

Doing Business in Viet Nam 2024

This Guidebook is prepared in a collaboration
between Ernst & Young Viet Nam Limited and
the Foreign Investment Agency of Viet Nam



Glossary of acronyms

| | | | |
|-------------------|---|----------------|--|
| AEO | Authorized Economic Operator | IRC | Investment Registration Certificate |
| ASEAN | Association of Southeast Asian Nations | IT | Information Technology |
| CbCR | Country by Country Report | IZ | Industrial Zone |
| CIT | Corporate Income Tax | JETP | Just Energy Transition Partnerships |
| C/O or COO | Certificate of Origin | LLC | Limited Liability Company |
| COP | Conference of the Parties | LOE | Law on Enterprise |
| DOLISA | Department of Labor - Invalids and Social Affairs | LOI | Law on Investment |
| DPI | Department of Planning and Investment | LOIP | Law on Intellectual Property |
| DTA | Double Taxation Agreement | MAP | Mutual Agreement Procedures |
| EPE | Export Processing Enterprise | MOF | Ministry of Finance |
| EPZ | Export Processing Zone | MOLISA | Ministry of Labour - Invalids and Social Affairs |
| ERC | Enterprise Registration Certificate | NIC | National Innovation Center |
| EU | European Union | OECD | Organization for Economic Co-operation and Development |
| EZ | Economic Zone | OTS | On-the-spot |
| FTA | Free Trade Agreement | PIT | Personal Income Tax |
| FCWT | Foreign Contractor Withholding Tax | RMP | Resource Mobilization Plan |
| FDI | Foreign Direct Investment | R&D | Research & Development |
| GDP | Gross Domestic Product | SST | Special Sales Tax |
| GSO | General Statistics of Viet Nam | TP | Transfer Pricing |
| IFRS | International Financial Reporting Standards | UN | United Nations |
| IP | Intellectual Property | USD | United States Dollar |
| | | VAS | Vietnamese Accounting Standards |
| | | VAT | Value Added Tax |
| | | VND | Vietnamese Dong |
| | | WTO | World Trade Organization |

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Introduction

Viet Nam has seen a robust inflow of foreign investment this year, outperforming amongst ASEAN countries. Compared to other nations in the region, Viet Nam stands out, consistently attracting significant capital and positioning itself as a preferred destination for foreign investors. This is driven by economic reforms, participation in key trade agreements, international integration, and a commitment to sustainability.

The Government's commitment to sustainable development and green initiatives has motivated a positive investment landscape, attracting global investors eager to contribute to Viet Nam's ambitious goals. Viet Nam's policies have increasingly shifted towards fostering a sustainable and low-carbon economy evident in initiatives such as the National Power Development Plan, emphasizing renewable energy sources and reducing reliance on fossil fuels.

Viet Nam's proactive response to globalization, as demonstrated by adopting the Qualified Domestic Minimum Top-up Tax (QDMTT) and Income Inclusion Rule (IIR) rules from January 1, 2024, in line with the OECD's roadmap, positions it as a pioneering nation. Viet Nam is expected to have policy breakthroughs aimed to enhance effectiveness in attracting high-quality FDI. The government's focus on high-tech industries, research and development, renewable energy production, and strategic investors aligns with its goal of sustainable development. Policymakers are actively researching and developing solutions to achieve these objectives. The information included here is either obtained or derived from a variety of sources in the public domain. The Guidebook is up to date as at 6 May 2024. Please be aware that the laws and regulations may change at any time.

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Country profile



1 Country snapshot

Location

South East Asia

The country borders China, Laos and Cambodia

Land area¹

331,344.8 km²

5 municipalities and 58 provinces

North: Hanoi - the capital

Center: Danang City - important seaport

South: Ho Chi Minh City - the largest city

Language

Vietnamese (official language)

English (widely taught at school)

Currency

Vietnamese Dong

Population²

100.3 million

Employment³

Labor force: Estimated 52.4 million (aged 15 and above)

Unemployment rate: 2.28%

Business hours

Normal working hours are 8 hours per day, or 40-48 hours per week

GDP per capita⁴

Approximately USD4,285

Climate and weather

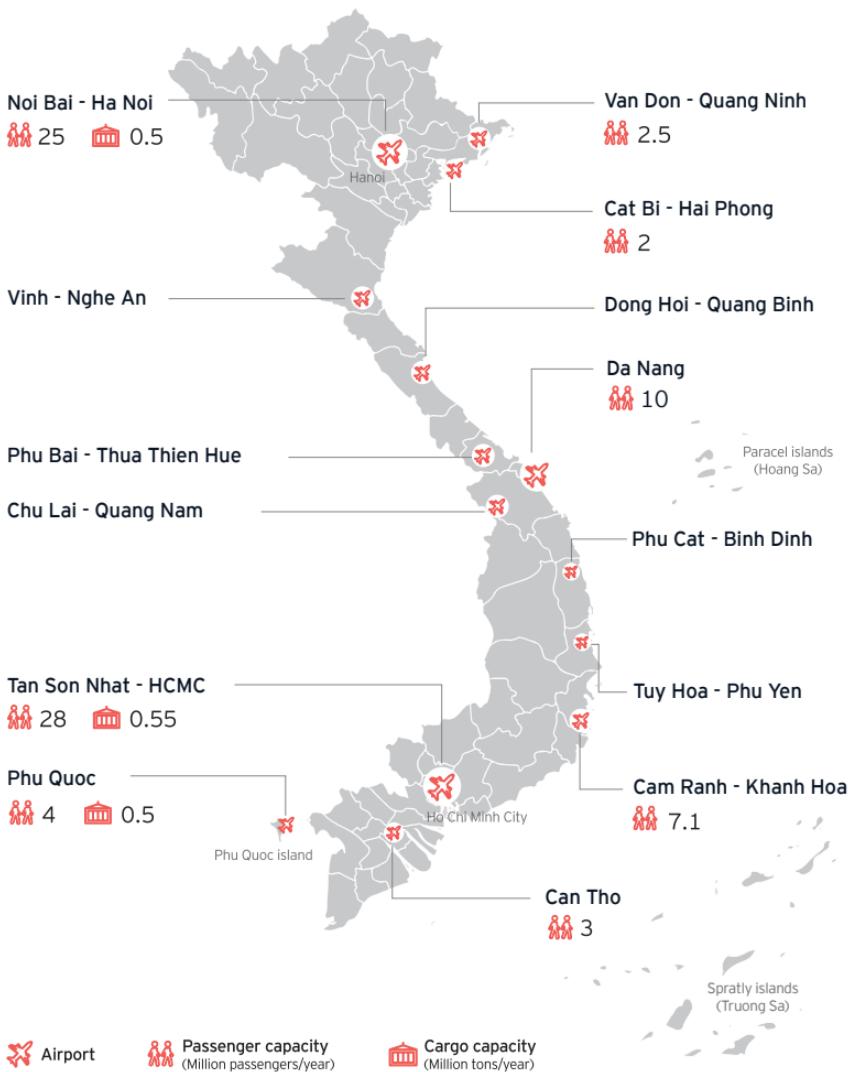
Varies from North to South

¹Data is extracted from Decision No 3048/QD-BTNMT of Ministry of Natural Resources and Environment dated 18 October 2023

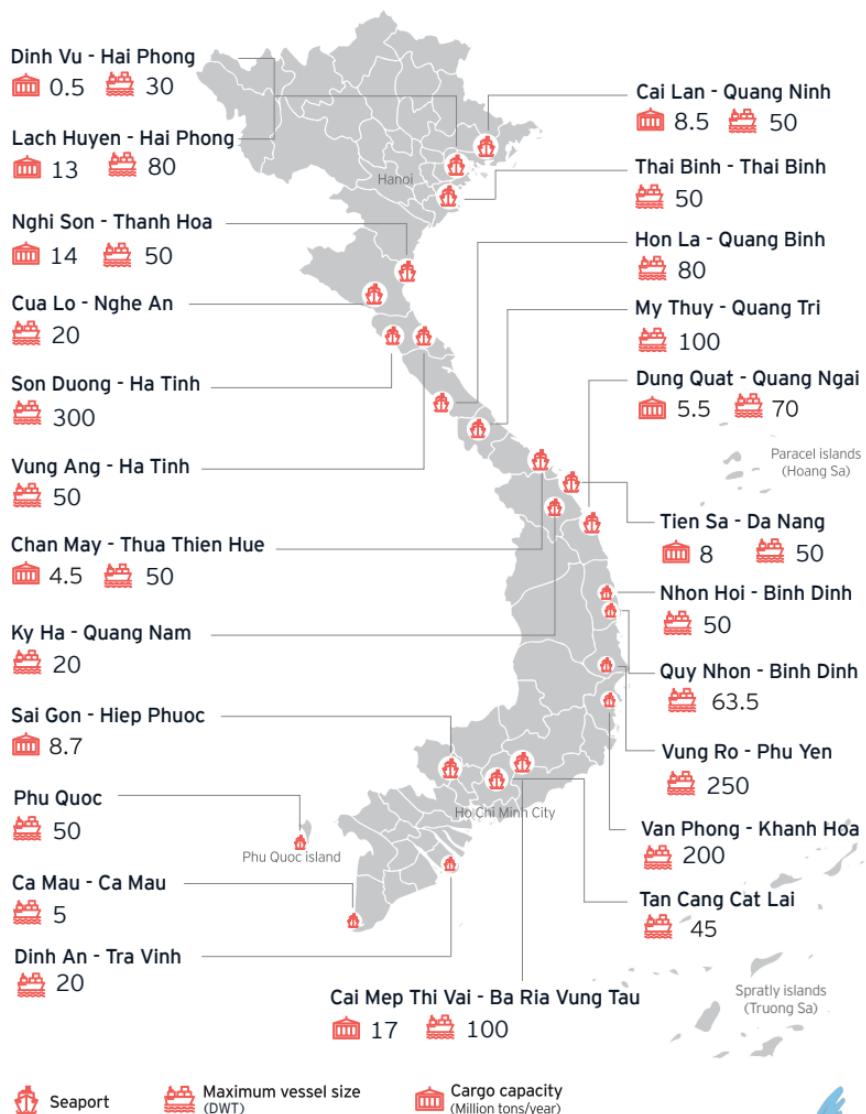
^{2,4}"Report on the socio-economic situation in the Fourth Quarter and 2023", GSO, <https://www.gso.gov.vn/bai-top/2023/12/bao-cao-tinh-hinh-kinh-te-xa-hoi-quy-iv-va-nam-2023/>, retrieved on 6 May 2024

³"Situation of Viet Nam's labor market in 2023", GSO, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2024/01/tinh-hinh-thi-truong-lao-dong-viet-nam-nam-2023/>, retrieved on 14 March 2024

2 Major airports



Major seaports



4

Major railway lines and expressways

Major railway lines:

- ▶ Ha Noi - Ho Chi Minh City: single track, 1,000 mm gauge, length 1,726 km
- ▶ Ha Noi (Yen Vien) - Lao Cai: single track, 1,000 mm gauge, length 296 km
- ▶ Ha Noi (Gia Lam) - Hai Phong: single track, 1,000 mm gauge, length 102 km
- ▶ Ha Noi - Thai Nguyen (Quan Trieu): single track, 1,000 mm gauge with 1,435 mm gauge, length 55 km
- ▶ Ha Noi - Lang Son (Dong Dang): single track, 1,000 mm gauge with 1,435 mm gauge, length 167 km
- ▶ Bac Giang (Kep) - Hai Duong (Chi Linh): single track, 1,435 mm gauge, length 38km
- ▶ Bac Giang (Kep) - Thai Nguyen (Luu Xa): single track, 1,435 mm gauge, length 56 km

Major expressways:

- ▶ Phap Van - Cau Gie - Ninh Binh: Length 80km, 4-6 lanes
- ▶ Ha Noi - Hai Phong: Length 105km, 6 lanes
- ▶ Da Nang - Quang Ngai: Length 127km, 4-6 lanes
- ▶ HCMC - Long Thanh - Dau Giay: Length 51km, 4-6 lanes
- ▶ HCMC - Trung Luong: Length 40km, 4-6 lanes

A total of 30 expressways are in operation with a length of 1,851km; 91 expressways are under construction with a length of 1,637km.

Plan for the period 2021-2030, with a vision by 2050, includes 41 additional expressways, totaling approximately 9,014 km.



5

Coastal economic zones

Dinh Vu, Cat Hai - Hai Phong

Size: 21,640 ha



Van Don - Quang Ninh

Size: 217,133 ha

Nghi Son - Thanh Hoa

Size: 18,611 ha



Quang Yen - Quang Ninh

Size: 13,303 ha

Dong Nam Nghe An - Nghe An

Size: 18,826 ha



Dong Nam - Quang Tri

Size: 23,792 ha



Chan May, Lang Co -

Thua Thien Hue

Size: 27,108 ha



Chu Lai - Quang Nam

Size: 27,040 ha



Dung Quat - Quang Ngai

Size: 10,300 ha



Nhon Hoi - Binh Dinh

Size: 12,000 ha



Phu Quoc - Phu Quoc

Island and Nam An Thoi

Islands

Size: 56,100 ha



Nam Can - Ca Mau

Size: 11,000 ha



Van Phong - Khanh Hoa

Size: 150,000 ha



Nam Phu Yen -

Phu Yen

Size: 20,730 ha



Dinh An - Tra Vinh

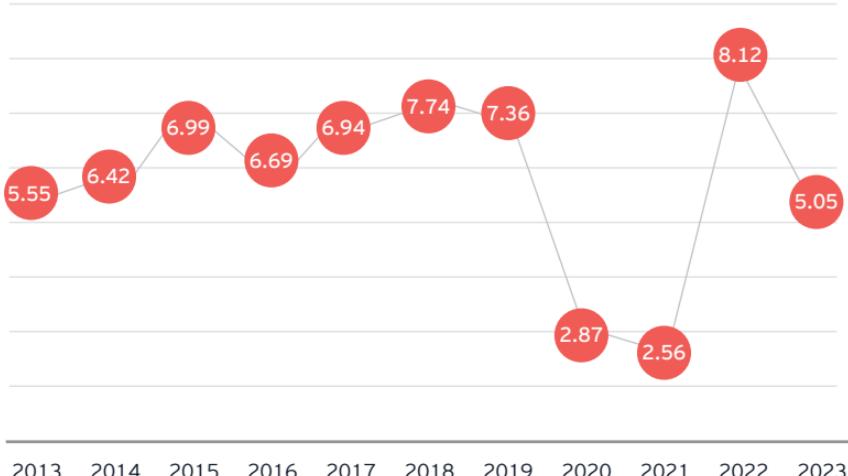
Size: 39,020 ha

Economic zone

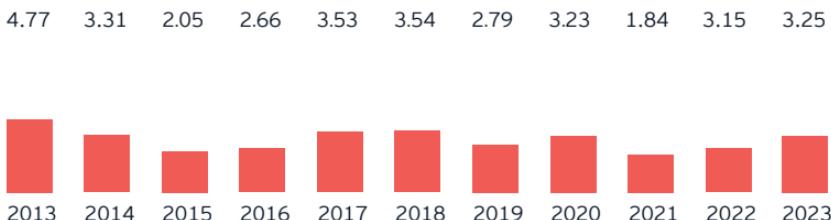
| Region | Land for industry, commerce, service, tourism (ha) | Target sectors | Additional Information |
|--|--|---|--|
| Van Don - Quang Ninh | 3,400 | Developing commercial, aquaculture, clean industry, tourism | |
| Quang Yen - Quang Ninh | - | Multi-sector coastal EZ, forming a center of industry, service, port logistics and a modern, smart city | Urban, industrial and high-tech complex: 6,403.7 ha Seaport service, seaport, Dam Nha Mac industrial and urban area: 6,899.3 ha |
| Dinh Vu, Cat Hai - Hai Phong | 6,090 | Developing port services, industry, tourism | |
| Thai Binh - Thai Binh | - | Multi-industry, general EZ | |
| Nghi Son - Thanh Hoa | 4,175 | Developing oil and gas industry, port services, cement, thermal power, tourism | |
| Dong Nam Nghe An - Nghe An | 4,217 | Developing precision mechanical industry, assembling machines, textiles, processing agriculture and forestry -fishery products, tourism | |
| Vung Ang - Ha Tinh | 4,858 | Developing shipbuilding, steel rolling, power generation, electronics, and tourism | |
| Hon La - Quang Binh | 1,422 | Developing shipbuilding, thermal power, cement, glass, tourism | |
| Dong Nam - Quang Tri | - | Multi-industry, general EZ | Dynamic functional zones (non-tariff zones, IZ, tourist service and attractions): 3,813 ha |
| Chan May, Lang Co - Thua Thien Hue | 4,425 | Developing high-tech clean industry, port services, tourism | |
| Chu Lai - Quang Nam | 2,485 | Developing processing agriculture and forestry -fishery products, electronics, automobile assembly, garment, footwear, civil goods | |
| Dung Quat - Quang Ngai | 2,807 | Developing petrochemical refining, chemical, shipbuilding, steel rolling | |
| Nhon Hoi - Binh Dinh | 2,980 | Developing wind power, shipbuilding, tourism | |
| Nam Phu Yen - Phu Yen | 2,980 | Developing high-tech industry, petrochemical refining, tourism | |
| Van Phong - Khanh Hoa | 2,050 | Developing shipbuilding industry, international transshipment port, petroleum depot, aquaculture, tourism | |
| Dinh An - Tra Vinh | 5,404 | Developing industry, aquaculture, tourism | |
| Nam Can - Ca Mau | 1,909 | Developing mechanical engineering, shipbuilding, machine assembly, electronics, seafood processing, oil and gas services, tourism | |
| Phu Quoc - Phu Quoc Island and Nam An Thoi Islands | 5,162 | Developing diversify tourism and traditional craft villages | |

Macro economics index

GDP growth¹ (%)



Inflation² (annual average - %)

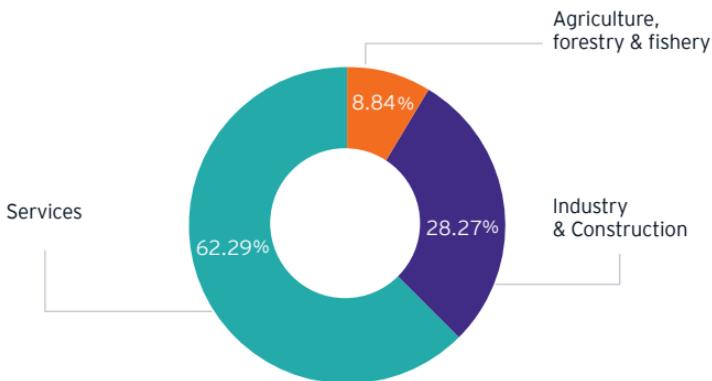


Source: GSO, Statistical Yearbook of Viet Nam 2022 (Statistical Publishing House, 2023)

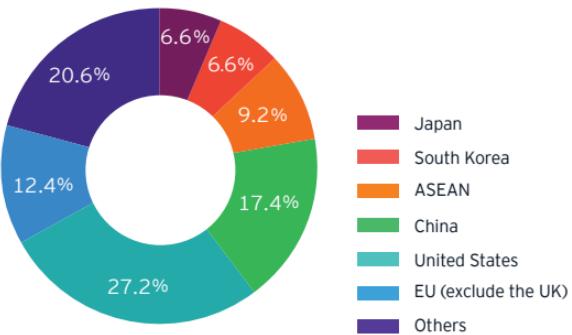
¹"Report on the socio-economic situation in the Fourth Quarter and 2023", GSO, <https://www.gso.gov.vn/bai-top/2023/12/bao-cao-tinh-hinh-kinh-te-xa-hoi-quy-iv-va-nam-2023/>, retrieved on 14 March 2024

² "The Consumer Price Index, Gold Price Index and US Dollar Price Index for December 2023", GSO, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2023/12/chi-so-gia-tieu-dung-chi-so-gia-vang-va-chi-so-gia-do-la-my-thang-12-nam-2023/>, retrieved on 14 March 2024

