



# Forvis Mazars in Vietnam Alert

Tax & Legal updates

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# Tax & Legal updates

## Corporate income tax (CIT)

### 1. Office Letter No. 3648/DON-QLDN1 issued by the Dong Nai Tax Office providing guidance on CIT incentives for investment projects

According to regulations, where an enterprise satisfies the investment incentive conditions stated in its initial Investment Registration Certificate, income derived from this investment project shall be entitled to CIT incentives. However, where an enterprise has declared and enjoyed incentives but subsequently receives a notice from a competent authority regarding the termination of the investment project's operations, the project shall not be eligible for tax incentives for the remaining period.

Where a new investment project of an enterprise is currently enjoying investment incentives but the enterprise subsequently amends or changes certain contents in the Investment Registration Certificate, such as the investor's name, the project implementation organization's name, the project's name, or the project's operational objectives; if these amendments alter the satisfaction of the initial CIT incentive conditions, the enterprise's project shall not be entitled to tax incentives as prescribed for the remaining period.

## Value added tax (VAT)

### 1. Official Letter No. 478/VLO-QLDN3 issued by the Vinh Long Tax Office providing guidance on determining VAT rates for scrap goods

According to the Official Letter, crude coconut oil determined to be a processed product shall be subject to a 10% VAT rate. Meanwhile, the VAT rate for the scrap, which is coconut meal, shall be determined based on the following principles:

- Specifically, where the coconut meal generated during the production of crude coconut oil is determined to be a processed product, the sold coconut bran shall be subject to a 10% tax rate in accordance with Clause 3, Article 9 of the Law on Value Added Tax.
- Where the coconut meal is determined by the Company as animal feed satisfying the conditions prescribed by the law on animal husbandry, it shall not be subject to VAT in accordance with Clause 3, Article 5 of the Law on Value Added Tax.

### 2. Official Letter No. 1832/CT-CS issued by the Department of Taxation providing guidance on VAT policy for deferred and installment payments for goods and services

For deferred and installment payments for goods and services valued at VND 05 million or more, where, by the payment due date stipulated in the contract or contract annex, the business establishment does not possess proof of non-cash payment, the business establishment must declare and make a downward adjustment to the deductible input VAT corresponding to the portion of goods and services lacking proof of non-cash payment. Such adjustment shall be recorded at Item [37] – “Decrease adjustment” on VAT Return Form No. 01/GTGT for the tax period in which the payment obligation arises in accordance with the contract or contract annex.

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## Value added tax (VAT)

### **3. Official Letter No. 33/TMDT-QLT3 issued by the E-Commerce Taxation Sub-Department providing guidance on VAT policy for services performed overseas when providing logistics services to Vietnamese corporate clients**

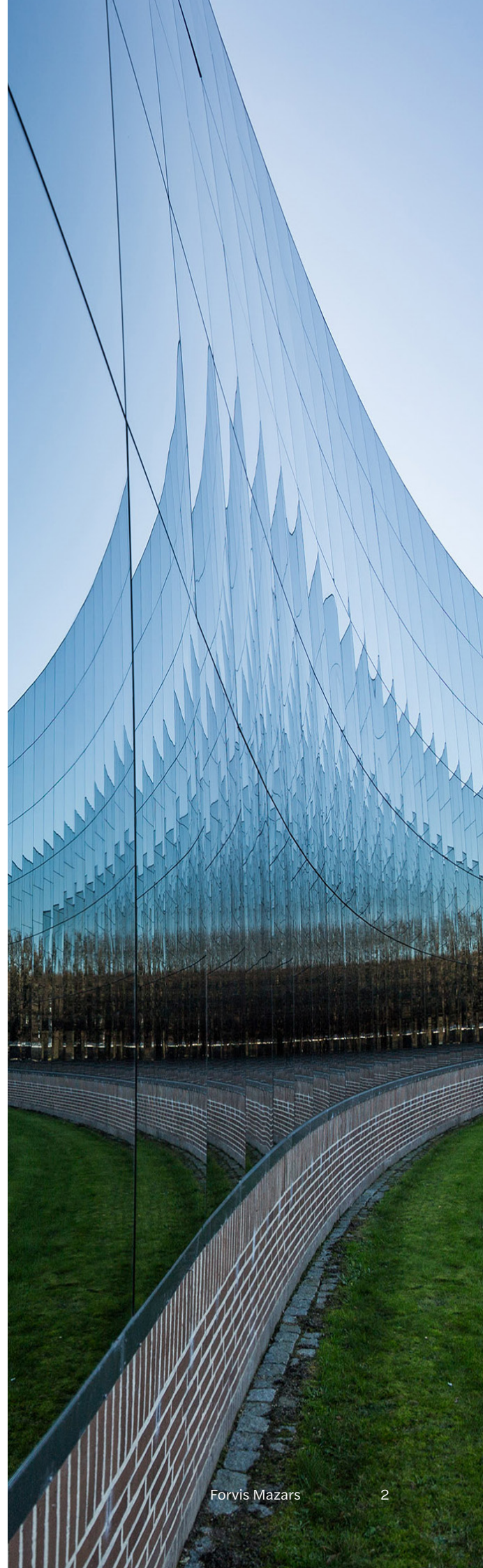
According to the Official Letter, when an enterprise signs a contract with a Vietnamese client to provide logistics services performed overseas, such services are not subject to VAT.


