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Highlights of Vietnam's technical updates in March 2023

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Please refer to our following edition for further details.

BUSINESS TAX

1. Decree No. 12/2023/ND-CP dated 14 April 2023 by the Government on extending the deadline for payment of value added tax ("VAT"), corporate income tax ("CIT"), personal income tax ("PIT") and land rental in 2023, effective from 14 April 2023 until 31 December 2023.

Accordingly, the tax payment deadline is extended as follows:

- **For enterprises:**
 - ✓ **VAT (excluding VAT paid at the stage of importation):**
 - Extension of 6 months for the tax payable in March, April, and May.
 - Extension for the tax payable for June, July and August to 20 December 2023.
 - Extension for the tax payable of Quarter 1 of 2023 to 31 October 2023
 - Extension for the tax payable of Quarter 2 of 2023 to 31 December 2023.
 - **CIT:** 3-month extension is provided for the provisional tax payable for the first and second quarters of the 2023 tax period.
- **For household/ individual businesses:** all VAT and PIT arising in 2023 are extended until 30 December 2023.
- **Land rental:** the payment deadline for 50% of the land rental in 2023 is extended for 6 months, from 31 May 2023 to 30 November 2023.

- Taxpayers shall submit an application for the extension of tax payment and land rental to tax authorities once for the entire tax payable and land rental incurred in the tax period eligible for the extension, at the same time with the submission of monthly (or quarterly) tax declarations. In case the application is not submitted together with the monthly (or quarterly) tax declarations, the latest submission time is 30 September 2023.

Subjects eligible for extension: there are four groups of eligible subjects according to Article 3 of the Decree, including:

- ✓ Enterprises, organisations, households, business households and business individuals operating in the following economic sectors: agriculture, forestry and fisheries; construction; food processing; weaving; wood processing; etc.;
- ✓ Enterprises, organisations, households, business households and business individuals that operating in the following economic sectors: transportation and warehousing; accommodation, food and drink services; education and training; healthcare; computer programming; etc.;
- ✓ Enterprises, organisations, households, business households and business individuals operating in production of supporting industry products prioritised for development; key mechanical products;
- ✓ Small and micro enterprises as defined according to the Law on Provision of Assistance for Small and Medium-sized Enterprises 2017 and Decree No. 80/2021/ND-CP dated 26 August 2021 by the Government.

2. Circular No. 13/2023/TT-BTC dated 28 February 2023 by the Ministry of Finance guiding the implementation of Decree No. 49/2022/ND-CP dated 29 July 2022.

Accordingly, the VAT price for real estate transfer shall comply with the provisions at Clause 1 Article 1 of Decree No. 49/2022/ND-CP.

Business establishments are entitled to a VAT refund for investment projects according to the provisions at Clause 3 Article 1 of Decree No. 49/2022/ND-CP. This regulation replaces the provisions at Clauses 2 and 3, Article 18 of Circular No. 219/2013/TT-BTC.

Circular No. 13/2023/TT-BTC is effective from 14 April 2023. The regulations on VAT refunds for investment projects of business establishments subject to conditional investment and business lines at Clause 3 Article 1 of this Circular shall be applied from the effective date of Decree No. 100/2016/ND-CP dated 1 July 2016 by the Government which is valid according to the provisions at Clause 2 Article 2 of Decree No. 49/2022/ND-CP dated 29 July 2022 by the Government.

3. Official Letter No. 586/TCT-TTKT dated 1 March 2023 by the General Department of Taxation (“GDT”) on the increase in tax inspections and audits in 2023.

