

WINWIN AUDIT

Newsletter 01/2024



Your Trust Our Value

1. Decree No. 94/2023/ND-CP dated December 28, 2023 of the Government regulating value added tax reduction policy according to Resolution No. 110/2023/QH15 dated November 29, 2023 of the National Assembly

On December 28, 2023, the Government issued Decree No. 94/2023/ND-CP guiding VAT reduction. Basically, the tax reduction policy is still applied to groups of goods and services that are currently in use. Apply the VAT rate of 10% (remaining 8%), except for the following groups of goods and services:

- Telecommunications, financial activities, banking, securities, insurance, real estate trading, metals, prefabricated metal products, mining products (excluding coal mining), coke, refined petroleum, chemical products. Details are in Appendix I issued with Decree 94/2023/ND-CP.
- Products and services subject to special consumption tax. Details are in Appendix II issued with Decree 94/2023/ND-CP.
- Information technology. Details are in Appendix III issued with Decree 94/2023/ND-CP.

- The reduction of value-added tax for each type of goods and services specified above is applied uniformly at all stages of import, production, processing, and commercial business. For sold coal products (including cases where coal is then screened and classified according to a closed process before being sold) are subject to value added tax reduction. Coal products included in Appendix I issued with Decree 94/2023/ND-CP, at stages other than the exploitation and sale stage, are not subject to value added tax reduction.

Corporations and economic groups that carry out a closed process to sell are also subject to value added tax reduction on sold coal products.

This Decree takes effect from January 1, 2024 to June 30, 2024.

2. Resolution No. 107/2023/QH15 of the National Assembly dated November 29, 2023 on the application of additional corporate income tax according to regulations to prevent global tax base erosion

On November 29, 2023, the National Assembly passed Resolution No. 107/2023/QH15 on the application of additional corporate income tax according to regulations to prevent global tax base erosion. Some notable contents of this Resolution.

Accordingly, a tax rate of 15% is applied to taxpayers who are constituent units of multinational corporations with consolidated financial statement revenue of the ultimate parent company for at least 02 out of 04 consecutive years. preceding fiscal year equivalent to 750 million euros or more, except in the following cases:

- Government organizations;
- International organizations;
- Non-profit organization;
- Retirement;
- The investment fund is the supreme parent company;
- The real estate investment organization is the supreme parent company;
- Organizations with at least 85% of asset value owned directly or indirectly through organizations specified in Points a to e of this Clause.

This Resolution takes effect from January 1, 2024, applicable from fiscal year 2024.

3. Circular No. 15/2023/TT-BLDTBXH dated December 29, 2023 of the Ministry of Labor, War Invalids and Social Affairs Amending and supplementing a number of articles of Circular No. 28/2015/TT-BLDTBXH dated December 31 7 of 2015 guiding the implementation of Article 52 of the Employment Law and a number of articles of Decree No. 28/2015/ND-CP dated March 12, 2015 of the Government detailing the implementation of a number of articles of the Employment Law on unemployment insurance

This Circular amends and supplements a number of regulations on unemployment insurance as follows:

Months of unemployment benefits are calculated according to the calendar month. Each month of unemployment benefits is calculated from the date the employee begins to receive unemployment benefits according to Clause 3, Article 50 of the Employment Law to that day of the following month, minus 01 day.

In case the following month does not have a corresponding date, the ending date of the month of receiving unemployment benefits is the last day of that month.

05 cases of reserving unemployment insurance payment time include:

- Reserving unemployment insurance payment time when employees have months of payment that have not yet been resolved to receive unemployment benefits;
- Reserving the unemployment insurance payment period when the employee's decision to receive unemployment benefits is canceled;
- Reserving unemployment insurance payment time when employees receiving unemployment benefits are stopped receiving unemployment benefits;
- Reserving unemployment insurance payment time when employees do not come to receive unemployment benefits;
- Reservation of unemployment insurance payment period in case the employee is confirmed by the social insurance agency to supplement the unemployment insurance payment period after ending unemployment benefits.

This Circular takes effect from February 15, 2024.

4. Circular No. 45/2023/TT-BCT dated December 29, 2023 of the Ministry of Industry and Trade on amending and supplementing No. 23/2021/TT-BCT dated December 15, 2021 of the Ministry of Industry and Trade regulating the list Types and quality standards of exported minerals are managed by the Ministry of Industry and Trade

Months of unemployment benefits are calculated according to the calendar month. Each month of unemployment benefits is calculated from the date the employee begins to receive unemployment benefits according to Clause 3, Article 50 of the Employment Law to that day of the following month, minus 01 day.

In case the following month does not have a corresponding date, the ending date of the month of receiving unemployment benefits is the last day of that month.

05 cases of reserving unemployment insurance payment time include:

- Reserving unemployment insurance payment time when employees have months of payment that have not yet been resolved to receive unemployment benefits;
- Reserving the unemployment insurance payment period when the employee's decision to receive unemployment benefits is canceled;
- Reserving unemployment insurance payment time when employees receiving unemployment benefits are stopped receiving unemployment benefits;
- Reserving unemployment insurance payment time when employees do not come to receive unemployment benefits;
- Reservation of unemployment insurance payment period in case the employee is confirmed by the social insurance agency to supplement the unemployment insurance payment period after ending unemployment benefits.

This Circular takes effect from February 15, 2024.