Where an enterprise provides international cargo transport services (from Vietnam to overseas, from overseas to Vietnam, or entirely between overseas locations), the entire journey, including domestic transport segments within that transport chain, shall be subject to a 0% VAT rate, provided that the enterprise fully satisfies the conditions prescribed in Clause 3, Article 18 and does not fall under the exclusion cases in Clause 4, Article 17 of Decree No. 181/2025/ND-CP.

With respect to other services related to logistics services performed in Vietnam, such services shall be subject to a 10% VAT rate in accordance with Clause 3, Article 9 of the Law on Value Added Tax.

### **4. Official Letter No. 1258/CT-CS issued by the Department of Taxation providing guidance on VAT arrears collection in cases of errors caused by complying with the tax authority's guidance**

According to the Official Letter, where a taxpayer commits an error due to complying with the tax authority's guidance, the timing for VAT arrears collection due to regulatory violations shall be calculated from the effective date of the newly issued legal normative documents. The taxpayer shall not be subject to administrative penalties for tax violations and shall not be charged late payment interest for acting in accordance with the previously issued guidance documents or handling decisions of the tax authority, they are only required to pay the shortfall tax amount.





## Tax & Legal updates

### Value added tax (VAT)

#### **5. Official Letter No. 1706/CT-CS issued by the Tax Department providing guidance on VAT and invoices for labour subleasing activities**

According to the Official Letter, prior to 01 July 2025, where an enterprise licensed for labor subleasing activities provides subleased labor to other enterprises, agencies, organizations, cooperatives, or individuals and receives a labor subleasing service fee; the employees work at the sublessee's premises, are subject to the its management and direction, and receive salaries and other benefits in accordance with the its regulations; and on a monthly basis, the sublessee transfers funds to the labor subleasing enterprise for the payment of salaries, bonuses, allowances, and other employee-related expenses, then the amount transferred by the sublessee to the labor subleasing enterprise is considered as collections and disbursements on behalf of another party. This amount does not constitute the revenue of the labor subleasing enterprise and is not subject to VAT declaration and payment. Where the enterprise fails to satisfy the statutory regulations on labor subleasing activities, or if the labor subleasing enterprise fails to separately identify each type of service, including the collections and disbursements on behalf of another party, in order to apply the correspondingly prescribed VAT rate, it must calculate and pay VAT at the highest tax rate applicable to this service.

#### **6. Official Letter No. 2644/BNI-QLDN<sup>1</sup> issued by the Bac Ninh Tax Office providing guidance on determining VAT and CIT rates for enterprises exporting services to overseas customers**

Where a Vietnamese enterprise exports services to foreign customers, to apply the 0% VAT rate when providing services to foreign organizations, the enterprise must simultaneously satisfy the following conditions: (i) the services are provided directly to foreign organizations or individuals; (ii) the services are consumed outside Vietnam; (iii) possessing a service contract and proof of non-cash payment; and (iv) the services do not fall under the cases specified in Clause 4, Article 17 of Decree No. 181/2025/ND-CP.

Regarding CIT, where the parent company or associated company of the enterprise is located in Vietnam, the enterprise is only eligible to apply the 17% CIT rate if such parent company or associated company meets the conditions to apply this tax rate. Where the parent company or associated company of the enterprise is located overseas and is not subject to the Law on Corporate Income Tax of Vietnam, the enterprise is eligible to apply the 17% CIT rate if its annual revenue is from VND 03 billion to not exceeding VND 50 billion.

**1. Office Letter No. 2012/SNV-LD issued by the Dong Nai Department of Home Affairs responding to Official Letter No. 699/CSVN regarding the swapping of compensatory days off**

When a public holiday coincides with a weekly day off during the year, the enterprise must arrange for employees to take a compensatory day off on the immediately following working day. However, if the enterprise and the employee agree to take the compensatory day off on a day other than the next working day, such agreement is not in compliance with the provisions of the current Labor Code. In cases where employees are unable to take the day off on the next working day due to production and business requirements, the enterprise must pay overtime wages at the rate applicable to public holidays as prescribed by the 2019 Labor Code, while ensuring that the employees' benefits are not lower than the statutory level.

**2. Official Letter No. 627/TNI-QLDN3 issued by the Tay Ninh Tax Office providing guidance on issuing missing invoices for incurred economic transactions**

According to the Official Letter, where an enterprise has submitted a dossier for tax code deactivation to the tax authority but the tax authority has not yet issued a Notice of Tax Code Deactivation, and the enterprise discovers that invoices have not been issued for economic transactions incurred prior to the submission of the tax code deactivation dossier, the enterprise must submit a dossier requesting tax code reactivation to fulfill the outstanding invoicing obligations.

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