Accordingly, in 2023, the GDT requests Tax Departments to:

- Complete the unfinished tax inspection and audit plan from the year 2022 before 29 April 2023 and immediately implement the tax inspection and tax audit plan for 2023, which was approved by the General Department of Taxation;
- Increase tax inspections and audits for the following group of enterprises:
 - (i) Enterprises operating in the field of e-commerce and business on digital platforms.
 - (ii) Enterprises involved in related-party transactions, particularly foreign-invested enterprises with losses or lower profit compared to other local enterprises in the same industry; enterprises with related-party transactions accounting for a large proportion of the total transaction value, and eligible for tax incentives; enterprises engaged in business activities with simple functions such as contract-based manufacturing, processing and assembly of electronic components, textiles, footwear, etc. with low profits; enterprises that have incurred expenses for providing internal services, royalties etc. with great value from related parties.
 - (iii) Enterprises and individuals having business activities in the real estate sector, focusing on those involved in selling but not publishing on mass media; real estate projects serving consumption such as social housing, offices for lease, real estates used in production and industry; enterprises involved in real estate projects transfers.
- Increase tax inspections and audits related to invoicing;
- Increase tax inspections and audits in VAT refunds, especially must investigate 100% of high-risk tax refund dossiers within 1 year from the time of tax refund;
- Boost cooperation between competent authorities to combat tax evasion, tax fraud and tax crimes.



4. Official Letter No. 687/TCT-KK Official Letter No. 687/TCT-KK dated 13 March 2023 by the GDT on the declaration and refund of VAT for investment projects located in province or city different from the headquarters.

In case where an enterprise has new investment projects located in a province or city other than its headquarters, and these projects are in the investment stage, not yet been operational, not yet registered its business or registered for tax, the enterprise shall prepare a VAT declaration for each project and submit it to the tax authority where the investment project is located. In addition, the application for VAT refund of an investment project located outside the headquarters' province shall be submitted to the provincial Tax Department where the project is located.

5. Official Letter No. 786/TCT-CS Official Letter No. 786/TCT-CS dated 20 March 2023 by the GDT guiding CIT and PIT regulations.

In case an enterprise does not sell goods directly to consumers, but instead operates through a system of distributors (who directly purchase goods from the enterprise) and retailers of distributors (who purchase goods via distributors): if the enterprise pays cash support to the retailers via the distributors whenever the retailers achieve the committed sales targets according to the enterprise's policy, or if the enterprise provides monetary support to the distributors' salesmen (who are not employees of the enterprise), then these payments are not deductible for CIT purposes.

In case the enterprise directly pays bonuses to the employees of the distributors: the enterprise has the responsibility to withhold PIT as prescribed.

6. Official Letter No. 796/TCT-CS dated 20 March 2023 by the GDT regarding tax treatments for damaged and defective products in the production process.

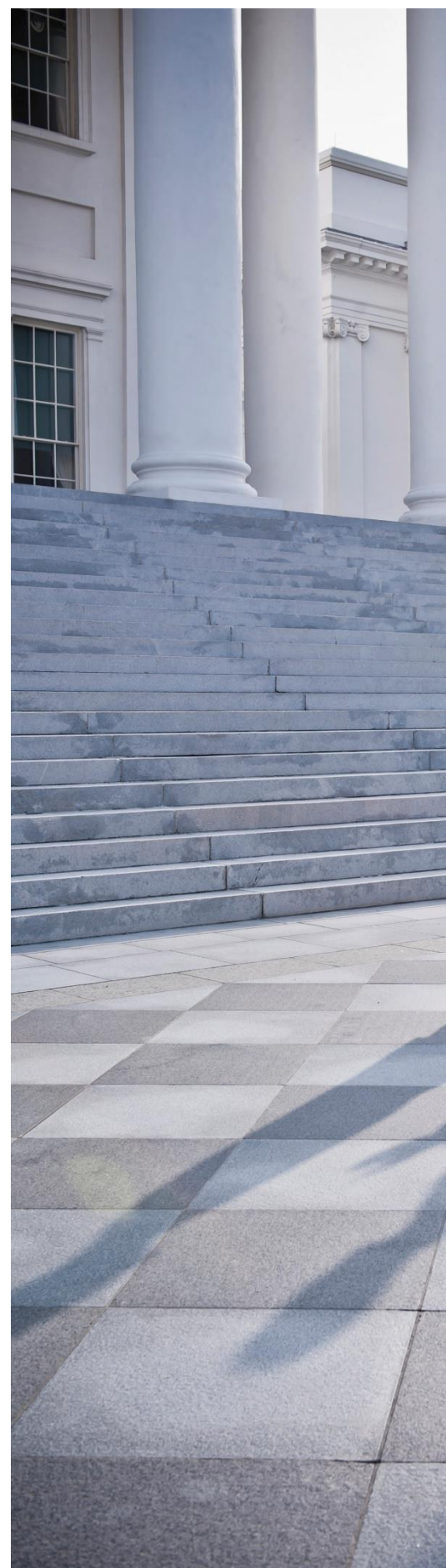
Accordingly, in case an enterprise has defective or damaged goods during production that cannot be recycled and must be destroyed, which are other than those cases prescribed by the CIT law, the value of the destroyed goods shall not be deductible when calculating CIT income.

