossiers for administrative procedures in the field of enterprise registration for cases where the dossier cannot be submitted online.

Specifically, if there is none or insufficient data on the National Business Registration System to submit the dossier online, the dossier in the field of enterprise registration under the jurisdiction of the Business Registration and Corporate Finance Office shall be directly received at the City's Public Administration Service Center - Branch No. 01.

The results of the above dossiers will still be supported to be returned through public postal service units to businesses similar to online dossiers.

(Notification No. 74/NB-DKKD dated 22 May 2025 issued by the Business Registration and Corporate Finance Office – Hanoi Department of Finance)

Regarding the periodic report on labor accidents in the first 06 months of 2025

Pursuant to the provisions of Clause 1, Article 36 of the Law on Labor Safety and Hygiene and Clause 1, Article 24 and Appendix XII of Decree 39/2016/ND-CP, enterprises must submit reports on labor accidents in the first 06 months of 2025, even if there are no labor accidents in the reporting period.

Accordingly, the Department of Internal Affairs of Ho Chi Minh City and the Department of Internal Affairs of Lang Son province have issued Official Letters guiding the method and deadline of reporting to businesses in the respective area.

The deadline for submitting the report is **before 05 July 2025**.

(Official Letter No. 5092/SNV-VLATLD dated 11 June 2025 issued by the Department of Internal Affairs of Ho Chi Minh City and Official Letter No. 1446/SNV-LDVL dated 04 June 2025 issued by the Department of Internal Affairs of Lang Son province)





**Vietnam Tax Firm
of the Year
(2021 - 2024)**



Contact us



Bui Tuan Minh

Country Tax & Legal Leader
+84 24 7105 0022
mbui@deloitte.com



Bui Ngoc Tuan

Tax Partner
+84 24 7105 0021
tbui@deloitte.com



Dinh Mai Hanh

Tax Partner
+84 24 7105 0050
handinh@deloitte.com



Vu Thu Nga

Tax Partner
+84 24 7105 0023
ngavu@deloitte.com



Vu Thu Ha

Tax Partner
+84 24 710 50024
hatvu@deloitte.com



Pham Quynh Ngoc

Legal Partner
+84 24 710 50070
ngocpham@deloitte.com



Thomas McClelland

Tax Partner
+84 28 7101 4333
tmcclelland@deloitte.com



Phan Vu Hoang

Tax Partner
+84 28 7101 4345
hoangphan@deloitte.com



Vo Hiep Van An

Tax Partner
+84 28 7101 4444
avo@deloitte.com



Tat Hong Quan

Tax Partner
+84 28 7101 4341
quantat@deloitte.com



Dang Mai Kim Ngan

Tax Partner
+84 28 710 14351
ngandang@deloitte.com



Tran Quoc Thang

Tax Partner
+84 28 710 14323
qthang@deloitte.com



Vu Minh Ngoc

Tax Partner
+84 28 7101 4645
ngocmvu@deloitte.com



To stay informed with our previous newsletters – visit:
[Deloitte's website](https://www.deloitte.com/vietnam)

Deloitte's Tax & Legal Newsletter is intended for reference purposes only and is not for distribution or resale.

Office

Hanoi Office

15th Floor, Vinaconex Building,
34 Lang Ha Street, Dong Da
District, Hanoi, Vietnam
Tel: +84 24 7105 0000
Fax: +84 24 6288 5678

Ho Chi Minh City Office

18th Floor, Times Square Building, 57-69F
Dong Khoi Street, District 1,
Ho Chi Minh City, Vietnam
Tel: +84 28 7101 4555
Fax: +84 28 3910 0750

Deloitte.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte Asia Pacific is a member firm of Deloitte Global. Deloitte Asia Pacific members and affiliates provide services to clients in more than 100 cities in the region, including Auckland, Bangkok, Beijing, Bengaluru, Hanoi, Hong Kong, Jakarta, Kuala Lumpur, Manila, Melbourne, Mumbai, New Delhi, Osaka, Seoul, Shanghai, Singapore, Sydney, Taipei and Tokyo. In member countries, business activities are carried out independently by separate legal entities.

About Deloitte Vietnam

In Vietnam, services are provided by separate and independent legal entities, each of which may be referred to or known as Deloitte Vietnam.

This document contains general information and is for informational purposes only, therefore, no DTTL company, or any of its affiliates or subsidiaries and their employees shall be deemed to, within the scope of the content of this document, provide services or give opinions, professional advice for readers. This document does not constitute advice to the reader and shall not affect other advice provided by any employee of the Deloitte Foundation. The information presented in this document does not apply to the individual cases of the enterprise. Before making any decision or action that may affect your financial or business situation, you should consult a professional advisor.

No representations, warranties or undertakings (express or implied) are made as to the accuracy or completeness of the information contained herein, and no member of the Deloitte Companies Network shall be liable for any damages, losses incurred directly or indirectly as a result of the reader's use, publication, dissemination of, or reliance on this material to act, inaction, or make any decisions.