



NEWSLETTER

OCTOBER 2022



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Decree 91/2022/ND-CP amending and supplementing Decree 126/2020/ND-CP of the Government detailing some articles of the Law on Tax Administration

Decree 91/2022/ND-CP dated 30/10/2022 of the Government.

1. Supplementing regulations on the end-of-time limit for submitting tax declaration return and tax payment deadlines:

In case, the time limits for submission of tax declaration dossiers, time limits for payment of tax, time limits for tax authorities to process applications, effective periods of decisions on enforcing the implementation of tax decisions is **a statutory day off, the expiration date will be the working day succeeding the day off.**

2. Supplementing regulations the taxpayer is not required to submit a PIT return

The declarant of personal income tax is an organization or individual, declares PIT monthly or quarterly, and does **not deduct personal income tax** in the same month or quarter.

...(To be continued).



Decree 91/2022/ND-CP amending and supplementing Decree 126/2020/ND-CP of the Government detailing some articles of the Law on Tax Administration (Continued)

Decree 91/2022/ND-CP dated 30/10/2022 of the Government.

3. Amending regulations on temporary payment of corporate income tax

The total amount of **temporarily paid CIT for four quarters must not be less than 80% of the payable CIT amount annual finalization**. In case taxpayers pay less than the tax payable for 4 quarters, they must pay a late payment interest calculated on the underpaid tax amount from the next day of the last day of the fourth quarter CIT temporary payment deadline to the previous day of the date payment of the outstanding tax amount to the state budget.

The revised regulations on the temporary payment rate applied from the tax year 2021 are as follows:

Up to the effective date of this Decree (30/10/2022), if taxpayers have temporarily paid tax for the first three quarters of the tax year 2021, **not less than 75%** of the payable CIT amount according to the annual finalization, then **not apply on the rate of temporary payment for four quarters in this Decree**.

In case taxpayers have temporarily paid tax for the first 3 quarters of the tax year 2021, which is **lower than 75%** of the payable CIT amount according to the annual finalization, then apply on the rate of **temporary payment for four quarters in this Decree**.



Decree 91/2022/ND-CP amending and supplementing Decree 126/2020/ND-CP of the Government detailing some articles of the Law on Tax Administration (Continued)

Decree 91/2022/ND-CP dated 30/10/2022 of the Government.

3. Amending regulations on temporary payment of corporate income tax

In case the company has been charged late payment interest by tax inspection and examination agencies because the temporarily paid tax amount for the first 3 quarters is lower than 75% but it is not lower than 80% of the payable CIT amount according to the annual finalization. Then can submit Form **No. 01/GTCN** in the Appendix to this Decree to request the tax authority to calculate the reduction of late payment interest.

At the same time, the Decree amends and supplement regulations on the responsibilities of the owner of the e-commerce exchange in providing the agency with information of traders, organizations and individuals trading on the exchange; The submission of environmental protection tax declaration for coal mining and domestic collection; About the time when the organization declares tax on behalf of individuals who receive dividends and rewards in securities; Amendment of Notice of cessation of use of invoices, Form No. 04-1/CC issued together with Decree 126/2020/ND-CP.

The Decree takes effect from **30/10/2022.**



Guiding the declaration of CIT and offsetting obligations of state budget

Official Dispatch No. 2812/CTBDI-TTHT dated 28/09/2022 of Tax Department of Binh Dinh Provincy

In case the Company has its head office in Long An province, has a branch in Binh Dinh province as a dependent accounting business establishment located in another province or city with its head office and income entitled to corporate income tax incentives, then:

1. Regarding the declaration of final settlement of corporate income tax of the branch:

Declare separately for income entitled to corporate income tax incentives of Binh Dinh Branch according to the provisions of Point h, Clause 1, Article 11 of Decree 126/2020/ND-CP dated 19/10/2020 of the Government and Point c2, Clause 3, Article 17 of Circular No. 80/2021/TT-BTC dated 29/09/2021 of the MOF.

2. Regarding the offset of tax obligations:

According to point a. 1.a. 2 Clause 1 Article 25 of Circular 80/2021/TT-BTC, in case the overpaid corporate income tax amount in Binh Dinh province is not offset against the underpaid corporate tax amount in Long An province because it is different from the budget area.

In case the declaring unit replenishes the final settlement of corporate income tax, adjusts the tax payable due to reallocation, the late payment must arise for the increased amount of tax payable if the increase in tax allocated at the branch is adjusted.



Guiding invoices for the return of goods

Official Dispatch No. 7589/CTTPHCM-TTHT dated 30/06/2022 of Tax Department of Ho Chi Minh City

In case the Company and its Suppliers apply e-invoicing according to the provisions of Decree No. 123/2020 /ND-CP, Circular No. 78/2021 /TT-BTC, the Company purchases goods of the Supplier and incurs economic operations **to refund part of the purchased goods** of the Supplier, the Company shall make e-invoicing to the Supplier: On the invoice stating the quantity of returned goods, the rate of return tax and the amount of VAT (positive amount).

Based on the invoice for returning goods, the Company and the Supplier shall declare the adjustment of reduced VAT revenue according to the law on VAT.