GDP by sector in 2023³



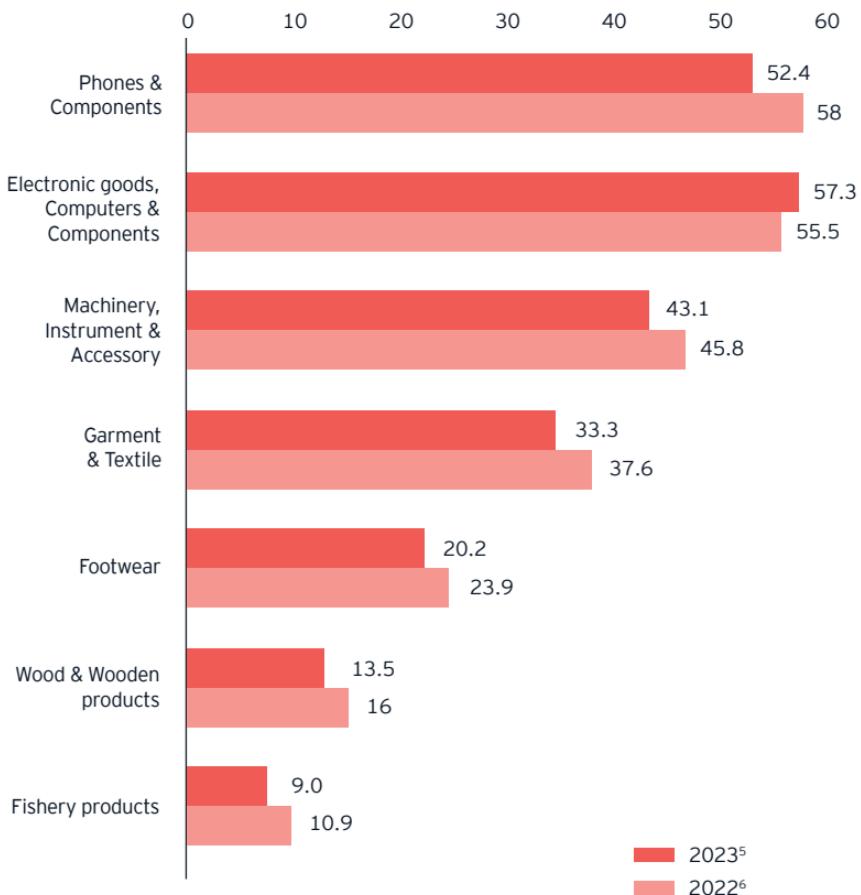
Main export partners in 2023⁴



³"Report on the socio-economic situation in the Fourth Quarter and 2023", GSO, <https://www.gso.gov.vn/bai-top/2023/12/bao-cao-tinh-hinh-kinh-te-xa-hoi-quy-4-va-nam-2023/>, retrieved on 6 May 2024

⁴"Exports and imports in 2023 strive to recover, creating a breakthrough momentum for 2024", GSO, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2024/01/xuat-nhap-khau-nam-2023-no-luc-phuc-hoi-tao-da-but-pha-cho-nam-2024/>, retrieved on 6 May 2024

Export value of Viet Nam's 7 largest commodities (USD billion)



⁵ "Import and export data for the months of 2023", GSO, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2023/03/so-lieu-xuat-nhap-khau-cac-thang-nam-2023/>, retrieved on 6 May 2024

⁶ GSO, Statistical Yearbook of Viet Nam 2022 (Statistical Publishing House, 2023)

Viet Nam advantages

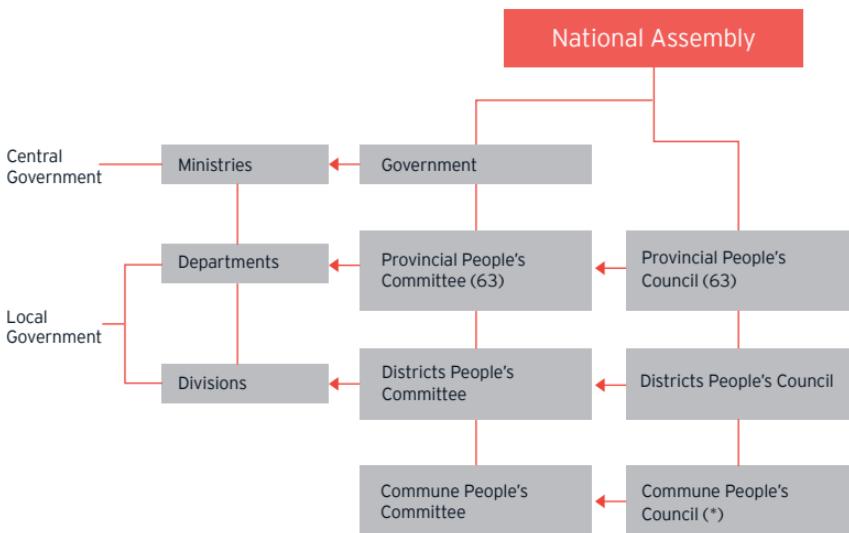
Why Viet Nam is an attractive destination for foreign investors

| | |
|---------------------------------------|---|
| International integration | Viet Nam has demonstrated its commitment to international integration and affirming a new role, image, prestige, and position in the international arena. In more than three decades of renovation and integration, Viet Nam has signed 16 FTAs. In the past five years, Viet Nam has signed several new-generation FTAs including CPTPP, EVFTA, UKVFTA, RCEP. |
| Strategic geographic locations | Viet Nam is located in the center of South East Asia, sharing boundaries with the Pacific Ocean, Gulf of Thailand, Laos, Cambodia and China. Viet Nam has over 3,000 km long coastline, near main international shipping and trading routes. |
| Competitive labor force | Workforce is an advantage of Viet Nam with a working-age population of over 50 million, a steadily increasing proportion of trained workers, and competitive costs compared to neighboring countries. |
| Political stability | Viet Nam is one of the more politically stable countries in South East Asia. Alongside maintaining the one-party state system, its main aim is economic growth. |
| Improving investment climate | Viet Nam continues to welcome FDI and foreign companies play an important role in the economy. The business environment continues improving by new laws streamlining the business registration processes. The Vietnamese Government prioritizes infrastructure improvement to attract more FDI. |

8 Political structure

Viet Nam is a socialist country operating under the single-party leadership of the Communist Party. The legislative power in Viet Nam is vested in the National Assembly of Viet Nam. The implementation and administration of National Assembly legislation is delegated to 63 municipal and provincial bodies based on geographical location. The President of Viet Nam is the head of the State, and the Prime Minister of Viet Nam is the head of the Central Government. The Central Government is assisted by various ministries in charge of specific sectors in the management of the country.

Political structure in Viet Nam



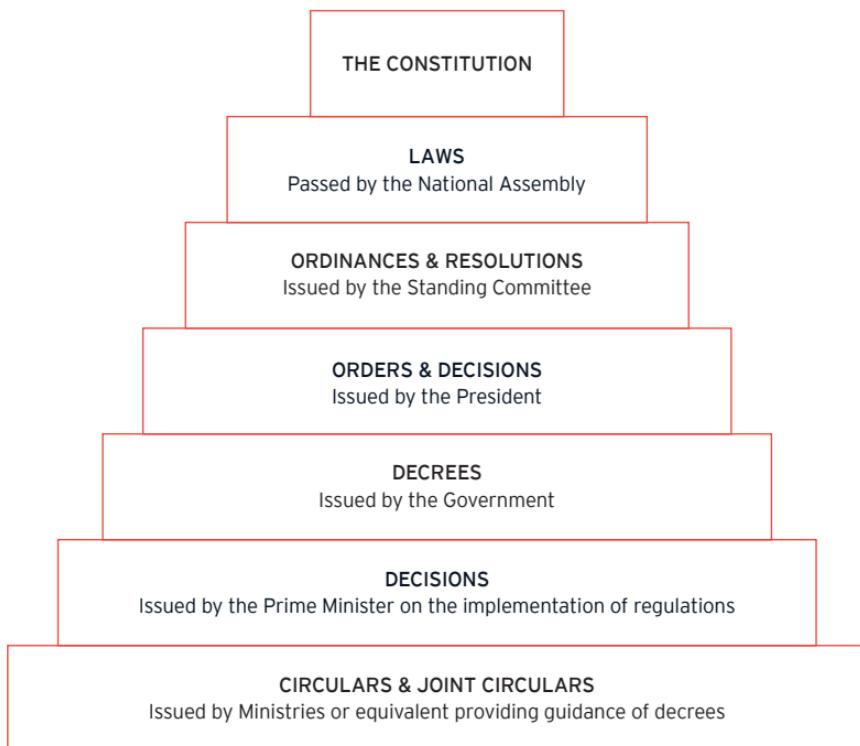
(*) Piloting the urban administration model in Hanoi to remove the commune level according to Resolution No.97/2019/QH14

Source: The Constitution of the Socialist Republic of Viet Nam, dated 28 November 2013, issued by the National Assembly of Viet Nam

Hierarchy of regulations

The Law on Promulgation of Legal Instruments organizes law into a hierarchy where higher-ranking legal instruments set out general rules and the lower-ranking legal instruments provide clarification and additional details.

Hierarchy of regulations in Viet Nam



Source: Law on Promulgation of Legal Instruments No. 80/2015/QH13, dated 22 June 2015, issued by the National Assembly of Viet Nam

10 Foreign investment cooperation strategy in 2021-2030

On 2 June 2022, the Prime Minister issued Decision No. 667/QĐ-TTg approving the foreign investment cooperation strategy for the period 2021-2030 to enhance the efficiency of foreign investment, by specifying the following specific objectives:

- ▶ Completion of specific objectives under Resolution No. 50-NQ/TW dated 20 August 2019 of the Communist Party of Viet Nam Central Committee:
 - ▶ Total registered capital is expected to reach USD150-200 billion (approximately USD30-40 billion/year) in the period 2021-2025, and USD200-300 billion (approximately USD40-50 billion/year) in the period 2026-2030
 - ▶ Total implemented capital is expected to reach USD100-150 billion (approximately USD20-30 billion/year) in the period 2021-2025, and USD150-200 billion (approximately USD30-40 billion/year) in the period 2026-2030
 - ▶ The proportion of enterprises applying advanced technology and modern management methods, satisfying environmental protection requirements, and adopting high technology should increase by 50% by 2025 and by 100% by 2030, compared with 2018
 - ▶ The goods localization rate is expected to rise from the existing rate of 20-25% to 30% and 40% in 2025 and 2030 respectively
 - ▶ The percentage of skilled employees in the workforce is expected to rise from 56% in 2017 to 70% in 2025 and 80% in 2030
- ▶ Increase the percentage of investment capital registered from certain economies so that it accounts for more than 70% of all foreign capital in 2021-2025 and 75% in 2026-2030. The economies mentioned are: (i) Asia: South Korea, Japan, Singapore, China, Taiwan (China), Malaysia, Thailand, India, Indonesia, Philippines; (ii) Europe: France, Germany, Italy, Spain, Russian Federation, UK; and (iii) America: United States of America
- ▶ Total number of multinational corporations listed as the world's largest 500 corporations by Fortune Magazine (USA) having a presence and operating in Viet Nam to increase by 50%
- ▶ By 2030, Viet Nam should be listed among the top three ASEAN leading countries and top 60 worldwide leading countries in the business environment category by the World Bank.

Enhancing the effectiveness of foreign investment in accordance with Directive 14/CT-TTg dated 24 May 2023¹

In response to the challenges posed by the current global economic landscape, the Prime Minister has issued specific instructions to enhance the effectiveness of foreign investment, encompassing investment promotion activities. The following points are highlighted for foreign investors:

- ▶ Publicize and promote the National List of projects calling for foreign investment in the period 2021-2025.
- ▶ Proactively engage and negotiate with large corporations regarding incentive packages and investment support mechanisms within the framework of high-level foreign affairs activities.
- ▶ Take proactive measures to approach, select, and persuade international corporations and investors to invest in Viet Nam, utilizing influential channels to attract investment.
- ▶ Learn from other countries in formulating investment support and incentive packages (e.g., cash grants, labor training, infrastructure development support, and other measures to address the global minimum tax) to propose adjustments and supplements to relevant laws and policies for increased competitiveness.
- ▶ Prioritize the attraction of high-quality foreign investment capital, particularly in key sectors with potential development, such as digital technology, semiconductors, microchips, electronic hardware assembly and production, and software production.

¹Section 5 of the Directive No. 14/CT-TTg on tasks and solutions to improve foreign investment efficiency in the new stage dated 24 May 2023, issued by the Prime Minister

11 Viet Nam's Commitments at COP26

Climate change is now a global challenge. At COP26, Viet Nam made strong commitments along with nearly 150 countries to achieve net-zero carbon emissions by the middle of this century.

Commitments of Viet Nam at the UN Climate Change Conference in November 2021 (COP26):

| General Commitments | Viet Nam Commitments |
|--|---|
| Countries attending the COP 26 are being asked to come forward with ambitious 2030 emissions reductions targets that align with reaching net zero by the middle of the century. | Target: 2050 Net-zero carbon emissions: Prime Minister Pham Minh Chinh's statements at COP26 committed that Viet Nam will capitalize on its advantage in renewable energy and take stronger measures to reduce greenhouse gas emissions. Along with the cooperation and support of the international community, Viet Nam will achieve net-zero emissions by 2050. ¹ |
| The Global Methane Pledge commits signatories to collectively reduce global methane emissions by at least 30% below 2020 levels by 2030 to keep a 1.5°C future within reach. Participants also commit to improve the accuracy, transparency, consistency, comparability, and completeness of national greenhouse gas inventory reporting. ² | Target: 2030 Reduce global methane emissions by 30% Viet Nam signed the commitment letter to pledge to reduce global methane emissions. |
| Countries commit to work together to make clean power the most affordable and accessible option globally. | Target: 2040 No new coal plants Viet Nam along with over 45 countries commit to scale up the deployment of clean power generation, transition away from coal power generation, and cease issuing new permits for coal power generation. ³ |
| As part of the Paris Agreement, countries agreed to update their Nationally Determined Contribution (NDC) which include the emissions reduction targets every five years to reflect their highest possible ambition and a progression over time. | Target: 2030 Greenhouse gas reductions of 9% (with domestic resources) and 27% (with international support) Viet Nam has unconditionally committed to reducing greenhouse gas (GHG) emissions by 9% by 2030 below business-as-usual levels, while targeting a conditional 27% reduction in emissions below business-as-usual levels based on international support. ⁴ |
| 145 countries signed onto the Glasgow Leaders' Declaration on Forests and Land Use. These countries committed to halt and reverse forest loss and land degradation by 2030 while delivering sustainable development and promoting an inclusive rural transformation. | Target: 2030 End deforestation in Viet Nam Viet Nam has committed to end deforestation to meet the Paris Agreement goals. ⁵ |

To achieve these commitments, the Viet Nam government has issued Notice No. 30/TB-VPCP dated 30 January 2022 focusing on eight areas for implementing Viet Nam's COP26 commitments as follows⁶:

- ▶ Transfer from fossil energy to green and clean energy sources
- ▶ Reduce greenhouse gas emissions in industries
- ▶ Reduce methane emissions, especially in agricultural production and waste treatment
- ▶ Encourage research, development and use of electric cars
- ▶ Manage and sustainably use the existing forest area and boost afforestation for carbon absorption and storage
- ▶ Research, produce and use building materials and development of urban areas in accordance with green and sustainable development
- ▶ Promote and innovate communication to achieve consensus and cooperation of the general population and the business community with the Government in fulfilling commitments at COP26
- ▶ Speed up digital transformation in response to climate change

¹"Full remarks by the Prime Minister Pham Minh Chinh at COP26", Government News, <https://en.baochinhphu.vn/full-remarks-by-pm-pham-minh-chinh-at-cop26-11142627.htm>, 2 November 2021

²"Homepage", Global Methane Pledge, <https://www.globalmethanepledge.org/>, accessed 2 August 2022

³"Global coal to clea power transition statement", UN Climate Change Conference in UK 2021, <https://ukcop26.org/global-coal-to-clean-power-transition-statement/>, 4 November 2021

⁴"NDC Support Programme", UNDP, <https://www.ndcs.undp.org/content/ndc-support-programme/en/home/our-work/geographic/asia-and-pacific/Viet Nam>, accessed 2 August 2022

⁵"Glasgow Leaders' Declaration on Forest and Land use", UN Climate Change Conference in UK 2021, <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>, 2 November 2021

⁶Notification No. 30/TB-VPCP Conclusion of the Prime Minister - head of the National steering committee at the first meeting of the National steering committee of the fulfillment of Viet Nam's commitments in the 26th Conference of the parties to the united nations framework convention on climate change, dated 30 January 2022, issued by the Government Office

12 New development at COP28

At COP28 Viet Nam was recognized for playing a significant role in critical conversations, reaffirming its position as a key player in the global climate change discussions.

Viet Nam officially announced the RMP at COP28 to implement JETP with the Group of international partners. The RMP is a milestone in Viet Nam's efforts to realize the goal of developing clean energy, towards a future of net-zero emissions and sustainable development. The plan spans eight critical areas, namely¹:

- ▶ Improvement of the regulatory framework.
- ▶ Transitioning from coal power.
- ▶ Developing the renewable energy ecosystem.
- ▶ Enhancing energy saving and efficiency.
- ▶ Upgrading power and energy storage systems.
- ▶ Reducing greenhouse gasses in transportation.
- ▶ Fostering innovation and technology transfer.
- ▶ Ensuring a just energy transition.

Viet Nam is one of the first 63 countries to join the Global Cooling Pledge, which is proposed by the COP28 President².

¹"Launch of the Resource Mobilisation Plan for the Just Energy Transition Partnership with Viet Nam", Delegation of the European Union to Viet Nam, https://www.eeas.europa.eu/jetp-rmp-launch_en

²"Global Cooling Pledge for COP28", UN Environment Programme, https://wedocs.unep.org/bitstream/handle/20.500.11822/44310/Global-Cooling-Pledge-final_231206_145613.pdf

Viet Nam National Green Growth Strategy for 2021-2030, vision towards 2050

National strategy on green development¹

According to the Decision 1658/QĐ-TTg dated 1 October 2021 on approval for national green growth strategy for the 2021-2030 period, with a vision by 2050, the national strategy on green development is to set general objectives and specific objectives for green development as follows:

- ▶ General objectives: Green development promotes economic restructuring with growth model innovation, achievement of economic prosperity, environmental sustainability and social equality; strive towards green and carbon-neutral economy and contribute to the reduction of global warming.
- ▶ Specific objectives are set out below:

Specific objectives of national strategy on green development

| Specific objectives | 2030 | 2050 |
|--|---|--|
| Reducing intensity of greenhouse gas emission per GDP compared with 2014 | ≥ 15% | ≥ 30% |
| Greening economic sectors | Consumption of primary energy as a percentage of average GDP (in 2021-2030 period) | 1%-1.5%/year (each period - 10 years) |
| | Proportion of renewable energy in the total primary energy supply | 15%-20% 25%-30% |
| | Digital economy | 30% |
| | Stable forest cover rate | 42% 42%-43% |
| | Total area of dry crops applying advanced water-saving methods | 30% 60% |

¹Decision No. 1658/QĐ-TTg on approval for National green growth strategy for 2021-2030 period, with a vision by 2050, dated 1 October 2021, issued by the Prime Minister

| | | | |
|--|--|--|---|
| Greening lifestyle and promoting | Urban domestic solid waste collected and treated in accordance with regulations and standards | 95% | 100% |
| | Urban domestic solid waste treated by direct burial method | 10% | Minimize burying organic solid waste and recyclable waste |
| | Urban wastewater collected and treated in accordance with regulations and standards | Class 2 urbans or higher: 50% Remaining urbans: 20% | 100% |
| | Public passenger transport rate | Special urbans: ≥ 20% Class 1 urbans: 5% | Special urbans: ≥ 40% Class 1 urbans: 15% |
| | Buses using clean energy | Special urbans: 15% of total operating buses Class 1 urbans: 10% of new buses | Special urbans: 100% of total operating buses Class 1 urbans: 40% of new buses |
| | Ratio of green public procurement to total public procurement | ≥ 35% | ≥ 50% |
| | Number of urbans approving and implementing the Master plan on green growth urban development towards sustainable smart urbans | 10 | 45 |
| Greening transition on principles of equality, inclusion, and resilience | Human Development Index (HDI) | > 0.75 | > 0.8 |
| | Provinces and cities establishing and implementing Provincial air quality management plan | 100% by 2030 | |
| | Population using clean water meeting standards prescribed by the Ministry of Health | ≥ 70% | ≥ 90% |

Energy security

On 15 May 2023, the Prime Minister approved the Eighth National Power Development Plan (PDP8) which emphasises the country's commitment to renewable energy for the period from 2021 to 2030 with a vision to 2050. This significant development is expected to drive new waves of investment and growth in Viet Nam's power market, particularly in the renewable energy sector.

