

MINISTRY OF FINANCE

No. 39/2014/TT-BTC

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, March 31, 2014

CIRCULAR

GUIDELINES FOR THE GOVERNMENT'S DECREE NO. 51/2010/ND-CP DATED MAY 14, 2010 AND DECREE NO. 04/2014/ND-CP DATED JANUARY 17, 2014 ON SALE INVOICES

Pursuant to the Law on Tax administration No. 78/2006/QH11 dated November 29, 2006 and the Law No. 21/2012/QH13 dated November 20, 2012 on amendments to the Law on Tax administration;

Pursuant to the Law on Accounting No. 03/2003/QH11 on June 17, 2003;

Pursuant to the Law on Value-added tax No. 13/2008/QH12 dated June 03, 2008 and the Law No. 31/2013/QH13 dated June 19, 2013 on amendments to the Law on Value-added tax

Pursuant to the Law on Electronic transaction No. 51/2005/QH11 dated November 29, 2005;

Pursuant to the Government's Decree No. 51/2010/ND-CP dated May 14, 2010 on sale invoices; Decree No. 04/2014/ND-CP dated January 17, 2014 amendments to the Decree No. 51/2010/ND-CP;

Pursuant to the Government's Decree No. 215/2013/ND-CP dated December 23, 2013 defining the functions, tasks, entitlements and organizational structure of the Ministry of Finance;

At the request of the Director of the General Department of Taxation,

The Minister of Finance provides instructions on sale invoices

Chapter I

GENERAL INSTRUCTIONS

Article 1. Scope

This Circular provide instructions on printing, publishing, and using invoices for goods sale and service provision (hereinafter referred to as invoices); tasks and entitlements of tax authorities and agencies involved in printing, publishing, managing, and using invoices; rights, obligations, and responsibilities of organizations and individuals (hereinafter referred to as entities) for printing, publishing, and using invoices; inspection of invoices.

Article 2. Regulated subjects

1. Sellers of goods and providers of services, including:

- a) Vietnamese organizations, households, and individuals that sell goods and/or provide services in Vietnam or to abroad;
- b) Foreign organizations, households, and individuals that sell goods and/or provide services in Vietnam or sell goods manufactured in Vietnam to abroad;
- c) Foreign, Vietnamese organizations, households, and individuals that do not do business but sell goods and/or provide services in Vietnam.

2. Organizations that print invoices (hereinafter referred to as printing facilities), provide invoice printing software, organizations that broker electronic invoice solutions.
3. Buyers of goods and/or services.
4. Tax authorities and other entities involved in printing, publishing, and using invoice.

Article 3. Types and formats of invoices

1. An invoice is a document issued by a seller on which information about the goods sale or service provision is displayed as prescribed by law.

2. Types of invoices:

a) VAT invoices (template 3.1 in Appendix 3 and template 5.1 in Appendix 5 enclosed herewith) are invoices used by organizations that declare and calculate VAT using credit-invoice methods for:

- Domestic goods sale and service provision;
- International transport;
- Export of goods to free trade zones and other cases considered export;
- Export of goods or services to abroad.

b) Goods sale invoices are used by:

- Entities that declare and calculate VAT using direct method when selling goods and services in Vietnam or exporting them to free trade zones, and other cases considered export of goods and services to abroad (template 3.2 in Appendix 3 and template 5.2 in Appendix 5 enclosed herewith).
- Goods and service sale to the domestic market by entities in free trade zone, goods sale and service provision among entities in a free trade zone, export of goods and services to abroad. In this case, the invoices must say “Dành cho tổ chức, cá nhân trong khu phi thuế quan” (For entities in free trade zones) (template 5.3 in Appendix 5 enclosed herewith)

Example:

- Company A is a company that declares VAT using credit-invoice method, sells goods in Vietnam and export goods. Company A shall use VAT invoices for its sales of goods in and goods export.
- Company A is a company that declares VAT using credit-invoice method, sells goods in Vietnam and to entities in free trade zone. Company A shall use VAT invoices for its sales of goods in Vietnam and to entities in free trade zone.
- Company C is a export processing company that sells goods in Vietnam and exports goods to other countries, thus company C shall use sale invoices saying “Dành cho tổ chức, cá nhân trong khu phi thuế quan” (For entities in free trade zones).
- Company D is a company that declares VAT using direct method. Company D shall use sale invoices when selling goods in Vietnam, selling goods to free trade zones, and exporting goods.

c) Other invoices are stamps, tickets, cards, insurance receipts, etc.

d) Air freight receipts, receipt for international transport charges, receipts for banking service charges shall be issued in conformity with international practice and relevant laws.

3. Format of invoices:

Invoices may be in the form of:

- a) Invoices printed by sellers using computers, cash registers, or other machines when selling goods and services;
- b) Electronic invoices are collections of electronic data about sales of goods and services that are created, issued, sent, received, stored, and managed in accordance with the Law on Electronic transactions and its guiding documents;
- c) Ordered invoices are invoices printed as ordered and used for sale of goods and services, or invoices ordered by tax authorities and sold to other entities.

4. The documents printed, published, used, and managed as if invoices are notes of goods delivery and internal circulations, notes of delivery of goods to agents (templates 5.4 and 5.5 in Appendix 5 enclosed herewith).

Article 4. Contents of issued invoices

1. All contents of an issued invoice must be displayed on the same page.

a) Type of the invoice.

The type of the invoice must be displayed on each invoice. Example: VAT INVOICE, SALE INVOICE, etc.

If an invoice is also used as a document for bookkeeping or sale management, it may have an additional name written after the invoice type using a smaller font size or between round brackets. Example: VAT INVOICE - WARRANTY NOTE, VAT INVOICE (WARRANTY NOTE), VAT INVOICE - RECEIPT, VAT INVOICE (RECEIPT), etc.

b) Invoice template numbers and invoice symbol.

Invoice template number reflects the type of the invoice, copy numbers, and template number of a type of invoices (a type of invoice may have multiple templates).

Invoice symbol is meant to distinguish invoices with Vietnam's alphabet and last two digits of the year.

For ordered invoices, the last two digits of the year indicate the year in which the invoices are printed. For self-printed invoices, the last two digits are the year in which invoices started to be used according to the notification of invoice publication, or the year in which invoices were printed.

Example: Company X notifies the publication of 500 self-printed invoices on June 07, 2014, from No. 201 to No. 700. These 500 invoices are not used up by 2014. In 2015, company X may use up these invoices.

If company X does not want to keep using the published but unused invoices, the unused invoices shall be destroyed and a notice of new invoice publication shall be made.

c) Names of copies of an invoice:

Copies of an invoice are the sheets of the same invoice number. Each invoice number must have at least 02 copies and not more than 9 copies, including:

+ Copy 1 which is kept by the issuer.

+ Copy 2 which is given to the buyer.

