



GLOBAL VIETNAM
LAWYERS

LEGAL NEWSLETTER

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NEWLY ISSUED LEGAL DOCUMENTS

1. Amending regulations on grant of State investment credit

On 7 November 2023, the Government issued Decree 78/2023/ND-CP (“Decree 78/2023”) amending and supplementing a number of articles of Decree 32/2017/ND-CP (“Decree 32/2017”) on State investment credit, effective from 22 December 2023, with some notable novelties as follow:

1.1 Amendments and supplement to changing debt repayment terms and debt extension

Compared to Article 3 of Decree 32/2017 which only allows the Vietnam Development Bank and customers to change the previously agreed repayment terms in the credit contract without changing the loan maturity date, Article 1.1 of Decree 78/2023 allows the Vietnam Development Bank to approve both the change of debt repayment terms and the extension of debts, and at also provides specific and detailed regulations on these issues.

1.2 Amending regulations on the State's investment credit plan

Instead of providing general regulations without specific deadline for the development, submission, and approval of the State's investment credit plans as in Article 4 of Decree 32/2017, the specific deadline for these items is has been amended and supplemented in Article 1.2 of Decree 78/2023 as follows:

Before 31 July every year, the Vietnam Development Bank develops the State's investment credit plan for the following year and sends it to the Ministry of Planning and Investment and the Ministry of Finance, with the following details:

- Status and results of implementing the State's investment credit plan in

the current year, and estimation of the State investment credit plan for the next year;

- Possibility of mobilising capital and balancing capital sources to implement the State's investment credit plan;
- Plan to compensate for preferential credit interest rates, management fees, and charter capital of the Bank to implement the State's investment credit plan for the next year;
- Solutions for operation, organisation and implementation, and estimation of results.

In addition, the deadline for completing the plan and assigning the State's investment credit targets is also specifically stipulated as follows:

- Before 31 August every year, the Ministry of Planning and Investment takes the lead and coordinates with the Ministry of Finance and the Vietnam Development Bank to review and complete the State's investment credit capital plan for the next year developed by the Vietnam Development Bank.
- Before 31 December every year, the Ministry of Planning and Investment takes the lead and coordinates with the Ministry of Finance to report to the Prime

Minister on assigning the target of the total growth or the total plan of State investment credit for the next year to the Vietnam Development Bank.

1.3 Amending conditions for grant of State investment credit

Compared to Article 6 of Decree 32/2017, Decree 78/2023 has amended a number of conditions for State investment credit grant. Accordingly, customers must meet the following conditions to take out a loan:

- Be among subjects eligible for loans as specified by law;
- Have full legal capacity and carry out investment procedures in accordance with law;
- Have an investment project (for which this loan is used) that is appraised and evaluated by the Vietnam Development Bank as an effective project; have financial capacity to repay the debt;
- Equity of the owner participating in the project must be at least equal to 20% of the total investment capital of the project (excluding working capital), the specific amount is considered and decided by the Vietnam Development Bank;
- Provide security for the loan in accordance with Decree 78/2023 and within the law; and
- Customers must not have bad debts at credit institutions or foreign bank branches at the time the Bank considers and decides to grant the loan.

In addition, Article 2.4 of Decree 78/2023 also abolished two (2) lending conditions as prescribed in Article 6 of Decree 32/2017:

- Buy property insurance at an insurance company legally operating in Vietnam for the loan security properties.
- Customers must implement the legal regulations on accounting regime, preparation and audit of annual financial statements.

1.4 Amendments and supplements related to loan levels and lending limits

Article 1.5 of Decree 78/2023 amending and supplementing Article 7.2 of Decree 32/2017 on loan levels and lending limits which should be the total credit outstanding balance of the Vietnam Development Bank (excluding risk-free credits of the Vietnam Development Bank) out of its equity capital and the balance of Government-guaranteed bonds with a remaining term of 5 years or more; which must not exceed 15% for a single customer, and 25% for a single customer and related persons, unless otherwise specified.

