

Guidance on the validity of certain existing tax circulars, pending the issuance of a new circular guiding the new Tax admin law

At a glance...

10 March 2020

While the draft Circular guiding the Law on Tax administration 38/2019/QH14 remains under progress, the Ministry of Finance has released a letter to all local tax departments providing guidance on the validity of certain existing circulars.



Some key points:

- Letter 1938 states that pending the issuance of a circular guiding the Law on Tax administration 38/2019 and Decree 126/2020, the circulars as listed in Point 1 of this letter shall continue to be valid until being replaced.
- The existing circulars, as listed under Letter 1938, include:
 - Circular 156/2013 guiding the Law on tax administration.
 - Circular 92/2015 guiding value added tax (VAT) and personal income tax (PIT) of resident business individuals and other PIT matters.
 - Circular 130/2016 guiding Decree 100/2016 on VAT law, special sales tax law and tax administration law.
 - Circular 26/2015 guiding Decree 12/2015 on VAT and tax administration.
- Notwithstanding the above, Letter 1938 also states that for matters which have been “specifically guided” in the Law on Tax administration 38/2019 and Decree 126/2020, such guidance shall be applicable from the effectiveness of the Law on Tax administration 38/2019 and Decree 126/2020. However, Letter 1938 does not clearly indicate which contents could be considered as “specifically guided” in this respect.
- Dealing with the ever and fast changing regulations in Vietnam is always a challenge, but this is particularly important in this case where there remains a hiatus between the old and new tax administration rules. There will be certain scenarios, e.g. tax audits and appeals, where ensuring adherence to the correctly applicable regulations is especially important during this transitional period.

Contact us

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