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NEWLY ISSUED LEGAL DOCUMENTS IN FEBRUARY

1. New legal regulations on minor employees

On 12 November 2020, the Ministry of Labour, Invalids and Social Affairs issued Circular 09/2020/TTBLDTBXH ("**Circular 09/2020**") detailing and guiding the implementation of a number of articles of the Labour Code on minor employees. Circular 09/2020 will take effect from 15 March 2020, replacing Circular 11/2013/TT-BLDTBXH, Circular 10/2013/TT-BLDTBXH and has some notable new points as follows:

1.1 Criminal record is required when entering into a labour contract with a person under 15 years old

Article 4.1 of Circular 09/2020 stipulates that, when entering into a labour contract (LC) to employ a person under the age of 15, the signatory on the employer's part must have a criminal record issued within 06 months of issuance up to the date of signing the LC, in which no crime of child abuse is recorded.

In addition, the person entering into a LC must also make a written commitment that he/she has never been prosecuted for criminal liability, or sanctioned for administrative violations related to child abuse.

1.2 When recruiting or employing people under the age of 13, it is required to have the consent of the Department of Labour, Invalids and Social Affairs.

Circular 09/2020 stipulates that, recruiting or employing people under the age of 13 is prohibited, except for jobs related to arts, physical training and sports without harming the development of physical and mental health, and personality of people under 13 years of age and it is required to obtain the consent of the Department of

Labour, Invalids and Social Affairs, specifically:

- The Department of Labour, War Invalids and Social Affairs of the locality where the head office is located or where there is the address specified in the certificate of registration of enterprise, cooperative, cooperative union, or the investment registration certificate, the document of approval of the investment policy, or the decision on establishing an agency, organization, or cooperation contract of a cooperative group, with respect to the employer which is an enterprise, agency, organization or cooperative.
- The Department of Labour, War Invalids and Social Affairs of the locality where the permanent or temporary residence of households or individuals is registered, with respect to the employer which is a household or individual.

Therefore, the LC with a person under 13 years of age only becomes valid if the employer can obtain a written consent from the Department of Labour, War Invalids and Social Affairs.

1.3 Conditions for recruiting or employing people of full 13 to under 15 years of age

Employers are only allowed to recruit and employ people of full 13 to under 15 years of age to do light jobs which meet the following conditions:

- (i) Being in the list of light jobs for people of full 13 to less than 15 years of age in accordance with Appendix II of Circular 09/2020 such as performing artists; athletes; software writers; traditional occupations such as making ceramic glaze dots, sawing clamshells, making poonah-paper, making conical hats, etc. (excluding the use of toxic chemicals); raising cattles on farms; thread cutting, button inserting, packing handmade textile products into boxes...

- (ii) Not allowed to work in places such as underwater, underground, caves, tunnels; construction sites; cattle slaughter establishments; casinos, bars, dance halls, karaoke rooms, hotels, hostels, saunas, massage facilities; lottery business points, video game services;

In addition, Circular 09/2020 is also attached with a list of 69 jobs that harm the physical, mental and personality development of minors; the list includes 06 workplaces that harm the physical, mental and personality development of minors; the list includes 21 occupations in which people of full 15 to under 18 years of age may work overtime; the list includes 2 occupations in which people of full 15 to under 18 years of age may work at night.

2. Novelties on invested construction project management

On 03 March 2021, the Government issued Decree 15/2021/ND-CP ("**Decree 15/2021**") detailing a number of contents on construction project management. Decree 15/2021 comes into force from 03 March 2021 to replace Decree 59/2015/ND-CP, Decree 42/2017/ND-CP and a part of Decree 100/2018/ND-CP.

Decree 15/2021 has some novelties on the management of invested construction projects as follows:

2.1 Supplement the subjects of application

In addition to the subjects of application which are domestic agencies, organizations and individuals; foreign organizations and individuals conducting construction investment activities in the Vietnamese territory; projects using official development assistance (ODA) funds, and incentive

loans granted by foreign donors. Decree 15/2021 also adds the subjects of application which are domestic organizations and individuals conducting construction investment activities abroad.

