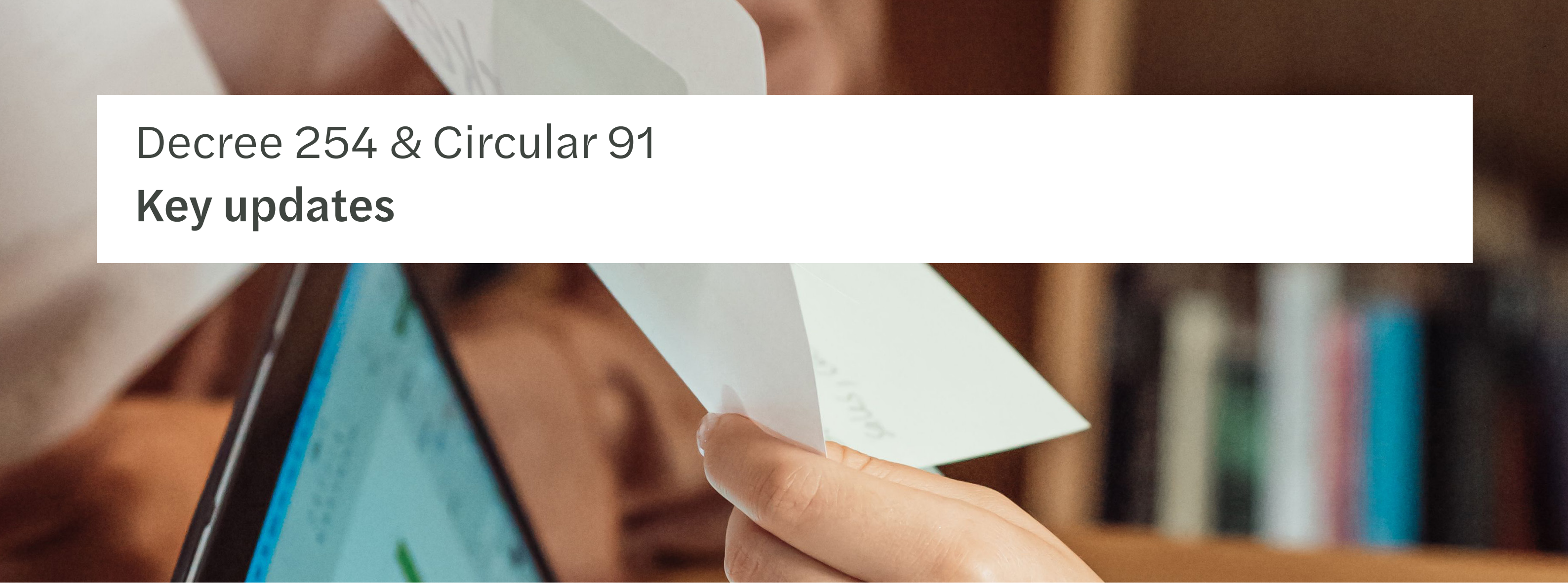
Forvis Mazars in Vietnam Alert

Tax updates

Key updates under Decree No. 254/2026/ND-CP on e-invoices and e-documents and Circular No. 91/2026/TT-BTC

Decree No. 254/2026/ND-CP on e-invoices and e-documents (“Decree 254”) and Circular No. 91/2026/TT-BTC (“Circular 91”)

On 30 June 2026, the Government issued Decree No. 254/2026/ND-CP, providing detailed regulations and implementation measures for a number of articles of the Law on Tax Administration No. 108/2025/QH15 regarding e-invoices and e-documents. On the same date, the Ministry of Finance issued Circular No. 91/2026/TT-BTC, guiding the implementation of certain provisions of the Law on Tax Administration and Decree 254. Both legal instruments take effect from 1 July 2026.



Decree 254 & Circular 91
Key updates

1. Scope of use of authenticated e-invoices, unauthenticated e-invoices, and e-invoices generated from cash registers

- Enterprises operating in sectors such as securities, crypto assets, and carbon trading support services may use unauthenticated e-invoices if they satisfy the conditions for transmitting invoice data to the tax authorities.
- Organizations, household businesses, and individual businesses that have registered to use either authenticated or unauthenticated e-invoices may continue using their registered invoice type and are not required to switch to e-invoices generated from cash registers.
- Taxpayers whose use of e-invoices has been suspended may still be granted authenticated e-invoices on a case-by-case basis during the period in which they provide explanations or supplementary documents as requested by the competent authorities.

2. Guidance on the application of e-invoices in specific cases

- Specific guidance is provided for financial leasing activities, including invoice issuance upon delivery of leased assets, early termination of lease contracts, and sale of leased assets.
- For business cooperation contracts (BCCs), where one party is appointed as the representative, the representative party issues invoices to customers and receives supplier invoices on behalf of the BCC. The other parties issue invoices to the representative party for their share of revenue and receive expense allocation invoices for their share of costs, in accordance with the agreed allocation in the contract.

Decree 254 & Circular 91

Key updates

3. Cases where invoices are not required

Decree 254 introduces additional provisions and clarifies cases where invoice issuance is not required. Notable cases include:

- Financial activities, reinsurance, deposit-taking, issuance of valuable papers, debt trading, foreign exchange transactions and derivatives;
- Capital contribution by assets;
- Internal transfer of assets, demerger, merger, consolidation, acquisition, and conversion of enterprise type;
- Lending machinery, equipment, tools, and instruments without charge and without transfer of ownership; and
- Goods and services used internally for continued production and business activities, as well as receipts unrelated to the sale of goods or provision of services, such as monetary compensation, bonuses, collections and payments on behalf of others, and financial income.

4. Invoice issuance timing

- A deposit received solely to secure the conclusion or performance of a service contract under the Civil Code is not subject to invoice issuance at the time of receipt, provided that the deposit is not treated as an advance payment for the services to be provided.
- Additional services, including online newspaper advertising, digital technology services, digital platform services, insurance, security services, industrial catering, credit information services, and passenger transportation services provided to enterprises, may be invoiced after data reconciliation and confirmation, provided that the invoice is issued no later than the 7th day of the month following the month in which the service is provided.
- If the taxpayer does not yet have an automated invoice issuance system, transactions arising during night working hours may be invoiced on the next working day.
- Additional detailed guidance is provided on the timing of invoice issuance for lending activities, foreign exchange agency activities, and co-insurance arrangements, taking into account the specific nature of these activities.

5. Contents of e-invoices

- Where the buyer is an individual consumer who does not provide information for invoice issuance, the seller is still required to issue an invoice and may state "Sold to consumer" in place of the buyer's information.
- For the sale of automobiles, motorcycles, and mopeds, invoices must include additional vehicle identification information as prescribed.
- For road transport services, Decree 254 clarifies the requirements regarding vehicle registration numbers and route information, and provides that certain transport or vehicle leasing services performed under contracts with customers on fixed routes are not required to present such information on the invoice.
- Where specialized laws provide for the identification of goods or services, the name of the goods or services stated on the invoice must be consistent with the relevant identification requirements.
- Goods and services used for promotional, giveaway, or gifting purposes may be covered by a consolidated invoice together with a detailed list on a monthly or quarterly basis, consistent with the seller's VAT filing period.

6. Other notable points

- Owners or operators of e-commerce platforms and digital platforms are responsible for providing buyer information and transaction data to support the issuance of e-invoices in accordance with the regulations.

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