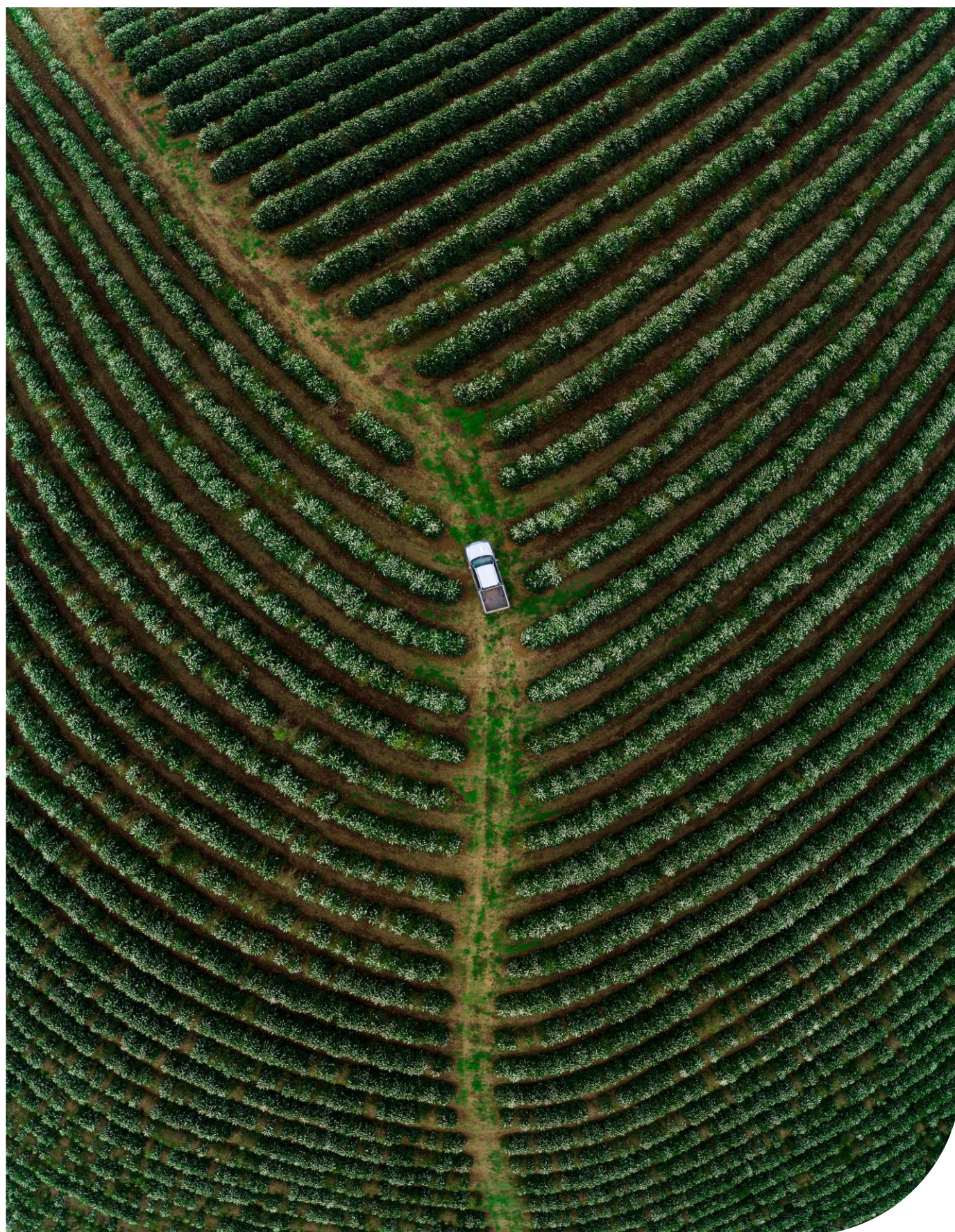




Update new legal documents and important tax policies

April 2025



Content

In this newsletter, Grant Thornton Vietnam would like to update readers the relevant tax guidelines and policies.

1. Response from the Tax Department and Tax Sub-Department of Region I on the electronic information portal

On highlighted guidance for further implementation through the online support program for 2024 Corporate Income Tax ("CIT") and Personal Income Tax ("PIT") finalization on the Tax authorities' electronic information portal.