Management of foreign exchange for the borrowing and repayment of foreign debt

Circular 12/2022/TT-NHNN dated 30/09/2022 of the State Bank of Vietnam

Accordingly, one of the notable changes of this Circular is that the borrower **must report foreign loans monthly** instead of quarterly as before, specifically:

Reporting regulations applied to the borrower: On the monthly basis, **no later than the 5th day of the month immediately after the reporting period**, the borrower must prepare an online review report on short-term, mid-term and long-term loans on websites. Where any technical failure in websites arises that makes the reporting unfeasible, the borrower shall send a written report using the form in Appendix 05 hereto.

Circular 12/2022/TT-NHNN takes effect from **15/11/2022**, from this date, the following documents expire: Circular 03/2016/TT-NHNN, Circular 05/2016/TT-NHNN, Circular 05/2017/TT-NHNN.



Tax policy for the cost of assignment foreign employees to Vietnam for work

Official Dispatch No. 3301/CTHPH-TTHT dated 17/10/2022 of the Tax Department of Hai Phong city

In case the Company has employees who are foreign experts to manage and administer the Company's business activities from the office of the Parent Company in Japan. Periodically, the Company will assign employees to work in Vietnam, thereby incurring expenses such as return airfare, hotel fees during the working time in Vietnam, the Tax Department guides the PIT policy for these expenses as follows:

- If the above expenses are eligible to be determined as per diem and the payment rate is in accordance with the Company's policy and regulations on business travel, they **are not included** in the Personal Income Tax.
- If the above expenses are not per diem or per diem but exceed the per diem regulations of the Company, they must **be included** in the Personal Income Tax.



Guiding the declaration of adjusted and replaced invoices

Official Dispatch No. 49535/CTHN-TTHT dated 13/10/2022 of the Tax Department of Hanoi city.

In case the Company incurs an adjustment invoice or a replacement invoice as prescribed in Clause 2, Article 19 of Decree No. 123/2020/ND-CP dated 19/10/2020 of the Government, the Company shall **make additional declaration for each tax declaration dossier with errors** as prescribed in Article 47 of the Law on Tax Management No. 38/2019/QH14 dated 13/06/2019 of the National Assembly and Clause 4, Article 7 of Decree No. 126/2020/ND-CP dated 19/10/2020 of the Government.



Guiding the personal income tax policy for gifts, transportation of personal items

Official Dispatch No. 3300/CTHPH-TTHT dated 17/10/2022 of the Tax Department of Hai Phong city

1. In case the Company buys a lunar New Year gift for employees in December and gives it to employees on January 25 of the following year, this is the benefit that employees are entitled to. Therefore, this gift **is included** in taxable income when calculating personal income tax, the tax period is January, when employees receive gifts.
2. The company pays for transportation of personal items of the expert who has ended the contract to the country, this cost is billed by the transportation company after the expert ends the contract, this is a payment for individual purpose, so it **will be included** in PIT taxable income of the expert.
3. The employee of the Company is a foreign expert who terminates the contract and returns home on November 30. In November, the Company pays 2 times the salary, one time the salary in October on November 5, one time the salary in November on November 29 for experts. Employees directly declare PIT finalization with the tax authorities or authorize the Company to finalize PIT before exit in which: tax finalization period from 01/01/2022 to 30/11/2022, PIT taxable income is the entire income paid from January 2022 to November 2022.



Guiding the VAT and CIT policy for visa expenses for foreign employees

Official Letter No. 49303/CTHN-TTHT dated 12/10/2022 of the Tax Department of Hanoi City

Regarding CIT: In case the Company pays for support services for foreign laborers to extend or renew their visas to qualify for working in Vietnam, and if 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 average salary in the tax year of the enterprise specified in Clause 4, Article 3 of Circular 25/2018/TT-BTC and meets the conditions specified in Article 4 of Circular 96/2015/TT-BTC dated 22/06/2015.

Regarding VAT: In case the Company incurs input VAT to serve the production and business of goods and services subject to VAT, it is entitled **to deduct all** if meeting the conditions for input VAT deduction specified in Clause 10, Article 1 of Circular No. 26/2015/TT-BTC dated February 27, 2015 and complying with the principle of input VAT deduction specified in Article 14 of Circular No. 219/2013/TT-BTC dated 31/12/2013 of the Ministry of Finance.

ABBREVIATION

CIT	Corporate Income Tax	JVC	Joint Venture Company
PIT	Personal Income Tax	Ltd.	Limited
VAT	Value Added Tax	PC	People's Committee
FCT	Foreign Contractor Tax	MOF	Ministry of Finance
FA	Fixed Asset	MOIT	Ministry of Industry and Trade
GDT	General Department of Taxation	MOLISA	Ministry of Labor, Invalid and Social affairs
EPE	Export Processing Exporting Company	DPI	Department of Planning and Investment
EPZ	Export Processing Zone	OL	Official Letter
UAL	Usage of Agricultural Land	SBV	The State Bank of Vietnam
IZ	Industrial Zone	FC	Foreign Contractor



THANK YOU



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