7. Official Letter No. 940/TCT-CS dated 27 March 2023 by the GDT providing guidance for the implementation of Decree No. 92/2021/ND-CP dated 27 October 2021 by the Government.

Accordingly, if enterprises eligible for the 30% reduction in CIT payable in the tax period 2021 according to Decree No. 92/2021/ND-CP have completed the conversion of the financial reporting period from 1 January to 31 December to a period from 1 October to 30 September, then the tax reduction regulated in Decree No. 92/2021/ND-CP shall be applicable for the CIT period from 1 January 2021 to 30 September 2021. Revenue to crosschecking with conditions of CIT reduction in tax period of 2021 is determined as at Point b Clause 2 Article 1 of Decree No. 92/2021/ND-CP.

8. Official Letter No. 858/TCT-CS dated 22 March 2023 by the GDT providing guidance for the determination of land rental fees.

Accordingly, in case an enterprise changes its name but fails to register for amendment of the name or revise the name of the land user in the Lease Decisions/Contracts, the Ho Chi Minh City Tax Department shall request the enterprise to properly implement necessary legal procedures on land. Simultaneously, the tax authority shall coordinate with the Department of Natural Resources and Environment to review the legal documents on land of the enterprise in order to determine the rental fee in accordance with prevailing regulations and assigned accountabilities.





9. Official Letter No. 718/TCT-CS dated 15 March 2023 by the GDT on input VAT that has not been fully deducted.

According to the regulation of Law No. 106/2016/QH13, starting from 1 July 2016, VAT will not be refunded to enterprises that have a negative input VAT amount accumulated for 12 consecutive months (or 4 quarters). The unused input VAT shall be deducted in the next period.

Simultaneously, the prevailing VAT and tax administration regulations do not provide any guidance on offsetting the unused input VAT against the VAT payable on imported goods.

10. Official Letter No. 558/TCT-CS dated 27 February 2023 by the GDT providing answers to queries about the ratio calculation of mineral resources (for the determination of VAT obligations) for the products: Sodium Tungsten Salt, Ammonium Paratungstate Salt, Blue Tungsten Oxide.

11. Official Letter No. 1040/TCT-KK dated 31 March 2023 of the GDT on the declaration of VAT deductible and refund.

For an enterprise that violates regulations on business registration, if the inspection on documents shows that the enterprise meets the requirements provided in the VAT & tax administration regulations, and the conditions for the declaration of VAT deductible and refund are met, the Tax Department shall process tax refund as prescribed.

12. Official Letter No. 7972/CTHN-TTHT dated 27 February 2023 by the Hanoi Tax Department guiding on VAT rates for returned goods.

Accordingly, in case a corporate taxpayer paying VAT under credit method experiences the return of goods as prescribed by prevailing regulations, upon the return, the taxpayer shall issue a VAT invoice according to the Article 4 of Decree No. 123/2020/ND-CP. The VAT rate of the returned goods should correspond to the rate stated on the purchase invoice.

13. Official Letter No. 8203/CTHN-TTHT dated 28 February 2023 by the Ha Noi Tax Department on foreign contractor withholding tax policy.

Accordingly, where a company purchases goods and services from overseas suppliers who have registered, declared and paid taxes in Vietnam according to the provisions of Articles 76, Article 77, Article 78, and Article 79 of Circular No. 80/2021/TT-BTC, the company shall not be required to declare, withhold and pay taxes on behalf of the foreign contractors.