2.2 Encourage the application of BIM and digital technology solutions

Decree 15/2020 states that, when investing in a construction project, there must be technical solutions and management measures to efficiently use energy, save natural resources and protect the environment. Accordingly, the state encourages the application of Building Information Models (BIM) and digital technology solutions in construction activities, and management and operation of construction works. The person making investment decisions will decide on the application of BIM and digital technology solutions in invested construction projects. In which, the BIM file is a part of the construction design dossier, and the construction completion dossier for BIM-applying projects and construction works. The content and details of a construction information model will comply with the agreement of the parties involved in the application of BIM in a construction contract.

2.3 Supplementing 2 construction works which are granted construction permits

Article 41 of Decree 15/2021 adds more conditions for granting permits for the following 2 construction works:

- (i) For construction works under investment projects that do not require a detailed construction planning according to the provisions of law on planning, construction works under investment projects organized by an investor with a scale less than 05 hectares (less than 02 hectares for investment projects to build condominiums), the construction zoning serves as a basis for

considering grant of a construction permit.

- (ii) For construction works that have a great impact on the safety and benefits of the community, that require inspection and report on inspection results in addition to the investor's requirements, there must be a conclusion on satisfaction of construction safety requirements, and the construction design dossiers must comply with technical regulations and standards.

2.4 Adding a construction investment project that only requires the preparation of an economic - technical report on construction investment

Compared to the previous regulations, Article 5.3 of Decree 15/2021 adds a construction investment project in which the main contents involve procurement of goods, provision of services, installation of equipment, or repair and renovation projects that do not affect the load-bearing structure with a construction cost of less than 10% of the total investment value and not more than VND05 billion (except for projects of national importance, Group A projects, public private partnership investment projects), it is only required to prepare the economic-technical reports on construction investment in case the person making the investment decision requests to prepare the feasibility study report on construction investment.

2.5 Provisions on the application of standards in construction activities

Article 8 of Decree 15/2021 provides for the application of standards in construction activities as follows:

- The selection and application of international standards, regional standards, foreign standards and base standards must comply with the Construction Law and other relevant laws.
- In case of applying foreign standards, in the construction design explanation dossier or technical instructions (if any), there must be an assessment of the compatibility, uniformity and compliance with the national technical regulations and prioritize using the widely applied and accepted foreign standards.
- When applying a base standard, there must be explanations for the compliance with national technical regulations, and compatibility and consistency with relevant standards. The announcement of the base standards must strictly comply with the regulations and processes specified in other relevant laws.
- The use of new materials and technologies for the first time must comply with national technical standards and relevant standards; ensure the feasibility, sustainability, safety and efficiency.

3. Pilot use of Mobile-Money payment service

On 09 March 2021, the Prime Minister issued Decision 316/QĐ-TTg approving the pilot implementation of payment for goods and services of small value (Mobile-Money) to promote non-cash payments, increase access and use of financial services, especially in rural, mountainous, remote, border and islands areas. of Vietnam with the following main contents:

- ❖ **Pilot objects**
 - The enterprise has a license to provide electronic wallet payment intermediary services and a license to establish public mobile ground telecommunication networks using radio frequency bands.
 - The subsidiary is licensed by the parent company to establish a mobile public ground telecommunication network using radio frequency bands, which allows the use of telecommunications infrastructure, networks and data.
- ❖ **Customers**
 - Individual customers who register and use the Mobile-Money service must provide their Identification Card/Citizen.
 - Identification/Passport that is similar to the customer's mobile subscriber number registration information and is tested by the enterprise identification,

- authentication score; and the number of mobile subscribers must have the period of activating and using continuously for at least 03 consecutive months up to the time of registering to open and use Mobile-Money service.
- Each customer is only allowed to open 1 Mobile-Money account at each pilot enterprise to use in a number of operations such as topping up the account, withdraw cash from the Mobile Money account; payment for the purchase of goods and services via Mobile Money account; transfer of money among the customer's Mobile-Money accounts in the same system, between the customer's Mobile-Money account and the payment account at the bank, between the Mobile-Money account and the e-wallet.
- ❖ **Scope of goods and services**