From the third copy onwards, the copies shall be named according to their functions decided by the invoice issuer. Every separate invoice provided by a tax authority must have 3 copies. The third copy shall be kept by the tax authority.

Sellers of products of which the right to ownership or the right to enjoyment must be registered with competent authorities shall create and publish invoices that have 3 copies or more. 2 of them shall be given to the buyer, and the third one shall be used for registration of the right to ownership or the right to enjoyment.

If sellers of such products only use 2-copy invoices, the buyers of such products must register the right to ownership or right to enjoyment (of cars, motorbikes, etc.) at a competent authority, where the second copy of the invoice is kept (e.g. a police authority). The following documents may be used to do bookkeeping, declaring tax, deducting tax, making statement of state capital: second copy of the invoices (a photocopy certified by the seller), payment receipts, registration fee receipts (photocopy of the second copy) related to the products that need to be registered.

d) Ordinal numbers of invoices.

Ordinal numbers of invoices are a series of natural number in the invoice symbol, which consists of 07 digits.

dd) Name, address, taxpayer identification number (TIN) of the seller;

e) Name, address, TIN of the buyer;

g) Names of goods and services, units, quantities, unit prices of goods and services; Amount payable in numbers and in words.

In a VAT invoice, apart from the line “unit price” which indicates price exclusive of VAT, there must be other lines indicating VAT rate and VAT amount. The total amount payable must be written both in numbers and in words.

h) The buyer and the seller must write their names, append the seller’s seal, and write the date on the invoice.

i) Names of the printing facility. (hereinafter referred to as printing organization)

The name, TIN of the invoice printing facility must be displayed on ordered invoices, including the ordered invoices used by the printing organization itself.

k) Invoices must be written in Vietnamese. If a text must be written in a foreign language, it must be put between a pair of brackets () below the Vietnamese text, and must be smaller than the Vietnamese text. The number written on invoices are natural numbers: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9. There is a dot (.) after every three zeros (0) from the right, and there is a comma (,) before the decimal number, if any. Where an company uses an accounting software program in which is a comma (,) is used after every three zeros (0) from the right, and a dot (.) is placed before the decimal number; the text on invoices is Vietnamese without diacritics, the invoices of such company may be expressed the same way. The total payment on the invoice must be written in

words. The Vietnamese text without diacritics must ensure that the invoice is not misinterpreted. Any company that wishes to use Vietnamese without diacritics, a comma (,) is used after every three zeros (0) from the right, and a dot (.) is placed before the decimal number must send a written application for registration to the tax authority and take responsibility for the accuracy of the invoices issued this way.

Invoices of the same template used by an entity must have the same dimensions (in case invoices are printed by cash registers using paper rolls, the lengths of invoice may vary according to the quantity of goods sold).

2. Optional contents on issued invoices.

a) Apart from the compulsory contents prescribed in Clause 1 of this Article, the trader may provide additional information serving their business, including logo, decoration, or advertisements.

b) Additional information must be conformable with applicable law, must not block or obscure the compulsory contents.

3. Some cases in which some compulsory information may be omitted on the invoice:

a) The trader may create, publish, and use invoices without buyers' signatures or the seller's seal in the following cases: electricity bills, water bills, telephone bills, banking service bills that are self-printed as prescribed in this Circular.

b) In the cases below, some compulsory contents may be omitted unless the buyer is an accounting unit and requests the seller to issue an invoice that contains all compulsory information mentioned in Clause 1 of this Article:

- Invoices printed by supermarkets and shopping malls established under the law may omit names, TINs, signatures of buyers and seals of sellers.

- Stamps and tickets that have prices printed thereon may omit signatures, seal of sellers, names, address, TINs, and signatures of buyers.

- Provincial Departments of Taxation shall consider allowing companies that use large amounts of invoices and adhere to tax laws to omit their seals on the invoices at their request according to their business operation, selling method, and invoicing method. Departments of Taxation shall provide instructions on invoices on which the seller's seal is not required.

- Other cases shall comply with instructions of the Ministry of Finance.

Chapter II

CREATING AND PUBLISHING INVOICES

Article 5. Rules for creating invoices

1. Creating invoices means the creating templates of invoices for goods sale and/or service provision of the business organization. Such invoices are expressed as prescribed in Clause 3 Article 3 of this Circular.

2. An organization may create multiple types of invoices (self-printed invoices, ordered invoices, electronic invoices) in accordance with Decree No. 51/2010/ND-CP, Decree No. 04/2014/ND-CP, and this Circular.

- a) New or operating organizations/companies may create invoices in the cases mentioned in Point a Clause 1 Article 6 of this Circular.
- b) Business organizations may design their own invoices if the conditions in Point b Clause 1 Article 6 of this Circular are satisfied.
- c) The business organizations mentioned in Point a and Point b of this Clause that are not able to print invoices may design ordered invoices in accordance with instructions in Article 8 of this Circular.
- d) Organizations that pay VAT using credit-invoice method, are not those mentioned in Point a or Point b of this Clause, and are not required to buy invoices from tax authorities may design their ordered invoices in accordance with instructions in Article 8 of this Circular.
- dd) Organizations that are not companies but do business (including cooperatives, foreign contractors, project management boards); business households and businesspeople; other organizations and companies that are not allowed to print or order invoices shall buy invoices printed by tax authorities in accordance with Article 11 of this Circular.
- e) Public service providers that engage in manufacture or business, satisfy conditions for printing invoices in Clause 1 Article 6, but are not able to print invoices themselves may order the invoices or buy invoices printed by tax authorities.
- g) Organizations other than companies; households and individuals that are not doing business but sell goods or services irregularly and need invoices shall be provided with separate invoices by tax authorities.

3. Numbers of different invoices with the same symbol must not be repeated.

4. Paper and ink being used must ensure the quality of invoices throughout their retention period according to accounting laws.

Article 6. Creating self-printed invoices

1. Entities permitted to create self-printed invoices

a) Companies and public service agencies may create self-printed invoices since they are granted TINs, including:

- Companies established under regulations of law in industrial parks, Economic Zone, export-processing zones, hi-tech zones.
- Public service agencies that engages in manufacture and/or trade as prescribed by law.
- Any company or bank whose charter capital is VND 15 billion or more according to contributed capital when the notice of invoice publication is made, including their branches and affiliated units that declare and pay VAT in provinces other than the province where their headquarter is situated.

