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## 1. Novelities on bank guarantees for off-plan housing

On October 25, 2024, the State Bank of Vietnam issued Circular 49/2024/TT-NHNN (“Circular 49/2024”) amending and supplementing a number of articles of Circular 11/2022/TT-NHNN (“Circular 11/2022”) regulating bank guarantees. Circular 49/2024 will take effect from December 10, 2024 with a number of notable new regulations on guarantees for off-plan housing.

### 1.1 Foreign bank branches are allowed to provide guarantees for off-plan housing

Previously, Article 3.4 and Article 13.1 of Circular 11/2022 only allow commercial banks to provide guarantees for off-plan housing when some certain conditions are met.

Now, Article 1.1 and Article 1.3 of Circular 49/2024 allow branches of foreign banks, in addition to commercial banks, to provide guarantees for off-plan housing.

### 1.2 Amending conditions for investors to be granted guarantees for off-plan housing

Circular 49/2024 stipulates that commercial banks and foreign bank branches may consider granting guarantees to investors when the following two conditions are met:

- (i) The investor meets all the requirements specified in Article 11 of Circular 11/2022 (*except where commercial banks and foreign bank branches provide counter-guarantees for investors*); and
- (ii) The investor **has received a notice from the provincial-level real estate state authority replying that the housing in its project is eligible for**

**sale or lease-purchase**. (*instead of the project being required to meet the conditions of off-plan real estate before it can be traded*)

### 1.3 Correcting the process of granting guarantees for off-plan housing

One of the corrections in the process of granting guarantees for off-plan housing between the guarantor and the investor is that, *instead of signing a guarantee contract for off-plan housing as before*, Circular 49/2024 stipulates that the guarantor and the investor will sign a guarantee agreement. Then, the guarantor will depend on the signed guarantee agreement to issue a written commitment assuring that a letter of guarantee will be issued to the investor, and the investor will then send a copy of which to the buyer when they sign the sale or lease-purchase contract.

After signing the sale or lease-purchase contract on off-plan housing, the investor sends this contract to the guarantor to request the guarantor to issue a letter of guarantee to the buyer. Next, the guarantor will depend on the sale or lease-purchase contract on off-plan housing, the guarantee agreement and the written commitment to issue a letter of guarantee to the investor, which will then be sent to the buyer.

## 2. Novelties on information disclosure regime of bond-issuing enterprises

On November 6, 2024, the Ministry of Finance issued Circular 76/2024/TT-BTC (“**Circular 76/2024**”) guiding the information disclosure regime and reporting regime on the private placement of corporate bonds in the domestic market and to the international market with the following notable provisions:

### 2.1 Forms of information disclosure

Article 6 of Circular 76/2024 allows bond-issuing enterprises to disclose information to bond investors in at least one of the following forms:

- (1) Paper documents;
- (2) Electronic documents;
- (3) Posting on the enterprise's website.

For the Hanoi Stock Exchange, bond-issuing enterprises will disclose information in the form of (4) electronic documents posted on the Corporate Bond Information Portal.

### 2.2 Information to be disclosed

Circular 76/2024 requires bond-issuing enterprises to disclose the following information:

#### (a) For the private placement of corporate bonds in the domestic market

Disclosed information	Disclosure deadline	Disclosed contents	Form of disclosure
<b>Bond Issuing</b>	<ul style="list-style-type: none"> <li>▪ At least 1 business day before the bond issuance date. (a single issue or the first issue).</li> <li>▪ Within 1 business day before each issue (subsequent issues).</li> </ul>	Appendix I of Circular 76/2024	(1), (2), (4)
<b>Bond Issuing Results</b>	No later than 5 business days from completion of the bond issue.	Appendix II of Circular 76/2024	(1), (2), (3), (4)
<b>Periodic information</b>	<ul style="list-style-type: none"> <li>▪ Every 6 months: 60 days from the end of the first 6 months of the fiscal year.</li> <li>▪ Annually: 90 days from the end of the fiscal year.</li> </ul>	Appendix III of Circular 76/2024	1), (2), (3), (4)
<b>Extraordinary information</b>	Within 24 hours of the event.	Appendix IV of Circular 76/2024	1), (2), (3), (4)

