

## LEGAL NEWSLETTER

### No. 2 – March 2023 – Capable Counsel

#### I. Enterprise sector

**1.1. Circular No. 16/2013/TT-BTC amending and supplementing a number of articles of Circular No. 36/2021/TT-BTC dated May 26, 2021 of the Ministry of Finance guiding a number of contents on state capital investment in enterprises and management and use of capital and assets at enterprises specified in Decree No. 91/2015/ND-CP dated October 13, 2015; Decree No. 32/2018/ND-CP dated March 08, 03, 2018; Decree No. 121/2020/ND-CP dated October 09, 2020 and Decree No. 140/2020/ND-CP dated November 30, 2020 of the Government, issued by the Ministry of Finance on March 17, 2023 (effective 08/05/2023)**

For enterprises in which the State holds 100% of charter capital without the need for additional charter capital or failing to formulate a plan to determine charter capital and additional investment sources of charter capital, the owner's representative agency will be responsible for reviewing, decide and direct the enterprise to pay the difference between the equity capital source and the charter capital to the state budget, the payment of this difference does not affect the solvency and debt repayment obligations of the enterprise.

The transfer of state capital invested in joint-stock companies or limited liability companies with two or more members must have a plan approved by a competent authority in accordance with the criteria for classification of state-owned enterprises, state-owned enterprises and the list of state-owned enterprises to be arranged in stages promulgated by the Prime Minister; regardless of the level of investment capital, business results of enterprises with State contributed capital profit or loss.

**1.2. Consolidated document No. 02/VBHN-BTTTT dated March 01, 2023 issued by the Ministry of Information and Communications regulating printing activities**

This document incorporates the Government's Decree No. 60/2014/ND-CP dated June 19, 2014 regulating printing activities; Decree No. 25/2018/ND-CP dated February 28, 02 of the Government amending and supplementing a number of articles of Decree No. 60/2014/ND-CP; The Government's Decree No. 72/2022/ND-CP dated October 04, 2022 amending and supplementing a number of articles of Decree No. 60/2014/ND-CP and Decree No. 25/2018/ND-CP dated February 28, 02 of the Government amending and supplementing a number of articles of Decree No. 60/2014/ND-CP.

Applicable to Vietnamese and foreign organizations and individuals involved in printing activities in the territory of Vietnam.

This document regulates printing activities, including: Conditions for operation of printing establishments; prepressing, printing, post-printing; photocopying (hereinafter referred to as photocopying); import and management of printing equipment.

Activities of prepressing, printing and post-printing processing of publications shall comply with the provisions of the law on publication.

### **1.3. Official Letter No. 43/DKKD-GS dated March 21, 2023 issued by the Business Registration Administration on updating citizen identity information with chips of the legal representative.**

Currently, there are many comments and information that enterprises receive notices from tax authorities requesting: no later than March 31, 2023, enterprises must complete the procedures for updating the chipped citizen ID for the legal representative on the Business Registration Certificate; After the above-mentioned time limit, the enterprise will be administratively sanctioned.

In this regard, the Business Registration Administration has discussed with the General Department of Taxation and the General Department of Taxation affirmed that there is no policy nor does it send emails or any notice to taxpayers about the above-mentioned content.

The registration of changes and notices of changes in business registration contents has been specified in the Enterprise Law and the Government's Decree No. 01/2021/ND-CP dated January 04, 2021 on business registration.

Therefore, the information on the issue of updating the chipped Citizen ID for the legal representative on the Business Registration Certificate no later than March 31, 2023 is unfounded.

## **II. Tax areas:**

### **2.1. Decision No. 391/QD-BTC dated March 17, 2023 issued by the Ministry of Finance on changing the tax authority directly managing large enterprises**

Assign Hanoi City Tax Department to directly manage taxes for the following 03 enterprises:

- (1). Vietnam Coal - Mineral Industry Group (MST 5700100256).
- (2). Vietnam Electricity (MST 0100100079).

(3). Vietnam Airlines Corporation - Joint Stock Company (MST 0100107518).

**2.2. Circular No. 18/2023/TT-BTC dated March 21, 2023 issued by the Ministry of Finance stipulating procedures for collecting and paying fines, offsetting the difference in fine payment amounts, receipts of fine collection and funds from the state budget to ensure the operation of administrative violation sanctioning forces (Effective May 05, 2023)**

This Circular applies to organizations and individuals subject to administrative sanctions, providing guidance on:

- Procedures for collection and payment of fines for administrative violations and late payment of fines for administrative violations; how to calculate and offset the difference in penalty payment (if any) in case of a decision to correct, amend, supplement, cancel or issue a new decision in sanctioning administrative violations;
- Receipts for collection of fines for administrative violations. Contents and forms of fines receipts, printing, issuance, management and use of fine receipts;
- The estimation, management, use and finalization of funds from the state budget ensure the operation of functional forces performing the task of sanctioning administrative violations (hereinafter referred to as sanctioning forces), except for forces with anti-smuggling functions, trade fraud, counterfeiting.

Applies to:

- Organizations and individuals are administratively sanctioned.
- Persons competent to sanction administrative violations.
- State Treasury, tax authorities.
- Agencies and units assigned to perform tasks related to sanctioning administrative violations.
- Other agencies, units and individuals involved in the collection and payment of fines, receipts for collection of fines and management and use of funds from the state budget to ensure the operation of the sanctioning forces.

**2.3. Consolidated document No. 5/VBHN-BTC consolidating the Decree guiding the Law on Tax Administration issued by the Ministry of Finance on March 15, 2023**

This document Consolidates the Government's Decree No. 125/2020/ND-CP dated October 19, 2020 detailing a number of articles of the Law on Tax Administration, and the Government's Decree No. 91/2022/ND-CP dated October 30, 2022 amending and

supplementing a number of articles of the Government's Decree No. 126/2020/ND-CP dated October 19, 2020 detailing a number of articles of the Law on Tax Administration.

This document details the implementation of a number of articles of the Law on Tax Administration applicable to the management of taxes and other revenues belonging to the state budget, except for the contents of regulations on tax administration for enterprises with related-party transactions, application of invoices, documents, sanctioning administrative violations in the field of tax and invoices, sanctioning administrative violations in the field of customs.

This document applies to Taxpayers; tax administrations; tax administration officials; other relevant state agencies, organizations and individuals