



LEGAL NEWSLETTER
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TABLE OF CONTENTS

A - NEW LEGAL DOCUMENTS ISSUED BY THE STATE

- Decree No. 188/2025/ND-CP providing guidance on the Law on Health Insurance.
- Decree No. 212/2025/ND-CP providing guidance on investment activities funded by the Social Insurance Fund, Health Insurance Fund, and Unemployment Insurance Fund.
- Circular No. 68/2025/TT-BTC promulgating templates used for enterprise registration and household business registration, issued by the Minister of Finance.
- Circular No. 69/2025/TT-BTC providing guidance on the Law on Value-Added Tax and the implementation of Decree No. 181/2025/ND-CP guiding the Law on Value-Added Tax, issued by the Minister of Finance.

B - OFFICIAL LETTERS PROVIDING GUIDANCE AND RESPONSES

- Official Letter No. 2541/CT-CS of the Tax Department regarding corporate income tax policies.
 - Official Letter No. 6902/VPCP-KSTT of the Government Office regarding the implementation of certain administrative procedures related to export, investment, production, and business activities delegated to local authorities.
 - Official Letter No. 2639/CT-CS of the Tax Department regarding value-added tax policies.
 - Official Letter No. 15028/CHQ-NVTHQ of the Customs Department regarding value-added tax on imported goods for the construction of export processing enterprises.
 - Official Letter No. 16946/CHQ-GSQL (2025) of the Customs Department regarding customs procedures for the sale, lease, or lending of goods between domestic enterprises and export processing enterprises.
 - Official Letter No. 11744/BTC-QLKT (2025) of the Ministry of Finance regarding the organization of the accounting apparatus and registration of chief accountant signatures with the State Treasury.
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A - NEW LEGAL DOCUMENTS ISSUED BY THE STATE



On July 1, 2025, the Government promulgated Decree No. 188/2025/ND-CP providing guidance on the Law on Health Insurance, including provisions on the health insurance contribution rates applicable to employees and employers (enterprises).

Guidance on health insurance contribution rates for employees and enterprises

Specifically, the monthly health insurance contribution rates payable by employers, employees, or jointly by both parties are prescribed as follows:

For the entities specified at Points a, c, d, and e, Clause 1, Article 12 of the Law on Health Insurance: the monthly contribution rate is 4.5% of the monthly salary used as the basis for compulsory social insurance contributions, of which the employer pays two-thirds and the employee pays one-third.

For the entities specified at Points b and đ, Clause 1, Article 12 of the Law on Health Insurance: the monthly contribution rate is 4.5% of the monthly salary used as the basis for compulsory social insurance contributions and is paid entirely by the insured.

For the entities specified at Point g, Clause 1, Article 12 of the Law on Health Insurance: the monthly contribution rate is 4.5% of the statutory base salary, of which the employer pays two-thirds and the employee pays one-third.

For the entities specified at Point h, Clause 1, Article 12 of the Law on Health Insurance: the monthly contribution rate is 4.5% of the monthly salary used as the basis for compulsory social insurance contributions, of which the employer pays two-thirds and the employee pays one-third.

For the entities specified at Point i, Clause 1, Article 12 of the Law on Health Insurance: the monthly contribution rate is 4.5% of the statutory base salary, paid by the employers of national defense workers and officials serving in the armed forces, and by the employers of public security workers serving in the People's Public Security.

For the above-mentioned entities engaged in other work within the cipher organization as prescribed by the law on cryptography: the monthly contribution rate is 4.5% of the statutory base salary, paid by the employer.



For employees who are cadres, civil servants, or public employees under temporary detention, custody, suspension from work, or suspension from duty without having been disciplined: the monthly contribution rate is 4.5% of 50% of the monthly salary used as the basis for compulsory social insurance contributions in the month immediately preceding the detention, custody, or suspension, of which the employer pays two-thirds and the employee pays one-third.

In cases where a competent authority concludes that there has been no violation of law, both the employer and the employee must make back payments of health insurance contributions based on the retroactively paid salary.

The above provisions on health insurance contribution rates take effect from July 1, 2025.

For further details, refer to Decree No. 188/2025/ND-CP, effective from August 15, 2025.

On July 25, 2025, the Government promulgated Decree No. 212/2025/ND-CP detailing investment activities funded by the Social Insurance Fund, Health Insurance Fund, and Unemployment Insurance Fund, including provisions on the annual investment plans of these insurance funds.