Pilot enterprises are only allowed to provide Mobile-Money services to transfer money and pay for legal goods and services in Vietnam in accordance with the current law to serve the residents' living needs; the pilot implementation of Mobile-Money service only applies to domestic transactions in Vietnam Dong, does not make payment/money transfer for cross-border goods and services.
 - ❖ **Pilot implementation period:** 2 years from the time the first enterprise conducting the pilot implementation is approved for pilot Mobile-Money service.
 - ❖ **Service usage limit:** not more than VND10 million /month/Mobile-Money
- account for total cash withdrawal, money transfer and payment transactions.
- ❖ **Prohibited acts in using Mobile-Money service**
 - Providing or using other channels and methods to top up/withdraw money from your Mobile-Money account.
 - Providing or using Mobile-Money account for other services than deposit, withdrawal, payment, money transfer.
 - Pilot enterprise grants credit to customers using Mobile-Money service, paying interest on Mobile-Money account balance or any action that may increase monetary value on Mobile-Money account compared with the amount of money the customer has deposited into the Mobile-Money account.
 - Enterprises conduct a pilot implementation of banking activities (lending, raising capital).
 - Providing or using a Mobile-Money account to perform transactions for the purpose of money laundering, terrorism financing, deception, fraud and other illegal acts.
 - Rent, lease, borrow, loan, exchange, offer, give or buy, sell Mobile-Money account, Mobile-Money account information.
 - Pilot enterprise uses money from the customer's Mobile-Money account for other purposes.

GV Lawyers would like to introduce an article by Lawyer Le Quang Vy titled **Pilot “Is the contract invalid when a contracting party suffers a loss?”** was posted on Vietnam Online Lawyer dated 11/12/2020.

Philosophically, liberal theories regard will as the basis of obligations, because it is believed that when individuals are free to sign a contract without any hindrance, their decisions will ensure fairness. In the economic field, liberal theory also advocates allowing individuals to compete freely. Only then will the country's economy develop.

However, in the nineteenth century, liberal theory was widely criticized by the socialist school. They argue that the individual's will cannot constitute obligations but the origin of the obligation is social. Moreover, if the individuals are completely free to compete, it will lead to "big fish eat small fish" situation. Freedom of competition is also a cause of economic crises.

Therefore, the law needs to intervene to be able to deal with it. The most satisfactory solution is to still respect the freedom of covenant but also pay attention to the interests of society. That is, the signing of contracts between

entities must not be contrary to the public interest; Therefore, the principle of free will has been restricted in many



ways by laws of the countries.

Similarly to the law of progressive countries in the world, in Vietnam the principle of free will has become one of the basic principles. Article 3.2 of the Civil Code 2015 (Civil Code) stipulates that individuals and legal entities establish, exercise and terminate their rights and obligations on the basis of free, voluntary commitments and agreements. Legal commitments and agreements will be binding on the contracting parties. However, Civil Code also foresees limited cases of the Principle of free will that we can divide as follows:

The notion of public order and pure fine customs

Vietnamese ancient law does not have the concept of "public order" or "pure fine customs". However, the law of the Le Dynasty as well as the law of the Nguyen Dynasty attaches great importance to the issue of

morality, so it can be said that ancient Vietnamese law has a similar concept that is "don'ts" (that is, the things you should not do). Article 642 of the National Court of Penalty stipulates that "If you commit banned acts, you will suffer imprisonment or deportation for big offenses; demotion or penalty for small offenses." Or Article 351 of the Gia Long Code provides for: "If committing banned acts, you will be fined 40 lashes; fined 5 canes for big offenses."

Nowadays, the laws of the countries in general and Vietnam in particular have a similar concept regulated by the protection of public order and pure fine customs. Article 3.4 of the Civil Code stipulates that

"the establishment, exercise and termination of civil rights and obligations must not infringe upon the interests of the nation, the people, the public interests, the legitimate rights and interests of others."

Article 123 Civil Code expressly demonstrates that civil transactions are invalid due to violation of law prohibitions and social ethics. The law also explains that prohibitions of the law are provisions of the law that do not allow subjects to perform certain acts; social ethics are common standards of conduct between people in social life, recognized and respected by the community.