2. Official letter No. 36/CCTKV.I-CNTK

On guidance on PIT finalization through optimizing the usage of electronic Tax application for mobile devices (eTax Mobile) for individuals

3. Official letter No. 1872/BTC-TCT

On the Value Added Tax ("VAT") policy for domestic goods sold to foreign traders having presence in Vietnam

4. Official letter No. 3601/TCT-CS

On CIT incentives upon qualifying 02 conditions of operating in an Industrial Zone, and in a specially disadvantaged socio-economic area

5. Official letter No. 216/TCT-PC

On penalties for administrative violations related to taxes and invoices

1. Response from the Tax Department and Tax Sub-Department of Region I on the electronic information portal

Response from the Tax Department on 24 and 25 March 2025, and from the Tax Sub-Department of Region I on 20 March 2025 on the electronic information portal

The online support program for 2024 CIT finalization on 24 March 2025, and 2024 PIT finalization on 25 March 2025 of the Tax Department, as well as the one of the Tax Sub-Department of Region I on the tax authorities' electronic information portal, aim to provide guidance and address tax-related concerns regarding the 2024 CIT and PIT finalization.

In which, there are some notable tax guidelines highlighted for upcoming implementation as follows:

Response from the Tax Department on 24 and 25 March 2025 on the Tax Department's electronic information portal



If an enterprise incurs a loss but does not continuously carry forward this loss in the subsequent profitable year, this loss is not allowed to be carried forward to the following years.

If an enterprise has successfully declared and submitted the 2024 PIT finalization return and does not need to adjust the declared amounts, there is no need to download the new version of HTKK to update the identification codes of tax dependents as per the new regulations. Otherwise, the latest HTKK version must be downloaded for declaration.

Enterprise provides information on PIT paid on behalf of individuals as guided by Official letter No. 828/TCT-KK dated 25 February 2025 from the Tax Department for the tax periods starting from January 2025 onwards. Therefore, such additional information is not required for the tax year of 2024.

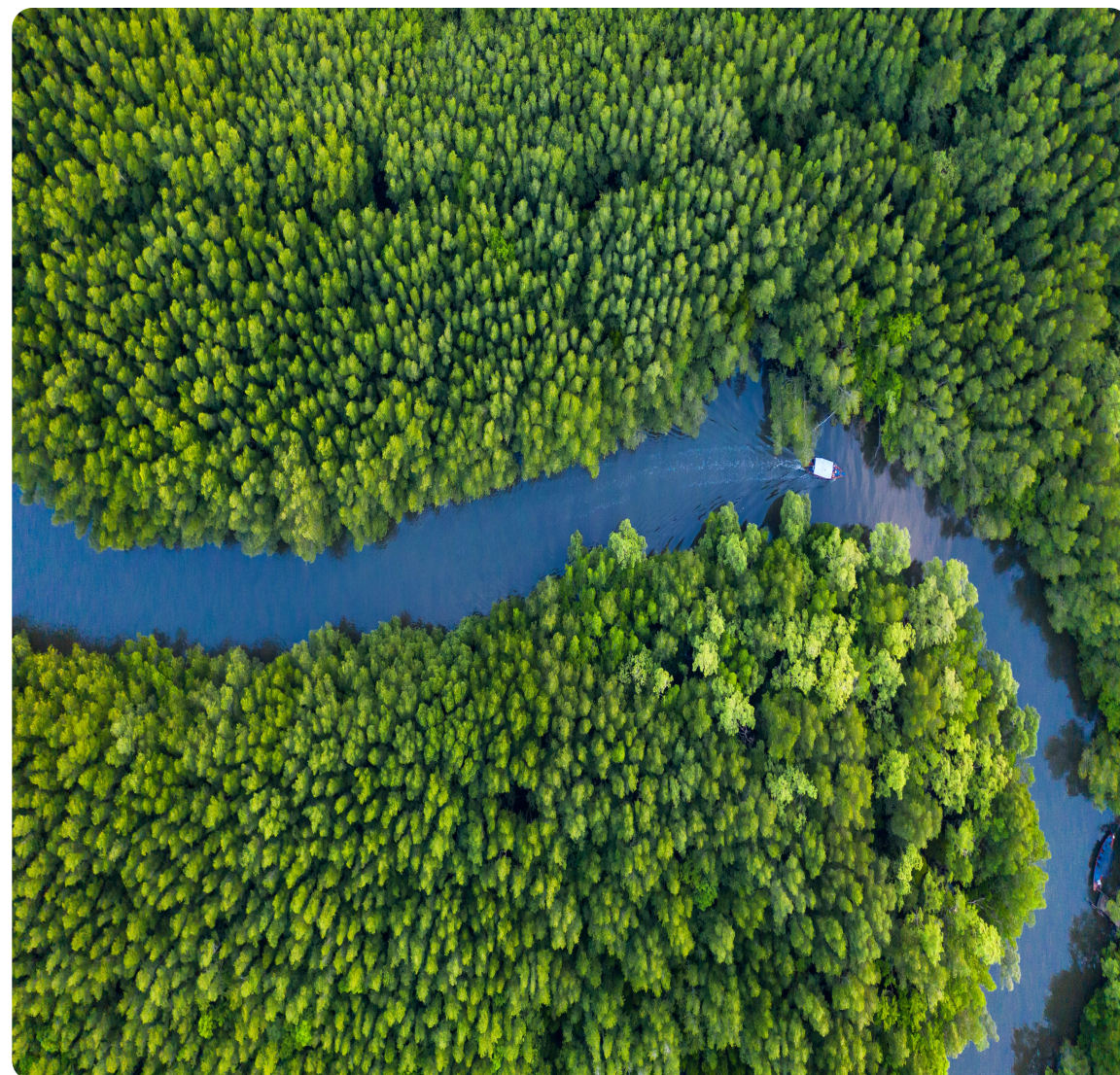
1. Response from the Tax Department and Tax Sub-Department of Region I on the electronic information portal (cont')