Annual Investment Plans from the Social Insurance Fund and the Health Insurance Fund

Accordingly, the annual investment plans from the Social Insurance Fund, Health Insurance Fund, and Unemployment Insurance Fund are regulated as follows:

Basis for formulation:

Based on the long-term investment strategy, the provisions of the Law on Social Insurance 2024, the Law on Health Insurance 2008, the Law on Employment 2025, the regulations of Decree No. 212/2025/ND-CP, the annual revenue and expenditure status of the Social Insurance Fund, Health Insurance Fund, and Unemployment Insurance Fund, and market conditions, the Vietnam Social Security (VSS) shall prepare an annual investment plan for these funds and submit it to the Management Council for approval and implementation.



Contents of the annual investment plan:

Assessment of the previous year's investment performance and estimated performance of the current year, detailed by each fund, including the following key indicators:

Opening investment balance of the year;

Amount invested;

Amount of principal recovered;

Investment income allocated up to the reporting date and estimated for the year;

Total investment income and its utilization;

Comments, evaluations, and recommendations on the results compared to the approved investment plan;

Objective/subjective reasons for any shortfall;

Risk provision appropriations, balance of the risk reserve fund, and use of the risk reserve.

Projected investment plan for the following year, including:

Investment principles;

Specific investment targets for the year: total investment amount, the proportion of Government bonds in the total investment portfolio of VSS as at December 31 of the plan year, and the projected average portfolio yield;

Total investment amount, list of investment products for the year; investment methods for each component fund, including opening investment balance, investment amount during the year, principal recovery during the year, closing investment balance, projected annual investment income, and plan for utilizing such income;

Other contents as required by VSS management.

Exclusions:

The annual investment plan does not include term deposits arising automatically from the transfer of funds in accounts reflecting the collection and payment of social insurance, health insurance, and unemployment insurance, which shall be implemented in accordance with the Government's Decree on the financial mechanism of social insurance, health insurance, and unemployment insurance, and the organization and operation of these schemes.

Submission and approval timeline:

VSS shall submit the annual investment plan to the Management Council by October 30 of the year preceding the plan year. The Management Council shall approve the investment plan by December 31 of the year preceding the plan year.

Monthly investment plan:

Based on the approved annual investment plan, VSS shall issue the monthly investment plan no later than the 27th day of the preceding month for implementation.

Amendments:

During implementation, if the annual investment plan needs to be adjusted, VSS shall report to the Management Council for consideration and approval.

For further details, refer to Decree No. 212/2025/ND-CP, effective July 25, 2025.



On July 1, 2025, the Minister of Finance promulgated Circular No. 68/2025/TT-BTC on templates used for enterprise registration and household business registration.

Issuance of 80 templates for enterprise registration and 28 templates for household business registration

Accordingly, 80 templates are issued for use in enterprise registration and 28 templates for use in household business registration, effective from July 1, 2025.

This Circular applies to the entities specified in Article 2 of Decree No. 168/2025/ND-CP dated June 30, 2025, on enterprise registration, including:

Domestic organizations and individuals; foreign organizations and individuals carrying out enterprise registration or household business registration in accordance with Vietnamese law;

Enterprises;

Household businesses;

Business registration authorities;

State authorities responsible for business registration

State authorities assigned to manage labor in accordance with the Labor Code;

Social insurance agencies in accordance with the Law on Social Insurance;

Tax administration authorities in accordance with the Law on Tax Administration;

Other agencies, organizations, and individuals involved in enterprise registration, and in the registration and operation of household businesses.



The 80 templates for enterprise registration are specified in Appendix I issued together with Circular No. 68/2025/TT-BTC, including, for example:

Application for enterprise registration – Private enterprise;

Application for enterprise registration – Single-member limited liability company;

Application for enterprise registration – Joint stock company;

Application for change of the legal representative;

Declaration of information to identify the ultimate beneficial owner of the enterprise.

The 28 templates for household business registration are specified in Appendix II issued together with Circular No. 68/2025/TT-BTC, including, for example:

Application for household business registration;

Application for temporary suspension/resumption of business operations prior to the registered date of a household business;

Notice of termination of household business operations

Application for reissuance of the household business registration certificate;

Household business registration certificate (used in case of reissuance due to loss, fire, damage, deterioration, or destruction in other forms).

For further details, refer to Circular No. 68/2025/TT-BTC, effective July 1, 2025.



On July 1, 2025, the Minister of Finance promulgated Circular No. 69/2025/TT-BTC detailing certain articles of the Law on Value-Added Tax (VAT) and providing guidance on the implementation of Decree No. 181/2025/ND-CP.

Accordingly, goods and services subject to VAT provided by foreign organizations and individuals conducting business in Vietnam include: Services or services associated with goods subject to VAT, provided by foreign contractors or foreign sub-contractors under contractor or sub-contractor contracts, used for production, business, and consumption in Vietnam (except for cases specified in Clause 2, Article 9 of Circular No. 69/2025/TT-BTC), where such services are supplied and consumed in Vietnam.