<b>Convert bonds into shares, exercise rights of bonds with warrants</b>	Within 5 business days from the date of completion.	Appendix V of Circular 76/2024	1), (2), (3), (4)
<b>Premature bond redemption, bond swap</b>	<ul style="list-style-type: none"> <li>▪ Within 10 days prior to the date of premature redemption or bond swap; and</li> <li>▪ Within 10 days from the date of completion of premature redemption or bond swap.</li> </ul>	Appendix V of Circular 76/2024	1), (2), (3)

**(b) For the private placement of corporate bonds in the international market**

<b>Disclosed information</b>	<b>Disclosure deadline</b>	<b>Disclosed contents</b>	<b>Form of disclosure</b>
<b>Bond Issuing</b>	At least 1 business day before the bond issuance date.	Appendix I of Circular 76/2024	(4)
<b>Bond Issuing Results</b>	No later than 05 business days from the date of completion of bond issuance.	Appendix II of Circular 76/2024	(4)
<b>Periodic information</b>	<ul style="list-style-type: none"> <li>▪ Every 6 months: 60 days from the end of the first 6 months of the fiscal year.</li> <li>▪ Annually: 90 days from the end of the fiscal year.</li> </ul>	Appendix III of Circular 76/2024	(4)

Circular 76/2024 will take effect from December 25, 2024 and replace Circular 122/2020/TT-BTC.

**3. Voluntary occupational accident insurance regime for employees working without a labor contract**

On November 1, 2024, the Government issued Decree 143/2024/ND-CP (“**Decree 143/2024**”) regulating voluntary occupational accident insurance (OAI) for employees working without a labor contract. Decree 143/2024 will take effect from January 1, 2025, applicable to employees working without a labor contract from 15 years of age and above, not ones of those who are required to participate in compulsory social insurance for occupational accidents and diseases with voluntary OAI.



### 3.1 Two regimes of voluntary OAI

An occupational accident is understood as an accident that causes injury to any part or function of the body or results in a death, occurring during the working hours, associated with the performance of employees' jobs at the time and place where the employees have registered to participate in voluntary OAI.

Accordingly, Article 4 of Decree 143/2023 stipulates two voluntary OAI regimes including: assessment of the level of reduced working capacity and occupational accident allowance.

- **Assessment of the level of reduced working capacity:** Article 6 of Decree 143/2023 stipulates that employees suffering occupational accidents shall proactively seek assessment or re-assessment of the level of reduced working capacity in the following cases: (1) have been treated and stability obtained after getting the first injury, or (2) have been treated and stability obtained after the injury re-occurs, or (3) for injuries that cannot be treated to re-gain stability, the employees can seek assessment of the level of reduced working capacity before or during the treatment process.

The employees will be paid the assessment fee by the social insurance agency at the time of payment of the occupational accident allowance if the assessment results meet the conditions for entitlement, or the social insurance agency will increase the allowance payment level of voluntary occupational accident insurance.

- **Occupational accident allowance:** Article 5 of Decree 143/2023 stipulates that employees participating in voluntary OAI are

entitled to the benefits under the voluntary OAI regime when meeting the following conditions:

- (i) Having a working capacity reduction of 5% or more due to an occupational accident occurring during the period of participation in voluntary OAI; and
- (ii) Not falling into the cases where accidents occur due to one of the following causes: (1) the victim's personal conflict with the person causing the accident that is not related to the job or assignments; (2) the employee intentionally harms him/herself; and (3) using drugs or addictive substances in violation of the law.