Response from the Tax Sub-Department of Region I on 20 March 2025 on its electronic information portal

Individual taxpayers can register their tax dependents online at the website: canhan.gdt.gov.vn. To declare, the taxpayers need to log into this website, go to the section of Tax Registration/Declaration and submission of tax registration documents, select Form 20/DK-TCT – Dependent registration declaration for individuals with income from salaries and wages as per Circular No. 86/2024, then complete the required information and submit the declaration to the tax authority.

To convert a previous tax code (which was the dependent's tax code) into a personal tax code when the dependent becomes 18 years old, the income-paying entity must register the employee's tax information using Form 05-DK-TCT, issued under Circular 86/2024/TT-BTC dated 23 December 2024.

The 10-digit tax code to declare and pay tax on behalf is granted to Vietnam organizations to declare and pay taxes on behalf of all foreign contractors, which is to separate between the organization's own tax obligations and those of the foreign contractors. Organizations are not required to terminate the validity of this tax code when terminating a contract with a foreign contractor.



2. Official letter No. 36/CCTKV.I-CNTK dated 14 March 2025

The Tax Sub-Department of Region I continues to support taxpayers in completing their PIT finalization for the tax year of 2024; as well as aims to optimize the usage of the electronic tax application for mobile devices (eTax Mobile), particularly by implementing the pre-filled PIT finalization on eTax Mobile and enabling automatic PIT refunds for this tax year.

Accordingly, although there are no significant changes in the regulations regarding PIT finalization, including cases requiring tax finalization, cases eligible for tax finalization authorization, cases where individuals must finalize PIT directly with the tax authorities, or applicable forms compared to the tax year of 2023, we would like to summarize some key points for taxpayers to note upon implementation.

2. Official letter No. 36/CCTKV.I-CNTK dated 14 March 2025 (cont')

Key highlights of Official letter 36/CCTKV.I-CNTK

1

The deadline for submission of PIT finalization returns for income paying organizations and individuals is no later than the last day of the third month from the end of the calendar year, specifically 31 March 2025.

For individuals, who directly finalize their PIT, the deadline is the last day of the fourth month from the end of the calendar year, which is 5 May 2025. However, individuals with an overpaid PIT amount as per the PIT finalization are not required to submit the PIT finalization return within this deadline.

Late submission of PIT finalization returns will result in administrative penalties in accordance with Decree 125/ND-CP dated 19 October 2020.

2

Taxpayer now can use VNeID account authenticated at level II to access the eTax Mobile and iCanhan applications; and utilize the available functions such as “Search for tax finalization information” and “Suggested PIT finalization return” to review income information and prepare PIT finalization returns with some pre-filled data from the system.

If the taxpayer agrees with the suggested information, the taxpayer can confirm and submit the finalization return via the application.

Otherwise, it is allowed to modify certain disagreed details, provide reasons for discrepancies, and submit the finalization returns along with the supporting documents.

In the meantime, the local tax authorities have also issued detailed guidelines on PIT finalization and use eTax Mobile for the taxpayer's reference.

3

If a taxpayer detect that a business has used his/her personal information (name, tax code, citizen identification number) to declare salary or wage expenses for CIT purposes without actual payment, which affects PIT finalization data and obligations, the taxpayer is recommended to report the false or fraudulent income declaration to the tax authorities via eTax Mobile or iCanhan.

The managing tax authority will then conduct an inspection and verification of the information and take appropriate actions.

This is an important point for the enterprises to note, where the tax authorities have been improving their monitoring and data collection to prevent fraudulent or incorrect declaration of salary and wage payment for purposes of gaining CIT benefits.