Services or services associated with goods subject to VAT, provided by foreign contractors or foreign sub-contractors under contractor or sub-contractor contracts, used for production, business, and consumption in Vietnam (except for cases specified in Clause 2, Article 9 of Circular No. 69/2025/TT-BTC), where such services are supplied outside Vietnam but consumed in Vietnam.

Goods supplied under contracts in which the delivery point is located within the territory of Vietnam (except for cases specified in Point k, Clause 2, Article 9 of Circular No. 69/2025/TT-BTC), or where the supply of goods is accompanied by services performed in Vietnam—such as installation, test run, warranty, maintenance, replacement, or other ancillary services (including cases where such ancillary services are provided free of charge). This applies regardless of whether the value of such services is included in the value of the goods supply contract. In these cases, the value of the goods is only subject to import VAT in accordance with regulations, while the value of the accompanying services is subject to VAT as prescribed in Circular No. 69/2025/TT-BTC.

In cases where the contract does not separately state the value of goods and the value of accompanying services (including cases where ancillary services are provided free of charge), VAT shall be calculated on the total contract value.

B - OFFICIAL LETTERS PROVIDING GUIDANCE AND RESPONSES



On July 18, 2025, the Tax Department issued Official Letter No. 2541/CT-CS regarding corporate income tax (CIT) policies. Accordingly:

In the case where an enterprise is enjoying CIT incentives based on investment location preferences, and receives goods (such as tools, equipment, raw materials, or finished products) from an overseas supplier without making any payment to such supplier, the value of the goods for which no payment is required shall be determined as other income. This income is not considered as income arising from the investment project that is currently entitled to incentives based on investment location preferences, and therefore shall not be eligible for CIT incentives in accordance with the provisions of the legal documents on taxation.

On July 24, 2025, the Government Office issued Official Dispatch No. 6902/VPCP-KSTT regarding the implementation of certain administrative procedures related to export, investment, production, and business activities that have been delegated to local authorities.

Accordingly, the Standing Prime Minister requested the People's Committees of provinces and centrally-run cities to: proactively review and promptly implement the newly delegated tasks and administrative procedures from the central to local levels, especially those related to the import and export of products and goods; assign competent agencies and specialized units to receive, examine, and process the newly delegated administrative procedures, such as: issuance of certificates of export food safety, certificates of origin of goods, free sale certificates, and certificates of eligibility for production of animal feed for establishments exporting to foreign markets; and complete these tasks no later than July 31, 2025.

On July 23, 2025, the Tax Department issued Official Dispatch No. 2639/CT-CS regarding value-added tax (VAT) policy, as follows:

In principle, where a business establishment has exported goods or services in a month or quarter and has input VAT that has not yet been credited amounting to VND 300 million or more, it is entitled to a VAT refund on a monthly or quarterly basis.

The business establishment must separately account for the input VAT used for the production and trading of exported goods and services. If separate accounting is not possible, the input VAT on exported goods and services shall be determined based on the ratio of revenue from exported goods and services to the total revenue from goods and services, calculated for the tax declaration periods from the period immediately following the most recent VAT refund period up to the current period for which a refund is requested.

Pursuant to the provisions of the Law on Tax Administration, the tax return dossier must correspond to each type of tax, taxpayer, and be consistent with the tax calculation method and tax period. For the same type of tax, if a taxpayer has multiple business activities, a consolidated tax return must be filed, except for certain cases as prescribed. One such case is where a taxpayer currently in operation has an investment project eligible for a VAT refund; in this case, a separate VAT return must be prepared for each investment project.



On June 24, 2025, the Customs Department issued Official Letter No. 15028/CHQ-NVTHQ regarding value-added tax (VAT) on imported goods for the construction of export processing enterprises (EPEs), as follows:

In cases where a contractor (meeting the conditions for a non-tariff zone as prescribed in Clause 1, Article 4 of the Law on Export and Import Duties No. 107/2016/QH13) imports goods from abroad for the construction of factories, office buildings, and the installation of equipment for an EPE (meeting the conditions for a non-tariff zone as prescribed in Clause 1, Article 4 of the Law on Export and Import Duties No. 107/2016/QH13), such imported goods shall be exempt from VAT.

In cases where a contractor (not meeting the conditions for a non-tariff zone as prescribed in Clause 1, Article 4 of the Law on Export and Import Duties No. 107/2016/QH13) imports goods from abroad for the construction of factories, office buildings, and the installation of equipment for an EPE (meeting the conditions for a non-tariff zone as prescribed in Clause 1, Article 4 of the Law on Export and Import Duties No. 107/2016/QH13), VAT declaration and payment shall be required.