14. Official Letter No. 9302/CTHN-TTHT dated 6 March 2023 by the Hanoi Tax Department on tax declaration for securities transfer of foreign contractors in Vietnam.

In case a foreign organisation which is not headquartered in Vietnam (i.e. foreign contractor), generates income from securities transfer in Vietnam in accordance with current regulations on securities, it shall be subject to the provisions of Circular No. 103/2014/TT-BTC. Accordingly, securities transfer is not subject to VAT, and the applicable rate (%) of CIT on taxable turnover for securities transfer is 0.1%.

15. Official Letter No. 8442/CTHN-TTHT dated 1 March 2023 by the Hanoi Tax Department on CIT exemption and reduction period.

In case an enterprise implements an investment project in the field of software production as prescribed by law and meets the conditions for a new investment project as prescribed in Clause 3 Article 10 of Circular No. 96/2015/TT-BTC, it shall be entitled to CIT incentives, including preferential tax rate as well as tax holiday. The application period of the preferential tax rate is calculated continuously from the first year in which the enterprise generates revenue from the new investment project which is eligible for tax incentives. The tax holiday period is calculated continuously from the first year in which the enterprise earns taxable income from the new investment project which is eligible for tax incentives.

INVOICE

1. Official Letter No. 4107/TCT-CS dated 8 November 2022 by the GDT on electronic invoices (“e-invoices”).

Where an enterprise is using invoices under Decree No. 51/2010/ND-CP and Decree No. 04/2014/ND-CP of the Government but is forced to stop using invoices due to tax arrears, the enterprise can only use the e-invoice issued by the tax authority in each instance, according to the provisions of Clause 2 Article 13 of Decree No. 123/2020/ND-CP during the time the enterprise is under coercion.

For old invoices that are still in stock, the enterprise must destroy them as prescribed.

2. Official Letter No. 575/TCT-QLN dated 28 February 2023 of the GDT on the use of e-invoices.

In case the taxpayer chooses to issue an amended invoice or replace an invoice already issued with errors, the taxpayer must issue a new invoice.

For an enterprise that is being forced to stop using invoices, if the enterprise needs to issue an invoice to replace or amend an already issued invoice, the enterprise may use e-invoice each time it is incurred, provided that the enterprise must immediately remit at least 18% of the revenue stated on the invoices to be used into the state budget as prescribed at Point d Clause 4 Article 34 of Decree No. 126/2020/ND-CP dated 19 October 2020 of the Government.

3. Official Letter No. 9297/CTHN-TTHT dated 6 March 2023 by the Hanoi Tax Department on the timing of invoices issuance for the sale of goods and provisions of services.

The time of invoice issuance is when the service is completed, regardless of whether payment has been received or not. In case, the service provider collects payment before or during the service provision, the time of issuing the invoice is the time of payment collection.

Invoicing at the wrong time will be administratively sanctioned according to Article 24 of Decree 125/2020/ND-CP (penalty level: from 4 to 8 million VND).



CUSTOMS

1. Official Letter No. 244/GSQL-GQ1 dated 22 February 2023 by the General Department of Customs (“GDC”) on the procedures for the release of goods after suspension of delivery through the customs supervision area.

The suspension of delivery of goods through the customs supervision area is currently implemented according to the provisions of Clause 2 Article 32 of Decree No. 08/2015/ND-CP, Article 52d of Circular No. 38/2015/TT-BTC (added by Clause 32 Article 1 of Circular No. 39/2018/TT-BTC) and point b.3.2 Clause 2 Article 14 - Customs procedures promulgated together with Decision No. 1966/QĐ-TCHQ dated 10 July 2015.

However, the General Department of Customs noted that, in case the delivery of goods through the monitoring area are stopped to check records, physically inspect goods and take samples for analysis and classification, the above provisions do not stipulate any regulations or guidance allowing the release of goods while awaiting the result of analysis and classification in such cases.

