

# WINWIN AUDIT

Newsletter 02/2024



**Your Trust Our Value**



**1. Decree 12/2024/ND-CP dated May 2, 2024 amending and supplementing a number of adjustments of Decree 44/2014/ND-CP dated May 15, 2014 Regulations on land prices and Decree 10 /2023/ND-CP dated March 4, 2023 amending and supplementing a number of articles of decrees guiding the implementation of the Land Law.**

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.

**Decree No. 12/2024/ND-CP takes effect from February 5, 2024.**



2. Circular No. 42/2023/TT-BGTVT of the Ministry of Transport dated December 29, 2023 amending and supplementing a number of articles of Circular No. 13/2019/TT-BGTVT dated March 29, 2019 of The Minister of Transport details the aviation security program and quality control of aviation security in Vietnam and Circular No. 41/2020/TT-BGTVT dated December 31, 2020 of the Minister of Transport. Transport amendments and supplements to a number of articles of Circular No. 13/2019/TT-BGTVT dated March 29, 2019 detailing the aviation security program and quality control of aviation security in Vietnam

Passengers when checking in for international flights must present one of the following documents: Passport or laissez-faire or other documents valid for entry and exit according to the provisions of law such as: separate visa, permanent residence card, temporary residence card, citizen identification card (if Vietnam and the relevant country sign a treaty or international agreement allowing citizens of the signing country to use citizen identification cards instead of using passports in each other's territories)... (valid documents for entry and exit according to regulations).

In case a child does not have his or her own passport, the child's full name, date of birth and photo are recorded and affixed to the passport of the legal representative, including: biological father, biological mother, adoptive father , adoptive mother or guardian.



2. Circular No. 42/2023/TT-BGTVT of the Ministry of Transport dated December 29, 2023 amending and supplementing a number of articles of Circular No. 13/2019/TT-BGTVT dated March 29, 2019 of The Minister of Transport details the aviation security program and quality control of aviation security in Vietnam and Circular No. 41/2020/TT-BGTVT dated December 31, 2020 of the Minister of Transport. Transport amendments and supplements to a number of articles of Circular No. 13/2019/TT-BGTVT dated March 29, 2019 detailing the aviation security program and quality control of aviation security in Vietnam

Passengers aged 14 years or older when checking in for domestic flights must present one of the following documents or electronic data with equivalent legal value:

For passengers with foreign nationality: Passport (with latest entry verification stamp) or valid international travel document (with latest entry verification stamp) and relevant documents of residence in the country. Vietnam (visa, permanent residence card, temporary residence card, APEC business travel card) except in cases of visa exemption; Diplomatic identity cards issued by the Ministry of Foreign Affairs to members of diplomatic missions, consular offices, and representative offices of international organizations; driving license for cars and motorbikes; airport security control card with long-term use value; Identification cards of Vietnamese airlines; Level 2 electronic identity account of passengers (new regulations).

In case a passenger loses their passport, there must be a note from the diplomatic or consular agency of the passenger's country of nationality or an official dispatch from the Department of Foreign Affairs (confirmed by the local police agency where the passenger lost their passport). Passport) confirms the identity and loss of the passenger's passport, with photo and stamp. Note and confirmation dispatch are valid for 30 days from the date of confirmation;

For passengers with Vietnamese nationality, they must present one of the following documents: Passport or travel document, separate visa, permanent residence card, temporary residence card, identity card, citizen identification card; ID cards and certifications of the People's Police and People's Army; National Assembly Delegate card; Party membership card; Journalist card; driving license for cars and motorbikes; card of the National Civil Aviation Security Committee; airport security control card with long-term use value; Identification cards of Vietnamese airlines; Passenger level 2 electronic identification account; Identification certificate confirmed by the police agency; A certificate from a competent authority certifying that the passenger has just completed serving his sentence.

Passengers with Vietnamese nationality from 14 years old to over 14 years old for not more than 20 days can use the same travel documents as passengers under 14 years old.