However, the role of the judiciary in limiting the two notions of public order and pure fine customs is extremely important because these two concepts are increasingly expanded by new laws issued with the form of protecting the public order more closely and attributedly to the older and depending on the development of society, the concept of pure fine customs will be changed over time, which is an important limitation to freedom of convention.

Consent of contracting parties

The consent of the contracting parties always includes two elements, that is proposal and acceptance. Article 386 of the Civil Code provides that "Proposal on entering into a contract is a clear expression of the intention to enter into a contract and is bound by the offeror on this proposal to a specific identified party". An offer can take many different forms, or justified as when a home seller has explicitly offered selling a home on specific terms, or as displaying merchandise in a store by default. However, we need to differentiate the proposal from the negotiation offer. Where the proposal is accepted by the other party, the contract will be concluded; on the contrary, it is just an offer on negotiating, the contract cannot be established.

Article 393 of the Civil Code provides that "Acceptance of the offer on entering into a contract is the offer receiver's response with respect to acceptance of the entire contents of the proposal". The law does not clearly state the form of the response, but it is still possible to understand

whether acceptance may be oral or written. In signing a contract, not only is it necessary to have the consent of the contracting parties, but it must be effective and without defect. Such defect is called *Stain/Filth of the consent* according to the legal term

The stain/Filth of the consent

According to classical theory, there are three main factors (i) confusion; (ii) deception and (iii) threats and coercion from which the Civil Code of Vietnam introduced this theory in Articles 126 and 127. Accordingly, when a party is confused about the content of a civil transaction, then the mistaken party has the right to request the other party to change the content of that transaction, if the other party does not accept it, the mistaken party has the right to request the court to declare the transaction as invalid. However, the Vietnamese Civil Code does not distinguish confusion about material and confusion about people. Therefore, the mistaken party must have an obligation to prove the mistake and depending on each circumstance or each

case, the Court's evaluation is very important. For example, a person wants to buy an automatic watch but is mistaken for an electronic watch. This is confusion about the material. On the contrary, the one party wants a talented composer A to compose songs for him, but that is composer B rather than composer A. This is a mistake about people ...

Article 127 of the Civil Code stipulates: When a party participates in a civil transaction due to being deceived or threatened or forced, it has the right to request a court to declare that civil transaction as invalid. Deception is the intentional act of one party or a third party to mislead the other party about the subject, nature of the object or the content of a civil transaction. Threats are actions intentionally by one party or a third party to force the other party to perform a transaction in order to avoid damage to themselves as well as to their loved ones.

The legal consequence of such deception is (i) cause the consent of one party to be stained, and lead the contract to be void based on its basis; (ii) constitute an error of the party

committing deception for which the other party has the right to claim damages, which is based on the basis of the criminal liability. An act of intimidation or coercion is an act that terrifies a contracting party, forcing them to enter into a contract without their consent.

Threatening behavior includes two factors, the objective factor that is the risk of threatening the victim; the subjective factor is the fear of the victim caused by such risk. The Civil Code of Vietnam does not differentiate threats, but in terms of jurisprudence, threatening acts are classified into two categories. The physical threat is to force signing a contract by using violence, in this case the legal act is completely unintentional, the core element of the contract is a lack of consent, so the contract is considered invalid. Emotional intimidation is emotional pressure to force the other person to sign. In this case, the legal act of the person forced to sign is willful, though the signer accepts even if it is just to avoid a disaster, so the contract is considered to be established with all the elements. But because the consent is stained/filthy,

the contract is naturally void by law.

The foregoing are the stains of the consent under classical theory. Nowadays, the laws of many progressive countries also see Disadvantage as a stain of the consent. The fact that the Vietnamese Civil Code still leaves open the disadvantage is a shortcoming, especially for the purpose of protecting the weak against the growing market economy in our country. In a common sense in the contract the disadvantaged party is the party that does not receive the benefits corresponding to the terms upon which they must satisfy the other party. For example, buying expensive but having to sell cheap, working with a bad salary, paying too high interest ... The loss only occurs when there is a marked mismatch between the terms of the contract, and that mismatch must be present from the moment the contract is signed.