1.5 Supplementing regulations related to borrowing loans beyond limits

Article 1.6 of Decree 78/2023 supplements Articles 7.4, 7.5, 7.6, 7.7, 7.8 and 7.9 of Decree 32/2017 as follows:

- Specify particular cases in which applications for loans beyond limits can be set up;

- Specify the conditions of customers who are entitled to borrow loans beyond limits;
- Conditions required of the Vietnam Development Bank when it requests to grant loans beyond limits;
- Specify the application documents for granting loans beyond limits prepared by the Vietnam Development Bank and submitted to the Ministry of Finance;
- Specify the documents which the Ministry of Finance must submit to the Prime Minister;
- Stipulate the sequence and procedures for approving loans beyond limits.

1.6 Amendments to loan terms

Instead of limiting the maximum loan term to twelve (12) years or fifteen (15) years depending on each project as prescribed in Article 8 of Decree 32/2017, Article 1.7 of Decree 78/2023 amends this Article 8 by allowing the Vietnam Development Bank to, based on the project evaluation results, the nature of production and business lines, and debt recovery possibility of each project and the customer's debt repayment possibility, decide the loan term for each project.

1.7 The Bank is allowed to decide the lending interest rate of loans using the State investment credit

According to Article 1.8 of Decree 78/2023 amending Article 9 of Decree 32/2017, the Government allows the Vietnam Development Bank to decide the lending interest rate of loans using

the State investment credit on the principle of sufficient compensation for capital mobilisation costs, operating costs and costs of risk provisions for loans granted under credit contracts signed from 22 December 2023, but not lower than 85% of the average lending interest rate of domestic commercial banks (i) according to the data provided by the State Bank of Vietnam before 25 January of each year, or (ii) at another time when there are large fluctuations in lending interest rates applied by commercial banks, as the context may require.

1.8 Supplementing regulations on setting up risk provisions

Article 1.11 of Decree 78/2023 adds Article 15(a) under Article 15 of Decree 32/2017 as follows:

- For credit grant contracts signed from 22 December 2023, the Vietnam Development Bank will set up risk provisions according to the guidance of the State Bank of Vietnam for commercial banks, which can be included in the operating costs of the Vietnam Development Bank and will be used to handle the risks for loans granted under these contracts.
- For credit grant contracts signed before 22 December 2023, the Vietnam Development Bank will set up and use risk provisions in accordance with Decree 46/2021/ND-CP on financial management regime and performance evaluation of the Vietnam Development Bank and the documents amending, supplementing and replacing this Decree (if any).

2. Novelties on providing insurance products through insurance agents

On 2 November 2023, the Ministry of Finance issued Circular 67/2023/TT-BTC (“Circular 67/2023”) guiding a number of articles of the Law on Insurance Business and Decree 46/2023/ND-CP detailing the implementation of a number of articles of the Law on Insurance Business, effective from 2 November 2023, notably new regulations related to the provision of insurance services and products in the cyberspace and through insurance agents.

2.1 Regarding insurance services and products provided in the cyberspace

Circular 67/2023 regulates the forms of providing insurance services and products in the cyberspace; notices of the provision of insurance services and products in the cyberspace; regulations on service, techniques, data storage and security; and responsibilities of insurance enterprises, branches of foreign non-life insurance enterprises, agencies providing micro-insurance using the mutual model, and insurance brokerage enterprises.

2.2 Insurance agents must give accurate and complete advice on the insurance products they provide

According to Article 53.1 of Circular 67/2023, when providing advisory information on insurance products, insurance agents or employees in organisations acting as insurance agents must provide complete and accurate information to insurance buyers about insurance products, using documents provided by insurance enterprises, branches of foreign non-life insurance enterprises. Insurance agents or their employees are not allowed to create their own product introduction documents, business illustration documents or arbitrarily change the content of product introduction documents or business illustration documents provided by insurance

enterprises or branches of foreign non-life insurance enterprises.

2.3 Record the consultations about investment-linked insurance products

According to Article 53.2(d) of Circular 67/2023, when providing investment-linked insurance products, individual insurance agents or employees in organisations acting as insurance agents must record the content of communication related to insurance product consultation at the time the insurance buyer signs the Insurance Application Form. The content to be recorded must include at least the following information:

- Name and certificate number of the insurance agent;
- Name, age, address, phone number of the insurance buyer;
- Details of consultation given by agents or employees in organisations acting as insurance agents regarding insurance benefits, investment benefits and risks that the insurance buyer may encounter when participating in the investment-linked insurance product, information about the fees charged by the insurance and the conditions for enjoying the benefits as agreed in the insurance contract;

- Notify of insurance premiums and premium payment deadlines chosen by the insurance buyer to confirm suitability for the insurance buyer's financial capacity;
- Notify the insurance buyer about the time to consider buying insurance, the rights and obligations of the insurance buyer, clearly stating the obligation to make truthful statements, and the key details on rights and benefits as agreed in the insurance contract and entitlement conditions;
- Confirmation of the insurance buyer that he/she buys the insurance on a voluntary basis and appropriately with the financial ability and insurance needs of the insurance buyer.