Development objectives²

- ▶ Firmly ensure national energy security, meet the requirements of socio-economic development and the national industrialization and modernization.
- ▶ Successfully implement a just energy transition associated with production modernization, construct smart grid, and manage advanced power system. Be in line with the trend of green transformation, emission reduction, and scientific and technological development of the world.
- ▶ Forming an ecosystem for energy industry based on renewable energy and new energy.

Allocation of power sources for development as per PDP8³

| Sources of power | 2030 | 2050 |
|---|--|---|
| Total capacity (excluding export, existing rooftop) | 150,489 MW | 490,529–573,129 MW |
| Onshore wind | 21,880 MW (14.5% of the total capacity) | 60,050–7,050 MW (12.2%–13.4%) |
| Offshore wind | 6,000 MW (4.0%) | 70,000–91,500 MW (14.3%–16%) |
| Solar | 12,836 MW (8.5%) | 168,594–189,294 MW (33.0%–34.4%) |
| Biomass/waste | 2,270 MW (1.5%) | 6,015 MW (1.0%–1.2%) |
| Hydro | 29,346 MW (19.5%) or higher capacity if economic and technological conditions permit | 36,016 MW (6.3%–7.3%) |
| Storage battery | 300 MW (0.2%) | 30,650–45,550 MW (6.2%–7.9%) |
| Co-generation | 2,700 MW (1.8%) or higher capacity subject to the capability and operation of industrial zones | 4,500 MW (0.8%–0.9%) |
| Coal-fired | 30,127 MW (20.0%) | 0 MW (0%), no longer using coal |
| Biomass/ammonia | 0 | 25,632–32,432 MW (4.5%–6.6%) |
| Domestic thermal gas | 14,930 MW (9.9%) | Converted to LNG: 7,900 MW (1.4%–1.6%) Converted to hydrogen: 7,030 MW (1.2%–1.4%) |

²Section II.2.a of Article 1 of the Decision No. 500/QD-TTg on approval for national electricity development planning for 2021–2030 period, with a vision by 2050 dated 15 May 2023, issued by the Prime Minister

³Section III.1.c of Article 1 of the Decision No. 500/QD-TTg on approval for national electricity development planning for 2021–2030 period, with a vision by 2050 dated 15 May 2023, issued by the Prime Minister

| Sources of power | 2030 | 2050 |
|------------------------|---|--|
| LNG | 22,400 MW (14.9%) | Combined with hydrogen (partial): 4,500–9,000 MW (0.8%–1.8%) Converted to hydrogen (entirely): 16,400–20,900 MW (3.3%–3.6%) |
| Flexible power sources | 300 MW (0.2%) | 30,900–46,200 MW (6.3%–8.1%) |
| Import | 5,000 MW (3.3%), targeted to reach 8,000 MW | 11,042 MW (1.9%–2.3%) |

Political declaration on establishing the JETP with Viet Nam (JETP Declaration)

Viet Nam, together with the International Partnership Group (IPG) which includes the EU, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Japan, the Federal Republic of Germany, the French Republic, the Italian Republic, Canada, the Kingdom of Denmark, and the Kingdom of Norway, has issued a political declaration on the establishment of a JETP in Viet Nam.

This Partnership Agreement will help Viet Nam realize its goal of Achieving Net Emissions by 2050, accelerating the process of peaking greenhouse gas emissions and transitioning from fossil fuels to clean energy. The partners will mobilize an initial amount of USD15.5 billion over the next 3 to 5 years to address Viet Nam's just energy transition needs. Of that, USD7.7 billion was raised by IPG with more attractive loan conditions than the current capital market⁴.

The RMP of JETP will support Viet Nam in advancing a just energy transition, including some specific objectives as follows⁵:

- ▶ Accelerate the projected greenhouse gas emissions peak towards 2030 to achieve the goal before 2035
- ▶ Reduce the power sector's annual emissions by up to 30% from 240 million tonnes to 170 million tonnes and accelerate the peak of emissions by five years by 2030
- ▶ Limit Viet Nam's coal power capacity to 30.2GW from the planned level of 37GW
- ▶ Accelerate the deployment of renewables so that they account for at least 47% of total electricity generation by 2030, up from 36% under the current plan

⁴Section 18 of the Political declaration on establishing the Just Energy Transition Partnership with Viet Nam

⁵Section 24 of the Political declaration on establishing the Just Energy Transition Partnership with Viet Nam

Asia Zero Emission Community (AZEC) Joint Statement

Viet Nam, together with the AZEC partners, including Australia, Brunei Darussalam, Cambodia, Indonesia, Japan, Lao PDR, Malaysia, the Philippines, Singapore, and Thailand, issued a Joint Statement on 4 March 2023, committing jointly to accelerate the energy transition towards carbon neutrality/net-zero emissions in the Asian region to achieve the goals of the Paris Agreement. These commitments include, but are not limited to⁶:

- ▶ Development, demonstration, and deployment of decarbonization strategies, plans, businesses, and technologies such as energy efficiency, renewables, hydrogen, ammonia, energy storage, bioenergy, carbon capture, utilization, and storage
- ▶ Financial support for investments in decarbonization infrastructure, including the power grid and the development of clean energy supply chains, including critical minerals and materials
- ▶ Development, harmonization, and securing interoperability of standards of decarbonization technologies, and strengthening of human resource capacity in the area

⁶"Asia Zero Emission Community Joint Statement", AZEC Ministerial Meeting 2023, 4 March 2023

Investment protection and Investment incentives

1 Investment protection¹

Under the LOI 2020, the Government provides the following investment protection to foreign investors:

Investment protection to foreign investors

- ▶ No appropriation or confiscation
 - ▶ Compensation in the event of confiscation for national defense, security or national interest
-
- ▶ No priority to domestic goods, services or vendors
 - ▶ No restriction on export ratio quantity, value, types of goods, services
 - ▶ Self-balance of import-export, import substitution, R&D ratio
 - ▶ Investors can choose the headquarter location or location to provide goods/service

- ▶ Entitlement to new incentives if more favorable
- ▶ Retain current incentives if less favorable than before
- ▶ If the investor is no longer entitled to incentives for national defense and security reasons, relevant compensation may be applied



- ▶ Investment capital and liquidation
- ▶ Income from business activities
- ▶ Lawful money and other assets

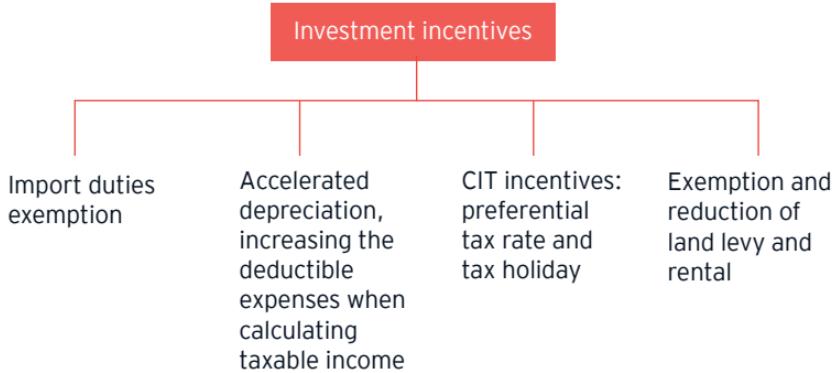
¹Articles 10, 11, 12, 13 of the LOI 2020



2 Forms of investment incentives and support¹

The LOI 2020 provides the following forms of investment incentives and government support:

2.1 Forms of investment incentives



¹Articles 15, 18 of the LOI 2020



Forms of investment support

- 1 Development of technical and social infrastructure inside and outside the investment project
- 2 Training and development of human resources
- 3 Credit support
- 4 Access to business premises and business relocation under decisions of regulatory agencies
- 5 Science, technology and technology transfer
- 6 Market development and information provision
- 7 R&D

Source: Article 18, LOI 2020

Projects eligible for investment incentives

- 1 Investment projects in encouraged sectors regulated in Clause 1 Article 16 of the LOI 2020.
- 2 Investment projects located in encouraged areas regulated in Clause 2 Article 16 of the LOI 2020.
- 3 Large investment with a total investment capital from VND6,000 billion subject to detailed conditions on disbursement schedule, revenue or labor.
- 4 Social housing construction projects; investment projects located in rural areas and employing at least 500 employees; investment projects that employ persons with disabilities in accordance with regulations of law on persons with disabilities.
- 5 Hi-technology enterprises, science and technology enterprises and science and technology organizations, projects involving transfer of technologies on the List of technologies the transfer of which is encouraged in accordance with regulations of the Law on Technology Transfer No. 07/2017/QH14; technology incubators, science and technology enterprise incubators prescribed by the Law on High Technology No. 21/2008/QH12, and the Law on Science and Technology No. 29/2013/QH13, enterprises manufacturing and providing technologies, equipment, products and services with a view of satisfying the environment protection requirements prescribed by the Law on Environmental Protection No. 55/2014/QH13.
- 6 Innovation start-up projects, NICs and research and development centers.
- 7 Business investment in small and medium-sized enterprises' product distribution chain; business investment in technical establishments supporting small and medium-sized enterprises, small and medium-sized enterprise incubators; business investment in co-working spaces serving small and medium-sized enterprises and innovation startups prescribed by the Law on Small and Medium-Sized Enterprises.

Source: Clause 2, Article 15, LOI No. 61/2020/QH14, dated 17 June 2020, issued by the National Assembly of Viet Nam

Investment incentives and support in IZs and EZs

Viet Nam now has more than 400 IZs spread across the country. Below is a summary of the number of IZs by region and the occupancy rate.

| Region | Industrial Zones | | | | | | |
|---------------------------------|------------------|---|-------------------|---|------------------------------------|--------------------|--------------------|
| | Quantity | | Area (ha) | | Occupancy rate of industrial zones | | |
| | Number | Account for total number of the whole country (%) | Area | Account for total area of the whole country (%) | Total land area (ha) | Occupied area (ha) | Occupancy rate (%) |
| Northern Midlands and Mountains | 34 | 8.2 | 8,725.28 | 6.7 | 5,584.11 | 3,636.21 | 65.1 |
| Red River Delta | 115 | 27.8 | 33,617.63 | 26.0 | 24,328.90 | 14,420.40 | 59.3 |
| Central Coast | 70 | 17 | 23,330.16 | 18.1 | 16,522.10 | 5,583.21 | 33.8 |
| Tay Nguyen | 11 | 2.7 | 1,888.02 | 1.5 | 1,211.19 | 749.00 | 51.8 |
| Southeast | 114 | 27.6 | 44,595.85 | 34.5 | 30,032.24 | 21,181.25 | 70.5 |
| Mekong Delta | 69 | 16.7 | 17,016.47 | 13.2 | 11,405.55 | 4,985.86 | 43.7 |
| Total | 413 | 100 | 129,173.41 | 100 | 89,085.11 | 50,555.93 | 56.75 |

| Investment incentives and support | IZs | EZs |
|-----------------------------------|--|--|
| CIT | Tax exemption for two years and 50% tax deduction for four following years. | CIT incentive rate of 10% for 15 years. Tax exemption for 4 years and 50% tax deduction for 9 following years (excluding income from real estate transfer). |
| Import duty | Exported goods from EPZ, imported goods to EPZ for processing exported goods are not subject to customs duty. Investment projects for IZ infrastructure development and those located in IZ are free of import duty for imported goods to create fixed assets. Investment projects for IZ infrastructure development are free of import duty for importing materials and components not yet produced domestically for manufacturing in five years from the operation date. | Investment projects located in coastal EZs are free of import duty for imported goods to create fixed assets and free of import duty for importing materials and components not yet produced domestically for manufacturing in five years from the operation date. |
| Land | Investment projects for IZ infrastructure development and operation are free of land rental after the land rental exemption of the construction period at different levels from 11 years to the whole rental term depending on specific conditions. | Investment projects located in EZs are free of land rental after the land rental exemption of the construction period at different levels from 11 years to the whole rental term depending on specific conditions. |
| Credit | Investment projects for IZ infrastructure development are entitled to investment loans in accordance with the Decree 32/2017/NĐ-CP (amended by Decree 78/2023/NĐ-CP). | EZs are allowed to employ other capital mobilization methods for construction of important socio-technical infrastructure, namely bond issue, Official Development Assistance (ODA), preferential credit, Public-Private Partnership fund, advance from investors, etc. |
| Construction | Construction of some key facilities in IZs are supported by the State budget. Expenses for construction, operation, rental of dormitories and other social infrastructure work for workers in IZs are deductible for CIT purposes. Investment projects for construction of housing and other facilities for workers are entitled to regulated incentives for social housing construction and related fields. | Construction of some key facilities in EZs are supported by the State budget. Expenses for construction, operation, rental of dormitories and other social infrastructure work for workers in EZs are deductible for CIT purposes. Investment projects for construction of housing and other facilities for workers are entitled to regulated incentives for social housing construction and related fields. |

Investment incentives for supporting industrial parks, specialized industrial parks, ecological industrial zones, and high-tech industrial zones

1. Supporting industrial parks, specialized industrial parks, ecological industrial zones, and high-tech industrial zones are entitled to investment incentives and support in accordance with regulations applicable to normal industrial zones.

2. Industrial parks, specialized industrial parks, ecological industrial zones, and high-tech industrial parks are also entitled to following special incentives and support:

- ▶ The development of industrial parks that follow the above-mentioned forms are not subject to the occupancy requirement of 60%
- ▶ Land rent exemption or reduction granted in accordance with legislation on land
- ▶ Priority to have access to the State-offered investment loans
- ▶ Eligibility to be included in the list of investment-attracting projects of local government

3. In addition to the incentives mentioned above, ecological industrial zones are also subject to the following incentive and support:

- ▶ Support for investing in the construction of technical infrastructure inside and outside the perimeter of industrial parks to implement industrial symbiosis for transforming conventional industrial parks into eco-industrial parks
- ▶ Assistance in science, technology, and technology transfer for enterprises within the IP to improve production processes and reduce emissions
- ▶ Priority access to preferential loans, green credit, and issuance of green bonds
- ▶ Priority provision of relevant information on the current status, technology, and industrial symbiosis cooperation

Special incentives and investment support

The LOI 2020 and Decision 29/2021/QD-TTg prescribing special investment incentives dated 6 October 2021, issued by the Prime Minister, introduced a mechanism which allows the Government's approval for special investment incentives at different levels to encourage the development of several investment projects that have significant socio-economic impact, including:

Subject:

- ▶ A - Investment projects in sectors subject to special investment incentives which have investment capital of VND30,000 billion (equiv. USD1.26 billion) or above and disburse at least VND10,000 billion (equiv. USD421 million) within three years from the date of the IRC issuance or in-principle approval
- ▶ B - New investment projects (including the expansion of such new projects) establishing innovation centers and research and development centers which have total investment capital of VND3,000 billion (equiv. USD126 million) or above and will disburse at least VND1,000 billion (equiv. USD42.1 million) within three years from the date of IRC issuance or in-principle approval
- ▶ C - NIC established under a decision of the Prime Minister

Non-subject:

- ▶ Investment projects that have been granted an investment certificate, IRC, or in-principle approval prior to the effective date of the LOI 2020
- ▶ Investment projects in following sectors:
 - ▶ Mineral mining projects
 - ▶ Projects on manufacturing, sale of goods and services subject to special excise tax according to the Law on SST No. 27/2008/QH12, except for projects for the manufacturing of automobiles, aircrafts, and yachts
 - ▶ Commercial housing construction projects prescribed by the Law on Residential Housing No. 65/2014/QH13

Detailed special investment incentives and support

| Special incentives and investment support | Subject or Conditions |
|---|--|
| <ul style="list-style-type: none">▶ CIT rate of 9% for 30 years▶ CIT exemption for five years and 50% reduction for 10 subsequent years▶ Land rental, water surface rental exemption for 18 years and 55% reduction for the remaining years | <ul style="list-style-type: none">▶ Subject A |
| <ul style="list-style-type: none">▶ CIT rate of 7% for 33 years▶ CIT exemption for six years and 50% reduction for 12 subsequent years▶ Land rental, water surface rental exemption for 20 years and 65% reduction for the remaining years | <ul style="list-style-type: none">▶ Subject B <p>Or</p> <ul style="list-style-type: none">▶ Subject A which meets one of the following conditions:<ul style="list-style-type: none">▶ High technology project level 1▶ Participation of Vietnamese suppliers and service providers level 1▶ Technology transfer level 1▶ Value added accounting for more than 30% to 40% of the total production costs of finished products |
| <ul style="list-style-type: none">▶ CIT rate of 5% for 37 years▶ CIT exemption for six years and 50% reduction for 13 subsequent years▶ Land rental, water surface rental exemption for 22 years and 75% reduction for the remaining years | <ul style="list-style-type: none">▶ Subject C <p>Or</p> <ul style="list-style-type: none">▶ Subject A which meets one of the following conditions:<ul style="list-style-type: none">▶ High technology project level 2▶ Participation of Vietnamese suppliers and service providers level 2▶ Technology transfer level 2▶ Value added accounting for more than 40% of the total production costs of finished products |

In which:

- ▶ The level of high technology project is defined based on the level of high-tech product revenue, R&D expenses and personnel.
- ▶ The level of participation of Vietnamese suppliers and service providers in the supply chain is defined based on the level of Vietnamese enterprises participating and their value contributed into the supply chain.
- ▶ The level of technology transfer is defined based on the number of Vietnamese enterprises receiving the technology transfer.

Forms of business



1 Forms of foreign direct investment

A foreign investor may invest in Viet Nam in the following forms:

Establishment of a business entity

Capital contribution or purchase of shares/stakes

Execution of an investment project

Business cooperation contract

Other forms as prescribed by the Government

Source: LOI No. 61/2020/QH14, dated 17 June 2020, issued by the National Assembly of Viet Nam

2 Forms of enterprise

Forms of enterprise in Viet Nam

| | Establishment | Ownership | Liability |
|--|--|---|---|
| Limited Liability Company With One Member | Established by its member(s) by way of capital contribution to the LLC | One legal entity or individual | The company owner is liable for the debts and other liabilities to the extent of the company's charter capital |
| Limited Liability Company With Two or More Members | Established by its member(s) by way of capital contribution to the LLC | Legal entities or individuals. Maximum number must not exceed 50 | The members are liable for the debts and other liabilities of the entity to the extent of their capital contributions, except for the case specified in Clause 4 Article 47 of the LOE 2020 |
| Joint Stock Company (JSC) | Established by its founding shareholders on the basis of their subscription to shares of the JSC | Required to have at least three shareholders. No maximum number of shareholders | The shareholders are only liable for the debts and other liabilities of the entity to the extent of their capital contributions |
| Partnership | Established by general partners. A partnership may include limited partners | Required to have at least two general partners who must be individuals | A general partner is liable for the company's obligations equal to all of his/her assets. A limited partner is liable for the company's debts equal to the promised capital contribution |
| Private Enterprise | Established by a single individual | Owned by a single individual | The owner is liable for the entire operation of the company equal to his/her total assets |

Source: LOE No. 59/2020/QH14, dated 17 June 2020, issued by the National Assembly of Viet Nam

Setting up an investment project and a company in Viet Nam

The LOI 2020 introduces clearer rules on market access, taking into account various commitments in international treaties to which Viet Nam is a signatory, and restrictions in local regulations.