Example: VT Telecommunications Corporation whose head office is located in Hanoi has a charter capital of more than 15 billion when invoices are published. The Corporation has created self-printed invoices. Its branches and affiliated units in other provinces shall declare and pay VAT in other provinces may also create self-printed invoices.

b) Any company that is established from the effective of this Circular, has a charter capital of below 15 billion, is a manufacturer or service provider that purchases fixed assets, machinery,

and equipment worth VND 1 billion or more according to corresponding sale invoices may print its own invoices to serve the goods sale or service provisions when the notice of invoice publication is made, on condition that:

- Taxpayer ID number has been obtained;
- Revenue is earned from selling goods and services;
- Invoices are issued and printed by machines (computers, printers, cash registers) when selling goods and services;
- The company is an accounting unit Pursuant to the Law on Accounting and has invoice printing software to monthly send data to accounting books for recording revenues and making VAT statements.
- The company has not incurred any penalties for tax offences, or has complied with decisions on penalties for tax offences, provided the total fine does is below VND 50 billion within 365 consecutive days prior to the date of the first notice of issuance of self-printed invoices.
- A written request for permission to use self-printed invoices (Template 3.14 of Appendix 3 enclosed herewith) granted by a supervisory tax authority. Within 5 working days from the receipt of the written request for permission, the supervisory tax authority must offer opinions about conditions for using self-printed invoices (template 3.15 of Appendix 3 enclosed herewith).

c) Before creating invoices, any of the organizations mentioned in Point a and Point b of this Clause must issue a decision to use self-printed invoices and take responsibility for such decision.

A decision to use self-printed invoices must specify:

- The instruments (computers, printers, software) use for printing invoices;
- Names of the department or service provider in charge of invoice printing techniques;
- Responsibilities of each department related to the creation, issuance, circulation, and storage of data about self-printed invoices within the organization;
- The templates of self-printed invoices and their purposes must have items with sufficient information in accordance with Clause 1 Article 4 of this Circular.

2. Self-printed invoices may be created using invoice printing software from computers, cash registers, or other kinds of machines, provided:

- Invoices are numbered automatically. Each copy of an invoice number is only printed once. If a copy is printed two times or more, it must be expressed as a copy.
- Invoice printing software must ensure security by classifying users so that unauthorized people cannot change data of the application.

3. Conditions and responsibilities of providers of invoice printing software.

a) Conditions

Any provider of invoice printing software must be a company that has a Certificate of Business Registration (or a Certificate of Business registration) that licenses computer programming or software publishing (except for the organizations that use their own invoice printing software).

b) Responsibilities

- Invoice printing software provided must comply with regulations on self-printed invoices. It is prohibited to print invoices using the templates provided in the software provided for other companies.

- Make and send reports on provision of invoice printing software to supervisory tax authorities. The report must specify names, TINs, addresses of users of invoice printing software (template 3.7 of Appendix 3 enclosed herewith).

Reports on provision of invoice printing software shall be sent monthly to supervisory tax authorities. The report on provision of invoice printing software of the first quarter shall be submitted by April 30; the second quarter by July 30, the third quarter by October 30, and the fourth quarter by January 30 of the next year.

In case a provider of invoice printing software stops providing invoice printing software, the last invoice printing report shall reflect the period from the beginning of the reporting period to the day the provider of invoice printing software stops providing invoice printing software. The report on provision of invoice printing software must be submitted by the 20th of the month succeeding the month in which provision of invoice printing software is stopped.

In case a provider of invoice printing software has just started its provision of invoice printing software or resumes its provision of invoice printing software after an interval, the report shall reflect the period from the commencement date or resumption date to the end of the quarter.

In case the provider of invoice printing software is an overseas organization or a company that creates their own invoice printing software for internal use, it is not required to report the provision of invoice printing software.

Tax authorities shall receive reports and post the data on the website of the General Department of Taxation within 03 working days from the receipt of reports.

4. Companies posing high tax risks according to guidance in Clause 2 Article 11 of this Circular and does not buy invoices from tax authorities shall use self-printed invoices as follows: enter the website of the tax authority (The General Department of Taxation or Department of Taxation) and use invoice printing software of such tax authority to issue invoices when selling goods or providing services in order for the tax authority to control all data of self-printed invoices issued by such companies.

Article 7. Creating electronic invoices

1. Electronic invoices shall be created, issued, and processed using the computers of organizations that have TINs when they sell goods and/or services, and stored on computers of all parties in accordance with regulations of law on electronic transactions.

2. Electronic invoices shall be used in accordance with regulations of law on electronic transactions.

3. The management and use of electronic invoices must comply with Circulars of the Ministry of Finance on creating, publishing, and using investment incentives for sale of goods and services.

Article 8. Creating ordered invoices

1. Entities permitted to create ordered invoices:

a) If any of the new business organizations permitted to print their own self-printed invoices mentioned in Article 6 of this Circular does not use self-printed invoices, it may create ordered invoices for sale of its goods and services.

b) Any of the business organizations and companies that is not permitted to buy invoices from tax authorities mentioned in Article 11 and Article 12 of this Circular may create invoices for sale of its goods and services.

Before the placing first order for invoices, the company must send a written request for permission to use ordered invoices to the supervisory tax authority (template 3.14 Appendix 3 enclosed herewith).

Within 5 working days from the receipt of the written request, the supervisory tax authority must make a response (template 3.15 of Appendix 3 enclosed herewith).

c) Provincial Departments of Taxation shall create ordered invoices, then sold, distribute them to the entities mentioned in Article 11, Article 12, and Article 13 of this Circular.

2. Ordered invoices using existing templates must have items with sufficient information mentioned in Clause 1 Article 4 of this Circular.

Entities permitted to create self-printed invoices shall decide and order their own invoice template.

Business organizations that order invoice must print their names and taxpayer ID number on the invoices.

Where a business organization orders invoices for their affiliated units, the name of the business organizations must be placed on the upper left corner of every invoice. Every affiliated unit shall append its seal or its name, TIN, and address in the box “tên, mã số thuế, Địa chỉ người bán hàng” (Name, TIN, address of seller).

The name of the Provincial Department of Taxation that orders the invoices shall be placed on the upper left corner of every invoice.

3. Printing ordered invoices

a) Ordered invoices shall be printed under contracts between business organizations or Provincial Department of Taxation with any printing facility that satisfies the conditions in Point a Clause 4 of this Article.

b) Invoice printing contracts shall be made in accordance with the Civil Code. The contract must specify the type of invoice, template number, invoice symbol, quantity, ordinal numbers of invoices (a range of numbers), and be enclosed with a sample invoice, a notification of the tax authority of the company's use of ordered invoices.

c) In case a printing facility prints ordered invoices serving its sale of goods and services, it is required to have a decision to print invoices made by the head of the printing facility. The decision must contain sufficient information such as the type of invoice, template number, invoice symbol, quantity, ordinal numbers (a range of numbers), and be enclosed with a sample invoice.

4. Conditions and responsibilities of printing facilities

a) Conditions

A printing facility must be a company who has an unexpired business registration and a license for printing (including printing of publications and non-publications).