### 3.2 Level of occupational accident allowance

According to Article 7 of Decree 143/2023:

- (a) Employees whose working capacity is reduced from 5% to 100% due to an occupational accident are entitled to a one-time allowance as follows: a 5% reduction in working capacity will entitle employees to a level 3 times the minimum monthly wage of region IV (*the minimum wage of region IV is VND 3,450,000/month, applied from July 1, 2024 according to Decree 72/2024/ND-CP stipulating the minimum wage for employees working under a labor contract*). After that, for each additional 1% reduction, an additional 0.3 time the minimum monthly wage of region IV is applied. In addition to the above allowance, employees are also entitled to an additional allowance calculated according to the number of years of contribution to the Voluntary OAI Fund, from one year or less, this allowance is 0.5 time the minimum monthly wage of region



IV, then for each additional year of contribution to the fund, an additional 0.3 time the minimum monthly wage of region IV will be applied.

- (b) Relatives of employees who die due to occupational accidents are entitled to a one-time allowance equal to 31.5 times the minimum monthly wage of region IV if they fall into one of the following cases: (1) The employee dies due to an occupational accident while he/she is performing the job; (2) The employee dies during the first treatment period due to an occupational accident; (3) The employee dies during the treatment period for an injury related to occupational accident without having had their level of reduced working capacity assessed.
- (c) In case of an increase in the level of reduced working capacity after the re-assessment is performed, compared to the level of reduced working capacity for which the allowance has been paid, the employee is entitled to an additional one-time allowance to ensure that he/she receives the full allowance corresponding to the increase in working capacity reduction level as prescribed in item (a) above.

### 3.3 Time of entitlement to allowances

- The wage of region IV as the basis for calculating the allowance level is determined to be in the month the employee completes the treatment and is discharged from the hospital, or in the month when the Medical Assessment Council gives its conclusion in case of outpatient treatment. If the employee suffers an occupational accident but the time of

completion of treatment or the time of discharge from hospital cannot be determined, the time of entitlement to occupational accident allowance will be determined to be in the month when the Medical Assessment Council gives its conclusion.

- In case of an increase in the level of reduced working capacity after the re-assessment is performed, compared to the level of reduced working capacity for which the allowance has been paid, the time of entitlement to allowance will be determined to be in the month when the Medical Assessment Council gives its conclusion.
- The time of entitlement to allowance for relatives of deceased employees is determined to be in the month of the employee's death.

### 3.4 Time limit for settlement of claims for voluntary OAI benefits

- The employee or his/her family members must submit a complete and valid application as prescribed to the social insurance agency with which the employee has registered voluntary OAI within 30 days from the date of receipt of the Minutes of assessment of the level of reduced working capacity from the Medical Assessment Council; or 90 days from the date of death of the employee.
- Within 07 working days from the date of receipt of a complete application dossier, the social insurance agency must settle the claim for OAI benefits; in case of not agreeing to pay the benefits, they must respond in writing to the applicant and indicate the reason.

### 1. Additional declaration after tax refund

When carrying out procedures for exporting products manufactured from imports for production and business purposes, taxpayers must declare on the export declaration that the exported products are manufactured from previous imports. When carrying out tax refund procedures, taxpayers must declare in detail according to which import declarations the exported products are manufactured from imports, the amount of raw materials and supplies used, the actual usage rate... in Form No. 10 of Appendix VII issued with Decree No. 18/2021/ND-CP and submit relevant documents as prescribed as a basis for the customs authority to consider and process import tax refunds.

*General Department of Customs replies to the question of Suheung Vietnam Co., Ltd. in Official Letter No. 517/TCHQ-TXNK dated October 8, 2024.*

### 2. Declaration and payment of contractor tax

In case the Company imports goods from the seller under the delivery terms of international trade terms - Incoterms where the seller bears the risks related to the goods entering the territory of Vietnam, the seller is subject to contractor tax as prescribed in Article 1 of Circular No. 103/2014/TT-BTC. In case the seller does not meet one of the conditions stated in Article 8, Section 2, Chapter II of Circular No. 103/2014/TT-BTC, the Company will declare and pay contractor tax on behalf of the seller as prescribed in Article 12, Article 13, Section 3, Chapter II of Circular No. 103/2014/TT-BTC.