2. Official Letter No. 955/TCHQ-TXNK dated 7 March 2023 by the GDC on determining customs value.

According to the General Department of Customs, the reference prices stated in the List of Imported Goods with Risk in Value are not the minimum price but are one of the criteria for the customs authorities to decide on inspections and customs value consultations.

When carrying out consultation procedures, the customs declarant is responsible for presenting relevant supporting documents to prove the authenticity of the declared value in the customs declarations selected by the customs authority for value consultation. The customs authority shall consider accepting the declared value if there are not enough grounds for rejection. Otherwise, the customs authority shall reject the declared value and re-determine the customs value if there are enough grounds to reject the declared value.

3. Official Letter No. 940/TCHQ-TXNK dated 6 March 2023 by the GDC on import tax refund.

Accordingly, in case an enterprise has paid import tax on products outsourced to be processed in a non-tariff zone when importing them into Vietnam, and then exports these products to foreign countries, the enterprise shall not be entitled to a refund of import tax.

4. Official Letter No. 938/TCHQ-TXNK dated 6 March 2023 by the GDC on duties policy for temporary export and re-import for foreigner leases.

Goods temporarily exported then re-imported under a lease contract are not exempt from import and export duties as prescribed at Point a Clause 9 Article 16 of the Law on Import and Export Duties No. 107/2016/QH13.

Accordingly, enterprises still have to declare and pay export duties (if any) when temporarily exporting goods for leasing purposes and pay import duties when re-importing goods of the lease contract.

5. Official Letter No. 898/TCHQ-GSQL dated 2 March 2023 by the GDC on the import of goods from bonded warehouses.

Accordingly, for goods imported into the inland originating from export goods which have completed the necessary customs procedures and deposited in bonded warehouses, enterprises shall carry out customs procedures and duty policies according to the corresponding type.

For goods imported from bonded warehouses into inland for export production, they shall be exempt from import duty and VAT collection if they meet the prescribed conditions.

6. Official Letter No. 909/TCHQ-TXNK dated 3 March 2023 by the GDC on inspection after tax refund.

The post-refund examination of the dossiers eligible for tax refund in advance is carried out on the principle of risk management within 10 years from the date of issuance of the tax refund decision (for tax refund decisions enacted at the time of the Law on Tax Administration No. 78/2006/QH11) or within 5 years (for tax refund decisions issued at the time of the Tax Administration Law No. 38/2019/QH14).

The specialised customs inspection of enterprises is based on the general collection of data, records of export and import activities, and the status of compliance with customs and tax laws of enterprises (including information on tax refund records subject to inspection in advance) for a period of 3 to 5 years. Tax refund dossiers subject to pre-inspection may still be re-examined during specialised inspection by customs authority.

The Law on Tax Administration does not stipulate exemptions from post-refund inspection of dossiers eligible for tax refund in advance of priority enterprises. Therefore, tax refund records of priority enterprises are still likely to be checked after tax refund on the principle of risk management.

PERSONAL INCOME TAX (“PIT”)

1. CTHN-TTHT dated 20 March 2023 by the Hanoi Tax Department providing guidance on PIT treatment for house rent paid by the Company.

Accordingly, in case the Company had paid the deposit and rent in advance to the lessor, but the employee is not entitled to it as the lessor cancelled the rental contract before the due date, there shall be no taxable income for PIT purposes in accordance with Item dd.1, Clause 2, Article 2, Circular No. 111/2013/TT-BTC.

2. Official Letter No. 8205/CTHN-TTHT dated 28 February 2023 by the Hanoi Tax Department on PIT policy when the company hires individuals to advertise products.

In case an individual who are not register as businesses, the remuneration received from the performance of the above-mentioned advertising services shall be considered an income from salary and wages. The company is responsible for withholding PIT according to the progressive tax rate if the individual has signed a labour contract for 3 months or more; or withholding at the tax rate of 10% if there is no labour contract or the labour contract is signed for less than 3 months as prescribed in Article 25 Circular No. 111/2013/TT-BTC.

In case an individual registers a business, the income received from the performance of advertising services is considered business income. In this case, the individual is subject to VAT and PIT at the respective tax rates of 5% and 2% as regulated in Article 10 and Appendix I of Circular No. 40/2021/TT-BTC.