On July 30, 2025, the Customs Department issued Official Letter No. 16946/CHQ-GSQL providing guidance on customs procedures for goods bought, leased, or borrowed between domestic enterprises and export processing enterprises (EPEs).

Accordingly, the Customs Department received reports from several regional Customs Sub-departments regarding difficulties in customs procedures for goods bought, leased, or borrowed between domestic enterprises and EPEs. On this matter, the Customs Department directs the regional Customs Sub-departments to implement as follows:

1. Pursuant to Clause 3, Article 3 of Law No. 90/2025/QH15, and Clause 19, Article 1 of Decree No. 167/2025/ND-CP dated June 30, 2025, in cases where goods are delivered between domestic enterprises and EPEs, or between EPEs themselves according to foreign traders' designation under contracts for sale, processing, lease, or borrowing, such goods shall be considered as goods exported and imported at the site.

Customs procedures shall be carried out in accordance with Article 86 of Circular No. 38/2015/TT-BTC dated March 25, 2015, as amended and supplemented in Clause 58, Article 1 of Circular No. 39/2018/TT-BTC dated April 20, 2018.



2. Pursuant to the provisions of the Law on Export and Import Duties, the Law on Foreign Trade Management, and the Law on Commerce, the transactions of buying, leasing, or borrowing goods between domestic enterprises and EPEs shall be treated as export-import relationships. Customs procedures shall be conducted in accordance with Chapter II of Circular No. 38/2015, as amended and supplemented by Circular No. 39/2018.

To ensure management and monitoring of export and import declarations and automatic confirmation of goods passing through supervised areas, when carrying out customs procedures, regional Customs Sub-departments shall instruct enterprises as follows:

- Exporting enterprises shall submit export declarations, and importing enterprises shall submit import declarations corresponding to the applicable customs procedure type. Exporting enterprises shall declare “#&XKTC” in the “Internal enterprise management number” field on the export declaration; importing enterprises shall declare “#&NKTC#&Corresponding export declaration number of the exporting enterprise (first 11 characters)” in the “Internal enterprise management number” field on the import declaration.

- Tax policy: Apply as for commercial import-export goods.

- Specialized inspection policy: Implement according to the regulations on management of goods between domestic areas and separate customs areas as prescribed in the Law on Foreign Trade Management and relevant specialized laws.

3. In cases of buying, leasing, or borrowing goods between two EPEs that jointly opt to implement customs procedures, the guidance at item [2] shall apply.

Specialized inspection policies shall be implemented in accordance with the regulations on goods transactions between separate customs areas in the Law on Foreign Trade Management and specialized laws.



On July 31, 2025, the Ministry of Finance issued Official Letter No. 11744/BTC-QLKT regarding the organization of the accounting apparatus and registration of the chief accountant's signature with the State Treasury. Accordingly:

1. Organization of the accounting apparatus in budget-using units:

Units must appoint a chief accountant (or a person in charge of accounting) in accordance with the provisions of the Accounting Law 2015 and relevant guiding documents.

In cases where conditions for appointing a chief accountant are not met, the unit must arrange for a person in charge of accounting and report to the managing authority.

2. Registration of the chief accountant's signature with the State Treasury (ST):

The chief accountant or person in charge of accounting must register their signature with the State Treasury at the unit's transaction location to ensure budget control and payment.

The registration shall include: full name, position, signature sample, and term of office. In case of a change in the chief accountant, the unit must promptly update the registration information with the State Treasury.

3. Responsibilities of units and the State Treasury:

Units using the State budget must strictly comply with the accounting apparatus organization regulations.

The State Treasury is responsible for verifying the validity of the chief accountant's signature registration dossier and shall refuse payment if the dossier does not comply with regulations.





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Head Office

8th Floor, VG Office Building,
235 Nguyen Trai Street,
Khuong Dinh Ward, Hanoi City.
Tel: +84 24 3783 2121
Fax: +84 24 3783 2122

Northern Branch

97 Tran Quoc Toan Street, Cua
Nam Ward, Hanoi City.
Tel: +84 24 7306 1268
Fax: +84 24 7306 1269

Representative Office

3rd Floor, Block B, VG Office
Building, 235 Nguyen Trai
Street, Khuong Dinh Ward,
Hanoi City.
Tel: +84 24 6666 6368
Fax: +84 24 6666 6368

Southern Branch

4th Floor, Hoang Anh Safomec
Office Building, 7/1 Thanh Thai
Street, Dien Hong Ward, Ho Chi
Minh City.
Tel: +84 28 3832 9969
Fax: +84 28 3832 9959