*Binh Duong Provincial Tax Department replies to the question of Antool Hardware Tools Co., Ltd. in Official Letter No. 28331/CTBDU-TTHT dated October 31, 2024.*

### 3. Tax policy for costs of planting trees in factory premises

Given that the Company operating in an industrial park incurs costs of planting trees in the factory premises as required by the Industrial Park Management Board for the purpose of maintaining environmental hygiene and creating fresh and airy atmosphere, the costs related to tree planting, if they serve the Company's production and business activities and meet the conditions for input value-added tax deduction as prescribed in Article 1.10 of Circular No. 26/2015/TT-BTC, will be deducted from input value-added tax and included in deductible expenses when calculating corporate income tax as prescribed.

*Binh Duong Provincial Tax Department replies to the question of Cong Minh Trading Co., Ltd. in Official Letter No. 28365/CTBDU-TTHT dated October 31, 2024.*

### 4. Guidance on calculating personal income tax for support for employees affected by Typhoon Yagi

In case the Company provides subsidies for employees affected by Typhoon No. 3, which mean a sudden hardship subsidy prescribed by a competent state agency, the subsidy will be stipulated in the Labor Contract, collective labor agreement or Company regulations, the subsidy that the employee receives is equal to or lower than the subsidy level applicable to the state sector (if any) and is not included in the employee's personal income taxable income.

For subsidies that are not those prescribed by a competent state agency, the sudden hardship subsidy that the employee receives is higher than the subsidy level applicable to the state sector (if any) and is included in the employee's personal income taxable income.

*Hai Phong City Tax Department replies to the question of LG Electronics Vietnam Hai Phong Co., Ltd. in Official Letter No. 4192/CTHPH-TTHT dated October 23, 2024.*

## 1. Proposal to remove tax exemption for small-value imports

Recently, the Ministry of Finance has submitted to the Government a draft Decree on customs management of exports and imports via e-commerce platforms. In particular, there is a proposal to remove the regulation on value-added tax (VAT) exemption for imports sent via express delivery services with a value of less than VND 1 million.

Recently, many people have said that Vietnamese trading platforms, including traditional platforms, markets, supermarkets, and trading platforms established by Vietnamese people to do business in Vietnam, all have policies and recommendations on using a certain proportion of goods produced in Vietnam.

Therefore, the regulation that small-value cross-border imports are exempted from tax is not only unfair for domestic production, but also competitive between domestic e-commerce platforms and trading platforms of foreign origin. For example, goods manufactured in China

have advantages in scale and excess capacity, making Chinese goods cheaper, plus tax exemptions, domestically produced goods can hardly compete, especially for businesses investing in manufacturing goods branded as "Made in Vietnam". Therefore, this is the reason why it is necessary to abolish the tax exemption policy for small-value imports.

Recently, international trade activities have also changed a lot, countries in the European Union (EU) have abolished the VAT exemption for shipments of 22 euros or less. The United Kingdom (England, Scotland and Wales) also abolished the VAT exemption for imports with a total value of 135 pounds or less from January 1, 2021. Similarly, in Singapore, from January 1, 2023, the VAT exemption for low-value goods will also be abolished; Thailand will also collect VAT on all imports regardless of their value...

*By baotintuc.vn*

## 2. E-commerce platforms may have to pay taxes on behalf of sellers from early 2025

On the morning of November 19, 2024, the National Assembly Standing Committee held its 39th session, giving opinions on a law amending laws related to financial issues, including the Law on Tax Administration.

According to current regulations, sellers on e-commerce platforms must self-declare, pay taxes and take responsibility. E-commerce platforms are only obliged to provide information to tax authorities. However, in the draft amending and supplementing a number of articles of the Law on Tax Administration, the

Government proposed that from January 1, 2025, e-commerce platforms and digital platforms must deduct, pay taxes on behalf of and declare the deducted amount for sellers (households and individuals doing business) on the platform.