3. Official letter No. 1872/BTC-TCT dated 17 February 2025

(from the Ministry of Finance to the People's Committee of Dong Nai Province)

- A domestic enterprise sells goods to a foreign trader having presence in Vietnam; and
- Designated to deliver the goods to a third party, which is a Vietnamese enterprise, through a bonded warehouse.



Does not meet the conditions for exported goods sold to organizations or individuals overseas and consumed outside Vietnam; or goods sold to organizations or individuals in non-tariff zones and consumed within those zones.



Not classified as exported goods eligible for VAT rate of 0% under Circular No. 219/2013/TT-BTC, Article 9, Clause 1.



Previously, regarding the same matter, the Tax Department issued Official letter No. 558/TCT-CS on 20 February 2024 to several regional tax sub-departments regarding VAT policies for on-spot import and export activities. The Customs Department also issued Official letter No. 4694/TCHQ-GSQL on 1 October 2024 to the Tax Department regarding foreign traders without having presence in Vietnam. On 17 December 2024, the Tax Department issued Official letter No. 6007/TCT-CS responding to several regional tax sub-departments about VAT policies.

Accordingly, if a "foreign trader has a presence in Vietnam," goods sold from a domestic enterprise (Vietnamese company) to the foreign trader, who then designates the delivery of goods within Vietnam, do not qualify as on-spot export goods and are not eligible for the 0% VAT rate.

4. Official letter No. 3601/TCT-CS dated 15 August 2024

(from the Tax Department to the Tax Sub-Department of Ninh Thuan Province on CIT incentives)

- A company implementing a new investment project in an industrial zone located in an area with especially difficult socio-economic conditions meets both of the following conditions: (1) Industrial zone condition; (2) Especially difficult socio-economic area condition.

Accordingly, if a business is eligible for multiple tax incentive schemes for the same income, it may choose to apply the most favorable tax incentive scheme.

- Previously, regarding this matter, the Tax Department issued Official letter No. 2721/TCT-CS on 26 June 2024, to the Tax Sub-Department of Vinh Phuc province and Official letter No. 4626/TCT-CS on 19 October 2023, to the Tax Sub-Department of Hai Duong Province. These letters reaffirmed the consistent principle in CIT law that incentives for location-based and zone-based investments (such as industrial parks, except for industrial parks located in areas having favorable socio-economic conditions under legal regulations) are separate.

Therefore, income from investment projects in industrial zones, which do not belong to investment preferential areas, does not qualify for CIT incentives as an area with difficult socio-economic conditions.



5. Official letter No. 216/TCT-PC dated 15 January 2025

(from the Tax Department to several Tax Sub-Departments regarding penalties for administrative violations related to taxes and invoices)

01

On penalties for multiple administrative violations related to tax procedures and invoices at the same time of handling violation

For administrative violations related to taxes and invoices, relevant decrees have specified the violations and corresponding penalty frames. When a taxpayer is fined for multiple administrative violations on tax procedures and invoices in one time enforcement action, only one penalty decision is issued with the fine amount being the sum of the specific fines for each violation and not limited by the maximum penalty cap stipulated in the 2012 Law on Handling Administrative Violations, Article 24.

02

On application of the aggravating circumstance of “large-scale administrative violation”

The Law on Handling Administrative Violations stipulates aggravating circumstances for administrative violations of large scale. Specifically, Decree No. 125/2020/ND-CP, Article 6, Clause 2 defines a large-scale violation related to invoices as involving 10 or more invoices. If a taxpayer commits multiple administrative violations related to invoices in a single enforcement action, this aggravating circumstance does not apply. However, if a single administrative violation involves 10 or more invoices, it is subject to the aggravating circumstance of being a large-scale administrative violation.

03

On “repeated administrative violations”

The Law on Handling Administrative Violations classifies repeated administrative violations as an aggravating circumstance. This applies when an individual or organization commits the same violation multiple times, with previous violations not yet penalized and still within the statutory of limitation period for enforcement. Decree No. 125/2020/ND-CP, Article 6, Clause 1 specifies that aggravating and mitigating circumstances are applied per the general regulations on handling administrative violations. Specifically, from the second occurrence of the same administrative violation onwards, the case is considered as an aggravating circumstance under the category of “repeated administrative violations.”

Contact

Please study the newly issued regulations and review the internal compliance procedures in order to comply with the regulations on customs tax as well as reduce errors in the process of filing and preparing documents that could lead to additional tax obligations or administrative penalty.
Please contact the experts of Grant Thornton Vietnam for in-depth advice if you have any inquiries during the implementation of tax and customs compliance.

Please visit our [Tax Hub](#) to view more information

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