In case other relevant information or this information is related to the private life and personal secrets of the insurance buyer, the recording must be approved by the insurance buyer in advance.

Insurance enterprises must ensure compliance with this regulation no later than 1 year from the effective date of Circular 67/2023, i.e. 2 November 2023.

2.4 Credit institutions and foreign bank branches are strictly prohibited from consulting, introducing, offering for sale, or arranging to enter into investment-linked insurance contracts in combination with loans.

According to Article 53.3(a) of Circular 67/2023, organisations acting as insurance agents must explain to insurance buyers that the insurance

products distributed through these organisations are insurance products and the purchase of insurance products is not a mandatory condition to use other services and products provided by the organisations acting as insurance agents.

At the same time, according to Article 53.3(c) of Circular 67/2023, credit institutions and foreign bank branches performing insurance agency activities are **not allowed** to consult, introduce, offer for sale, or arrange the conclusion of investment-linked insurance contracts for customers within 60 days before and 60 days after the date of full disbursement of loans.

2.5 An insurance contract cannot be issued if the recording content is not confirmed by the insurance buyer

According to Article 53.5 of Circular 67/2023, life insurance enterprises must independently check the consultations given by agents on insurance products (in case of provision through organisations acting as insurance agents, this checking must be done before issuing a contract). This checking is intended to evaluate whether or not the insurance buyer buys the insurance product voluntarily and the insurance product is appropriate for the financial needs of the insurance buyer. In case the consulting content is recorded without the insurance buyer's confirmation of participating in insurance on a voluntary basis, and appropriately with the insurance buyer's financial capacity and insurance needs, the insurance enterprises are absolutely not allowed to issue contracts to provide investment-linked insurance products.

3 Regulations on refurbished imports under the CPTTP

On 2 November 2023, the Government issued Decree 77/2023/ND-CP (“**Decree 77/2023**”) on the management of import of refurbished goods under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (**the “CPTTP”**), effective from 1 January 2024 with some notable details as follows:

3.1 Regulations on refurbished goods

According to Article 3.2 of Decree 77/2023, refurbished goods are products which:

- Are listed by the product codes in Appendix I, II, III, IV and V of Decree 77/2023; and
- Are made entirely or partly of recovered materials; and
- Have a service life similar to the service life of that type of goods in unused state; and
- Can perform all the same functions as those of the goods in unused state, with quality and performance unchanged or similar to the quality and performance of the goods in unused state; and
- Have a warranty policy similar to the warranty policy applicable to the same type of goods in unused state.

3.2 Conditions for refurbished imports

According to Article 5.1 of Decree 77/2023, refurbished goods imported into Vietnam must meet the following three (3) conditions:

- Have an import licence as prescribed in Decree 77/2023;
- Meet regulations on rules of origin of goods under the CPTTP; and

- Meet relevant regulations of the Vietnamese law and the specialised laws being applied to the same types of goods in unused state, depending on specific cases, there are regulations on: goods labelling, product quality, technical standards and norms, energy efficiency, radiation safety, network information security, measurement, environmental protection, intellectual property rights protection, and other regulations.

3.3 Refurbished goods circulated in the market must have labels reading “Refurbished goods”

According to Article 5.2 of Decree 77/2023, when refurbished goods are put into circulation on the market, the original label or secondary label of the refurbished goods must display in Vietnamese the phrase “*Refurbished goods*” at a location and in a size that can be seen and read with the naked eye.

3.4 The Refurbishment Code is valid for a maximum of five (5) years from the date of issuance

According to Article 6 of Decree 77/2023, a Refurbishment Code is an identification code issued by the Ministry of Industry and Trade to the refurbishing enterprise or the corporate owner of the trademark to prove its refurbishment capacity, warranty policy and trademark usage rights. The Refurbishment Code has a maximum

validity period of five (5) years from the date of issuance.