Because sometimes during the signing of the contract, the terms signed by the two parties are commensurate with each other, but during the implementation of the contract, there may be a change in price, so there is a

mismatch of the obligations between the two parties. For example, a contractor lost money because the price of materials soared after accepting the bid. This is not considered a loss as a loss occurs after signing the contract. This is just an unpredictable case that the two parties did not anticipate while negotiating and signing a contract. Disadvantages are also not tolerated on unilateral contracts (property donation contracts) and conditional contracts because in the execution of a conditional contract one may not be able to foresee arising events, change or terminate a certain event.

Laws of many progressive countries in the world consider any disadvantage the stain of the consent, so the contract is invalid and as a general rule, the invalidation will cause the contract to be terminated retroactively.

Disadvantages are a situation that needs to be protected

The defect of Vietnam's Civil Code is an inadequacy that nowadays, apartment purchase contracts are often forced by investors to "squeeze" buyers with unfavorable terms and disadvantages in the contract, especially for the terms of late payment interest, contract penalty, contract termination ... In fact, many investors (the seller) put in the contract a very high negotiable interest rate. If the buyer agrees to sign the contract, of course this is considered an agreement between the two parties. In addition to late payment interest, in many cases the buyer also has to bear a penalty for breach of contract. There is an investor who also views this as a compensation for the seller and includes it in the contract.

In the field of commerce, the commercial law stipulates a maximum fine of 8% for the breached contract value. Or in construction, the Construction Law and Decree 48/2010 of the Government stipulate that the maximum penalty is 12% of the breached

contract value. That is, the penalty is only charged on the part violated. However, in reality, there are many contracts to buy and sell apartments, the seller often determines the violation based on the entire contract value (or the sale value of the apartment). This leads to the fact that the buyer may have to pay penalties for the undue obligation (ie not yet violating obligations) and for the obligations performed (i.e. the amount paid on time). Obviously this is a contract where this acceptance has been spared by the stain/filth of the consent due to a disadvantage.

It is thought that it is time for us to recognize an ongoing reality in Vietnam where the law needs to supplement to establish a new notion of a new public order in modern society. In particular, once the Civil Procedure Code has provided that the court conducts fair trial, the disadvantage if considered by the law to be the stain/filth of the consent, it will be a basis for the judiciary to consider in fair treatment.

1. Google, YouTube, Facebook, and Netflix will be entitled to pay taxes online in Vietnam

Due to a lack of fixed business establishments, Google, Facebook, YouTube, and Netflix are allowed to pay taxes online in Vietnam through the web portal of the General Department of Taxation.

This is a proposal made by the Ministry of Finance on managing tax collection of foreign suppliers in Vietnam.

Specifically, the Ministry of Finance has just released a Draft Circular guiding the implementation of a number of articles of the Law on Tax Administration and Decree No. 126/2020/ND-CP dated 19 October 2020 of the Government to collect public opinions.

Accordingly, an overseas supplier that does not have a fixed place of business in Vietnam but conducts an e-commerce business or digital-based business with organizations and individuals in Vietnam will be considered to have a permanent establishment in Vietnam.

Upon operating via e-commerce in Vietnam despite their having no fixed business establishment in Vietnam, Google, Facebook, YouTube, Netflix will have to register taxes, declare taxes and pay tax obligations at the Vietnamese tax authorities.



It is expected that foreign e-commerce service providers are allowed to register for electronic transactions and tax registration for the first time through the web portal of General Department of Taxation.

Foreign suppliers will be provided with 10-digit tax codes and management agencies will develop regulations on tax declaration and payment with many different options and solutions for them to choose.

Currently Google, Facebook, YouTube, Netflix and the e-commerce platform Alibaba (China) are also operating and making profits in Vietnam. The turnover of these providers amounts to billions of dollars.

It is expected that the tax revenue of foreign suppliers may reach trillions of dong and the Ministry of Finance and the General Department of Taxation eventually propose solutions to collecting taxes of these suppliers in the coming time.