In case a public service provider engages in manufacture or business as a company, has a license for printing, printing machinery and equipment may print invoices ordered by other organizations.

b) Responsibilities

- Print invoices under concluded printing contracts; do not transfer all or part of the printing process to another printing facility.
- Manage, preserve the films, plates, and similar instruments used for creating ordered invoice under agreements with the organizations that place the orders (clients). The films and plates to be used later must be sealed and stored;
- Destroy erroneous, repeated, redundant invoices; destroy the films, plates, and similar instruments used for creating ordered invoice under agreements with the clients;
- Finalize contracts with clients;
- Make and send reports on the orders for printed invoices to supervisory tax authorities. The report must specify: name, TIN, address of the client; type, invoice symbol, template number; quantity of printed invoices (and their numbers) order by each organization (template 3.7 Appendix 3 enclosed herewith).

Reports on ordered invoices shall be submitted to supervisory tax authority quarterly. The report of the 1st quarter must be submitted by April 30; 2nd quarter by July 30, 3rd quarter by October 30, and 4th quarter by January 30, of the next year.

In case the printing facility stops taking printing orders, the last invoice printing reports shall reflect the period from the beginning of the reporting period to the day the facility stops taking invoice printing orders. The report shall be submitted by the 20th of the month succeeding the month in which invoice printing is suspended.

In case printing facility has just started its business or resumes its invoice printing after an interval, the report shall reflect the period from the commencement of the business or the resumption of the invoice printing to the end of the quarter.

Tax authorities shall receive reports and post the data on the website of the General Department of Taxation within 03 working days from the receipt of reports.

Article 9. Publishing invoices of business organizations

1. Before a business organization uses invoices for its sale of goods and services, except for invoices purchased from or provided by the tax authority, it must make and send a notice of invoice publication (template 3.5 Appendix 3 enclosed herewith) enclosed with a sample invoice to the supervisory tax authority.
2. The notice of invoice publication must specify: Name, TIN, address, phone number of the invoice publishing unit, types of invoices (names, symbols of invoices, template numbers, commencement dates, quantity of published invoices (a range of numbers)), name and TIN of the printing facility (if invoices are ordered), name and TIN (if any) of the provider of invoice printing software (if invoices are self-printed), names and TINs (if any) of intermediary provider

of electronic invoices (applied to electronic invoices); date of the notice of invoice publication, name and signature of the legal representative, and the organization's seal.

Pursuant to the use of invoices and adherence to regulations on management and use of invoices of the organization, the supervisory tax authority shall determine the quantity of invoices that may be published and used for 3 to 6 months.

Any bank, credit institution, or its branches that use their own invoices for service charges, shall send a notice of invoice publication enclosed with shall to the tax authority, register the invoice number structure. The quantity of published invoices is not required to be registered.

In case the name and/or address of the business organization is changed but the published invoices, on which the name, and address are printed, are not used up and the business organization wishes to keep using such ordered invoices, the new name and/or address shall be stamped next to the existing name and address. A notice of information adjustment shall be sent to the supervisory tax authority (template 3.13 Appendix 3 enclosed herewith).

When the business organizations is moved and thus under the management of a new tax authority but it wishes to keep using the published invoices that remain, an invoice use report shall be submitted to the new tax authority and the new address shall be stamped on the invoice. A manifest of remaining invoices (template 3.1 in Appendix 3 enclosed herewith) and a notice of information adjustment shall be sent to the new tax authority (specifying the number of remaining invoices). In case business organization does not wish to use the published invoices that remain, they shall be destroyed. A report on invoice destruction and a new notice of invoice publication shall be sent to the new tax authority.

In case the contents of the notice of invoice publication are changed, the business organization must make a new notice of invoice publication in accordance with instructions in this Clause.

3. A sample invoice is a published invoice that accurately reflects all items of an invoice given to the buyer, the number of which is a series or "0" or the text "Mẫu" (Sample). The sample invoice enclosed with the notice of invoice publication, which is sent to the tax authority, and posted at the places where goods/services are sold is the copy given to the buyer.

If a business organization that changes its name and/or address does not have a sample invoice, or a branch that use the same invoice template as that used by its headquarter, the first invoice number may be used as the sample using new name/address, The ordinal number on the invoice used as a sample shall be crossed out, and the text "Mẫu" (Sample) shall be stamped thereon. A notice of invoice publication is not required when an invoice is used as a sample invoice. The sample invoices shall not be included in the quantity of published invoices in the notice of invoice publication).

4. The notice of invoice publication and the sample invoice must be sent to the supervisory tax authority within 05 days before the business organizations starts using the invoices, and within 10 days from the day on which the notice of invoice publication is signed. The notice of invoice publication and the sample invoice must be posted at the places where goods/services are sold as long as invoices are used.

When a business organization sends the notice of invoice publication for the second time onwards, the sample invoice is not required if there is no changes in the contents and method of invoice publication.

The affiliated units/branches of an organization uses the same invoice template but declare VAT separately, each of them shall send a separate notice of invoice publication to their supervisory tax authorities. The affiliated units/branches of an organization uses the same invoice template but their VAT is declared by the organization, such affiliated units/branches are not required to make notices of invoice publication.

According to the notice of invoice publication, General Department of Taxation shall establish an invoice database system on its website so that everyone can look up necessary information about published invoices.

When receiving the notice of invoice publication sent by an organization, if the tax authority finds that the notice is not satisfactory, the tax authority shall notify the sender in writing within 03 working days from receipt of the notice. Then, the sender shall adjust the notice.

Article 10. Publishing invoices of Provincial Departments of Taxation

1. A notice of invoice publication must be made before invoices ordered by a Provincial Department of Taxation is sold or provided for the first time.
2. Contents of the notice of invoice issuance must comply with Clause 2 and Clause 3 Article 9 of this Circular and template 3.6 Appendix 3 enclosed herewith.
3. Every notice of invoice issuance must be sent to all Provincial Departments of Taxation nationwide within 10 working days from its date and before invoices are sold or provided. Every notice of invoice publication shall be posted where it is noticeable at establishments affiliated to Provincial Departments of Taxation throughout its effective period.

If the notice of invoice publication is already posted by a Provincial Department of Taxation on the website of the General Department of Taxation, it is not required to be sent to other Provincial Departments of Taxation.

4. In case the contents of the notice of invoice issuance are changed, the Department of Taxation must follow the procedures for making a new notice in accordance with instructions in Clause 2 and Clause 3 of this Article.

Article 11. Buyers of invoices from tax authorities

1. Tax authorities shall sell invoices to the following entities:
 - a) Organizations that are not companies but engage in business (including cooperatives, foreign contractors, project management boards).

Organizations that are not companies but do business are organizations doing business without being established and operated under Company law and other specialized laws.

- b) Business households and individuals;
- c) Business organizations and companies paying VAT using direct method.
- d) Any company that uses self-printed invoices or ordered invoices and poses high tax risks;
- dd) Any company that uses self-printed invoices or ordered invoices and commits violations pertaining to invoices and has incurred administrative penalties for tax offences.