3.5 Regulations on import licences for refurbished goods

According to Article 17 of Decree 77/2023, refurbished goods can only be imported into Vietnam when licenced by the ministry managing its business line, as assigned in Appendix I, II, III, IV and V of Decree 77/2023 (licencing authority).

Licences to import refurbished goods include: shipment-based import licences and definite term import licences.

In which:

- *Shipment-based import licences* are issued for refurbished goods the first time they are imported into Vietnam and are re-applied when: (i) the period of suspension of the Refurbishment Code expires, and (ii) the Refurbishment Code is revoked, and then re-issued to the enterprise.
- *Definite term import licence*: This type of licence does not limit the quantity of refurbished goods imported under the licence within the validity period of the licence. The validity period of an import licence is prescribed by the licencing authority but must not be less than 12 months.

For refurbished goods with the same name and product code, of the same type, and belonging to the same enterprise granted the Refurbishment Code, after 3 times the shipment-based

import licences are issued (to the same import trader or to different import traders), it will be converted to the definite term import licence.

In case the shipment-based import licence is re-applied, it will be converted to the definite term import licence after at least ten (10) times of issuance of the shipment-based import licence (to the same import trader or to different import traders) for the same type of refurbished goods (same name, same type, same product code) and belonging to the same enterprise granted the Refurbishment Code).

3.6 Procedures for importing refurbished goods

According to Article 19 of Decree 77/2023, in addition to the prescribed customs procedures, traders importing refurbished goods must submit or present to the Customs authority the following documents:

- Certificates of origin of the goods under the CPTPP (submitted or presented within the law);
- Licence to import refurbished goods or document permitting the import of refurbished goods if the refurbishment code is suspended or revoked (present the original);
- Other necessary papers and supporting documents that the Vietnamese law and specialised laws stipulate, applicable to the same type of goods in unused state when carrying out import customs procedures (submitted or presented submitted or presented within the law).

GV Lawyers would like to introduce our valued readers to an article by Lawyer **Le Quang Vy**, and Paralegal **Do Hoa An** and **Pham Thanh Mai** titled **“Trends of mediation in disputes over intellectual property”** published on The Saigon Times on 26 October 2023.

Vietnam's current law on intellectual property has widened the window of opportunity for the disputing parties to choose new forms of resolution including commercial mediation and commercial arbitration. These fresh approaches are characterized by simple procedures, fast track mechanism, and confidentiality of the related information – suited to those who prefer to leave any dispute resolution shrouded in secrecy.

The disputes over intellectual property (IP) often arise from acts of infringement of the IP rights where their owners are protected by law. As a matter of law, an act is determined to be an infringement of IP rights based on four grounds[1]: (i) the subject under consideration falls within the scope of subjects currently protected by the IP rights; (ii) infringing elements are found in the subject under consideration; (iii) the person performing the considered act is not the owner of the IP rights and is not the one authorized by law or a competent authority; and (iv) the conduct under

consideration occurs in Vietnam.

To prevent and handle the IP rights infringement, the current law allows rights owners to proactively protect their IP rights through the following measures[2]: Applying technological measures to protect rights, providing rights management information or applying other technological measures to prevent the IP rights infringement; Requesting organizations and individuals that have committed acts of infringing the IP rights to stop doing so, remove and delete infringing content on the telecommunications network and Internet environment, apologize, make public corrections, and compensate for damages; Requesting the competent state agencies to handle acts of infringement of the IP rights according to relevant laws; And instituting a lawsuit in court or through arbitration to protect your legitimate rights and interests.

Weighing dispute resolutions

IP dispute resolution by civil means includes the parties themselves negotiating, conciliating, and/or requesting commercial mediation, and/or requesting resolution by commercial arbitration or in competent court.

The general understanding of the Negotiation method is that the disputing parties together discuss, negotiate, and remove arising disagreements toward dispute resolution without the help of a third party. However, this is a form that exalts the voluntariness and goodwill of the parties without being bound by any legal framework. The results of negotiation depend largely on the subjective will and attitudes of the participating parties, and are not mandatory. Therefore, such negotiation often brings in an effect that is far from ease of prediction and guarantee in practice.

In terms of commercial mediation, the disputing parties agree to select a commercial mediation organization to mediate disagreements between the parties.