By An Linh, dantri.com.vn

2. Maximum support to be done for business that voluntarily change floors to relieve transmission congestion

The State Securities Commission (the "SSC") has just sent documents to HOSE, HNX, VSD on the transfer of listed shares from HOSE to HNX. The Committee requested HNX to promptly receive and process listed shares from HOSE, without reviewing the records according to the new listing process.



Approved by the leaders of the Ministry of Finance on the temporary transfer of listed shares from the Ho Chi Minh City Stock Exchange (HOSE) to Hanoi Stock Exchange (HNX) to reduce the load on HOSE's trading system, the SSC announced and instructed HOSE, HNX and Vietnam Securities Depository (VSD) to implement.

Accordingly, enterprises wishing to transfer listed shares from HOSE to HNX must have a written request, together with a resolution of the Board of Directors or the General Meeting of Shareholders, to be sent to HNX and HOSE.

HNX urgently received the processing for listed stock trading enterprises from HOSE, without reviewing the file according to the new listing process. The transaction mechanisms, transaction supervision, listing management, reporting and

information disclosure ... apply similarly to the companies listed on the HNX. HOSE, HNX coordinate in supervising transactions for these stocks to ensure continuity in supervision.

Also according to the instruction of the SSC, the shares of the floor switching companies currently in the HOSE's VN-Index will be removed from the HOSE's index set during the temporary transfer to HNX. It is temporary to set aside considering transfer of the shares of companies currently in the VN30 index.

The SSC also requested HNX, HOSE and VSD to urgently handle so that enterprises can transfer transactions similar to the listing transfer cases that have been done so far. Along with that, HOSE and HNX carry out extensive communication to enterprises and the investment community.

The SSC clearly stated this mechanism would be applied from 03 March 2021. The SSC will issue a document on terminating this mechanism after preparing a technological solution to deal with order congestion in the HOSE's trading system.

By Chau Cao, Doanhnghieptiepthi.vn

1. Corporate income tax declaration of the Branch in form of consolidation

- In case an affiliate of the Company (13-digit tax code) converts the independent accounting form to a dependent accounting, such affiliate of the Company will change the tax registration information as specified in Section 2 of Circular 95/2016/TT-BTC and is not required to re-register taxes. From 17 January 2021, the change of tax registration information will comply with Circular 105/2020/TT-BTC of the Ministry of Finance.
- In case the Company's branch converts from independent accounting to dependent accounting, at the end of the fiscal year when filing corporate income tax returns, the Company will declare taxes in consolidation with the head office, including the arising part of the dependently accounting branch as prescribed by law.

Ha Noi Tax Department answers the queries of Petrolimex Asphalt Company Limited in Official Letter No. 6268/CTHN-TTHT dated 01 March 2021.

2. Declaring value added taxes off a dependently accounting Branch

- In case the Company is a dependently accounting unit under its parent company in Ho Chi Minh City, if the total revenue from goods sales and service provision in 2020 is from VND 50 billion or less (meeting quarterly tax declaration criteria as prescribed in Article 9.1 of

Decree No. 126/2020/ND-CP), in 2021, branches may choose to declare tax monthly or quarterly for the whole calendar year as prescribed in Article 9.2 of Decree No. 126/2020 ND-CP.

- From 2022, the Company will conduct a declaration in consolidation with the head office in accordance with Article 11.2 of Decree No. 126/2020/ND-CP.

Ha Noi Tax Department answers the queries of Zema Vietnam Company Limited - Ha Noi Branch in Official Letter No. 6146/CTHN-TTHT dated 01 March 2021.

3. Corporate income tax policy for real estate transfer activities

In case a (Ha Noi-based) Company has a mixed apartment building project in Bac Giang province, corporate income tax declaration for the transfer of real estate under the project therein is conducted as follows:

- In principle, the Company can declare corporate income tax each time the real estate transfer arises in case of a need as stated in Article 12.2 of Circular No. 156/2013/TT-BTC (as amended in Article 16 of Circular No. 151/2014/TT-BTC); for cases that arise frequently in real estate transfer activities, the Company must pay provisional corporate income tax quarterly according to Article 12.4(c) of Circular No. 156/2013/TT-BTC (as amended in Article 16 of Circular 151/2014/TT-BTC).