3. When paying job loss allowances to employees, the Company is responsible for withholding PIT on payments higher than the statutory amounts specified in the Labour Code according to Official Letter No. 13510/CTHN - TTHT dated 22 March 2023 by the Hanoi Tax Department.

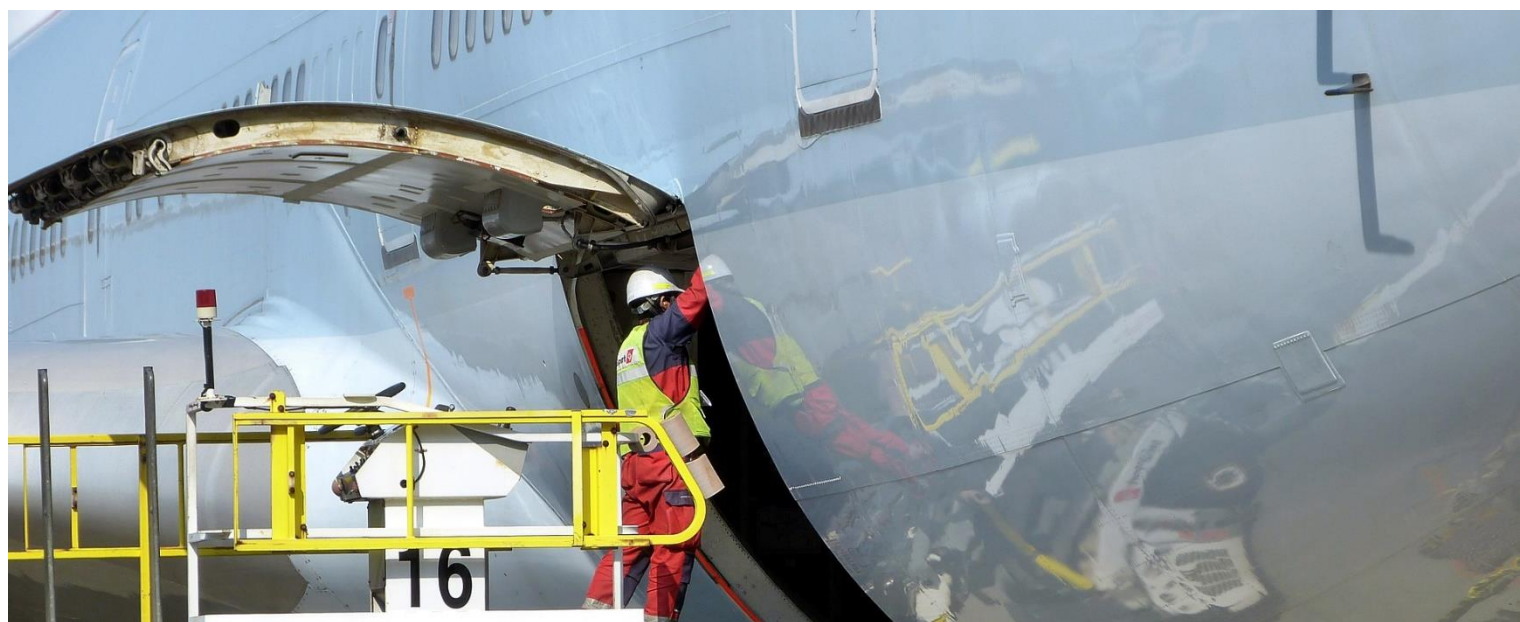
In case the Company pays job loss allowances to its employees according to the subjects & levels prescribed by the Labour Code, this income shall be excluded from the taxable income for PIT purposes. If the job loss allowance is higher than the prescribed amount, it must be included in employee’s taxable income for the purpose of PIT withholding according to the progressive tax rate.

In case the Company provides financial support to the employee after the termination of a labour contract, and such support is not regulated in the Labour Code and the Law on Social Insurance, the Company must withhold PIT at the rate of 10% as prescribed.