As for arbitration agencies and courts, they are basically almost the same as they are both adjudicating agencies, making decisions to force the parties to implement. However, it is necessary to distinguish the differences between these two jurisdictions.

The selection of a court may face many limitations for participating subjects. Specifically, in the court's principle of public trial, the confidentiality of the identity of the disputing subjects as well as the disputed IP assets cannot be implemented, and the dispute resolution time is also prolonged. A typical example is the copyright dispute between artist Le Phong Linh and Phan Thi Company regarding the comic book "the Vietnamese Child Prodigy". From the time artist Le Phong Linh

officially suing Phan Thi Company in April 2007, until the court issuing the final verdict on February 18, 2019, it was nearly 12 years. The case was publicly tried, attracting public attention and the reputations of both parties were much damaged.

Not to mention that, while the acts of IP infringement are increasingly diverse and sophisticated, the IP-related issues are often highly technical and specialized[3], but the current court system still does not have a IP-specialized court. This leads to the limited number and capacity of judges specializing in IP cases, thereby affecting the time it takes to handle disputes and the quality of the judgments issued.

As opposed to any court, arbitration goes through

shorter, faster and more confidential proceedings as it does not follow the principle of public trial – only including involved parties. Commercial arbitration organizations have many arbitrators who are knowledgeable, specialized and veteran experts or lawyers in the field of IP. Both arbitration organization and court are jurisdictions and are often the last option of the parties in case of failed negotiations and mediations.

Still new to Vietnam

Commercial mediation has been regulated and encouraged for a long time but is rarely considered for selection in practice as in the past time all results of successful negotiation or mediation have been free from to an enforcement mandate.

However, since Decree 22/2017/ND-CP (Decree 22) took effect from April 15, 2017, the limitations on the compulsory nature of basic commercial mediation have been overcome. Article 16 of Decree 22 provides for: the written agreement on successful mediation results is "considered and recognized pursuant to the civil procedure law". Accordingly, Article 416 of the 2015 Civil Procedure



Code allows the court to consider and issue a decision to recognize a successful mediation result if this result “has been made by the competent agency, organization or person responsible for mediation according to the law on mediation”. Keeping under wraps all information related to the mediation case is one of the three most important principles of commercial mediation^[4].

Currently in Vietnam there are many commercial mediation organizations, including the Vietnam Mediation Centre (VMC) – the first unit established in 2018, the Vietnam International Commercial Mediation Center, China Saigon Commercial Mediation Center, Southeast Asia Commercial Mediation Center... This form of commercial mediation also allows parties to choose a mediator, participating in in-person or online mediation – very convenient for the disputing parties involving foreign elements.

In terms of procedures, IP disputes can only be resolved by commercial mediation as the parties reach a mediation agreement, and this agreement may be implemented before or after dispute occurrence or at any time of the dispute resolution process. However, the parties should clearly provide for the priority of resolving disputes by commercial mediation right from the drafting of contracts related to IP to serve as a basis for applying this form upon IP dispute occurrence.

So far, the method of commercial mediation in IP disputes has been still quite new to Vietnam, but the adoption of commercial mediation to resolve disputes over music copyright is not unfamiliar to many countries in the world. And in fact, the concerned parties prefer to seek an extrajudicial dispute resolution like mediation. Even the WIPO, a world IP organization, also encourages parties to

resolve disputes via mediation or arbitration. WIPO also has its own mediation and arbitration center. WIPO data show that more and more parties are choosing to resolve disputes through mediation and arbitration at WIPO.

^[1] Article 05 Decree 105/2006/NĐ-CP dated September 22, 2006

^[2] Article 198 the IP Law in force

^[3] This can be seen through the case of “Dispute over intellectual property rights” about some content in the book “Birds of Vietnam” in 2018-2019, both the first instance and appellate courts seemed hesitant in the examination of photographic works, which were recorded and saved as image files on the memory card of the plaintiff’s digital camera, to recognize the plaintiff’s copyright

^[4] Article 4.2 Decree 22

1. Instructions for issuing adjusted invoices

In case the Company has issued an electronic invoice under Decree 123/2020/ND-CP and sent it to the buyer, then the buyer or seller discovers an error in the amount recorded on the invoice, or in tax rate, tax amount, the Company can choose to issue an electronic invoice to adjust the invoice that has been issued with errors or create a new electronic invoice to replace the electronic invoice with errors as prescribed in Article 9.2(b) of Decree 123/2020/ND-CP.