Business sectors that foreign investors can access the market

Sectors which are not yet accessible for foreign investors (List A of Appendix I of Decree 31/2021/ND-CP)

✗ Foreign investor is not allowed

Sectors which are accessible with conditions for foreign investors (List B of Appendix I of Decree 31/2021/ND-CP)

✓ Foreign investor is allowed with market-access conditions

Sectors which are not included in List A or List B

✓ Foreign investors have the same market access as that of domestic investors

Market-access conditions:

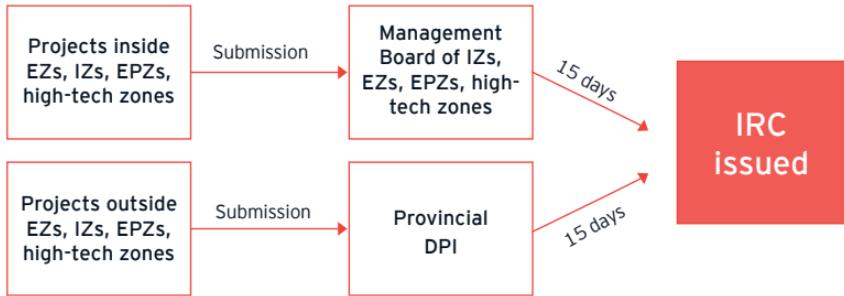
- Foreign-owned ratio
- Form of investment
- Scope of investment
- Investor capability
- Others

Source: Article 17, Decree No. 31/2021/ND-CP, dated 26 March 2021, issued by the Government

Foreign investors can set up a business in Viet Nam by way of setting up an investment project and a business to manage the project. Investment in conditional sector is subject to in-principle approval of higher-level competent authorities (nuclear power plant, special-use forests, headwater protection forests or border protection forests; construction of airports, terminals; petroleum processing; betting and casino for foreigners; golf courses; etc.). The process in conditional sectors and involves specialized competent authorities.

Procedures and timeline of registration process

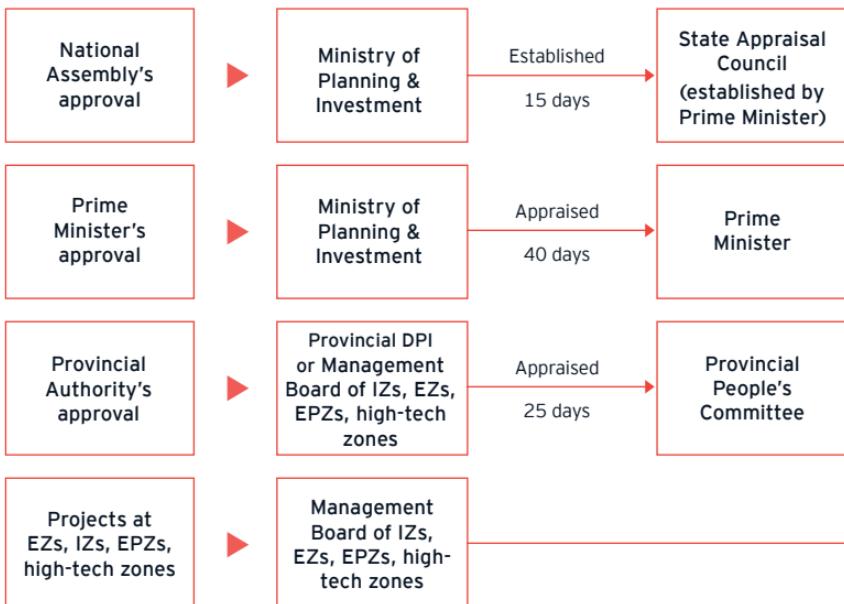
Projects not subjected to in-principle approval



Source: LOI 2020

Procedures and timeline of approving in principle

Projects subjected to in-principle approval

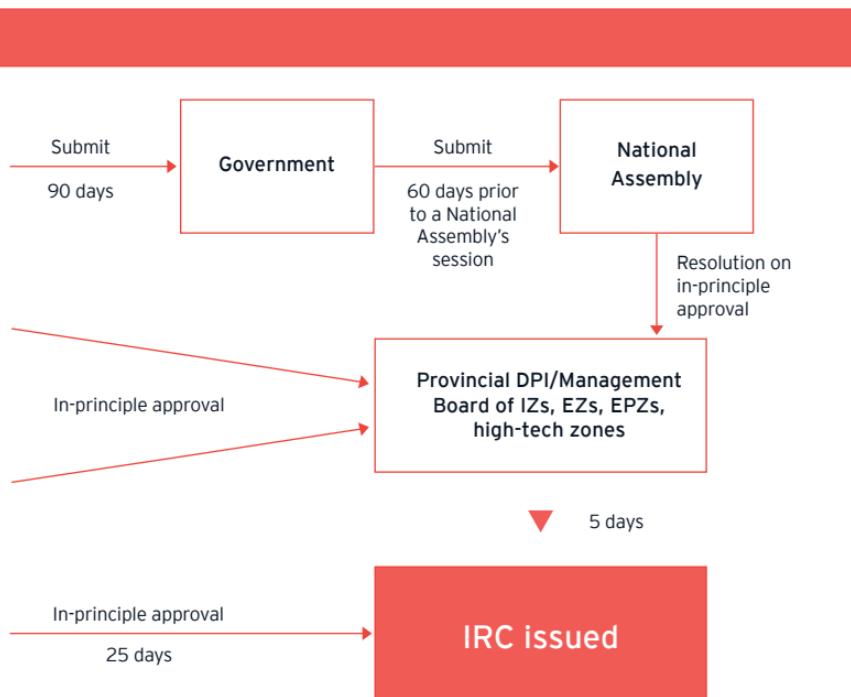


Source: LOI No. 61/2020/QH14, dated 17 June 2020, issued by the National Assembly of Viet Nam

Procedures and timeline of setting up company



Source: Law on Enterprise No. 59/2020/QH14, dated 17 June 2020, issued by the National Assembly of Viet Nam



Development of intellectual property



Following the WTO's requirements on IP and the strategy of Viet Nam on developing higher standards of IP rights protection, on 16 June 2022, the National Assembly of Viet Nam ratified the Amended LOIP, which will take effect on 1 January 2023. The following notable changes under the LOIP are expected to promote technology transfer and commercialization of IP rights:

- ▶ Clearer Administrative procedures: the LOIP facilitates the registration process by creating a legal basis for organizations and individuals to carry out online registration of copyright and related rights; simplifying the industrial design description; allowing a delay in the publication of industrial design applications; and supplement some specific provisions on IP complaint settlement procedures¹.
- ▶ More specific regulations relating to copyrights and related rights:
 - ▶ Providing a definition of Author and Supporters, in which: The author is the person who directly created the work and the person who supports, gives ideas or provides materials for other people to create works is not the author or co-author².
 - ▶ Allowing the transfer of moral rights under an agreement³.
- ▶ Introducing the definition of sound trademark sample and legal framework for sound trademark protection. For example: If the mark is a sound, the trademark template must be an audio file and a graphical representation of the sound⁴.

¹Clause 14, Clause 33, Clause 38, Clause 44, Article 1, Law on amending and supplementing some articles of the LOIP No. 07/2022/QH15, dated 16 June 2022, issued by the National Assembly of Viet Nam

²Clause 4, Article 1, Law on amending and supplementing some articles of the LOIP No. 07/2022/QH15, dated 16 June 2022, issued by the National Assembly of Viet Nam

³Clause 5, Article 1, Law on amending and supplementing some articles of the LOIP No. 07/2022/QH15, dated 16 June 2022, issued by the National Assembly of Viet Nam

⁴Clause 33, Article 1, Law on amending and supplementing some articles of the LOIP No. 07/2022/QH15, dated 16 June 2022, issued by the National Assembly of Viet Nam

A photograph of a modern apartment complex at night. The building features multiple levels with large glass windows and balconies. Orange LED strip lights are installed along the edges of the balconies and the roofline. In the foreground, there is a swimming pool with a glass railing, surrounded by greenery and lounge chairs. The overall atmosphere is sophisticated and contemporary.

Land and housing

1 Land

The Law on Land No. 45/2013/QH13, effective from 1 July 2014 regulates the forms of land use for Foreign Invested Enterprise (FIE), such as:

| Forms of land use | Financial obligations in relation to land use right |
|--|--|
| ► Land allocated from the State | ► For granting a land use right certificate: Land use fee, land use right registration fee, evaluation fee for the issuance of land use right certificate, license fee, land compensation fee (where applicable) |
| ► Land leased from the State or real estate developers | ► During operation: Land lease fee, Non-agriculture land use fee, agriculture land use fee, nature resource tax (where applicable) |

Source: Law on Land No. 45/2013/QH13, dated 29 November 2013, issued by the National Assembly of Viet Nam

Land rental fee exemptions¹

| Subject | Exemption duration |
|---|------------------------|
| Projects in encouraged investment sectors | 3 years |
| Projects in difficult socio-economic geographical areas | 7 years |
| Projects in especially difficult socio-economic geographical areas of in encouraged investment sectors located in difficult socio-economic geographical areas | 11 years |
| Projects in encouraged investment sectors located in especially difficult socio-economic geographical areas | 15 years |
| Projects eligible for special investment incentives as prescribed in Article 20 of the LOI 2020 | Up to 22 years |
| Projects in especially encouraged investment sectors located in especially difficult socio-economic geographical areas or located in high-tech industrial zones | Whole project lifetime |

¹Each of the above incentive will be subject to specific conditions in accordance with relevant

2 Housing

Foreign individuals can buy, rent and purchase, receive, or inherit commercial housing in Viet Nam which include apartments and separate houses in housing construction investment projects. According to newly issued regulations on commercial housing projects, the type of land used to build commercial housing may include: (i) residential land; and (ii) residential land and other non-residential land satisfying the conditions for permitting a change of land use purpose for the implementation of the project. After obtaining the in-principle approval issued by the competent authority, an investor shall apply for change in purpose of land use (if required) and fulfill the financial obligations in accordance with the law¹.



¹Article 4, Law on Amendments to certain articles of the Law on Public-Private Partnership investment, the LOI, the Law on Housing, the Law on Procurement, the Law on Electricity, the Law on Enterprises, the Law on Special excise duties and the Law on Civil judgment enforcement No. 03/2022/QH15, dated 11 January 2022, issued by the National Assembly of Viet Nam



Accounting,
taxation and
customs



1 Accounting

Vietnamese accounting regulations

The Law on Accounting is the highest accounting regulation in Viet Nam. Further guidance on accounting activities are provided by a system of decisions, decrees, circulars, official letters and the VAS.

Accounting standards

There are currently 26 VAS issued from 2001 to 2005, which were primarily based on the International Accounting Standards (IAS) and International IFRS prevailing at the time of issuance. The VAS has not been updated with the current IASs, therefore, some new accounting standards such as IFRS 9 on Financial Instruments, IFRS 15 on Revenue, IFRS 16 on Leases, have not been adopted yet. However, Viet Nam has introduced a roadmap to close the gap between VAS and IFRS and it is expected that voluntary adoption of IFRS can be made by 2022.

On 16 March 2020, Viet Nam introduced a roadmap to close the gap between VAS and IFRS which plans the IFRS voluntary adoption from 2022 to 2025 and IFRS compulsory implementation after 2025. However, it is expected that delays to this IFRS implementation roadmap shall be announced by the MOF.

Accounting system

Circular No. 200/2014/TT-BTC, dated 22 December 2014, issued by the MOF (Circular 200) providing guidance on Vietnamese Accounting System and the application of accounting standards is commonly used by enterprises in Viet Nam.

There are proposed changes to Circular 200 to be closer to IFRS and some draft versions of the amended circular have been issued for public comments.



Initial accounting set up at newly established entities

A new entity is required to notify the tax authority on the application of Vietnamese Accounting System including:

- ▶ Framework: Vietnamese Accounting System
- ▶ Language: Vietnamese language is required in accounting records, but this can be combined with a commonly used foreign language.
- ▶ Financial year: An accounting period is generally 12 months in duration and the enterprises can select the fiscal year end. This could be either at the end of the calendar year or at the end of each quarter (i.e. 31 March, 30 June and 30 September).
- ▶ Currency accounting records are generally required to be maintained in VND. Entities that receive and pay mainly in a foreign currency can select the foreign currency to be used for their accounting records and financial statements if they meet all the stipulated requirements.

An entity is required to appoint a chief accountant who must satisfy the criteria and conditions stipulated by the Law on Accounting and guiding regulations. If a chief accountant cannot be appointed, the entity can either temporarily appoint a person in-charge of accounting (maximum of 12 months) who meets the criteria and conditions as required by the regulations or outsource the chief accountant position from a competent accounting service company.

Accounting records and financial statements

Accounting records

Accounting documents: Accounting vouchers and accounting books can be stored either as hard documents or electronically. If stored electronically, the accounting vouchers and accounting books only need to be printed if requested by the competent authorities for the purpose of testing, inspection, monitoring and auditing.

Retention period: The retention period is:

- ▶ 5 years for those documents used for management or operation of the enterprise
- ▶ 10 years for accounting data, accounting book
- ▶ unlimited time for documents that are important in terms of the economy, national security and defense

Annual Financial Statements

The basic set of financial statements that must be prepared under VAS and Circular 200 comprises of the following:

- ▶ Balance sheet, including a separate schedule for off balance sheet items
- ▶ Income statement
- ▶ Cash flow statement
- ▶ Notes to the financial statements

The annual financial statements must be approved by the chief accountant and the legal representative and a copy of the financial statements must be submitted to the local authorities within 90 days of the end of the financial year.

For statutory reporting, entities using a currency other than VND as their accounting currency must convert their financial statements prepared under that currency into VND in accordance with certain regulations.

Foreign invested entities are required to have their annual financial statements audited. Those entities must appoint an audit firm from a list of auditors approved and published by the MOF annually.

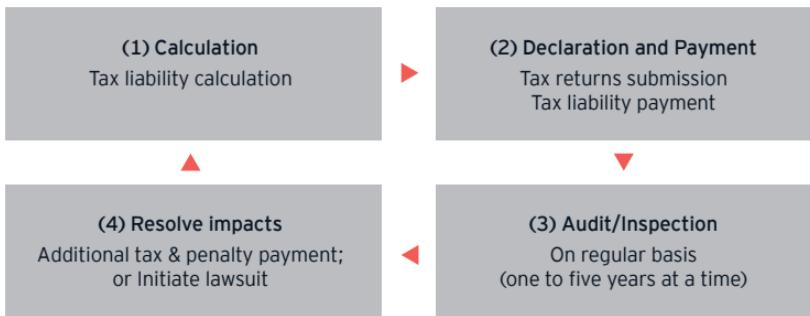
2 Taxation



2.1 Tax regime in Viet Nam

In the majority of cases, tax liability is self-assessed meaning that the taxpayer is responsible for determining the amount of tax it must pay. Following self-assessment and payment, the taxpayer will be subject to an audit or inspection by the tax authorities. Audits usually take place every one to five years. Any reassessments under the audit process will either be settled by the taxpayer or the taxpayer may go through one of the appeal mechanisms.

Standard process for taxpayers in determining tax obligations



Source: Decree No. 125/2020/NĐ-CP, dated 19 October 2020, issued by the Government; Article 8, Decree No. 126/2020/NĐ-CP, dated 19 October 2020, issued by the Government; Law on Tax Administration No. 38/2019/QH14, dated 13 June 2019, issued by the National Assembly of Viet Nam



The following taxes are relevant for entities looking to invest in Viet Nam:

All taxes are levied at a national level

| Classification | Taxes |
|--------------------|--|
| Major taxes | CIT VAT FCWT PIT |
| Other taxes | SST Natural Resources Tax Environment Protection Tax (EPT) Business License Fee (BLF) and a number of others |

Source: Law on CIT No. 14/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam; Law on Value Added Tax No. 13/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013; Law on Special Sales Tax No. 27/2008/QH12, dated 14 November 2008, issued by the National Assembly of Viet Nam; Decree No. 50/2010/NĐ-CP, dated 14 May 2010, issued by the Government



2.2 Tax compliance timeline

Submission schedule for tax returns

| Declaration basis | Deadline | CIT | VAT (*) | FCWT | PIT (*) | BLF |
|---------------------------|---|------|---------|------|---------|-----|
| Monthly | 20th day of the following month | | ✓ | ✓ | ✓ | |
| Quarterly | The last day of the month following the end of the quarter | (**) | ✓ | | ✓ | |
| Annually/ Finalization | The last day of the 3rd month following the end of the tax year | ✓ | | | ✓ | ✓ |
| Upon occurrence (***) | 10th day from the occurrence of tax obligations | ✓ | ✓ | ✓ | ✓ | |

(*) The VAT & PIT filing are by default on a monthly basis. Quarterly VAT filing is applicable upon an enterprise's request and is only applicable to (i) newly established enterprises for a 12-month period; or (ii) enterprises having previous fiscal year annual revenue less than VND50 billion. Quarterly PIT filing shall be applicable upon the taxpayer's request if the VAT filing is on a quarterly basis or the taxpayer is not subject to VAT filing.

(**) Enterprises must pay their provisional quarterly CIT. Where an enterprise executes projects for infrastructure or housing for sale or for lease and collects advances from customers, the enterprise is required to pay 1% of the total revenue/advance.

(***) (i) For CIT filing: real estate transfer declared by taxpayers that are not real estate companies, or by real estate companies that choose this approach; or by any foreign organization that does business in Viet Nam or earns income in Viet Nam from capital transfer but its operations do not comply with regulations of the LOI or the LOE. (ii) For VAT filing: real estate transfer transactions of enterprises registered VAT under direct method having VAT liability or VAT incurred at import stage; (iii) for PIT filing: PIT declared by an individual or by an organization on behalf of such individual on income from capital transfer; real estate transfer; capital investment; inheritance, gifts; overseas income from copyrights, franchises, prizes; or PIT declared on rental income or business income of business individuals or households without fixed business location and regular business activities; (iv) For FCWT: If an enterprise incurs FCWT many times in a month, it shall file on a monthly basis instead of filing upon each occurrence.

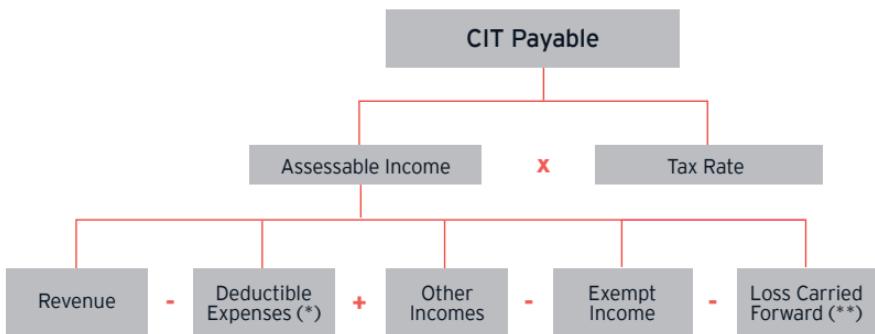
Source: Article 44, Law on Tax Administration No. 38/2019/QH14, dated 13 June 2019, issued by the National Assembly of Viet Nam; Article 8, Decree No. 126/2020/NĐ-CP, dated 19 October 2020, issued by the Government providing detailed regulations for some Articles of the Law on Tax Management; Decree No. 139/2016/NĐ-CP, dated 4 October 2016, issued by the Government, regulating License Tax



2.3 Corporate Income Tax

Tax calculation

Determination of CIT



(*) To be deductible an expense must satisfy 4 conditions: (1) Incurred and in relation to business activities; (2) supported by proper documents; (3) payments greater than VND20 million must be supported by non-cash payment (e.g. bank transfer); and (4) must not be in the list of non-deductible expenses specified by the applicable regulations.

(***) Losses can be carried forward continuously and entirely for 5 years. There are specific rules and restrictions around offsetting losses against profits from different types of business activities.