- If the Company collects money from the customer but has not yet determined the cost corresponding to the revenue, the Company must temporarily pay corporate income tax at the rate of 1% on the revenue collected at the Tax Department of Bac Giang province as stipulated in Article 12.4(d) of Circular No. 156/2013/TT-BTC dated 06 November 2013, as amended and supplemented in Article 16 of Circular No. 151/2014/TT-BTC dated 10 October 2014 of the Ministry of Finance.
- At the end of the taxation year, the Company carries out formal finalization procedures for the corporate income tax amount for the real estate transfer. If the temporarily paid tax amount is lower than the payable tax amount according to the corporate income tax finalization declaration, the company must fully pay the outstanding tax amount into the state budget at the head office.
- From 2021, the Company will declare and pay corporate income tax in accordance with the Law on Tax Administration No. 38/2019/QH14 and its guiding documents.

Ha Noi Tax Department answers the queries of Asia Pacific Investment Joint Stock Company in Official Letter No.

5793/CTHN-TTHT dated 25 February 2021.

4. Conducting procedures for corporate income tax incentives

- In principle, if an enterprise implements a new investment project in the field of software product manufacture in 2017, the income from this new investment project is eligible for CIT incentives according to Article 15.1(b) of Decree No. 218/2013/ND-CP, Article 1.16 of Decree No. 12/2015/ND-CP. The duration of application of preferential CIT tax rates, CIT tax exemption and reduction is specified in Articles 15.6 and 16.4 of Decree No. 218/2013/ND-CP.
- In case of the taxation period of 2020, if the enterprise is enjoying CIT incentives due to its satisfaction of the conditions for CIT incentives in accordance with the law on corporate income tax, the enterprise must carry out the procedures for CIT incentives under Article 22 of Circular No. 78/2014/TT-BTC.

Ha Noi Tax Department answers the queries of Humax Vina Company Limited in Official Letter No. 5723/CTHN-TTHT dated 24 February 2021.

No.	Document title	Issuance date	Effective date
GOVERNMENT			
1	Decree 12/2021/ND-CP amending and supplementing a number of Decree 89/2013/ND-CP detailing the implementation a number of articles of the Price Law regarding valuation	24/02/2021	01/05/2021
2	Decree 11/2021/ND-CP providing the assignment of given sea areas to organizations and individuals for marine resource exploitation and use	10/02/2021	30/03/2021
3	Decree 10/2021/ND-CP on the management of construction investment costs	09/02/2021	09/02/2021
4	Decree 09/2021/ND-CP on building material management	09/02/2021	09/02/2021
MINISTRY OF JUSTICE			
1	Circular 01/2021/TT-BTP detailing the a number of articles of, and some measures to implement the Law on Notarization	03/02/2021	26/03/2021
MINISTRY OF FINANCE			
1	Circular 17/2021/TT-BTC amending and supplementing a number of Circular 14/2015/TT-BTC guiding the classification, analysis for classification; analysis for quality inspection and food safety inspection of exports and imports	26/02/2021	12/04/2021
2	Circular 14/2021/TT-BTC on prescribing the rate, regime of collecting, remittance, management and use of customs fees and charges for goods and vehicles in transit.	18/02/2021	05/04/2021
MINISTRY OF LABOUR, WAR INVALIDS AND SOCIAL AFFAIRS			
1	Official Letter 362/LDTBXH-BHXH on the implementation of Decree 135/2020/ND-CP of the Government on retirement age	22/02/2021	22/02/2021
MINISTRY OF TRANSPORT			
1	Circular 02/2021/TT-BGTVT amending and supplementing a number of Circular 12/2020/TT-BGTVT providing regulations on the organization and management of automobile transport activities and road transport support services	04/02/2021	25/03/2021
STATE AUDIT			
1	Decision 01/2021/QD-KTNN issuing the Regulation on complaints, lawsuits and response to petitions in State audit activities.	24/02/2021	10/04/2021
2	Decision 155/QD-KTNN issuing the regulation on the inspection and comparison at agencies, organizations and individuals related to the audit activities of the State Audit.	18/02/2021	18/02/2021



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