4. Official Letter No. 8204/CTHN-TTHT dated 28 February 2023 by the Hanoi Tax Department on tax treatment for non-residents.

If an expatriate does not satisfy the conditions to be considered a tax resident as regulated in Clause 1 Article 1 Circular No. 111/2013/TT-BTC, he/she shall be considered as a tax non-resident of Vietnam and must pay PIT for income from salaries and wages at the tax rate of 20% on the Vietnam-sourced income, regardless of where the income is paid or received.

Non-resident individuals earning employment income arising in Vietnam but paid from overseas are required to declare their taxes directly to the tax authorities.



SOCIAL SECURITIES (“SHUI”)

1. Decision No. 299/QĐ-BHXH dated 1 March 2023 by the Vietnam Social Security promulgating the implementation plan for the project to develop the population data, identification and electronic authentication application to serve the national digital transformation in the period of 2022-2025, with a vision towards 2030 of Vietnam Social Security in 2023.

Accordingly, the implementation plan of Project 06/CP by the Vietnam Social Security includes the following main contents:

- By February 2023: The social insurance (“SI”) authority shall complete the implementation of the integration of driver health examination data, birth certificates, and death certificates through the Data Receipt Portal of the Health Insurance (“HI”) Assessment System.
- By June 2023: Completion of the integration & provision of two public services i.e. Registration for payment and HI card issuance (for individuals only participating in HI) and Settlement of one-time SI claims on the Vietnam SI Portal, National Public Service Portal; reviewing, supplementing and verifying personal identification number/citizen identification number (“ID”) information of SI participants.
- By September 2023: completion of the review and restructuring of SHUI administrative procedures to meet the requirements of implementing Decree No. 104/2022/ND-CP regarding the submission and presentation of paper household registration books and temporary residence books when performing administrative procedures and providing public services.
- By December 2023: completion of the review and restructuring of the process of reducing and simplifying administrative procedures on the principle of not requiring re-declaration of information shared from the National Database on Population; deploying biometric information authentication on chip-mounted ID cards to prevent insurance fraud.

2. Official Letter No. 116/CNTT-PM dated 19 January 2023 by the Vietnam Social Security on registration of participation in voluntary social insurance on the Public Service Portal (“PSP”).

3. The Vietnam Social Security announced that it has completed the addition of the public service declaration function for registration to participate in voluntary SI on the Vietnam Social Security’s PSP and the National PSP. Accordingly, citizens can carry out this procedure on either the Vietnam Social Security’s PSP or the National PSP. The public service code is 602e.

4. Official Letter No. 337/CNTT-PM dated 1 March 2023 by the Vietnam Social Security on stopping the deployment of the SMS service to look up SI information via the hotline 8079.

From 3 February 2023, the SI agency no longer accept look up requests for SI information via SMS (including: SI contribution period, expiry date of the HI card, submitted dossiers, status of submitted dossiers and password) via the hotline of 8079. Instead, SI participants can search for the above information in the following ways:

(1) To check the SI contribution period and expiry date of HI card: VssID application - Digital Social Insurance application or the online search function on the Vietnam Social Security Portal (<https://baohiemxahoi.gov.vn>).

(2) For inquiries regarding submitted dossiers and their status: use the "Search" function on the Vietnam Social Security Public Service Portal (<https://dichvucong.baohiemxahoi.gov.vn>)

(3) Re-issue the password of electronic SI transaction account: "Forgot password" function on VssID Application or Vietnam Social Security Public Service Portal (the password shall be provided via email address that the participants declared when registering for the electronic SI transaction account).