Source: Article 7, Law on CIT No. 14/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam

Non-deductible expenses

List of non-deductible expenses

Notable non-deductible expenses

- | | | |
|--|--|---|
| ► Depreciation of fixed assets not used for business purposes or exceeding the regulated depreciation rates | ► Employment costs not actually paid or not clearly stipulated under a labor contract, collective labor agreement or company's policies | ► Employee welfare expenses exceeding the cap of one-month average monthly salary |
| ► Periodical accrued expenses not paid or not fully paid at the end of the period | ► Interest on loans from non-economic and non-credit organizations exceeding 1.5 times the interest rate announced by the The State Bank of Viet Nam (SBV) | ► Interest on loans corresponding to the portion of charter capital not yet contributed in accordance with registered contribution schedule |
| ► Business management expenses allocated to the Permanent Establishment by foreign companies exceeding the amount determined based on the revenue-based allocation ratio | ► Provisions for financial investment losses, inventory devaluation, bad debts, product warranties or construction works, not in accordance with regulations | ► Unrealized foreign exchange losses due to the year-end revaluation of foreign currency items other than account payables |
| ► Net interest expenses exceeding 30% EBITDA (for enterprises having related party transactions). The excess amount may be carried forwarded for five consecutive years | ► Donations other than certain donations for education, health care, natural disaster or building charitable homes among other things | ► Contribution to voluntary pension insurance, life insurance for employees exceeding VND3 million/ person/month |
| ► Certain expenses related to the issuance, purchase and sale of shares | ► Administrative penalties, fines, late tax payment interest, etc. | |

Source: Article 9, Law on CIT No. 14/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam



Tax rate

The current standard CIT tax rate is 20%. The CIT rate for enterprises in exploration and mining of petroleum, gas and other rare and precious natural resources ranges from 32% to 50% depending on the location and type of project.

Tax payment

From fiscal year 2022, the provisional CIT payments for four quarters must be at least 80% of the total CIT finalization amount. Otherwise, the tax payment interest will be applied.

Tax incentives

The level of CIT incentives that organizations are entitled to varies based on many factors, including location, sector and business scale.

If organizations are entitled to a number of different incentives regimes they may choose to apply the most favorable one.

In general, the preferential tax rate under the incentive regime is applicable from the first year of revenue generation. Any tax holiday is applicable from the first taxable profit-making year or the fourth year of revenue generation, whichever comes first.

For high-tech enterprises, agriculture enterprises applying high technologies, enterprises as prescribed by the Law on High Technology, the preferential tax rates are applicable from the year in which they are granted the Certificates of High-tech Enterprise or Certificate of Agriculture Enterprise Applying High Technologies.

The following table summarises the incentive regime in Viet Nam.



Summary of the incentive regime in Viet Nam

By Location

| Activities | Level of CIT incentives | |
|--|-------------------------|--|
| | Tax rate | Tax holiday |
| ► With especially difficult socio-economic conditions | 10% for 15 years | 4 years of tax exemption; and 50% reduction for the next 9 years |
| ► Economics zones | | |
| ► High-tech zones, including concentrated IT parks established under the Prime Minister's decision | | |
| ► With difficult socio-economic conditions | 17% for 10 years | 2 years of tax exemption; and 50% reduction for the next 4 years |
| ► Industrial parks (not located in a favorable socio-economic location) | Not applicable | 2 years of tax exemption; and 50% reduction for the next 4 years |

By Sector

| Activities | Level of CIT incentives | |
|--|----------------------------------|--|
| | Tax rate | Tax holiday |
| <ul style="list-style-type: none"> ▶ High-tech enterprises/Application of high technologies enterprises ▶ Investment and development of water plants, power plants, water drainage and supply system, bridges, roadway, railway, ports, etc.) ▶ Software production ▶ Production of composite materials, lightbuilding materials, rare materials, production of renewable energy, clean energy, energy from waste destruction and biotechnology development ▶ Environmental protection ▶ Supporting industries | 10% for 15 years | 4 years of tax exemption; and 50% reduction for the next 9 years |
| <ul style="list-style-type: none"> ▶ Socialized projects in regions with difficult/especially difficult socio-economic conditions | 10% for whole project's duration | 4 years of tax exemption; and 50% reduction for the next 9 years |
| <ul style="list-style-type: none"> ▶ Socialized project not located in difficult or especially difficult socio-economic regions | 10% for whole project's duration | 4 years of tax exemption; and 50% reduction for the next 5 years |
| <ul style="list-style-type: none"> ▶ Farming, husbandry, processing of agriculture and aquaculture in difficult regions; forestry in difficult regions; production of plant varieties, animal breeds; production of salt; preservation of agriculture products, aquaculture products and foods, etc. | 10% for whole project's duration | Not applicable |
| <ul style="list-style-type: none"> ▶ Farming, husbandry, processing of agriculture and aquaculture products not located in difficult and especially difficult regions | 15% for whole project's duration | Not applicable |
| <ul style="list-style-type: none"> ▶ Manufacturing of high-grade steel, energy saving products, machinery and equipment serving agriculture, forestry, fisheries and salt production, traditional crafts, etc. | 17% for 10 years | 2 years of tax exemption and 50% reduction for the next 4 years |

By Business scale

| Activities | Level of CIT incentives | |
|--|---|--|
| | Tax rate | Tax holiday |
| ► VND6,000 billion capital projects (*) ► VND12,000 billion capital projects (**) | 10% for 15 years | 4 years of tax exemption; and 50% reduction for the next 9 years |
| ► VND3,000 billion capital projects (***) ► VND30,000 billion capital projects (****) | 9% for 30 years; 7% for 33 years; 5% for 37 years | 5 or 6 years of tax exemption; and 50% reduction for the next 10 or 12 or 13 years |

(*) The capital must be disbursed within three years from being licensed and the project must have a minimum annual revenue of 10,000 billion by the fourth year of revenue-generation or employ more than 3,000 employees by the fourth year of revenue-generation.

(**) The capital must be disbursed within five years from being licensed and the project must use technologies being covered under the Law on High Technology, and the Law on Science and Technology.

(***) In which VND1,000 billion must be disbursed within three years from being licensed. The incentive shall apply for investment projects establishing innovation centers and research and development centers.

(****) In which VND10,000 billion must be disbursed within three years from being licensed. The incentive shall apply for investment projects in sectors subject to special investment incentives.

Source: Article 13, Law on CIT No. 14/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam; Article 15 and 16, Decree No. 218/2013/NĐ-CP, dated 26 December 2013, issued by the Government

Extension of incentive scheme

For investment projects of a large scale and utilizing high or new technologies, which are considered in need of particular attraction, the duration of the 10% tax rate may be extended up to 30 years based on a proposal by the Minister of Finance and approval of the Prime Minister.

Resolution on Global Minimum Tax

On 29 November 2023, the National Assembly of Viet Nam passed a Resolution to apply the IIR and QDMTT. The Resolution will come into effect from 1 January 2024.

According to the Resolution, in-scope entities include constituent entities that are members of an MNE Group which has annual consolidated revenue of at least EUR 750 million in at least two of the four preceding fiscal years. If the jurisdictional Effective Tax Rate (ETR) is below the 15% minimum rate, a top-up tax will be imposed in Viet Nam.

2.4 Value Added Tax

VAT is imposed on goods and services used in production, trading and consumption in Viet Nam (including those purchased from overseas organizations and individuals).

VAT liabilities

In general, VAT liabilities must be paid to the local tax authorities where the business activities take place while for imported goods, VAT liabilities will be collected by the customs authorities at the importation.

Declaration method

There are two methods for VAT declaration including the credit method and the direct method. The conditions for adoption of a declaration method are based on annual revenue, business sector, accounting systems and business intentions.

Comparison of the condition for credit method and direct method

| Conditions | Credit Method | Direct method |
|--------------------|---|---|
| Annual revenue | VND1 billion or more of revenue subject to VAT | Less than VND1 billion of revenue subject to VAT unless voluntarily registering for the credit method |
| Business sector | Voluntarily register for VAT declaration under credit method | Engaging in trading gold, silver and precious stones Business individuals and households |
| Accounting systems | Maintaining complete books of account, invoices and documents in accordance with relevant accounting, tax regulations | Not required to maintain proper books of account |

Source: Article 7, Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Article 12, Circular No. 219/2013/TT-BTC, dated 31 December 2013, issued by the MOF

Tax calculation (Credit method)

VAT payable calculation (Credit method)

| Input VAT (*) | Output VAT | VAT payable |
|---|-------------------------------------|----------------------------|
| ► VAT amounts on all VAT invoices of purchased goods and services | Total VAT on goods or services sold | Output VAT minus Input VAT |
| ► VAT amount paid on imported goods | | |
| ► VAT amount paid under the FCWT regime | | |

(*) In order for input VAT to be creditable it must be (1) used for the enterprise's VAT-able business activities; (2.1) be supported by legitimate VAT invoices; (2.2) be supported by payment evidence (via non-cash mode for invoices of VND20 million or more); or (2.3) be supported by a tax payment voucher (for import VAT); or (2.4) a FCWT payment voucher (for VAT of FCWT).

Source: Article 7, Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government

Tax rate (Credit method)

VAT Tax rate summary (Credit method)

0%

Export goods and services
International transportation
Some aviation and maritime services either directly for foreign entities or through agents

5%

Clean water, pesticide services for digging, embanking, dredging of canals, agricultural machinery and equipment, sugar and by-products, medical equipment, teaching aids, artistic, sport activities

10%

Standard VAT rate, applicable to goods and services other than those mentioned above. On 29 November 2023, the National Assembly has approved the Resolution to reduce the 10% VAT rate to 8% for most goods/services for the first six months of 2024.

Source: Article 6, Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government

Direct method

VAT payable calculation and tax rate summary (Direct method)

Tax calculation

| |
|--|
| Revenue |
| Tax rate |
| VAT payable (Revenue) x (VAT rate) |

Tax rate

| | |
|----|--|
| 1% | Distribution; supply of goods |
| 2% | Other cases |
| 3% | Manufacturing; transportation; services attached to the supply of goods; construction, including supply of materials |
| 5% | Services; construction excluding supply of materials |

Source: Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Article 12, Circular No. 219/2013/TT-BTC, dated 31 December 2013, issued by the MOF; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013



Non-taxable goods and services and non-declaration cases

List of goods and services not subject to VAT or cases exempted from VAT declaration

Goods and services not subject to VAT

- ▶ Unprocessed or preprocessed products from farming, breeding, and aquaculture; breeds of livestock, plant varieties, including eggs, breeds, seeds, stems, tubers, semen, embryos, genetic materials
- ▶ Transfer of right to use land
- ▶ Human insurance; agriculture insurance services; insurance for ships and instruments for fishing; reinsurance
- ▶ Finance, banking, and securities services including loans, bank/insurance guarantee, finance lease, issuance of credit cards, brokerage, capital transfer, FX trading, derivatives, collateral and related financial instruments
- ▶ Public postal and telecommunications services, and public Internet services provided by the government, postal and telecommunications services from abroad (inbound)
- ▶ Education and vocational training according to prevailing regulations
- ▶ Machinery and equipment not locally produced, imported for specific purpose
- ▶ Temporarily imported goods
- ▶ Goods and services traded between a foreign party and a free trade zone, or among free trade zones
- ▶ Technology transfers according to the Law on Technology Transfer; intellectual property right transfers according to the LOIP (except exported software)

Cases exempted from VAT declaration

- ▶ Monetary compensation, financial income
- ▶ Certain services provided by a business that does not have a permanent establishment in Viet Nam
- ▶ Project of investment transfer
- ▶ Transfer of assets within a company and dependent units
- ▶ Capital contribution of assets
- ▶ Commission for some agent services
- ▶ Income from undertaking collections/payments on behalf of government authorities

Source: Article 3, Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013

VAT Refund

Taxpayers can claim VAT refunds from the tax authorities only in the following cases:

List of cases can claim VAT refunds

| Cases | Main conditions |
|-------------------------|---|
| New projects investment | Adopting VAT credit method Under pre-operation investment period Total accumulated input VAT exceeds VND300 million (some exceptions may apply) |
| Exporting activities | Adopting VAT credit method Total accumulated input VAT for export production (after offsetting the VAT liabilities of domestic sale activities) exceeds VND300 million (capped at 10% of export revenue) (*) Nonrefundable: Goods that are imported and then exported outside a customs-controlled area or goods that are exported outside the customs-controlled area in accordance with the customs regulations |
| Business | Conversion, merger, consolidation, division, dissolution, bankruptcy or shutdown |
| Other cases | Projects and programs financed by ODA grant, grant aids or humanitarian aids Entities granted diplomatic immunity and privileges as per relevant laws Those cases eligible for refund as defined in international treaties that the Socialist Republic of Viet Nam has entered into. |

Source: Article 10, Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013

Electronic invoices

From 1 July 2022, enterprises must use e-invoices.

2.5 Foreign contractor

Taxpayers

FCWT applies to foreign contractors doing business and earning income from Viet Nam under a contract, agreement or undertaking. In addition, from 1 July 2020, under the new Law on Tax Administration, foreign suppliers without a permanent establishment in Viet Nam engage in e-commerce, digital-based business activities, and provide other services to organizations and individuals in Viet Nam shall directly apply or authorize representatives to apply for tax registration, and declare and pay tax in Viet Nam in accordance with the regulations of the MOF. Deemed tax (both CIT and VAT of FCWT) on revenue earned will be applied.



Taxable and non-taxable transactions

Comparison of transactions applied FCWT and non-FCWT

| Transactions | FCWT | Non-FCWT |
|-------------------|--|---|
| Services | Services provided or consumed inside Viet Nam | Services provided and consumed outside Viet Nam |
| Goods | Supply of goods attached with services in Viet Nam Supply of goods in which the final delivery point is inside Viet Nam | Supply of goods not attached with services in Viet Nam and the final delivery point is outside Viet Nam or inside a border gate of Viet Nam |
| Others (*) | Construction & installation Interest Royalties Penalty/Compensation Income from transportation activities | |

(*) No dividend withholding tax applies to corporate shareholders

Source: Article 1 and 2, Circular No. 103/2014/TT-BTC, dated 6 August 2014, issued by the MOF; Law on Value Added Tax No. 13/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam; Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013

Declaration methods and calculation

FCWT comprises both a CIT and VAT component.

The filing and calculation of FCWT is based on one of three methods: (i) Deemed method (default); (ii) Hybrid method; and (iii) Declaration method.

Comparison of criterias among FCWT methods

| Criteria | Deemed method | Declaration method | Hybrid method |
|----------------------------------|---|--|---|
| Filing | Vietnamese Party | Foreign Contractor | Foreign Contractor |
| Calculation | $VAT = \text{Revenue subject to VAT} \times \text{deemed rate}$ $CIT = \text{Revenue subject to CIT} \times \text{deemed rate}$ <small>(* same as a domestic corporation)</small> | $VAT = \text{Output VAT} - \text{Input VAT}$ <small>(*) Credit method</small> $CIT = \text{Assessable income} \times \text{CIT rate}$ <small>(* same as a domestic corporation)</small> | $VAT = \text{Output VAT} - \text{Input VAT}$ <small>(*) Credit method</small> $CIT = \text{Revenue subject to CIT} \times \text{deemed rate}$ |
| Revenue/ Profit remittance | Tax liability must be withheld before remittance | No detailed requirement | No detailed requirement |

Source: Chapter II, Circular No. 103/2014/TT-BTC, dated 6 August 2014, issued by the MOF; Law on Value Added Tax No. 13/2008/QH12, dated 3 June 2008, issued by the National Assembly of Viet Nam; Decree No. 209/2013/NĐ-CP, dated 18 December 2013, issued by the Government; Law No. 31/2013/QH13 amending, supplementing a number of Articles of Law on Value Added Tax, dated 19 June 2013

The Deemed Method is the default method, and the most common method. The Declaration method and Hybrid method only apply if elected and can only be chosen if the following conditions are met:

- ▶ The taxpayer is conducting a business in Viet Nam under a contract with a duration of 183 days or more
- ▶ The taxpayer has a Permanent Establishment in Viet Nam (e.g. Project Office)
- ▶ The taxpayer applies the Vietnamese Accounting Systems and is registered for tax purposes

Tax rates

For the deemed method, different tax rates apply depending on the type of business activity.

FCWT tax rate summary

| Business activities | VAT rate | CIT rate |
|---|-------------------------|----------|
| Supply of goods in Viet Nam or the goods are associated with services rendered in Viet Nam (including on-spot export and import, distribution of goods in Viet Nam or delivery of goods where the seller bears the risks relating to delivery of the goods within Viet Nam) | Exempt | 1% |
| Services, leasing of machinery and equipment | 5% | 5% |
| Supply of goods attached to services where the value is separated (Income from services) | 5% | 5% |
| Supply of machinery and equipment with services attached where the value is not separated | 3% | 2% |
| Construction, installation inclusive of raw materials, machinery and equipment | 3% | 2% |
| Construction, installation exclusive of raw materials, machinery and equipment | 5% | 2% |
| Transportation | 3% | 2% |
| Derivative financial services | Exempt | 2% |
| Restaurant, hotel, casino management services | 5% | 10% |
| Loan interest | Exempt | 5% |
| Royalties (in accordance with the LOIP) | Exempt | 10% |
| Transfer of securities, certificate of deposit, reinsurance abroad, reinsurance commission | Exempt | 0.1% |
| Software Services | Exempt | 5% |
| Other cases where the value of different activities is not separated | Highest rate applicable | |

Source: Article 12 and 13, Circular No. 103/2014/TT-BTC, dated 6 August 2014, issued by the MOF

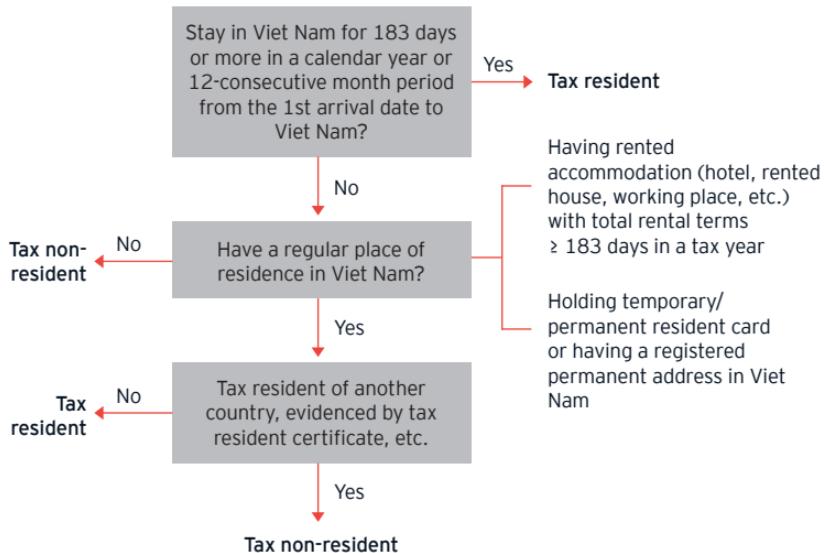
2.6 Personal income tax



Tax residency status

The incidence of PIT depends on whether an individual is a tax resident or a tax non-resident of Viet Nam

Determination of tax residency status in Viet Nam



Source: Clause 1 and 2, Article 1, Circular No. 111/2013/TT-BTC, dated 15 August 2013, issued by the MOF providing guidelines for implementation of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT and Decree No. 65/2013/NĐ-CP of the Government making detailed provisions for a number of Articles of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT



Tax resident versus tax non-resident

Comparison between tax residents and tax non-residents

| | Tax resident | Tax non-resident |
|---------------------------------------|---|--|
| Taxable income | Worldwide income | Viet Nam-sourced income |
| Deductions to employment income | Family relief Compulsory insurances Voluntary pension fund/insurance (capped at VND1 million/month) Donations to charitable, humanitarian, study encouragement funds | No |
| Tax rate on employment income | Progressive tax rates (5%–35%) (*) | Flat rate of 20% |
| Tax finalization on employment income | Required | Not required |
| Double taxation elimination | Foreign tax credit on foreign sourced income | Tax exemption if conditions stated in the tax treaty are satisfied (a notification to the tax authority is required) |

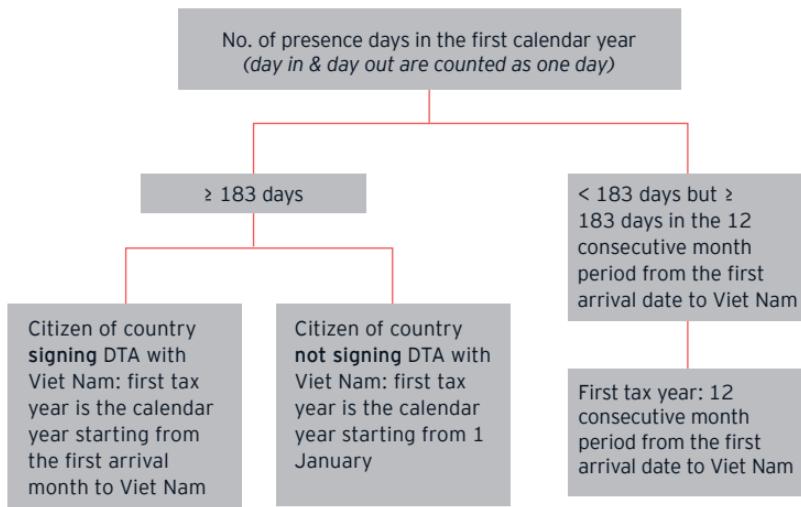
(*) Upon paying income of VND2 million or more to a tax resident who does not sign a labor contract or signs a labor contract with term of less than 3 months, the Viet Nam-based income payer shall withhold PIT at 10% unless the income payee provides a valid commitment on under-taxation-threshold-income. The progressive tax rates shall still be applied on total annual employment income of the tax residents upon their tax finalizations.