Companies mentioned in Point d and Point dd of this Clause shall buy invoices from tax authorities for 12 months. Within 5 working days after this 12-month period, considering the use

of invoices, the company's tax declarations and payments, and the company's request, the tax authority shall issue a written permission for the company to create its own invoices or keep buying invoices from the tax authority if the conditions for printing or ordering invoices are not satisfied (template 3.15 Appendix 3 enclosed herewith).

2. Companies posing high tax risks mentioned in Point d Clause 1 of this Article are any company whose equity capital is below VND 15 billion and:

a) Does not have the right to ownership or the right to enjoyment of: a factory, workshop, warehouse, means of transports, outlet, and other facilities; or

b) Engages in excavation of soil, rock, sand, gravel; or

c) Has suspicious banking transactions according to regulations of law against money laundering; or

d) Earns revenue from sale of goods and services to any other company whose owner is a family member (parent, spouse, sibling) or in a cross-ownership relationship which makes up more than 50% of the total revenue on the final statement of corporate income tax in the tax year.

dd) Fails to submit tax declarations or submits a tax declaration after 90 days from the deadline or from the commencement date of the business according to the business registration certificate; suspends the business for longer than the duration informed to the tax authority and the tax authority confirms that the company does business without declaring tax; no longer does business at the registered address without notifying the tax authority or the tax authority fails to determine the permanent or temporary residence of the legal representative or owner of the company.

e) The legal representative of the company is charged with tax evasion, illegally printing, publishing or trading in invoices and receipts for payments to government budget.

g) Is using self-printed invoices or ordered invoices on which the business address is changed twice or more within 12 months without making a notice, or fails to declare and pay tax at the new locality.

h) The company shows other suspicious signs according to criteria for tax risk assessment of tax authorities.

Pursuant to instructions in this Clause, by the 5th every month, tax authorities shall review, carry out field inspections, and compile lists of companies posing high risks tax. Every Provincial Department of Taxation shall aggregate the lists of companies posing high risks tax compiled by Department of Taxation of districts and the list of companies under the management of the Provincial Department of Taxation.

On the 15th every month, the Director of the Provincial Department of Taxation shall issue a Decision enclosed with a list of companies posing high tax risks, disclose the "List of companies posing high tax risks that buy invoices published by tax authorities" on the website of the General Department of Taxation, and send written notifications to companies.

After 15 days from the day on which the Director of the Provincial Department of Taxation issues the Decision and send notifications, every company that receives the notification must stop using self-printed invoices, ordered invoices, and use invoices bought from tax authorities.

Tax authorities are responsible for selling invoices for such companies right after requiring companies to stop using ordered invoices and self-printed invoices.

3. Any company using self-printed invoices or ordered invoices and commits violations pertaining to invoices mentioned in Point dd Clause 1 of this Article is a company that deliberately uses illegal invoices or uses invoices illegally for the purpose of tax evasion or tax fraud, and incurs administrative penalties for doing so; any company reported by a relevant authority (State Audit Agency, Government Inspectorate, the Police, and other relevant authorities) to the local tax authority for tax evasion or tax fraud.

The period during which the use of ordered invoices and ordered invoices is prohibited begins from the effective date of the decision on administrative penalties for tax evasion or tax fraud. The period during which the use of ordered invoices and ordered invoices is prohibited begins from the effective date of the decision on administrative penalties for tax evasion or tax fraud.

4. Within 30 days from the day on which the Director of the building work notifies the company in writing as prescribed in Clause 2 of this Article, and from the effective date of the decision on administrative penalties for tax evasion or tax fraud, the company must make a report on expired invoices (template 3.12 Appendix 3 enclosed herewith). The company must destroy all expired self-printed invoices and ordered invoices, the notify the result to the supervisory tax authority in accordance with Article 29 of this Circular.

According to invoice use report submitted by the business organization or company, from the time it starts to buy invoices from the tax authority, the tax authority shall make a notification of expiration of the ordered invoices that have not been used by the company when the company switches over to buying invoices from the tax authority.

Article 12. Selling invoices ordered by Provincial Departments of Taxation

1. Invoices ordered by Provincial Departments of Taxation shall be sold at prices sufficient to cover the cost, including printing cost and publication cost. Directors of Provincial Departments of Taxation shall impose invoice prices as stated above. Tax authorities must not collect any amount in addition to the imposed price.

Tax authorities shall sell invoices to the entities under their management in accordance with Clause 1 Article 11 of this Circular.

2. Selling invoices at tax authorities

a) Responsibilities of buyers:

Any business entity (a company, business person, household, or organization) that buys invoices published by tax authorities must submit an application for invoice purchase (template 3.3 Appendix 3 enclosed herewith) and the following papers:

- The invoice buyer (the person that undersigns the application or authorized in writing by an organization, company, or business household) must present his/her unexpired ID card.

- Any entity that buys invoices for the first time must make a written statement (template 3.16 Appendix 3 enclosed herewith) that the business location is consistent with the Certificate of Business Registration or investment license (practice certificate) or Decision on Establishment issued by a competent authority.

When buying invoices published by a tax authority, the buyer must write or stamp their name, address, TIN on the second copy of each invoice number before invoices are taken out of the tax authority that sells them.

b) Responsibilities of tax authorities

Tax authorities shall sell business entities monthly.

Not more than 50 invoices of a type shall be sold to an entity for the first time. In case all of them are used up within less than a month, the tax authority shall decide the quantity of invoices to be sold next time based on the time and quantity of used invoices.

For next purchases of invoices, after examining the use of invoices, declaration and payment of tax, and the request for invoice purchase, the tax authority shall consider selling invoices to the buying entity within the day. The quantity of invoices sold to an entity must not exceed the quantity of invoices used last month.

In case a business household or business person wishes to use separate invoices instead of booked invoices, the tax authority shall sell separate invoices free of charge whenever they are needed (one by one).

When an organization/company switches over from buying invoices published by a tax authority to using ordered invoices, self-printed invoices, or electronic invoices, it must stop using invoices purchased from the tax authority from the first day on which their own invoices are used according to Article 21 of this Circular.

Article 13. Issuing invoices ordered by Provincial Departments of Taxation

1. Tax authorities shall issue invoices to organizations other than companies, non-business households and individuals that irregularly sell goods or services and need to give invoices to their customers.

Tax authorities shall not issue invoices if goods and services sold by the said entities are not subject to VAT or exempt from VAT declaration and VAT payment.

2. Invoices issued separately by tax authorities one by one at the request of the said entities are called separate invoices.

Invoices provided by tax authorities for organizations other than companies, non-business households and individuals that irregularly sell goods or services and need to give invoices to their customers are sale invoices.

When company is dissolved or goes bankrupt, after the final tax statement is submitted and TIN is closed, if the company needs to give invoices to buyers of their liquidated assets, separate sale invoices shall be provided by the tax authority.