**This Circular takes effect from February 15, 2024.**

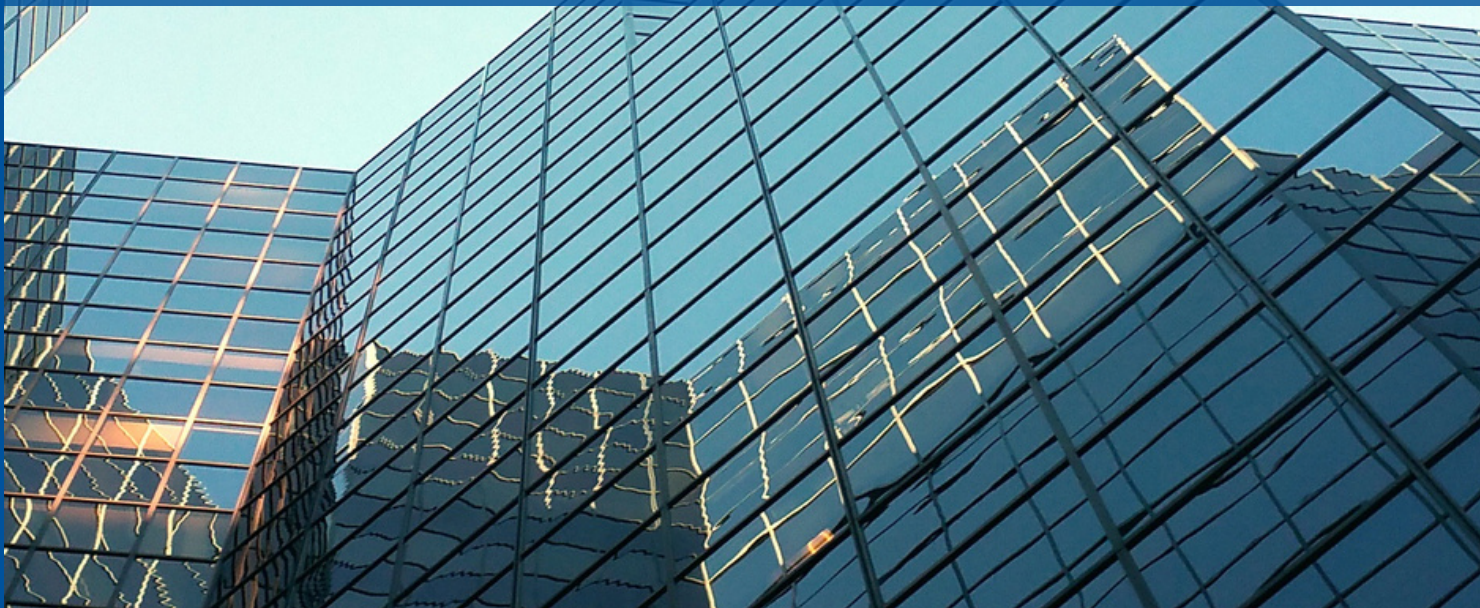


**3. Official Dispatch No. 558/TCT-CS dated February 20, 2024 of the General Department of Taxation instructing: Do not issue tax refunds for on-site import and export activities that do not meet customs conditions**



On July 12, 2023, the General Department of Customs issued official dispatch No. 3622/TCHQ-GSQL responding to problems related to foreign traders not present in Vietnam. Accordingly, pursuant to the provisions of Clause 2, Article 3 of Decree No. 90/2007/ND-CP dated May 31, 2007 of the Government on the export rights of foreign traders not present in Vietnam and Clause 5 of Article 3 Law on foreign trade management No. 05/2017/QH14 dated June 12, 2017: if it is determined that a foreign trader has invested and done business in Vietnam in the forms prescribed in the law on investment private, commercial, business; If you have a representative office or branch in Vietnam according to the provisions of the law on commerce and business, you are not considered a foreign trader without a presence in Vietnam.

In case it is determined that the foreign trader does not belong to the case of a foreign trader that is not present in Vietnam, then the goods purchased and sold between the Vietnamese enterprise and this foreign trader and assigned to another enterprise will be delivered. in Vietnam does not fall under the case of on-the-spot export/import specified in Point c, Clause 1, Article 35 of Decree No. 08/2015/ND-CP dated January 21, 2015 of the Government and Point c, Clause 1, Article 86 of the Circular. Circular No. 38/2015/TT-BTC dated March 25, 2015 of the Ministry of Finance. Thus, in case the Customs Authority determines that the enterprise's on-site export declaration is not in accordance with the provisions at Point c, Clause 1, Article 35 of Decree No. 08/2015/ND-CP, the Tax Authority will not resolve the matter. Tax refund due to failure to meet customs declaration conditions as prescribed.





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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.

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