

WINWIN AUDIT

Newsletter 06/2023



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1. Prime Minister's Decision No. 13/2023/QĐ-TTg of May 22, 2023 promulgating the list of waste materials that are allowed to be imported from abroad as production materials

Accordingly, the list of waste materials allowed to be imported as raw materials for production includes the following 5 groups of waste materials:

Group 1: Iron, steel and cast iron waste.

- Group 2: Plastic waste and scrap (plastics).
- Group 3: waste paper.
- Group 4: Glass waste.
- Group 5: Colored metal scrap.

Organizations and individuals that directly import scrap steel as raw materials for production can only import scrap steel as raw materials for production according to the design and production capacity of products and goods.

From the date of implementation of this decision, imports of fine-grained slag (sand slag) from the iron and steel smelting industry (HS code 2618 00 00) as raw materials for cement production must comply with the provisions of this law for products, goods and construction materials.

This Decision is effective from June 1, 2023 and supersedes Prime Minister's Decision No. 28/2020/QĐ-TTg dated September 24, 2020 promulgating the list of waste materials that are allowed to be imported from abroad as raw materials for production.

2. The Ministry of Finance's Circular No. 36/2023/TT-BTC dated June 6, 2023 stipulates the rate, collection, payment, management and use of Certificate of Origin (C/O) fees

Certificate of Origin (C/O) fees are stipulated as follows:

- If a certificate of origin is issued: 60,000 VND/set;
- If certificate of origin is reissued: 30,000 VND/set C/O.

The person who pays the certificate of origin (C/O) is the businessman who has submitted the file requesting the competent authority or organization to issue the certificate of origin.

When submitting the certificate of origin issuance materials, the payer shall pay the fee to the charging unit according to the above-mentioned standards.

This notice will take effect on July 21, 2023.

3. Notice on making invoices for the implementation of the agreement of the State Administration of Taxation No. 15/2022/ND-CP dated May 29, 2023

- If the goods and services are eligible for VAT reduction under the Agreement No. 15/2022/ND-CP, errors are found after December 31, 2022, they must issue adjustments or replacement invoices without affecting the amount of goods and payable Value-added tax or adjustment of taxable price, the adjusted or replaced invoice shall be subject to a 8% value-added tax rate; if the goods and value-added tax are wrong due to the wrong quantity of goods, the adjusted or reissued invoice shall be in accordance with the regulations stipulated when the adjustment or reissued invoice is issued. VAT rates are enforced.
- If the purchase tax rate is 8% before January 1, 2023, and after December 31, 2022, if the buyer returns the product due to inconsistent specifications and quality, the seller will issue a return invoice to adjust, reduce or replace the issued VAT rate For 8% of the invoice, the buyer and seller have an agreement to clearly state the returned goods.
- If an enterprise provides trade discounts to customers in the form of trade discounts, and it is applicable to goods that are exempted from VAT at the rate of 8%, when sales are made in 2022 but invoices for the content of trade discounts are issued from January 1, 2023, then :

3. Notice on making invoices for the implementation of the agreement of the State Administration of Taxation No. 15/2022/ND-CP dated May 29, 2023

- + The discount amount for the last purchase or for the next period after December 31, 2022, will be adjusted according to the content of the taxable price and the applicable tax rate.
- + If the discount amount is made at the end of the discount program (period) after December 31, 2022, the seller shall issue an adjusted invoice and apply the 8% VAT rate on the sale.
- If the enterprise sells goods or provides services (according to Decree No. 15/2022/ND-CP, the object of value-added tax reduction and exemption), but after December 31, 2022, the enterprise will issue invoices for sales of goods and services from 2022. The construction and installation activities that occurred during the period from February 1 to December 31, 2022, the time of project acceptance and handover, project items, and the amount of construction and installation work completed on the plot, regardless of whether payment is received, will be determined in the following manner on February 1, 2022. From December 31, 2022, but after December 31, 2022, if the business premises that newly issue construction and installation income invoices in the base pass inspection and acceptance, the wrong invoice shall prevail. According to the government's January 28, 2022 Decree No. 15/2022/ND-CP promulgated, may qualify for VAT relief and administrative penalties for wrongful invoicing.

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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