



Proud Member of
AlliottGlobalAlliance[®]



WINWIN AUDIT'S NEWSLETTER

REGULATIONS EFFECTIVE FROM 2022



Proud Member of
AlliottGlobalAlliance®

1. Change the penalty level with multiple scope related to bill:

The Government issued Decree 102/2021/ND-CP amending decrees on sanctioning of administrative violations in the field of invoices.

Specifically, the act of making invoices without fully recording the required contents on invoices as prescribed will be fined from **4,000,000 VND to 8,000,000 VND**.

In addition, the Decree also amends regulations on penalties for acts of losing, burning, or damaging invoices as below:

Fine from **4,000,000 VND to 8,000,000 VND** for one of the following acts:

Losing, burning, or damaging invoices that have been issued or purchased from tax authorities but have not yet been made;

Losing, burning or damaging the invoice that has been issued (remitted to the customer) in the course of use, the seller has declared and paid taxes, documents proving the purchase and sale of goods and services, service;

In case the buyer loses, burns or damages the invoice, there must be a record of the seller and the buyer recording the incident.

Losing, burning, damaging invoices that have been made but have not yet declared tax (New content added compared to the current one);

The related parties must make a record of the loss, fire or damage of the invoice.

A fine of between **5,000,000 VND and 10,000,000 VND** for the act of losing, burning, or damaging invoices already made or declared during use or during storage, except for the cases specified in Clauses 1, 2 and 3, Article 26 of Decree No. Decree 125/2020/ND-CP.

Decree 102/2021/ND-CP takes effect from January 1, 2022.

2. Compulsory E-invoice from 01/07/2022

Before July 1, 2022

E-invoices are only required to be applied to business establishments that are notified by the tax authority to convert to using E-invoices and satisfy the conditions on information technology infrastructure.

From July 1, 2022

Compulsory application of electronic invoices, except for some cases such as small and medium enterprises, cooperatives, households and individuals doing business in areas with difficult or extremely difficult socio-economic conditions conduct transactions with tax authorities by electronic means, etc.

3. Change the tax calculation method for tenants

From January 1, 2022, Circular 100/2021/TT-BTC stipulates that individuals who lease properties with a turnover of less than 100 million VND/year are not required to pay VAT and PIT.

Specifically, individuals who only have property leasing activities and the rental period is not for a whole year, if they generate rental revenue of 100 million VND/year or less, they are not required to pay VAT and do not have to pay tax PIT.

In case the lessee pays rent in advance for many years, the level of revenue to determine whether an individual is taxable or not is the one-time payment amortized according to the calendar year.



Currently, the tax calculation method for this case is prescribed as below:

If the individual leasing the property does not generate revenue for the full 12 months in the calendar year (including the case with many lease contracts), the turnover rate of 100 VND million/year or less shall be used to determine the individual lessor, assets that are not subject to VAT and are not subject to PIT is the taxable turnover of a calendar year (12 months);

The actual taxable revenue to determine the payable tax amount in the year is the revenue corresponding to the number of months incurred for leasing the property.

According to Circular 100/2021/TT-BTC, e-commerce platforms such as Shopee, Lazada, Tiki... will not require to pay tax on behalf of sellers;

This obligation arises only if there is an authorization contract between the e-commerce platform and the seller. While the previous Circular 40 stipulates that this is a mandatory obligation for e-commerce platforms.

Circular 100/2021/TT-BTC takes effect from January 1, 2022.



CONTACT

General Director

Nguyen Ngoc Tri

0903.152.385

tri.nguyen@winwinaudit.com.vn

Manager of Bookkeeping and Taxation Department

Mai Thi Tuyet Lan

0977.000.523

lan.mai@winwinaudit.com.vn

Manager of Audit and Review Department

Pham Do Duc Phong

0938.531.987

phong.pham@winwinaudit.com.vn

Manager of Transfer Pricing Department

Nguyen Tan Sang

0973.083.379

sang.nguyen@winwinaudit.com.vn



WINWIN AUDIT CO., LTD

Head Office:

WinWin Building, No. 2, D9 Str., Chanh Nghia Ward,
Thu Dau Mot City, Binh Duong Province, Viet Nam

Tel: 0274 3 818 525 **Fax:** 0274 3 818 526

HCM Branch:

139 Le Quang Dinh Str., 14 Ward, Binh Thanh District,
Ho Chi Minh City, Viet Nam

Tel: 0283 8 999 588 **Fax:** 0283 8 999 598