In case it is discovered that an invoice has been prepared under Decree 51/2010/ND-CP, Decree 04/2014/ND-CP and the guiding documents of the Ministry of Finance and this invoice has errors, the persons as the seller and the buyer must make a written agreement clearly stating the errors, the seller must notify the tax authority according to Form No. 04/SS-HDĐT of Decree 123/2020/ND-CP and issue an new electronic invoice to replace the invoice that was issued with errors as prescribed in Article 12.6 of Circular 78/2021/TT-BTC.

Ha Noi City Tax Department replies to the question of Hanel JSC. in Official Letter No. 77225/CTHN-TTHT dated 30/10/2023.

2. Make invoices for deposit certificate issuance activities

In case the Company issues a deposit certificate to an appropriate buyer within the law, the Company will issue an invoice to deliver to the buyer as prescribed in Article 4.1 of Decree 123/2020/ND-CP. Regarding the

content of the invoice, the Company follows Article 10 of Decree 123/2020/ND-CP.

The issuance of deposit certificates of the issuing Company, if falling into the case as prescribed in Article 4.8 of Circular 219/2013/TT-BTC (amended and supplemented in Article 1.3 of Circular 26/2015/TT-BTC) is free from value-added tax (VAT). In case the Company provides goods and services free from VAT, on the VAT invoice at the target "tax rate", the Company will show it as FFT (Free from VAT) according to the instructions in Decision 1450/QĐ-TCT dated 7 October 2021.

Ha Noi City Tax Department replies to the question of Tin Viet Finance JSC. in Official Letter No. 76788/CTHN-TTHT dated 27/10/2023.

3. Expenses are deductible when determining corporate income tax and personal income tax deduction

In case the Company has expenses that meet Article 4 of Circular 96/2015/TT-BTC, they will be included in deductible expenses when determining corporate taxable income.

In case the Company has a service contract with an individual who does not do business, nor signs a labour contract or nor signs a labour contract of less than 3 months, the income that such individual receives from this service contract will be subject to personal income taxes on salaries and wages. The Company is responsible for deducting tax at a rate of 10% for income of VND 2 million/time or more before paying to

individuals as prescribed in Article 25.1(i) of Circular 111/2013/TT-BTC.

Ha Noi City Tax Department replies to the question of Toyota Tsusho Insurance Broker (Việt Nam) Co., Ltd. in Official Letter No. 74364/CTHN-TTHT dated 18/10/2023.

4. Tax policy for assets transferred when splitting the company

In case the Company splits into 3 joint stock companies within the law on enterprises separation:

- For VAT declaration and payment: In case of asset transfer between dependent accounting member units in the business establishment; for transferred assets when separating an enterprise, the business establishment that has the transferred assets must have an asset transfer order, accompanied by a set of documents on the origin of the assets without needing any invoice issued.

- In case assets are transferred between independent accounting units or between member units with full legal status within the same organisation or individual, the organisation or individual, if the fixed assets are in use, depreciation has been deducted when transferred according to the value recorded in the accounting books between the business establishment and member units 100% owned by a business establishment to serve the production and trading of goods and services subject to VAT is not required to issue invoices, declare and pay VAT; if transferred to an establishment that produces and sells goods and services free from VAT, they shall prepare a VAT invoice, declare and pay VAT as prescribed.

Ha Noi City Tax Department replies to the question Trung Tin JSC. in Official Letter No. 76785/CTHN-TTHT dated 27/10/2023.

1. The Prime Minister agrees to take 7 days off for Lunar New Year 2024

The Government Office has just issued document No. 8662/VPCP-KGVX conveying Prime Minister Pham Minh Chinh's opinion on the Lunar New Year and National Day holidays in 2024.

Specifically, Prime Minister Pham Minh Chinh agreed with the proposal of the Ministry of Labour, War Invalids and Social Affairs to take the Lunar New Year holidays from December 29. Accordingly, officials, civil servants and public employees will take 7 consecutive days off from 29 December (8 February 2024) to 5 January (14 February 2024).

FEBRUARY 2024						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2*	3
				22/12B	23	24
4	5	6	7	8	9	10*
	25	26	27	28	29	30
	12	13	14	15	16	17
	9	10	11	12	13	14
18	19	20	21	22	23	24*
25	26	27	28	29		
	16	17	18	19	20	

At the same time, the Prime Minister agreed to the National Day holiday plan from 31 August 2024 to 3 September 2024, which means 4 consecutive days off from Saturday through Tuesday of the following week.