4. Circular No. 45/2023/TT-BCT dated December 29, 2023 of the Ministry of Industry and Trade on amending and supplementing No. 23/2021/TT-BCT dated December 15, 2021 of the Ministry of Industry and Trade regulating the list Types and quality standards of exported minerals are managed by the Ministry of Industry and Trade

Recommendation: Therefore, in order to ensure that the detailed provisions of paragraph 2 are consistent with paragraph 1 of Article 5 and in line with the actual situation of Vietnamese enterprises having strong loan needs for production and operation activities, the Ministry of Finance submits a report to the government on Article 132/2020/ Point d of Article 5, Paragraph 2 of the ND-CP Agreement is modified and supplemented to exclude related relationships and determine that credit institutions and other institutions with banking functions (that do not participate in the operation, control, capital contribution or investment in borrowing enterprises or are not managed or controlled by another party) , enterprises with banking functions, credit organizations or other organizations that contribute or invest) provide guarantees or lend funds to other enterprises in any form (including third-party loans originally guaranteed by funds from related parties and financial transactions of a similar nature) and conditions The borrowing capital shall not be less than 25% of the capital contributed by the owner of the borrowing enterprise, and account for more than 50% of the total medium and long-term debt of the borrowing enterprise.

Circular amending and supplementing Article 4 on the list of types and quality standards of exported minerals.

Accordingly, exported minerals are minerals of legal origin, have gone through the processing process, are listed in the List of categories and meet the following quality standards:

For exported minerals of domestic origin: List of types and corresponding quality standards in Appendix 1 of this Circular, including: Titanium ore; Bismuth fine ore; Nickel fine ore; Total rare earth (oxides, hydroxides, salts); Fluorite ore; Barite powder; White marble; Graphite ore; Mica powder (muscovite mica); Diatomite crystalline ore (silica fossil powder).

For exported minerals of imported origin:

In case of goods processing (processing) for foreign traders: Types and quality standards of post-processed products shall comply with the processing contract signed with the foreign trader. The processing contract complies with the provisions of Article 39 of Decree No. 69/2018/ND-CP dated May 15, 2018 of the Government detailing a number of Articles of the Law on Foreign Trade Management.

In case of processed minerals from imported sources other than the above cases: List of mineral types and corresponding quality standards in Appendix 2 of this Circular, including types of titanium ore: Ilmenite fine ore, Zircon powder, Zircon fine ore, rutile fine ore, monazite fine ore, mixed tailings, zircon tailings and all kinds of titanium slag.

4. Circular No. 45/2023/TT-BCT dated December 29, 2023 of the Ministry of Industry and Trade on amending and supplementing No. 23/2021/TT-BCT dated December 15, 2021 of the Ministry of Industry and Trade regulating the list Types and quality standards of exported minerals are managed by the Ministry of Industry and Trade

Mineral export traders may choose a conformity assessment organization according to the provisions of Decree 107/2016/ND-CP dated July 1, 2016 of the Government stipulating conditions for business of conformity assessment services. in accordance with Decree 154/2018/ND-CP dated November 9, 2018 of the Government on amending, supplementing and abolishing a number of regulations on investment and business conditions in the field of state management of the Ministry of Science and Technology and a number of regulations on specialized inspection to assess the type and quality of exported minerals.

This Circular takes effect from February 15, 2024.

5. Decree No. 90/2023/ND-CP dated December 13, 2023 of the Government regulating collection rates, collection, payment, exemption, management and use of road use fees

Regarding road use fees for each type of vehicle, the Decree stipulates: Subjects subject to road use fees are registered road motor vehicles (with vehicle registration certificates and license plates). vehicle number), inspected for circulation (issued with a Technical Safety and Environmental Protection Certificate) including: cars, tractors and similar vehicles (cars).

The road user fee schedule is as follows:

Decree No. 90/2023/ND-CP stipulates that the fee for 01 month of the second year (from the 13th to the 24th month, calculated from the time of registration and payment of fees) is equal to 92% of the fee for 01 month in the table above. above. The fee for 01 month of the 3rd year (from the 25th to the 36th month, calculated from registration and fee payment) is equal to 85% of the fee for 01 month in the table above.

The fee calculation time according to the above table is calculated from the time of vehicle registration, excluding the time of the previous registration cycle. In case the vehicle owner has not paid the fee of the previous cycle, he/she must additionally pay the fee of the previous cycle, the amount payable = 01 month's fee x the number of months payable in the previous cycle.

For cars of organizations and individuals registered in Vietnam (except cars of defense forces and police), Decree No. 90/2023/ND-CP stipulates: for cars inspected for the first time Initially, the time to calculate road use fees is from the date the vehicle is issued an Inspection Certificate. For cars that are renovated, converted in function or converted in ownership from an organization to an individual (and vice versa), the fee is calculated from the date of conversion in function or ownership according to the new Certificate of Registration. of cars.

Road use fees are calculated by year, month or by vehicle inspection period. The registration unit issues road use fee payment stamps corresponding to the fee payment time.

This Decree takes effect from February 1, 2024.

CONTACT

Mr. Nguyen Ngoc Tri
General Director

0903.152.385

tri.nguyen@winwinaudit.com.vn

Mr. Vo Long Hai
Business Advisory Department
0913.823.798
hai.vo@winwinaudit.com.vn

Ms. Mai Thi Tuyet Lan
**Manager of Bookkeeping and Taxation
Department**
0977.000.523
lan.mai@winwinaudit.com.vn

Mr. Pham Do Duc Phong
Manager of Audit and Review Department
0938.531.987
phong.pham@winwinaudit.com.vn

Mr. Nguyen Tan Sang
Manager of Transfer Pricing Department
0973.083.379
sang.nguyen@winwinaudit.com.vn

The information in the Newsletter is for general and summary purposes. Therefore, you should contact us directly for advice on a case-by-case basis.

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