LABOUR

1. **Official Letter No. 11/BHXX-CSXH dated 4 January 2023 by the Vietnam Social Security providing guidance on the settlement of retirement benefits for redundant employees upon transfer of ownership or rearrangement of wholly state-owned single-member limited liability companies in accordance with Decree No. 97/2022/ND-CP.**
2. **Decree No. 04/2023/ND-CP dated 13 February 2023 of Government amending and supplementing a number of articles on business conditions and administrative procedures within jurisdiction of the Ministry of Labour, War Invalids and Social Affairs (“MOLISA”), effective from 15 February 2023.**

The Decree amends and supplements a number of articles of Decree No. 49/2018/ND-CP dated 30 March 2018 of the Government on vocational education and training accreditation (amended and supplemented with a number of articles as prescribed in Decree No. 140/2018/ND-CP dated 8 October 2018 by the Government) and administrative procedures under the management of the MOLISA, in which there are some notable regulations as follows:

- a. Amendment and supplementation of the competence to issue, re-issue and revoke Certificates of Eligibility for Vocational Education Accreditation; and suspension of vocational education accreditation activities (Article 7 of Decree No. 49/2018/ND-CP);
- b. Amendment and supplementation of the procedures for the issuance and re-issuance of Certificatea of Eligibility for Vocational Education Accreditation (Article 8 of Decree No. 49/2018/ND-CP);
- c. Amendment and supplementation of the suspension of vocational education accreditation activities (Article 9 of Decree No. 49/2018/ND-CP).

TRADE UNION

1. **Plan No. 10/KH-LDLD dated 7 March 2023 by the Ho Chi Minh City Labour Confederation on developing union members and establishing company-level trade unions in 2023.**

Trade unions in Ho Chi Minh City shall strive for the increase of 158,583 union members and the establishment of unit trade unions in 100% of active enterprises employing 25 or more employees.

OTHERS

1. **Decree No. 08/2023/ND-CP dated 05 March 2023 by the Government amending, supplementing, and ceasing the effect of a number of articles of the Decrees on private placement of corporate bonds and trading of privately placed corporate bonds on the domestic market and offering of corporate bonds to the international market, effective from 5 March 2023.**

This Decree amends and supplements the following points:

- a. Regulations on determining the status of professional securities investors being individuals at Point d, Clause 1, Article 8 of Decree No. 153/2020/ND-CP (amended at Clause 6 Article 1 of Decree No. 65/2022/ND-CP).
- b. Regulations on bond distribution time for each issuance at Clause 7 Clause 8 Article 1 of Decree No. 65/2022/ND-CP.
- c. Regulations on credit rating results for bond issuers at Point e Clause 2 Article 12 of Decree No. 153/2020/ND-CP (amended at Clause 9 Article 1 of Decree No. 65/2022/ND-CP).

2. **Decree No. 03/2023/ND-CP dated 10 February 2023 by the Government on functions, tasks, competence and organisational structure of Vietnam Competition Commission, effective from 1 April 2023.**

According to this Decree, the Competition Commission (“VCC”):

- a. Is an agency under the Ministry of Industry and Trade (“MOIT”) in charge of initiating competition proceedings, controlling economic concentration, deciding on exemptions from prohibited anti-competitive agreements, settling complaints about handling of competition cases as prescribed;
- b. Advises and assists the Minister of Industry and Trade in performing state management of competition, protection of consumer interests and managing multi-level business operation;
- c. Has legal status and its seal bearing the National Emblem, and is entitled to open account(s) at the State Treasury. The funding for covering VCC’s operating expenses shall be derived from the State budget.

This Decree regulates:

- a. The position and functions of VCC;
- b. Duties and competence of VCC;
- c. Chairman, Vice Chairman of VCC;
- d. Members of VCC, persons conducting competition proceedings, participants in competition proceedings; and
- e. Organisational structure of VCC.

3. Circular No. 02/2023/TT-BXD dated 3 March 2023 by the Ministry of Construction guiding construction contracts, effective from 20 April 2023.

This Circular provides detailed guidance on some content about construction contracts; publication and instruction on the use of the construction contract form; the form of construction consultancy contract, and the contract form for Design-Procurement of materials and equipment-Construction of works.

This Circular applies to organisations and individuals involved in the establishment and management of the performance of construction contracts under construction investment projects funded by public investment capital or non-public investment state funds and construction contracts between the project enterprises and construction contractors executing bidding packages under public-private partnership projects.

For construction contracts of projects using official development assistance funds or concessional loans arising from international treaties to which Vietnam is a contracting party whose provisions are different from those in this Circular, the provisions of the international treaty shall prevail.

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