Source: Article 1 and 7, Clause 1 of Article 18, Clause 2 of Article 26 of Circular No. 111/2013/TT-BTC, dated 15 August 2013, issued by the MOF providing guidelines for implementation of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT and Decree No. 65/2013/NĐ-CP of the Government making detailed provisions for a number of Articles of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT

Tax year

Determination of tax year of a tax resident in Viet Nam

► First tax year



► Second tax year onwards: calendar year

Source: Point e.2, Clause 2, Article 26, Circular No. 111/2013/TT-BTC, dated 15 August 2013, issued by the MOF providing guidelines for implementation of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT and Decree No. 65/2013/NĐ-CP of the Government making detailed provisions for a number of Articles of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT; Article 2, Circular No. 119/2014/TT-BTC, dated 25 August 2014, issued by MOF amending, supplementing a number of Articles of Circular No. 156/2013/TT-BTC, dated 06 November 2013, Circular No. 111/2013/TT-BTC dated 15 August 2013, Circular No. 219/2013/TT-BTC dated 31 December 2013, Circular No. 08/2013/TT-BTC dated 10 January 2013, Circular No. 85/2011/TT-BTC dated 17 June 2011, Circular No. 39/2014/TT-BTC dated 31 March 2014, and Circular No. 78/2014/TT-BTC dated 18 June 2014 of the MOF in order to simplify tax formalities

Employment income

All salary, allowances, bonuses and benefits in-kind are taxable unless specifically excluded.

The following are some examples of benefits not subject to PIT:

- One-off relocation allowance for expatriates to reside in Viet Nam, Vietnamese employees to work overseas or Vietnamese employees who have long-term residence overseas to return to work in Viet Nam
- Meal allowance in-kind (uncapped) or in cash (capped at VND730 thousand/month)

- ▶ Clothing allowance in-kind (uncapped) or in cash (capped at VND5 million/year)
- ▶ Mobile phone allowance
- ▶ Wages for working at night or overtime in excess of the normal wages
- ▶ Non-compulsory insurance without accumulated premium (e.g. health, accident insurance) for employees
- ▶ Training fees relevant to employees' profession or in line with the employers' plan
- ▶ Tuition fees for the children of expatriates working in Viet Nam to study in Viet Nam and children of Vietnamese working abroad to study abroad from kindergarten to high school level
- ▶ Transportation for conveying employees from their residence to their workplace and vice versa
- ▶ Allowance for marriage and condolences for funeral of the employees and their family members (capped at average one month salary)
- ▶ Air ticket for home leave of expatriates working in Viet Nam or Vietnamese employees working overseas limited to one trip per year
- ▶ Per diem and business trip expenses
- ▶ Severance allowance paid in line with the labor regulations
- ▶ Social insurance allowance paid by the social insurance authorities
- ▶ Health care, entertainment, beauty services for collective employees without mentioning any specific employee

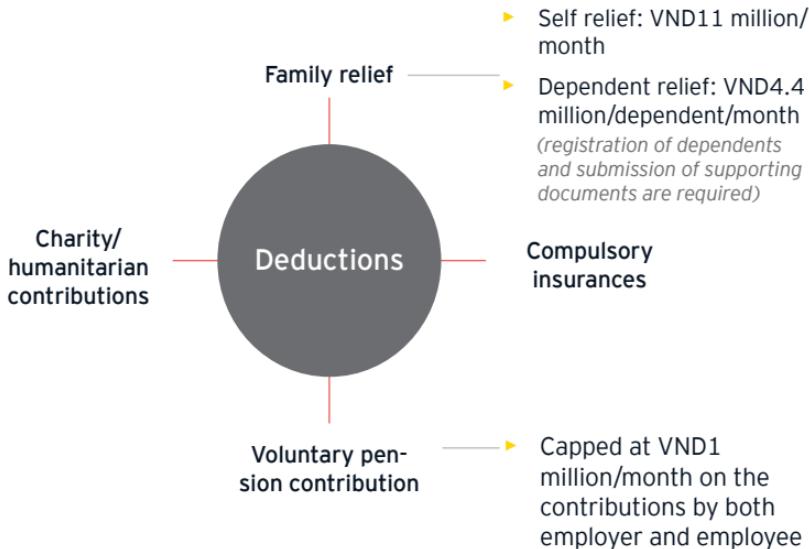
The following are examples of some benefits which are subject to concessional PIT treatment:

- ▶ Accommodation and electricity, water and associated services provided and arranged by the employer to the employee is taxed at the lower of the actual expenses and 15% of the total taxable income (exclusive of house rental and utilities expenses)
- ▶ Life insurance premiums paid by an employer for an employee is taxed at a flat tax rate of 10%



Deductions

Tax relief for tax residents



Source: Article 9, Circular No. 111/2013/TT-BTC, dated 15 August 2013, issued by the MOF providing guidelines for implementation of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT and Decree No. 65/2013/NĐ-CP of the Government making detailed provisions for a number of Articles of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT; Resolution No. 954/2020/UBTVQH14 dated June 2, 2020 on changes to PIT exemptions



Tax rates

Tax rates on employment income

| Monthly assessable income (INC) (VND million) | Residents (*) | Non-residents |
|---|---------------|---------------|
| INC ≤ 5 | 5% | |
| 5 < INC ≤ 10 | 10% | |
| 10 < INC ≤ 18 | 15% | |
| 18 < INC ≤ 32 | 20% | 20% |
| 32 < INC ≤ 52 | 25% | |
| 52 < INC ≤ 80 | 30% | |
| INC > 80 | 35% | |

(*) Upon paying income of VND2 million or more to a tax resident who does not sign a labor contract or signs a labor contract with term of less than 3 months, the Viet Nam-based income payer shall withhold PIT at 10% unless the income payee provides a valid commitment on under-taxation-threshold-income. The progressive tax rates shall still be applied on total annual employment income of the tax residents upon their tax finalizations.

Source: Clause 2 of Article 7, and Clause 1 of Article 18, Circular No. 111/2013/TT-BTC, dated 15 August 2013, issued by the MOF providing guidelines for implementation of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT and Decree No. 65/2013/NĐ-CP of the Government making detailed provisions for a number of Articles of the Law on PIT, the Law amending, supplementing a number of Articles of the Law on PIT



Tax rates on non-employment income

| Types of income | Residents | Non-residents |
|---|--|--|
| Business income | 0.5%-5% (based on type of business income) | 1%-5% (based on type of business income) |
| Income from capital investment | 5% | 5% |
| Income from capital contribution transfer | 20% (on net gain) | 0.1% (on sales proceeds) |
| Income from security transfer | 0.1% (on sales proceeds) | 0.1% (on sales |
| Income from real estate transfer | 2% (on sales proceeds) | 2% (on sales proceeds) |
| Income from winning prize (*) | 10% | 10% |
| Income from commercial franchises and copyright (*) | 5% | 5% |
| Income from gifts and inheritance (*) | 10% | 10% |

(*) PIT is imposed on the income amount portion in excess of VND10 million.

Source: Appendix 1, Circular No. 40/2021/TT-BTC; Articles 10, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, Circular 111/2013/TT-BTC



Tax declaration deadline

| Description | Deadlines |
|---|--|
| Tax registration | Within 10 working days from the date the individual incurs tax obligation |
| Monthly tax filing and payment | By the 20th day following the reporting month |
| Quarterly tax filing and payment | By the end of the month following the reporting quarter |
| Year-end finalization filing and payment (withholding tax return) | By the last day of the third month from the end of the tax year |
| Year-end finalization filing and payment (direct filing) | By the last day of the fourth month from the end of the tax year (for tax year being the calendar year) By the last day of the third month from the end of the tax year (for other tax years) |
| End of assignment finalization and payment | Prior to leaving Viet Nam or within 45 days from the repatriation from Viet Nam in case of authorization |
| Submission of dependent registration (direct family) | By the finalization due date |
| Submission of dependent registration (others) | By 31 December of the year |

Source: Clause 2, Article 33, Article 44, Law on Tax Administration No. 38/2019/QH14, dated 13 June 2019, issued by the National Assembly of Viet Nam; Clause 3, Article 21, Circular No. 92/2015/TT-BTC; Point c.2.3, Clause 1, Article 9, Circular No. 111/2013/TT-BTC



2.7 Transfer pricing

The tax authorities have the power to adjust the value of purchases, sales, exchanges and accounting records of goods and services of taxpayers if that value is not in accordance with the arm's length principle.

The Vietnamese TP requirements are generally consistent with those set out in the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations. However, it is worth noting that the acceptable arm's length price under Viet Nam's TP regulation is a value that falls within a range determined by the 35th to 75th percentile rather than the inter-quartile range, which is the traditionally accepted range. In addition, the data of a single year is used rather than weighted average data.

The applicable TP methods under Viet Nam's TP regulations include:

- ▶ Comparable uncontrolled price method
- ▶ Resale price method
- ▶ Cost plus method
- ▶ Profit-split method or profit allocation method
- ▶ Comparable profit method (referred to as Transactional net margin method in the OECD Transfer Pricing Guidelines)

It is noted that conditions to apply the TP method above may be different from the conditions stated in the OECD Transfer Pricing Guidelines.

The Vietnamese regulations contain detailed TP



documentation requirements. The documentation must be prepared before the submission of the annual CIT return. It does not need to be filed but must be submitted to the tax authority immediately upon request of the tax authority in a tax audit. Taxpayers are obliged to comply with the three-tiered TP documentation (in Vietnamese) requirement, including:

- ▶ Master file
- ▶ Local file
- ▶ Copy of CbCR prepared by the overseas ultimate parent company in accordance with the laws of the respective parent company's jurisdiction. CbCR notification is required since the exchange relationships for CbCR has not been activated yet.

In addition, taxpayers are obliged to prepare and submit certain stipulated disclosure forms together with their CIT finalization returns. If transfer prices are found to be non-arm's length or non-compliant, then the Vietnamese Tax Authorities may adjust the transfer prices and assess additional taxes and penalties.

Companies seeking greater certainty may consider entering an Advance Pricing Agreements (APA). The APA period is three years with a renewal of a maximum three years.

Double taxation avoidance

Viet Nam has signed 80 DTAs with jurisdictions that provide relief from double taxation. The table below indicates jurisdictions that Viet Nam has signed a DTA with.



List of jurisdictions signed DTAs with Viet Nam

| | | | |
|-------------------|------------------|-------------|----------------------|
| Algeria (*) | Germany | Malaysia | Saudi Arabia |
| Australia | Hong Kong | Malta | Serbia |
| Austria | Hungary | Mongolia | Seychelles |
| Azerbaijan | Iceland | Morocco | Singapore |
| Bangladesh | India | Mozambique | Slovakia |
| Belarus | Indonesia | Myanmar | Spain |
| Belgium (**) | Iran | Netherlands | Sri Lanka |
| Brunei Darussalam | Ireland | New Zealand | Sweden |
| Bulgaria | Israel | Norway | Switzerland |
| Cambodia | Italy | Oman | Taiwan |
| Canada | Japan | Pakistan | Thailand |
| China Mainland | Kazakhstan | Palestine | Tunisia |
| Croatia | North Korea | Panama | Turkey |
| Cuba | South Korea (**) | Philippines | Ukraine |
| Czech Republic | Kuwait | Poland | United Arab Emirates |
| Denmark | Laos | Portugal | United Kingdom |
| Egypt (*) | Latvia | Qatar | United States (*) |
| Estonia | Luxembourg | Romania | Uruguay |
| Finland | Macau | Russia | Uzbekistan |
| France | Macedonia (*) | San Marino | Venezuela |

Source: General Department of Taxation, <http://www.gdt.gov.vn/>, accessed 16 November 2023, EY compilation

(*) These DTAs are not yet in force

(**) The protocols amending these DTAs are not yet effective

DTA application notification procedures

Any benefit arising to a company under a DTA does not apply automatically. In order to take advantage of any relief under a DTA the taxpayer must submit a DTA application to the local tax authority 15 days before the tax payment due date. However, this is not strictly implemented in practice because a DTA application dossier may still be considered as long as it is within the three years time limit.

There are particular cases whereby the tax authority may reject the application under the DTA including:

- ▶ The application for exemption/reduction is submitted more than three years after the tax obligation arises
- ▶ The transaction is solely for the purpose of enjoying DTA benefits
- ▶ The applicant is not the true beneficiary of the tax payment being considered for exemption/reduction

Mutual agreement procedures

A MAP process is available. Almost all DTAs concluded by Viet Nam incorporate a provision on MAP. A MAP request has to be submitted within three years from the date of receiving the first notice from the tax authority leading to the tax treatment deemed by the complainant not to be in accordance with the provisions of the DTA. For this, the complainant must fulfil all tax obligations stated in the tax treatment decisions (which are tax administrative decisions, tax notices, etc.) issued by tax authority before and during the process of settlement of MAP request.

2.9 Special sales tax

SST is an indirect tax imposed on certain special goods produced, traded, or imported by enterprises in Viet Nam

Taxpayer

SST payers include producers and importers of goods and providers of services which are subject to SST.

Exporters that purchase SST liable goods from producers for export and do not export but sell them domestically shall also pay SST.

Taxable objects and rates

The following table lists the goods and services to which SST applies. We note there are certain exemptions to this general list.

List of tax rates applicable for goods and services

| Goods | Tax rate (%) |
|---|--------------|
| Cigarettes, other products derived from tobacco plants | 75 |
| Spirit/Wine | 35-65 |
| Beer | 65 |
| Automobiles having fewer than 24 seats | 1-150 |
| Motorcycles with cylinder capacity above 125cm ³ | 20 |
| Aircraft/Yacht | 30 |
| Gasoline | 7-10 |
| Playing cards | 40 |
| Votive papers and objects | 70 |
| Air-conditioners of 90,000 BTU or less (Except for ones equipped on transport vehicles) | 10 |

| Services | Tax rate (%) |
|---|--------------|
| Dancing club business | 40 |
| Massage, karaoke, betting business | 30 |
| Casino, electronic casino game business | 35 |
| Golf course business | 20 |
| Lottery business | 15 |

Source: Article 7, Law on Special Sales Tax No. 27/2008/QH12 dated 14 November 2008, issued by the National Assembly of Viet Nam; Article 1, Law on Special Sales Tax No. 70/2014/QH13 dated 26 November 2014, issued by the National Assembly of Viet Nam amending the Law on Special Sales Tax; Article 8, Law No. 03/2022/QH15 dated 11 January 2022, issued by the National Assembly of Viet Nam

2.10 Business license fee

There is a nominal tax (maximum amount of VND3 million) on the registered capital (charter capital or invested capital) of an enterprise. It is collected annually.

3 Customs duty and procedures



Export duty

Most exported goods are exempt from export duty. Export duty is currently only charged on certain items such as natural resources, wood, metal scraps, etc. The rates range from 0% to 40%.

Import duty

For imported goods, the applicable import duty rates vary depending on the type of goods imported (i.e., the Harmonized System (HS) codes of the goods) and the originating countries.

In general, consumer goods, especially luxury goods, and goods that can already be produced in Viet Nam are subject to high import duties, while machinery, equipment, materials and supplies necessary for production are subject to lower rates or even zero rated of import duties.

There are three types of import duty rates:

- ▶ Preferential rates (i.e., Most Favored Nation rates) for commodities imported from countries or territories that are WTO members or countries that have most favored nation commercial treatment with Viet Nam
- ▶ Special preferential rates for commodities imported from countries or territories having FTAs with Viet Nam (see details in page 92)
- ▶ Ordinary rates which are mostly at 150% of the corresponding preferential rates (i.e., Most Favored Nation rates) applied to the same commodities

Other additional import duties that may be applied to imported goods include anti-dumping tax, safeguard tax and anti-subsidy tax.



Dutiable value

The dutiable value of imported and exported goods is the customs value which is determined in compliance with the WTO Valuation Agreement.

Customs procedures

Registration of a customs declaration with the customs office is required within 30 days from the date the imported goods arrive at the Viet Nam check-points. Regarding exported goods, the customs declarations must be registered with the customs office after the exported goods are available and must be at least four hours before the departure of the transport means or at least two hours before the departure of the aircraft where goods are exported via courier. In practice, the export customs declarations are registered with the customs office at least one day before the departure of the transport means.

Customs declarations are subject to a risk assessment which will trigger different levels of inspection by the customs authorities (generally referred to as red, yellow, and green lane).

Certain goods are banned from import/export or require the importer/exporter to obtain import and export permits from the governmental agencies.

Exemption

Exemptions from import duty are granted for certain imported goods, some of which include:

- ▶ Sector:
 - ▶ Parts, components, materials that are not yet produced in Viet Nam imported for the assembly of automobiles
 - ▶ Certain goods imported for oil and gas or shipbuilding activities
 - ▶ Materials and supplies that cannot be produced in Viet Nam and imported for direct use in production of IT products, digital contents and software
 - ▶ Certain goods imported/exported for environment protection activities
 - ▶ Goods imported for R&D or education purposes
- ▶ Projects entitled to investment incentives:
 - ▶ Machinery and equipment, special means of transportation and construction materials which are not yet produced in Viet Nam imported to form fixed assets of the projects
 - ▶ Materials and parts that are not yet produced in Viet Nam imported to serve the manufacturing activity of the projects within 5 years from the date of production commencement
- ▶ Business scheme:
 - ▶ Goods imported under toll manufacturing or contract manufacturing models (i.e. goods imported for the production of exported goods)
 - ▶ Goods temporarily imported within a certain period of time and subsequently re-exported (with some exceptions)
- ▶ Low value goods:
 - ▶ Gifts within the respective prescribed limits for individuals and entities
 - ▶ Non-commercial goods, e.g., samples, pictures, videos, models and advertisement publications in small quantities

Refunds

Import/export duties may be refunded in some cases such as:

- ▶ Import duties paid on imported goods which are later exported overseas or non-tariff zones
- ▶ Export duties paid on exported goods which are later re-imported
- ▶ Import duties paid on materials imported to produce goods that are subsequently exported
- ▶ Import/export duties paid on imported/exported goods but the goods are actually imported/exported with a quantity smaller than the quantity on which duty was paid

Authorized Economic Operator

An AEO can enjoy certain benefits such as:

- ▶ Fast-track customs clearance procedures (e.g., all customs declarations are allocated into green lane)
- ▶ Exemption from document submission and physical goods inspection
- ▶ Monthly tax payment and submission of C/O (i.e. receive goods first and pay taxes later)
- ▶ Exemption from post-clearance audit (unless suspected of fraud)

Some of the conditions, among others, to be granted AEO status:

- ▶ Full compliance: no tax offence within two years before AEO application
- ▶ High annual turnover of import/export volumes or being certified by the Ministry of Science and Technology as high-tech enterprises

Export Processing Enterprise

Enterprises that produce goods for export may register to be an EPE. An EPE means a company established and operated within an EPZ or an enterprise specializing in manufacturing exported products within an industrial park or an EZ. Goods which are imported into the EPE and consumed within the EPE are not subject to customs duty and VAT. Goods exported from the EPE to overseas markets are not subject to export duty.

In order to register as an EPE, the registrant company must satisfy the requirements for customs supervision, e.g. must have hard fences to separate the company with the outside area and must have 24/7 operating cameras.

