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I. INVOICE

Official Letter 4585 / CT-TTHT dated January 28th 2019 of Ha Noi Tax Department on the issue of tax department invoice for the enterprise liquidating the assets

In case the Company is carrying out the tax finalization procedure with the Tax Agency and has submitted the notice of the invoice cancellation result but has liquidated the assets, the Company must request the Tax Officer to issue the Tax Department invoice (form No. 3.4 Appendix 3 that was issued together with Circular No. 39/2014 / TT-BTC as mentioned above).

Based on the application for the tax department invoice, the Tax Agency will give the Company the instructions to determine the payable tax amount, then the Company must pay that full payable tax before the Tax Agency issues the tax department invoice as requested.

The tax department invoice is the sales invoice so that the Company can deliver it to the property purchaser as prescribed by laws.

II. VALUE ADDED TAX

Official Letter 4837 / TCT-CS dated December 4th 2018 of the General Department of Taxation on the value added tax and invoice for the transfer of investment projects

Under the provisions of Clause 4, Article 5 of Circular 219/2013 / TT-BTC, in case the project transfer activities are in the investment phase under the condition that the investment law is met and the transferee continues to perform the project in accordance with the original purpose, that transferred project is not subject to VAT declaration, calculation and payment.

However, when transferring, the transferor must still issue the invoice in which the selling price is equal to the payment price and the line of tax rate, value added tax amount must not be recorded and be crossed out instead.

Official Letter No. 2979/CT-TTHT dated January 18th, 2019 of Ha Noi Tax Department on supplementary declaration to increase the tax amount proposed to be refunded

According to the instructions at Official Letter No. 2035/TCT-KK dated May 13th, 2016, in case the Company arises the refundable VAT amount of the previous quarter that has not requested to refund yet, if before the expiration date of tax declaration of the next quarter and the Company has not transferred this tax deduction into the official declaration of the next quarter, it will be supplementarily declared to request the refund.

Specifically, the Company increases the tax amount proposed to be refunded on the supplementary declaration of the previous quarter (at item No. 42 in form No. 01/GTGT), and at the same time,



decreases the tax amount proposed to be refunded into the item No. 37 on the official declaration of the next quarter.

III. PERSONAL INCOME TAX

Official Letter No. 85040/CT-TTHT dated December 27th, 2018 of Ha Noi Tax Department on the registration of dependant tax code

According to regulations on issuing and registering tax code (MST), each individual is only granted 01 single tax code for lifetime use.

For dependant tax code used to register family deduction, it is also used to declare and pay taxes if the dependant has income to pay taxes (point b, clause 1, Article 5, Circular No. 95/2016/TT-BTC).

In case the employee moves to another workplace, he must re-registers and re-submits the documents to prove the dependants, but continues to use the old tax code to register (point i, clause 1, Article 9, Circular No. 111/2013/TT-BTC).

Official Letter No. 85048/CT-TTHT dated 27/12/2018 of Ha Noi City Tax Department on tax policy for transfer of shares of individuals in joint stock companies

In case someone transfers capital in joint-stock companies under the regulation of the Enterprise Law and the Securities Law, it is defined as income from securities transfer whereby he/she declares and pays tax at the tax rate of 0.1% on transfer price as guided in Article 16 and Article 21 of Circular 92/2015/TT-BTC dated June 15th, 2015 of the Ministry of Finance.

In case he/she receives dividends in stock or receive bonuses in shares, he/she does not have to pay tax at the time of receiving, but when individuals transfer shares of the same type, he/she has to declare tax and pay tax on the following principles:

- + When transferring the shares received as dividends, he/she has to pay PIT on income from capital investment and income from securities transfer.
- + When he/she receives bonus by shares from employers, he/she does not have to pay PIT from salary and wage. When he/she transfers these shares, he/she has to declare PIT from stock transfer and income from salary and wage.

The taxpayers make declaration forms as guided in Appendix No. 02 issued together with Circular No. 92/2015/TT-BTC.

IV. OTHERS

Official Letter No. 337/LDTBXH-PC dated January 15th, 2019 of the Ministry of Labor, War Invalids and Social Affairs on the maximum overtime hours in a month.

According to the Ministry of Labor, War Invalids and Social Affairs, the above Law is still in effect, so the regulation on overtime hours which will not exceed 30 hours per month, 200 hours per year (except for some special cases not exceeding 300 hours per year) is still applicable.



Currently, the Ministry of Labor, War Invalids and Social Affairs is being assigned to draft the renewal Labor Law, including amending the regulations on maximum overtime hours proposed by many enterprises and associations, but this issue only in research and discussion.

For overtime regulations, many enterprises and associations are proposing to increase maximum overtime limit and abandon the monthly overtime limit to create flexibility in overtime agreements to improve production and business efficiency for enterprises and increase income for employees.



Abbreviation

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



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