When an organization or regulatory agency that does not pay VAT using credit-invoice method sells its assets at an auction, VAT invoices shall be provided to be given to buyers if the winning prices are inclusive of VAT mentioned in the auction documents approved by competent authorities.

3. Separate invoices for sale of goods and services shall be provided by:

- The local tax authority of the administrative division where the organization's TIN is registered or where the organization is situated.

- The tax authority of the administrative division where the TIN is issued or the permanent residence of the non-business household or individual is registered according to the family register or unexpired ID card (or passport) declared by the household or individual (authentication by local authority is not required).

Where a non-business organization, household, or individual leases out real estate, the tax authority in the administrative division where the real estate is situated shall provide separate invoices.

Any entity that wishes to use separate invoices shall submit an application for separate invoices (template 3.4 Appendix 3 enclosed herewith). According to the request for separate invoices and proof of transactions enclosed thereto, the tax authority shall instruct the taxpayer to determine the tax payable in accordance with regulations of law on taxation. When a separate VAT invoice is issued, the VAT payable is the amount of VAT written on that separate VAT invoice.

Any person that request a separate invoice shall issue an invoice with 3 copies of the invoice at the tax authority and pay tax in full before receiving the separate invoice. After the taxpayer submits a certificate of tax payment, the tax authority shall append its seal on the upper left corner of copy 1 and copy 2, give them to the taxpayer, and keep copy 3 at the tax authority.

Article 14. Invoices directly printed from cash registers

When using cash registers to print and issue invoices to customers, the invoices printed directly from the cash register must have the following information and satisfy the following requirements:

- Name, address, TIN of the seller;
- Name of the kiosk or stall of the seller (in case the seller has multiple kiosks or stalls);
- Names, unit prices, quantity of the goods/services, and the amount payable. In case the organization or company pays tax using credit-invoice method, the price exclusive of VAT, VAT rate, VAT amount, and total amount inclusive of VAT must be specified;
- Name of the cashier, ordinal number, date, and time of the invoice.
- Invoices printed from the cash register must be given to customers.
- Data from the cash register must be accurately and sufficiently recorded into accounting books in order to declare revenue and VAT as prescribed. If the taxpayer fails to transfer all data from the invoice printing software to accounting books to declare tax (which means revenue is not sufficiently declared for the purpose of tax evasion), the taxpayer shall incur penalties in accordance with regulations of law on taxation.

Any organization or company that uses cash registers when selling goods or services must send the notice of invoice publication enclosed with a sample invoice to the supervisory tax authority. The quantity of published invoices might not be registered.

Article 15. Symbols for invoice identification

1. When printing, publishing invoices, every organization must decide on the identification symbol on their invoices.

Depending on the scale, characteristics of the business, and requirements for management, an organization may choose one or some of the following methods to create their identification

symbols, such as: anti-counterfeit stamps, special printing techniques, special papers, special inks; using a separate symbol for each printing batch or publication of invoices; print fixed items on the invoice such as the seller's name, TIN, address; type of goods/services; unit prices, etc.), signature and seal of the seller when issuing invoices.

2. Any organization that recognize a sign of violations pertaining to printing, publication, management, and use of invoices must immediately report it to a tax authority. When a tax authority and other competent authorities makes a request for certification of published invoices, the organization that prints, publishes such invoices must respond in writing within 10 days from the receipt of such request.

Chapter III

USE OF INVOICES

Article 16. Issuing invoices

1. Rules for issuing invoices

a) Only the invoices regulated in this Circular may be issued and given to buyers of goods and services.

b) When selling goods and services, including those used for trade promotion, advertising, samples, goods and services used for donation, exchange, or paid as salary, and those that are used internally (except for goods circulated internally to proceed production), when delivering goods in the form of a loan, lending goods, or returning goods, every seller must issue invoices.

Information on invoices must matches the actual transactions; no erasure and change may be made; the ink used must be consistent in color and indelible ink; do not use red ink; numbers and text must be written continuously without interruption. Do not write on printed text. Any blank space shall be crossed out. It is not required to cross out blank space on self-printed invoices or ordered invoice issued by computers.

c) An invoice consists of multiple copies. Information on copies of the same invoice number must be consistent.

d) Invoices shall be numbered in ascending order.

In case a business organization has multiple affiliated units that directly sell goods, or multiple authorized establishments that use ordered invoices with the same symbol in the form of distribution to each establishment in the system, the business organization must keep a log of distribution of invoices to every of its affiliated units and authorized establishments. Affiliated units and authorized establishments must use invoices in numerical order and within the quantity of invoices each of them receive.

In case a business organization has multiple outlets or authorized establishment that use self-printed invoices or electronic invoices with the same symbol in the form of random access from a server, the business organization must have a specific plan for random access by its outlets and authorized units. Invoices shall be issued in numerical order in the whole system of the business organizations.

2. Filling some specific items on an invoice

a) Item “Ngày tháng năm” (Date of invoice):

Date of a goods sale invoice is the day on which the right to ownership or the right to enjoyment is transferred to the buyer whether money is paid or not.

Date of a service provision invoice is the day on which the service provision is finished whether money is paid or not. In case services are prepaid or money is paid during service provision, the date of invoice is the payment date.

The date of an invoice for supply of domestic electricity, tap water, telecommunications services, television services is within the next 7 days from the day on which the electricity or water meter is recorded, or the ending date of an agreed period (applied to television, telecommunications services). The agreed period is an agreement between the provider of television or telecommunications services and the buyer.

Date of an invoice for construction and installation is the day on which the finished work or item is accepted and transferred, whether money is paid or not.

In case goods are delivered several times or a completed item or stage is transferred at a time, an invoice shall be issued for each time.

In case of an organization that sells real estate or builds infrastructure, houses for sale and collects money according to the project progress or payment schedule in the contract, the date of the invoice is the payment date.

Date of an invoice for exported goods/services shall be determined by the exporter as long as it is conformable with the agreement between the exporter and the importer. The date of revenue from export is the day on which customs procedure completion is certified according to the customs declaration.

When selling oil and gas at retail outlets to regular buyers being business organizations and businesspeople; providing securities, banking services, the date of the invoice depends on the contract between both parties enclosed with a manifest or documents certified by both parties, but such date shall not be later than the last day of the month in which goods are sold or services are provided.

Date of an invoice for sale of crude oil, natural gas, processed petroleum, and in some special cases shall comply with separate instructions of the Ministry of Finance.

b) Item “Tên, Địa chỉ, mã số thuế của người bán” (name, address, TIN of the seller), “tên, Địa chỉ, mã số thuế của người mua” (name, address, TIN of the buyer): write the full name or abbreviated name according to the Certificate of Business Registration or Tax registration.

In case goods are sold by an affiliated unit of the organization using a separate TIN, the name, address, and TIN of such affiliated unit must be written. If the affiliated unit does not have a TIN, the TIN of the headquarter shall be written.