Customs inspection and audits

Post-clearance audits are common in Viet Nam as customs authorities like to facilitate the customs clearance process for companies' exported and imported goods and the customs authorities conduct post-clearance audits to monitor companies' compliance with customs regulations. However, customs inspection is also focused during customs clearance process based on risk management principles.

During customs audits, customs authorities focus on the following customs compliance areas:

- ▶ Inventory balance and the use of the duty-exempted imported goods
- ▶ HS classification
- ▶ Customs valuation
- ▶ Goods' origin
- ▶ Eligibility for export-import duty exemption

Free trade agreements

Viet Nam is a signing member of the following FTAs:

| FTAs | Signing members |
|---|--|
| ASEAN Trade in Goods Agreement (ATIGA) | 10 ASEAN member countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam) |
| Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) | Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Viet Nam (*) |
| ASEAN - Japan Comprehensive Economic Partnership (AJCEP) | 10 ASEAN member countries and Japan |
| ASEAN - Korea FTA (AKFTA) | 10 ASEAN member countries and Korea Republic |
| ASEAN - India FTA (AIFTA) | 10 ASEAN member countries and India |
| ASEAN - China FTA (ACFTA) | 10 ASEAN member countries and China |
| ASEAN - Hong Kong FTA (AHKFTA) | 10 ASEAN member countries and Hong Kong |
| ASEAN - Australia - New Zealand (AANZFTA) | 10 ASEAN member countries and Australia, New Zealand |
| Viet Nam - Chile FTA (VCFTA) | Viet Nam, Chile |
| Viet Nam - Korea FTA (VKFTA) | Viet Nam, Korea Republic |
| Viet Nam - Japan Economic Partnership Agreement (VJEPKA) | Viet Nam, Japan |
| Viet Nam - Eurasian Economic Union FTA (VN - EAEU FTA) | Viet Nam, Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia |
| Viet Nam - European Union FTA (EVFTA) *Goods exported from Viet Nam to the EU are still entitled to GSP benefits until 31 December 2022 | Viet Nam, 27 EU member states |
| Regional Comprehensive Economic Partnership (RCEP) (**) | 10 ASEAN member countries and Australia, China Mainland, Japan, Korea Republic, and New Zealand |
| Viet Nam - UK FTA (UKVFTA) (***) | Viet Nam, the United Kingdom |
| Viet Nam - Israel FTA (VIFTA) (***) | Viet Nam, Israel |

Source: Website of WTO Center under Viet Nam Chamber of Commerce and Industry at <https://www.trungtamwto.vn/>, accessed 6 April 2021; EY compilation

Notes:

(*) The CPTPP Agreement officially took effect on 30 December 2018. The CPTPP took effect in Viet Nam on 14 January 2019.

(**) RCEP agreement was signed on 15 November 2020 and entered into force on 1 January 2022.

(***) The UKVFTA was signed on 29 December 2020. The Agreement has been temporarily applied from 23:00 p.m. on 31 December 2020 GMT or 6 a.m. on 1 January 2021, Viet Nam time and officially took effect on 1 May 2021.

In addition to the FTAs, Viet Nam has also signed trade agreements with Cambodia, Cuba, Laos.

Proof of origin

Proof of origin is required when exporters/importers claim special preferential duty rates under FTAs or trade agreements. Some commodities must be accompanied with proof of origin when they are imported into Viet Nam even where preferential tariffs are not available for such commodities. Proof of origin can be in the form of a paper C/O or COO, an origin statement or self-certification, or an electronic C/O. Each FTA has its own required form of proof of origin.

Generally exported goods are not required to have a proof of origin. Proof of origin for exported goods is applied by exporters for the importing partners to enjoy preferential import tariffs in importing countries.



On-the-spot export and import activities

OTS export and import activities are common in Viet Nam and help to facilitate trade and production. There are three forms of OTS export and import that are regulated in Article 35 of Decree 08/2015/ND-CP:

- ▶ Form 1: Goods produced in Viet Nam under a tolling agreement with a foreign principal and sold to a Vietnamese company by such principal
- ▶ Form 2: Goods traded under the sale and purchase agreement between an EPE and a non-EPE company
- ▶ Form 3: Goods traded under the sale and purchase agreement between a Vietnamese company and a foreign company having no presence (*) in Viet Nam, and goods delivered from/to another Vietnamese company under the instruction of the foreign company

In 2023, there were some significant updates related to Form 3 of OTS export and import activities:

- ▶ First, from July 2023, the Vietnamese General Department of Customs issued guidance emphasizing that enterprises with a presence in Viet Nam cannot perform Form 3 of OTS export and import activities. This affects many companies' transaction models as in the past, despite the regulations, foreign enterprises with a presence in Viet Nam performed Form 3 of OTS export and import activities.
- ▶ Then, in August 2023, the MOF submitted a report to the Government which proposed the abolishment of Article 35 of Decree 08/2015/ND-CP.

In fact, Form 3 would be abolished while Form 1 and 2 are governed by other regulations. Transition period is one year. In the proposal, the MOF also proposed alternative business arrangements when Form 3 is abolished.

The Government is still evaluating the MOF's proposal. Meanwhile, companies must follow the current regulations in Article 35 of Decree 08/2015/ND-CP.

Notes:

(*) Clause 5, Article 3 Law on Foreign Trade Management 2017

Having no investment and business activities in Viet Nam in any forms per LOI, Trade or Enterprises (e.g. no representative office, no branch, no establishment of a business organization, no capital contribution or no purchase of shares, no investment project, no business cooperation contract...).



Human resources and employment



1 Overview of workforce of Viet Nam in 2023

100.3 million people

The population quality was improved, the fertility rate dropped to the lowest level in the period 2018-2022, and the Government's socio-economic recovery and development program took effect and supported a positive recovery for the labor market.

39.57%

working in Service Sector

26.9%

working in Agriculture, Forestry and Fisheries Sector

33.53%

working in Industry and Construction Sector

52.4 million

Working age population aged 15 and above in 2023

27%

The proportion of trained workforce with diplomas and certificate in 2023

2.28%

the unemployment rate of Viet Nam's labor force in working age

Source: "Situation of Viet Nam's labor market in 2023", GSO, <https://www.gso.gov.vn/du-lieu-va-so-lieu-thong-ke/2024/01/tinh-hinh-thi-truong-lao-dong-viet-nam-nam-2023/>, retrieved on 14 March 2024.

Overview of workforce in IT field in 2023

Mostly located in Ho Chi Minh City (56.7%) and Hanoi (33.8%)

Only 9.1% of the IT workforce are female but this number is increasing since first recorded in 2017 when it was 5%

30.2% of IT workforce with 5-year working experience and above
52.8% having less than 3-year working experience

Source: Viet Nam IT market report 2023 by TopDev



2 Working time

- ▶ The standard working hours should not exceed 8 hours per day or 48 hours per week.
- ▶ An employer has the right to determine the daily or weekly working hours. However, the daily working hours should not exceed 10 hours per day or 48 hours per week where a weekly basis is applied.
- ▶ Overtime hours of an employee should not exceed 50% of the normal working hours in a single day.
- ▶ In case of weekly work, the total normal working hours plus overtime working hours should not exceed 12 hours a day or 40 hours a month.
- ▶ The total overtime working hours should not exceed 200 hours a year, except in the following cases where an employer may request an employee to work overtime for up to 300 hours in a year provided the employer has first submitted a written notification to the provincial labor authority and obtained agreement from the employee:
 - ▶ Manufacture, processing of textile, garment, footwear, electric, electronic products, processing of agricultural, forestry, aquaculture products, salt production
 - ▶ Generation and supply of electricity, telecommunications, refinery operation water supply and drainage
 - ▶ Works that require highly skilled workers that are not available on the labor market at the time
 - ▶ Urgent works that cannot be delayed due to seasonal reasons or availability of materials or products, or due to unexpected causes, bad weather, natural disasters, fire, hostility, shortage of power or raw materials, or technical issue of the production line
 - ▶ Other cases prescribed by the Government

Leave days:

- ▶ Certain types of leave are paid for by the employer: Public holidays, Annual leave and Personal paid leave
- ▶ Certain other types of leave are paid for by Social Insurance Agency

Certain types of leave in Viet Nam

Public holidays

Vietnamese: 11 public holidays per year
Foreigners: 1 traditional New Year holiday and 1 Independence Day of their country, in addition to the mentioned 11 public holidays

Annual leave

From 12 to 16 working days per year for employees who have been working for an employer for 12 months, depending on their working conditions and type of work
Annual leave increases by 1 day for every 5 years of service

Leave paid by SI Agency

Pregnant check: 5 working days
Miscarriage: up to 50 days
Maternity leave: 6 months
Contraception: up to 15 days
Parental leave: from 5 to 14 working days Child sickness (under 7 years old): up to 20 working days depending on child's age
Self-sickness: up to 60 working days for short day and up to 180 days for long day
Convalescence: up to 10 days

Personal paid leave

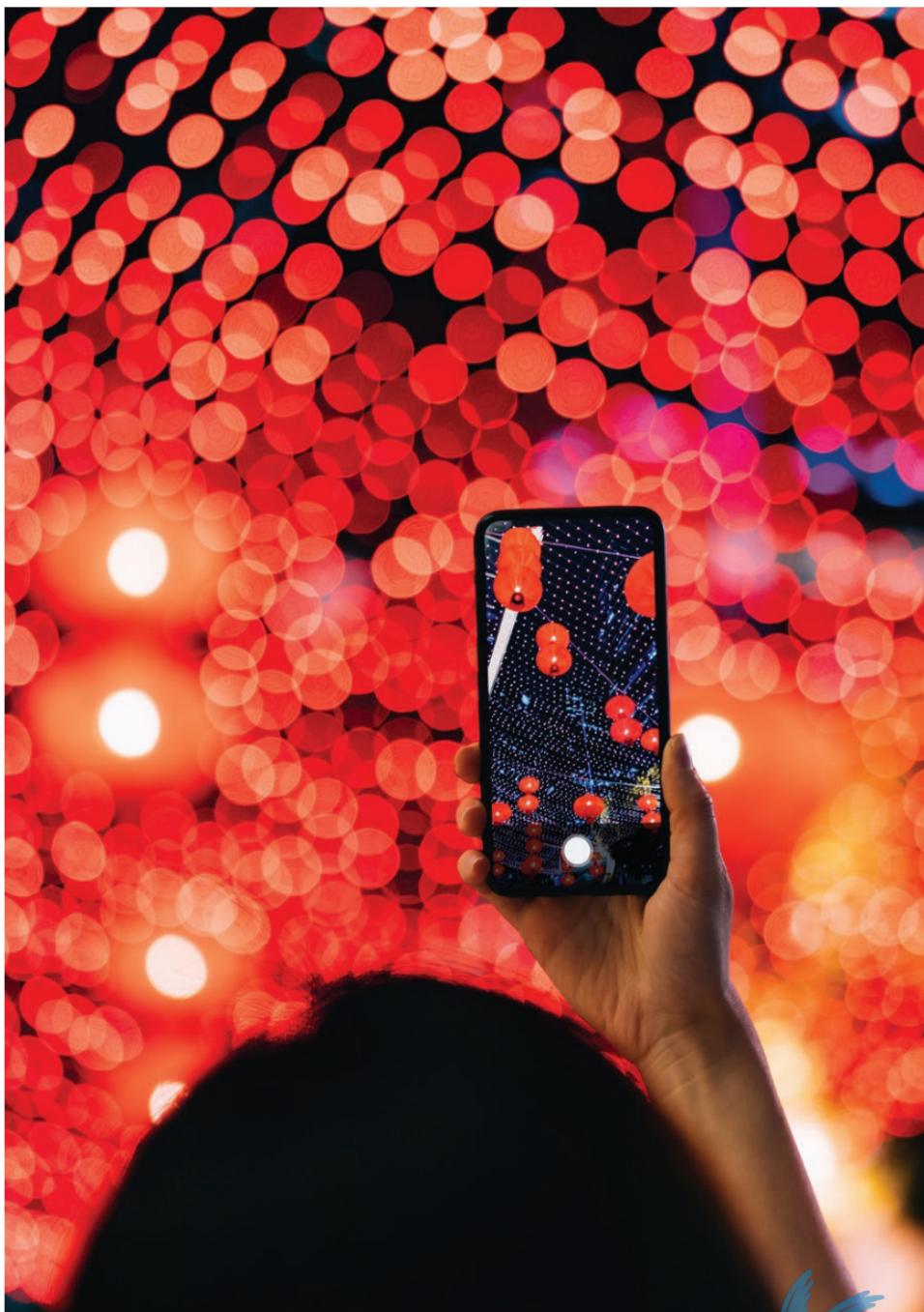
Marriage: 3 working days
Marriage of child: 1 working day
Death of parents, spouse's parents, spouse or child: 1 working day

Source: Article 112, 113 and 115, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam; Article 26, 27, 29, 41 and from 32 to 37, Law on Social Insurance No. 58/2014/QH13, dated 20 November 2014, issued by the National Assembly of Viet Nam

3 Summary of salary scale by region

Effective from 1 July 2024, the minimum salary by region ranges from VND3.45 million to VND4.96 million per month and varies for each city and province.

In addition to the monthly minimum salary, **the hourly minimum wage is also applied** with the same effective date for those who receive income in the form of an hourly salary payment. Accordingly, employees may earn a minimum hourly rate ranging from VND16.6 thousand to VND23.8 thousand depending on their region.



Social, health and unemployment insurance

The following are the statutory contribution rates for employers and employees with respect to social security, health insurance and unemployment insurance from 1 January 2023:

Statutory contribution rates for employers and employees

| | Social Insurance | Health Insurance | Unemployment Insurance | Occupational diseases & accident fund | Total | |
|------------|------------------|------------------|------------------------|---------------------------------------|-------------------|---------------------|
| Vietnamese | % | % | % | % | % | |
| | Employee | 8 | 1.5 | 1 | 0 | 10.5 |
| | Employer | 17.5 | 3 | 1 | 0.5 or 0.3 | 22 or 21.8 |
| Foreigner | Total | 25.5 | 4.5 | 2 | 0.5 or 0.3 | 32.5 or 32.3 |
| | Employee | 8 | 1.5 | 0 | 0 | 9.5 |
| | Employer | 17.5 | 3 | 0 | 0.5 or 0.3 | 21 or 20.8 |
| | Total | 25.5 | 4.5 | 0 | 0.5 or 0.3 | 30 or 29.8 |

Source: Article 5, Decision No. 595/QD-BHXH, dated 14 April 2017, issued by the General Director of Viet Nam Social Security; Decree 58/2020/NĐ-CP, dated 27 May 2020, issued by the Government

The social and health insurance contribution is calculated based on the salary or wage, allowance and additional payments stated in the labor contract. However, it is capped at 20 times the standard minimum salary provided by the Government. The current capped salary for the social and health insurance contribution is VND36 million (VND1.8 million x 20) effective from 1 July 2023. The common minimum salary may change from year to year according to the government's decision.

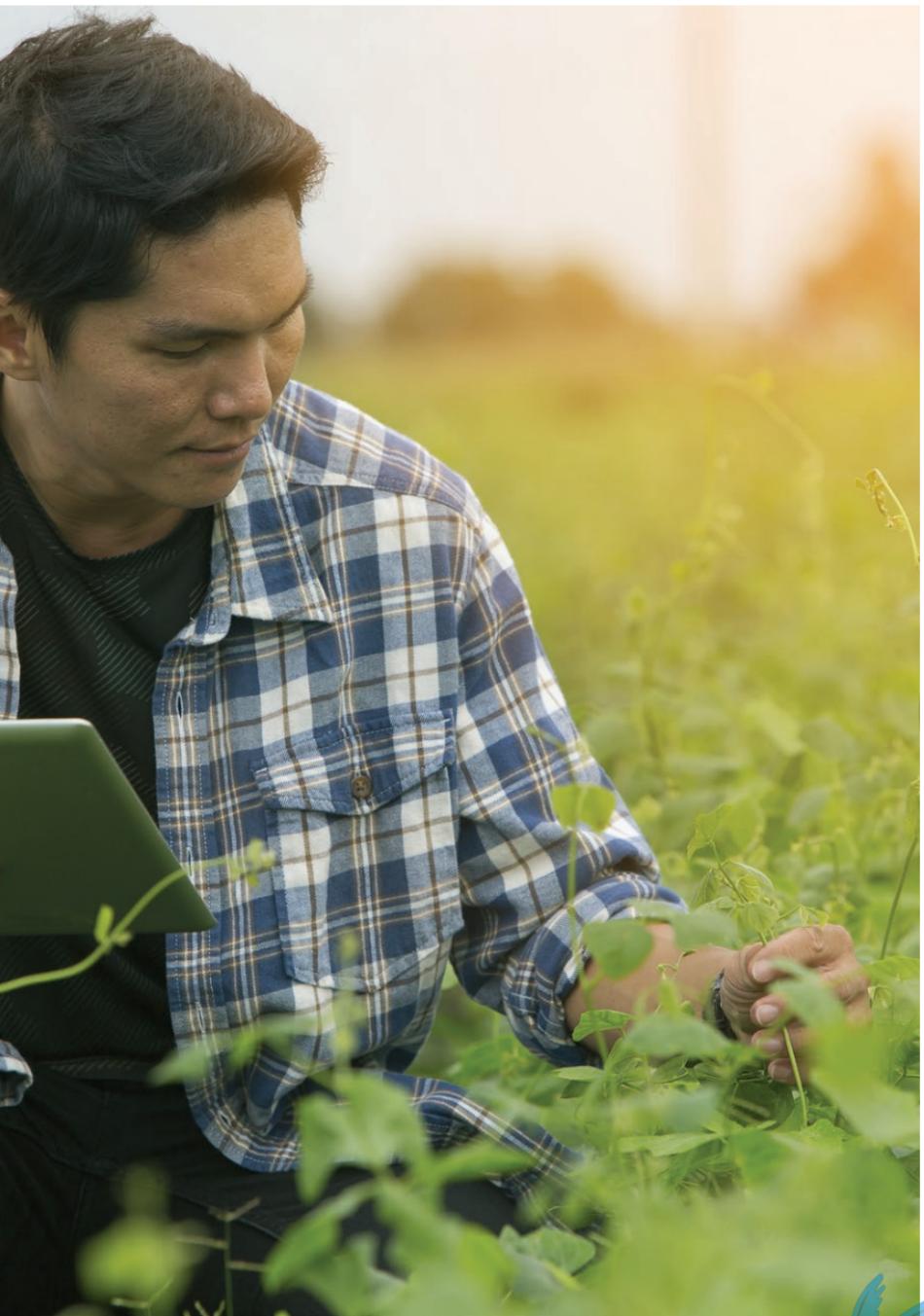
The unemployment insurance contribution is only required for Vietnamese employees and is calculated based on the salary or wage, allowance and additional payments stated in the labor contract. However, it is capped at 20 times the regional minimum salary, which currently ranges from VND3.45 million to VND4.96 million per month, effective from 1 July 2024.

In addition to the monthly minimum salary, the hourly minimum wage is also applied with the same effective date for those who receive income in the form of an hourly salary payment. Accordingly, employees may earn a minimum hourly rate ranging from VND16.6 thousand to VND23.8 thousand depending on their region.

Also from 1 July 2022, the provision increasing the minimum salary by 7% for employees passing apprenticeship is removed as stipulated in the Decree 38/2022/NĐ-CP, dated 12 June 2022, issued by the Government. However, as per Official Letter 2086/BLDTBXH - TLDDVN, dated 17 June 2022 regarding directing the implementation of Decree 38, issued by the Ministry of Labor, Invalids and Social Affairs - General Confederation of Labor of Viet Nam, where the employee's labor contract is more favorable to the employee than the regulations prescribed in Decree 38, that contract shall continue to be implemented, unless otherwise agreed by the parties. Accordingly, the contents implemented including the salary regime paid to employees doing jobs and vocational training at least 7% higher than the minimum salary shall continue to be implemented, unless otherwise agreed upon by the two parties as prescribed by law.

Currently the social insurance applies for foreigners who sign labor contracts with Vietnamese entities with a term of 12 months or more and have a work permit or practice license or certificate.