E-commerce business providers and digital platforms must also register, declare and pay taxes in Vietnam. In particular, foreign suppliers that generate income such as Facebook, Apple, Netflix... directly make or authorize



registration, tax declaration and payment.

Regarding personal income tax, the drafting agency also added Article 33 of the Law on Personal Income Tax that the managers of e-commerce platforms and digital platforms must deduct, pay taxes on behalf of, and declare deducted taxes for transactions of sellers on these platforms.

According to the Ministry of Finance, requiring e-commerce platforms to deduct, declare, and pay taxes on behalf of sellers is to prevent tax losses, reduce costs, and administrative procedures. Because only one stop - e-commerce platforms and digital platforms – is needed to pay and declare tax obligations on behalf of hundreds of thousands of individuals and business households on

the platform. This regulation may cause e-commerce platforms to incur additional costs to upgrade the system to determine the amount of tax deducted and paid on behalf of sellers, but "this level is insignificant compared to the cost of hiring additional tax and customer care personnel". In addition, to ensure fairness, the regulation on e-commerce platforms deducting, declaring and paying taxes on behalf of sellers will apply to both domestic and foreign platforms.

The draft law amending and supplementing laws related to financial issues will be voted for and approved by the National Assembly on November 29, 2024.

*By vnexpress.net*



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No.	Document title	Issuance date	Effective date
<b>GOVERNMENT</b>			
1	Decree 148/2024/ND-CP amending and supplementing a number of Decree 54/2019/ND-CP on provision of karaoke and discotheque services.	November 12, 2024	November 12, 2024
2	Decree 147/2024/ND-CP on the management, provision and use of Internet services and online information.	November 9, 2024	December 25, 2024
3	Decree 144/2024/ND-CP amending and supplementing a number of articles of Decree 26/2023/ND-CP on the Export Tariff Schedule, Preferential Import Tariff Schedule, and List of commodities and their absolute, mixed and out-of-quota import duty rates.	November 1, 2024	December 16, 2024
4	Decree 143/2024/ND-CP on voluntary occupational accident insurance for employees without labor contracts.	November 1, 2024	January 1, 2025
5	Decree 137/2024/ND-CP regulating electronic transactions of State agencies and information systems serving electronic transactions	October 23, 2024	October 23, 2024
6	Decree 135/2024/ND-CP prescribing mechanisms and policies to encourage the development of self-produced and self-consumed rooftop solar power.	October 22, 2024	October 22, 2024
7	Decree 133/2024/ND- amending and supplementing a number of articles and appendices of Decree 58/2021/ND-CP on the provision of credit information services.	October 21, 2024	November 1, 2024
<b>MINISTRY OF FINANCE</b>			
1	Circular 76/2024/TT-BTC guiding the information disclosure regime and reporting regime on the private placement of corporate bonds in the domestic market and to the international market.	November 6, 2024	December 25, 2024
<b>MINISTRY OF PUBLIC SECURITY</b>			
1	Circular 55/2024/TT-BCA amending and supplementing a number of articles of Circular 141/2020/TT-BCA regulating the inspection of fire protection, rescue and salvage work of the People's Public Security force; Circular 150/2020/TT-BCA regulating the provision of fire protection, rescue and salvage equipment for civil defense forces, local fire protection forces, and specialized fire protection forces; Circular 82/2021/TT-BCA regulating standards, tasks, training, professional inspection of design approval and acceptance of fire protection of the Fire Protection, Rescue and Salvage Police force; Circular 06/2022/TT-BCA regulating the process of performing fire protection, rescue and salvage tasks in the People's Public Security	October 31, 2024	December 16, 2024
<b>STATE BANK OF VIETNAM</b>			
1	Circular 49/2024/TT-NHNN amending and supplementing a number of articles of Circular 11/2022/TT-NHNN on bank guarantee.	October 25, 2024	December 10, 2024



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