When a buyer of goods or services worth VND 200,000 or more does not take the invoice or provide his/her name, address, and TIN, an invoice shall still be issued and say “người mua không lấy hóa Đơn” (the buyer refuses to take this invoice) or “người mua không cung cấp tên, Địa chỉ, mã số thuế” (the buyer refuses to provide his/her name, address, TIN).

If buyers refuse to take invoices at an oil/gas retail outlet, an invoice for total revenue from buyers that refuse to take invoices in the day shall be issued.

If the name or address of the buyer is too long, the seller may shorten some common nouns (P instead of Phường (ward), Q instead of Quận (district), TP instead of Thành Phố (city), etc.) as long as the house number, names of the street, ward, district, city, name of the company are written and conformable with business registration or tax registration of the company.

c) Item “Số thứ tự, tên hàng hóa, dịch vụ, Đơn vị tính, số lượng, Đơn giá, thành tiền” (Number, name of goods/services, unit, quantity, unit price, amount payable”: enumerate the goods/services sold in order; cross out the blank (if any). It is not required to cross out blank space on self-printed invoices or ordered invoice issued by computers.

If goods/services are encoded by the seller, the invoice must specify both the codes and names of goods.

If the right to ownership or the right to enjoyment of goods must be registered, the invoice must specify the identification numbers, symbols of such goods that are required by law when goods are registered. Example: chassis numbers, engine numbers of motor vehicles; address, class, length, width, number of stories of a house, etc.

Invoices for special goods such as electricity, water, telephone service, oil and gas, insurance, etc. that are sold periodically must specify the goods/service provision period.

d) Item “người bán hàng (ký, Dóng dấu, ghi rõ họ tên)” - Seller (signature, seal, full name)

If the head of the unit does not sign in this box, the head of the unit must authorize the shopkeeper in writing to sign, write his/her name, and append the organization’s seal on the upper left of the invoice.

dd) Item “người mua hàng (ký, ghi rõ họ tên)” - Buyer (signature, seal, full name)

Invoices for indirect purchases such as shopping by phone, via the Internet or fax, the buyer is not required to append his/her signature and name on the invoice. In box “người mua hàng (ký, ghi rõ họ tên)” - Buyer (signature, seal, full name), the seller must specified that goods are sold by telephone, the Internet, or fax.

Invoices for sale of goods and services to abroad are not required to have signatures of foreign buyers.

e) Currency on invoices

Currency on invoices is Vietnam dong.

If a seller is permitted to collect foreign currencies when selling goods, the total amount of payment shall be foreign currencies, the amount in words shall be written in Vietnamese language.

Example: USD 10,000 - Mười nghìn Đô la Mỹ.

The seller must write the exchange rate on the invoice according to the average exchange rate on inter-bank foreign exchange market announced by the State bank of Vietnam when the invoice is issued.

If the foreign currency collected does not have an exchange rate with Vietnam dong, an exchange rate between that currency and another foreign currency of which the exchange rate is announced by the State bank of Vietnam shall be written.

Instructions on issuing sale invoices in some cases are provided in Appendix 4 enclosed herewith.

Article 17. Authorizing invoice issuance

1. A seller may authorize a third party to issue invoices for sale of goods and services. Invoices issued by the third party must bear the name of the authorizing party and the seal of the authorizing party on the upper left corner (the seal is not required if invoices are electronic invoices printed from devices of the authorizing party). The authorization must be made in writing.
2. The authorization letter must contain sufficient information about the invoices (format, type, symbol, quantity of invoices (a range of numbers); purposes of authorization, authorization duration; delivery method or installation method (applied to self-printed invoices or electronic invoices); method of payment for such invoices).
3. The authorizing party shall make a notice of authorization bearing sufficient information about the invoices, purposes of authorization, and authorization duration, the names, signatures, and seals (if any) of representatives of the authorizing party and the authorized party. The notice of authorization must be sent to the supervisory tax authorities of the authorizing party and authorized party at least 03 days before the authorized party issues invoices.
4. The authorized party must post the notice of authorization at selling places so that buyers can see it.
5. Upon the expiration of the authorization duration or premature termination of authorization, both parties must confirm it in writing. The authorized party must remove the notice from the selling places.
6. Both parties shall make a summary report on the use of such authorized invoices. The authorizing party must submit reports on the use of invoices (including authorized invoices) every quarter in accordance with instructions in this Circular. The authorized party is not required to make the notice of invoice publication and the report on the use of authorized invoices.

Article 18. Selling goods and services for which invoices are not required

1. It is not required to issue an invoice if the payment for a purchase of goods and services is below VND 200,000, unless the buyer needs the invoice.
2. When selling goods and services without issuing invoices as instructed in Clause 1 of this Article, the seller must make a manifest of retailed goods and services. The manifest must bear the name, TIN, and address of the seller, names, value of goods and services sold, date of the manifest, name and signature of the manifest maker. If the seller pays tax using credit-invoice method, the manifest must have the item “thuế suất giá trị gia tăng” (VAT rate) and “tiền thuế giá trị gia tăng” (VAT amount). Goods and services sold shall be enumerated in the manifest in chronological order (template 5.6 Appendix 5 enclosed herewith).
3. At the end of each day, the business establishment shall issue a VAT invoice or sale invoice, write the total payment for goods and services sold during the day on the “Total amount” line, keep the copy for the seller, and circulate other copies as prescribed. Write “bán lẻ không giao hóa Đơn” (retailed without invoice) in box “Tên, Địa chỉ người mua” (name and address of buyer).

Article 19. Issuing an invoice when the number of goods and services sold is greater than the number of its lines

In such case, the seller may issue multiple invoices or choose one of the following solutions:

1. The seller shall write multiple invoice numbers in succession. Write “tiếp số sau” (continued on next invoice) on the last line the previous invoice and “tiếp số trước” (continued from previous invoice) on the first line of the next invoice. All goods shall be enumerated in order on the invoices. Information about the buyer and the seller shall be written on the first invoice. The signature and seal of the seller (if any), the signature and seal of the buyer, the amount payable, surcharge, discount, VAT shall be written on the last invoice. Any blank space shall be crossed out.

If the business establishment is allowed to use self-printed invoices, invoices are issued and printed by the software, and the quantity of goods and services sold is greater than the number of lines of an invoice, the Provincial Department of Taxation shall consider allowing the business establishment to use an invoice that consist of more than one page, on a case-by-case basis, if the invoice number (generated by computers), name, address, and TIN of the buyer, the same template number and invoice symbol on the top of the next pages are the same as those on the first page, and the text “tiếp theo trang trước – trang X/Y” (continued from previous invoice - page X/Y). X is the current page, Y is the total number of pages of the invoice).