5 Recruitment & Termination of employment

Recruitment, probation and labor contract

Recruitment ▶

Employers have the right to recruit employees directly or through employment agencies or dispatching agencies. Employees should not pay any recruitment cost.

Probation ▶

Only one probationary period is allowed for a job and shall not exceed:

- ▶ 180 days for enterprise executive position
- ▶ 60 days for positions that require college degree or above
- ▶ 30 days for positions that require a vocational certificate, technicians, and skilled employees
- ▶ 6 working days for other jobs

Labor contract

There are two types of labor contracts:

- ▶ An indefinite-term labor contract
- ▶ A definite-term labor contract, with a duration of up to 36 months

A definite-term labor contract can be renewed only one time except for foreigners, directors of state-invested enterprises, elderly people, members of the management boards of the representative organizations.

Source: Article 11, 20 and 25, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam

Termination of employment

1

The contract expires or the agreed work in the contract has been completed without agreement on extension, modification or amendment.

4

The employee is sentenced to imprisonment without suspended sentence or not in the case of being set free, is sentenced to death or is prohibited from performing the job stated in the labor contract under a legally effective judgment or ruling of a court.

2

Both parties agree to terminate.

5

The individual employer dies; is declared by a court to have lost civil act capacity, be missing or dead. The employer who is not individual has been liquidated or the provincial business registration authority declared that the legal representative of the employer does not implement the rights and obligations in accordance with the law.

3

The individual employee dies; is declared by a court to have lost civil act capacity, be missing or dead.

6

The employer lays off the employee due to structural or technological changes or because of economic reasons, merger, consolidation or division of the enterprise, sale, lease, conversion of business type, transfer of ownership or rights to use other business asset.

7

Employees/Employers unilaterally terminate the labor contract in accordance with law.

9

Foreign employee working in Viet Nam is deported under a legally effective judgment or ruling of a court, decision of relevant competent state agency.

8

The employee is dismissed.

10

The work permit of foreign employee working in Viet Nam is invalid.

11

The employee fails to perform his/her tasks during the probationary period under the employment contract or gives up the probation.

Source: Article 34, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam

Employer unilaterally terminates the contract

Circumstances where an employer has the right to unilaterally terminate an employment contract

1

The employee repeatedly fails to perform his or her work as agreed in the employment contract.

2

The employee is sick or has an accident and remains unable to work after having received treatment for a period of 6-12 consecutive months or more than half of the duration of the contract in case of seasonal contract.

3

In the event of a natural disaster, fire, major epidemic, hostility, relocation or downsizing requested by a competent authority, the employer has to lay off employees after all possibilities have been exhausted.

4

The employee is not present at the workplace after the time limit of the temporary suspension of the employment contract.



The employer shall establish criteria for assessment of employees' fulfillment of duties as a basis for consideration.

Upon recovery, the employer may consider entering into another employment contract with the employee.

5

The employee fails to go to work without acceptable excuses for at least five consecutive working days.

6

The employee fails to provide truthful information related to their name, date of birth, sex, education level, health condition, etc.

Source: Article 36, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam

Employee unilaterally terminates the contract

Circumstances where an employee has the right to unilaterally terminate an employment contract

1

Is not assigned to the work or workplace or not provided with the working conditions as agreed in the employment contract.

2

Is not paid adequately or on schedule as agreed in the employment contract.

3

Is maltreated, assaulted, physically or verbally insulted by the employer in a manner that affects the employee's health, dignity or honor; is sexually harassed in the workplace.

4

The employee or their families are in difficult circumstances which prevent them from performing labor contracts (taking care of their families, relocating due to natural disasters, fires).

5

The employee is elected to a full-time position in an elected body or is appointed to a position in the state apparatus.

6

Is pregnant and has to stop working under confirmation from a competent health facility.

7

The employee is sick or has an accident and remains unable to work after having received regularly treatment.

8

Employees who suffer from sexual harassment in the workplace (sexual harassment is a sexual nature of any person to another person at work without being accepted).

9

The employer fails to provide truthful information related to work, place of work, work hours, salary, insurance, etc.

10

May unilaterally terminate the employment contract, subject to prior notice to the employer.

Source: Article 35, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam



Employment of foreigners

Requirements for employment of foreigners

Only employ foreigners to hold positions of managers, executive directors, specialists and technical workers with professional requirements which cannot be met by Vietnamese workers.

Recruitment of foreign employees in Viet Nam is subject to written approval by competent authorities.

Work permit

The maximum duration of a work permit is two years. A work permit can only be extended one time with a maximum duration of two years.

After the extended work permit has expired, foreign workers must ask for the grant of new work permit.

Labor contract

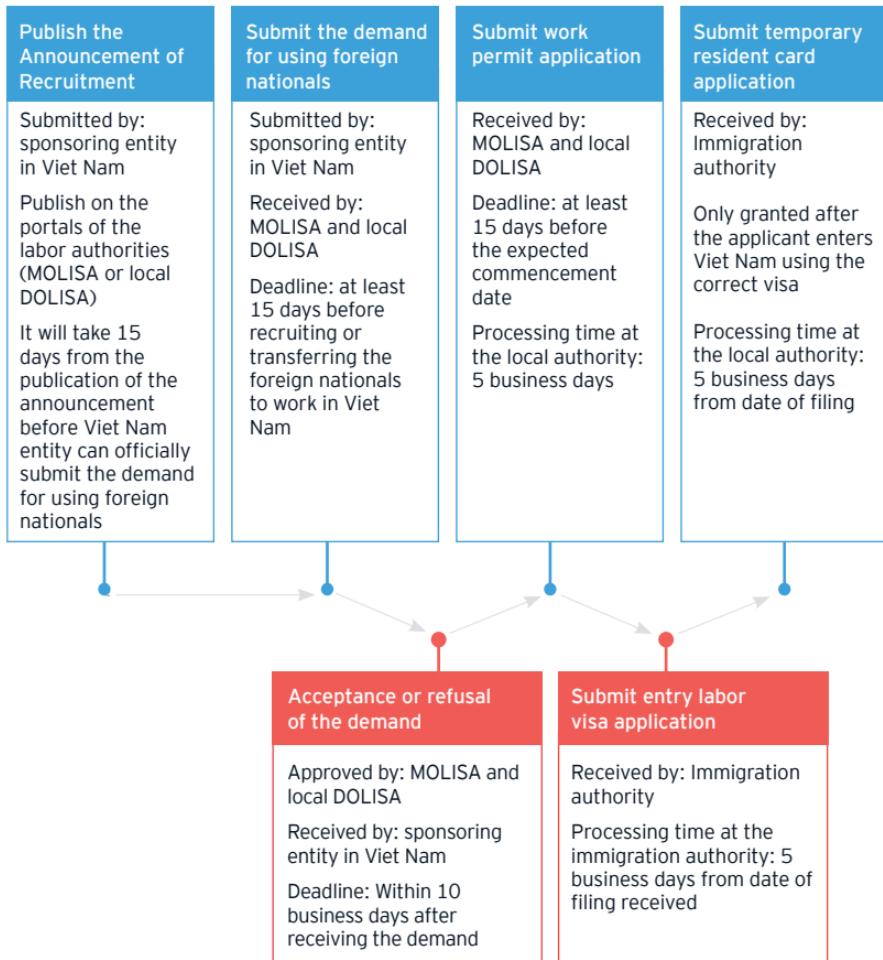
The duration of a foreign employee's employment contract must not exceed that of the work permit.

A definite-term employment contract may be entered into multiple times with foreigners.

Source: Article 20, 151, 152 and 155, Labour Code No. 45/2019/QH14, dated 20 November 2019, issued by the National Assembly of Viet Nam

Work permit and visa application

Procedure and standard timeline for Work permit and Visa application



Source: Decree No. 152/2020/NĐ-CP, dated 30 December 2020 and Decree No.70/2023/NĐ-CP, dated 18 September 2023 issued by the Government; Law on Entry, exit, transit, and residence of foreigners in Viet Nam No. 47/2014/QH13, dated 16 June 2014, issued by the National Assembly of Viet Nam; Law No. 51/2019/QH14, dated 25 November 2019, issued by the National Assembly of Viet Nam and Law No. 23/2023/QH15, dated 24 June 2023 amending the Law on Entry, exit, transit, and residence of foreigners in Viet Nam

6.1 Entry visas

The sections below provide only the general standard business immigration requirements for a foreigner to work in Viet Nam. Various requirements and practices are not described in this book. Professional advice should be obtained on a case-by-case basis.

All foreigners must have a passport or passport substitute papers that are valid for at least six months and a visa granted by the competent Vietnamese agencies, except for citizens of countries that have visa exemptions included in bilateral consular agreements with Viet Nam (ASEAN, member countries and Kyrgyzstan) or unilateral agreements with Viet Nam (Belarus, Denmark, Finland, France, Germany, Japan, Korea [South], Italy, Norway, the Russian Federation, Sweden and the United Kingdom).

To legally enter Viet Nam, foreigners must apply for a visa corresponding to the entry purpose and provide supporting documents.

After the visa is granted, the foreigner is responsible for acting in accordance with the registered purpose of entry and this purpose should not be changed during the stay in Viet Nam.

Foreigners entering Viet Nam to work must submit the work permits or work permit exemption certificates in the visa application dossiers. Consequently, work permits or work permit exemption certificates must be obtained before the labor visa application dossiers are filed.

The validity of each visa type differs and corresponds to the supporting documents in the visa application. For example, the maximum duration of a labor visa is 24 months, the maximum duration of an investor visa is 5 years, and the maximum duration of a business visa is 12 months.

The current processing time is five working days from the date of filing.

6.2 Work permits

A work permit is required for a foreign national to legally work in Viet Nam, except for cases of work permit exemptions. This document is granted only to a foreign national who is sponsored by an entity in Viet Nam.

A foreigner who enters Viet Nam to work for intervals of up to 30 days and no more than 3 times per calendar year as a manager, executive director, specialist or technician and is not required to obtain a work permit.

Procedure and standard timeline.

The sponsoring entity in Viet Nam must submit the demand for using foreign nationals working in Viet Nam to the relevant government's body at least 30 days before recruiting or transferring the foreign nationals to work in Viet Nam. Within 10 business days from receiving the demand, the MOLISA or local DOLISA must respond to the sponsoring entity in writing regarding the acceptance or refusal of the demand. This letter is considered to be a pre-approval for using foreign employees in Viet Nam. This pre-approval letter is one of the compulsory documents for application dossiers for work permit issuance, work permit reissuances

and work permit exemptions.

A work permit application must be filed with the MOLISA and local DOLISA at least 15 days before the expected commencement working date for the employee. The current processing time at the local labor authority is five business days.

Required documents in work permit application dossiers that are issued in foreign countries must be legalized in the country of issuance to be recognized in Viet Nam. Depending on the diplomatic relations between Viet Nam and the country of issuance, the steps required to legalize the documents may vary. Consequently, the total processing time for work permit applications may take one to three months or more.

A work permit can be granted with a maximum validity period of two years and can be extended one time for an additional two-year period. Foreign nationals who wish to remain in Viet Nam for more than four years must apply for a new work permit after completing four years in Viet Nam.

Qualification requirements. A foreign national who wants to work in Viet Nam must meet the required qualifications for a pre-approval position. They must also be working in a management position or be a specialist or technician.

In addition to the above qualifications, foreign nationals will generally fall into one of two major categories: intra-company transfer and local hires. An intra-company transfer must have worked for their home employer for at least 12 consecutive months prior to the work permit application. The local hire must sign a local employment contract with the sponsoring entity in Viet Nam. Both intra-company transfers, and local hires must submit documentation proving that they meet the necessary criteria.

Work permit exemptions. Under the current Labor Code and the decree on work permits, 20 cases of work permit exemptions exist. The following are typical examples of individuals who are exempt from the requirement to obtain a work permit in Viet Nam:

- ▶ A foreigner who enters Viet Nam to work for up to 30 days and no more than 3 times per calendar year

- ▶ A foreigner who is a contributing member or owner of a LLC whose individual capital contribution is at least VND3 billion
- ▶ A foreigner who is a member of the board of directors of a JSC whose individual capital contribution is at least VND3 billion
- ▶ A foreigner who is married to a Vietnamese citizen and residing in Viet Nam
- ▶ A foreigner who is an intracompany transferee of corporations operating within 11 service industries listed under Viet Nam's WTO commitments

In general, to satisfy the work permit exemption, at least 10 calendar days before the date the foreign national is supposed to begin work, the sponsoring entity must submit a work permit exemption application to MOLISA or local DOLISA for the place where the foreign national will work regularly.

The MOLISA and local DOLISA must issue a written certificate to the employer within five working days after the date on which a sufficient application is received. A written response and explanation are provided if the work permit exemption application is rejected.

Temporary residence card

A temporary residence card serves as a multiple-entry visa with a minimum term of one year. The maximum term of a temporary residence card is subject to the term of the work permit, the work permit exemption certificate, the validity of the business license and the applicant's passport (whichever is earlier).

A temporary residence card is granted to a foreigner who has a valid work permit or work permit exemption certificate with duration of over one year and their legal spouse and children under 18 years old. Documents proving the relationship between the principal applicant and the dependents must be legalized and translated into Vietnamese for the temporary residence card application.

This card can only be granted after the applicant has entered Viet Nam using the correct visa. The current processing time at the local authority is five business days from the date of the filing of the application.



Digital Transformation and Innovation



1 Highlights in Viet Nam's policies, directions in digital transformation

In order to keep up with the trend of international digital transformation, in 2022, the Prime Minister issued two Decisions with the goal of developing science, technology and digital transformation. These are:

- ▶ Decision No. 569/QD-TTg dated 11 May 2022 on Promulgating the strategy for development of science, technology and innovation by 2030.
- ▶ Decision No. 411/QD-TTg dated 31 March 2022 on Approval for the national strategy for development of digital economy and digital society by 2025, orientation towards 2030.

2 Viet Nam National Innovation Center

2.1 Introduction of Viet Nam National Innovation Center

The Viet Nam NIC was established by the Prime Minister under the Decision No.1269/QD-TTg dated 2 October 2019. With two locations in Hanoi City and Hoa Lac Hi-tech Park, the function of NIC is promoting and supporting the innovation ecosystem of Viet Nam, contributing to the reform of development model based on science and technology with three functional departments:

- ▶ **Ecosystem Development Department:** Support and develop the startup and innovation ecosystem, including the main actors: government; science and technology institutes and, academies; banks and investors; corporates; start-ups, incubators, accelerators; agencies providing legal, supporting, consulting services; intellectuals, science, and technology experts.

- ▶ **Enterprises Support Department:** Support, consult, develop innovative enterprises, individuals, and organizations' innovative programs; operate the one-stop unit of NIC, manage and exploit the office space and rental facilities of NIC; consult on innovation for enterprises, organizations and localities; connect domestic and international enterprises supporting organizations.
- ▶ **Human Resources Development Department:** Develop national innovation human resources, planning programs to train and retrain individuals and organizations on entrepreneurship, innovation; manage the NIC's scholarship fund and select recipients.

NIC should be the leading innovation center in three ways:

- ▶ Create an outstanding business environment that attracts leading global and local firms
- ▶ Foster the creation of an eco-system startups, micro, small and medium enterprises to join value chain of global corporates and technology companies
- ▶ Act as a regulatory pilot to create conditions that can be replicated in other locations

The preferential mechanisms and policies for National Innovation Center¹

For the NIC model:

- ▶ Granted preferential treatment in relation to taking out state preferential loans
- ▶ Entitled to lease land for 50 years in hi-tech zones and shall be exempted from paying land rentals for the entire lease term
- ▶ Entitled to receive foreign non-government aid, grants and donations from domestic organizations and individuals to invest in facilities, operation, and management of NIC
- ▶ Granted an exemption from import duty goods imported to acquire fixed assets for direct use in scientific research, technology development
- ▶ Granted the most preferential corporate tax rates regulated under the current Law

For startups and innovative companies located in the NIC:

- ▶ Entitled to the NIC's support in administrative procedures in business registration, work permits, registration of industrial property rights

¹According to Decree No. 94/2020/NĐ-CP of the Government dated 21 August 2020 on preferential mechanisms and policies for Viet Nam National Innovation Center and Decree 31/2021/NĐ-CP of the Government dated 26 March 2021 on Elaboration of some articles of the LOI

- ▶ Granted access to NIC's facilities, working space, laboratories, testing and experimenting facilities, means or amenities
- ▶ Entitled to receive preferential treatment in procurement procedure described in the Law on Bidding
- ▶ Entitled to raise and receive funding from research funding programs of the Government and domestic and foreign enterprises, organizations, and individuals in accordance with the law to put their ideas or concepts into practice
- ▶ Entitled access to the most attractive tax incentives prescribed in law on taxes

Business and collaboration for enterprises operating in National Innovation Center

- ▶ Connect partners to support innovative businesses and individuals to access resources in finance, technology, high-quality human resources, consultancy, market information, etc.
- ▶ Establish operations at NIC's campuses in Hanoi and Hoa Lac Hi-tech Park to receive investment and business incentives specified specifically for the NIC in the Government's Decree No. 94/2020/NĐ-CP
- ▶ Cooperate in training and increase the ability on innovation and technologies of the Industrial Revolution 4.0
- ▶ Coordinate research and implementation of projects building and developing innovation centers in Viet Nam
- ▶ Provide non-government aids, grants and donations to invest in building facilities and supporting activities, management and operations of the NIC

Relevant information as stated in the outline

Viet Nam is placed 46th among 132 economies in the Global Innovation Index 2023 with a performance above expectation for the level of development which was announced by the UN¹ World Intellectual Property Organization. The GII 2023 report released on 27 September 2023 mentioned Viet Nam was placed 2nd among the 37 lower-middle-income group economies, and 10th among the 16 economies in South East Asia, East Asia, and Oceania¹.

¹"Global Innovation Index 2023 - Innovation in the face of uncertainty", WIPO, 27 September 2023



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Foreign exchange control

In principle, transactions in Viet Nam must be dominated and undertaken in VND, except for a few permitted cases. All buying, selling, lending and other foreign currency transactions must be made through credit institutions and banks authorized by the SBV.

Foreign investors may recognize payments (including payment from overseas) for the pre-license expenses as a part of contributed investment capital. Foreign investors are allowed to repatriate profit from their investment in Viet Nam after completion of all legal, tax and financial obligations to the State Budget i.e. completion of tax finalization, submission of audited financial statements, no more accumulated loss and notification to tax authority. The profit repatriation can be made annually at the end of each fiscal year or upon the termination of the subsidiary in Viet Nam.



Useful websites

1. Ministry of Planning and Investment: <http://www.mpi.gov.vn>
2. Foreign Investment Agency - Ministry of Planning and Investment: <http://fia.mpi.gov.vn>
3. Ministry of Industry and Trade: <https://moit.gov.vn>
4. Ministry of Finance: <https://mof.gov.vn>
5. The State Bank of Viet Nam: <https://www.sbv.gov.vn>
6. Viet Nam Chamber of Commerce and Industry: <https://en.vcci.com.vn>
7. General Department of Taxation: <http://gdt.gov.vn>
8. General Department of Customs: <https://www.customs.gov.vn>
9. State Securities Commission of Viet Nam: <http://www.ssc.gov.vn>
10. General Statistics Office: <https://www.gso.gov.vn>
11. WTO Center: <https://wtocenter.vn>
12. Provincial Competitiveness Index: <https://pcivietnam.vn>
13. Viet Nam Business Annual Report: <https://vbis.vn>



Foreign Investment Agency



Foreign Investment Agency (FIA)
Ministry of Planning and Investment of Viet Nam

FIA, an organization belonging to the Ministry of Planning and Investment of Viet Nam, is commissioned to advise to the Minister of Planning and Investment to implement state management function related to FDI activities in Viet Nam and Viet Nam direct investment activities abroad.

Divisions under Foreign Investment Agency include:

- ▶ Administration Office
- ▶ Statistics and General information Division
- ▶ Foreign Investment Division
- ▶ Outward Investment Division
- ▶ Investment Promotion Division

Scan here to visit FIA website



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United States (Washington D.C. and San Francisco), Japan (Tokyo and Osaka),
Republic of Korea, Singapore, Germany, France, Laos, Cambodia and Taiwan (China).



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