By tuoitre.vn

2. HoREA proposes removal of the 30% interest expense limit of enterprises with associated transactions

The Ho Chi Minh City of Real Estate Association (HoREA) has officially sent a proposal to the Prime Minister and the Ministry of Finance on reviewing, amending and supplementing a number of articles of Decree 132/2020/ND-CP regulating tax management for enterprises with associated transactions.

According to Decree 132, loan interest expenses for enterprises with associated transactions must not exceed 30% of total net profit from business activities in the period. Associated transactions include transactions of buying, selling, leasing, lending, or transferring assets with another party that has an affiliate relationship. Affiliation is determined by whether one enterprise has capital contribution or executive personnel in the other enterprise, or both enterprises are controlled by another party or have capital contribution from another enterprise.

In a document sent to the Prime Minister and the Ministry of Finance, HoREA highly appreciated the fact that Decree 132 has resolved part of the

problems of Decree 20/2017/ND-CP on determining the "ceiling" of total interest expenses that are deductible when determining income subject to corporate income tax.

However, HoREA emphasised that it is not recommended and necessary to impose a ceiling limit on loan interest expenses for enterprises with associated transactions based on profit ratio. This will help accurately and promptly reflect the investment, production, and business activities of the enterprise.

In this context, HoREA also proposed that, for enterprises with associated transactions that carry out transfer pricing or falsifying costs to evade taxes, state agencies need to strengthen control and strictly handle them. However, in the current period, HoREA only proposes imposition of a limit on this loan interest ceiling for foreign enterprises with associated transactions and global minimum taxes not yet applied to them.

By doanhnghiephoinhap.vn

No.	Document title	Issuance date	Effective date
GOVERNMENT			
1	Decree 78/2023/ND-CP amending and supplementing a number of articles of Decree 32/2017/ND-CP on state investment credit.	7/11/2023	22/12/2023
2	Resolution 182/NQ-CP on the National Assembly's Resolution project on value added tax reduction.	3/11/2023	3/11/2023
3	Decree 77/2023/ND-CP on the management of refurbished imports under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.	2/11/2023	1/1/2024
4	Resolution 179/NQ-CP on the proposal to develop a National Assembly Resolution project on value added tax reduction.	1/11/2023	1/11/2023
5	Resolution 174/NQ-CP on repealing a number of Resolutions on COVID-19 epidemic prevention and control issued by the Government.	28/10/2023	28/10/2023
6	Decree 75/2023/ND-CP amending and supplementing a number of articles of Decree 146/2018/ND-CP detailing, and guiding measures to implement of a number of articles of the Law on Health Insurance.	19/10/2023	03/12/2023
MINISTRY OF INDUSTRY AND TRADE			
1	Decision 2941/QD-BCT providing for the electricity selling prices.	8/11/2023	9/11/2023
2	Circular 19/2023/TT-BCT providing for the methods for building electricity generation price frames applicable to solar and wind power plants.	1/11/2023	19/12/2023
MINISTRY OF FINANCE			
1	Circular 67/2023/TT-BTC guiding a number of articles of the Law on Insurance Business and Decree 46/2023/ND-CP detailing the implementation of a number of articles of the Law on Insurance Business.	2/11/2023	2/11/2023
2	Circular 65/2023/TT-BTC providing for the rates and the collection, remittance, management and use of the charges for exploitation and use of environmental data.	31/10/2023	15/12/2023
MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT			
1	Decision 3257/QD-BTNMT promulgating Vietnam Ecolabel criteria for environmentally friendly plastic packaging.	07/11/2023	07/11/2023
MINISTRY OF PUBLIC SECURITY			
1	Circular 56/2023/TT-BCA promulgating National Technical Regulations on "Fire Prevention and Fighting Equipment".	30/10/2023	01/4/2024
STATE BANK OF VIETNAM			
1	Circular 13/2023/TT-NHNN amending and supplementing a number of articles of the Circulars providing for the grant of licences for, organisation and operation of, and dossiers, sequence and procedures for approval of changes by commercial banks and foreign bank branches.	31/10/2023	14/12/2023



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