2. The seller may enclose a manifest of sold goods and services to the invoice.

a) Contents of the invoice:

The invoice must have the text “kèm theo bảng kê số..., ngày..., tháng ... năm ...” (enclosed with the manifest No. dated “ Only the general name of goods shall be written in column “tên hàng” (names of goods)

Other items shall be completed in accordance with instructions in Clause 2 Article 16 of this Circular.

b) Contents of the manifest

The seller shall design the manifest to suit the characteristics, designs, and categories of his/her goods, provided all of the following information is specified:

+ Name, mailing address, TIN of the seller.

+ Names, quantities, unit prices of goods, and amount payable. If the seller pays tax using credit-invoice method, the manifest must have the item “thuế suất giá trị gia tăng” (VAT rate) and “tiền thuế giá trị gia tăng” (VAT amount). Total amount payable (exclusive of VAT) which matches the amount on the VAT invoice.

The invoice must have the text “kèm theo bảng kê số..., ngày..., tháng ... năm ...” (enclosed with the manifest No. dated “ and bear the signatures of the buyer and the seller as on the invoice.

In case the manifest has more than one page, the pages must be numbered continuously and sealed. The last page of the manifest must bear the signatures of the seller and the buyer as on the invoice.

The number of the manifest must match the number of invoice copies. The manifest shall be kept together with the invoice to serve inspection by tax authorities.

The buyer and the seller shall manage and keep manifests enclosed with invoices as prescribed.

Article 20. Handling issued invoices

1. In case an issued invoice is found incorrect before it is given to the buyer, the seller shall cross out the copies and keep the incorrect invoice.

2. In case an issued invoice is found incorrect after it is given to the buyer but before goods are delivered or services are provided, or after it is given to the buyer but before the buyer and the seller declare tax, the invoice shall be void; the buyer and the seller shall make a record on withdrawal of copies of the incorrect invoice. The withdrawal record must specify the reasons for invoice withdrawal. The seller shall cross out the copies, keep the incorrect invoice, and issue a new invoice as prescribed.

3. In case an invoice is found incorrect after it is given to the buyer, goods are delivered or services are provided, the buyer and the seller are declared tax, the buyer and the seller shall make a record or a written agreement specifying the errors, then the seller shall make a corrective invoice. The corrective invoice must specify the adjustment (increase or decrease) to the quantity of goods, sale prices, VAT rates, VAT amounts on the invoice No. According to the corrective invoice, the buyer and the seller shall adjust the sales, input tax and output tax. Negative numbers must not be written on the corrective invoices.

4. Instructions on handling issued invoices in some cases are provided in Appendix 4 enclosed herewith.

Article 21. Handling invoices when invoices are no longer used

1. An entity shall notify the tax authority that invoices are no longer used in the following cases:

a) Any entity that is allowed by a tax authority to stop using its TIN (also called TIN closing) must stop using the published invoices that still remain.

b) Any entity that publishes substitute invoices must stop using the unused invoices that are substituted.

c) Any entity that no longer uses invoices bought from the tax authority must destroy the unused invoices in accordance with instructions in Article 29 of this Circular.

d) Lost, burnt, damaged invoices shall be handled in accordance with instructions in Article 24 of this Circular.

2. Supervisory tax authorities shall notify the expiration of the following types of invoices:

- The invoices that are no longer used by the entities, which have been notified to tax authorities in the case mentioned in Clause 1 of this Article.

- Invoices that have not been issued by entities that have left the business address without notifying tax authorities;

- Invoices that have not been issued by entities that suspend their business operation without notifying tax authorities;

- Invoices bought from tax authorities and then given, sold by entities.

Article 22. Use of illegal invoices

Use of illegal invoices means the use of counterfeit, unactivated invoices, or expired invoices.

Counterfeit invoices means invoices printed or created using a template of invoices published by another entity, or any invoice that bear the same number or the same invoice symbol.

Unactivated invoices are invoices that have been created in accordance with instructions in this Circular but the notice of publication of which has not been made.

Expired invoices are invoices of which the notice of publication has been made but the issuer does not wish to use them any longer; Invoices are lost after their notice of publication is made (the loss has been notified to the supervisory tax authority); invoices of entities whose TINs have been closed.

Article 23. Illegal uses of invoices

1. Illegal use of invoices includes issuing false invoices; selling blank invoices to other entities when selling goods and services (except for the cases in which invoices are sold or provided by tax authority, or invoices are issued under authorization as instructed in this Circular); giving or selling issued invoices to other entities that use them to declare tax or get payments from government budget; issuing invoices without sufficient compulsory information; issuing invoices with inconsistent information on the copies; using invoices for one transaction as evidence for another.

2. Some cases considered illegal use of invoices:

- Part of or the whole contents of the invoice is not true.
- Using invoices sold by another entity to legalize purchased goods and services without documentation or to legalize sold goods and services for the purpose of tax evasion, selling goods without paying tax.
- Using invoices of other entities to sell goods and services without declaring and paying tax, to legalize purchased goods and services without documentation.
- Invoices with inconsistent information about value of goods/services or inconsistency in compulsory information on copies of an invoice.
- Using sale invoices considered illegal use of invoices by tax authority, the police, and other regulatory bodies.

Article 24. Lost, burnt, damaged invoices

1. When an invoice is lost, burnt, or damaged, whether it is issued or not issued, the entity must notify the supervisory tax authority using template 3.8 of Appendix 3 enclosed herewith within 05 days from the day on which the invoice is lost, burnt, or damaged. If the deadline (the fifth day) is a day off as prescribed by law, the actual deadline shall be the day succeeding that day.

2. In case the seller has issued an invoiced after selling goods/services, but then the seller or the buyer loses, burns, or damages second copy of the issued invoice, then the buyer and the seller shall make a record on the case, which specify the month in which tax on the copy 1 is paid, append signatures and full names of legal representatives (or authorized persons), seal (if any) on the record; the seller shall photocopy the first copy of the invoice, append a signature and seal on the photocopy, then give it to the buyer. The buyer may use the photocopy bearing the signature

and seal (if any) of the seller and the record on the lost, burnt, or damaged second copy as evidence for bookkeeping and tax declaration. The buyer and the seller are responsible for the truthfulness of the loss or damage of the invoice.

If the loss or damage of the invoice is related to a third party (e.g. a goods deliverer or invoice deliverer), responsibility shall attributed depending on whether the third party is hired by the buyer or the seller.

Article 25. Buyers' use of invoices

1. Buyers may use legitimate invoices as prescribed by law to prove their right to ownership or right to enjoyment of goods and services, be offered sale promotion, after-sale services, or receive damages in accordance with law; do bookkeeping in accordance with regulations of law on accounting; declare taxes, register right to enjoyment, right to ownership, and receive payments from government budget in accordance with law.

2. Invoices used in the cases mentioned in Clause 1 must be:

- Original sale invoices, second copy (given to the buyers), except for the cases mentioned in Clause 1 Article 4 and Article 24 of this Circular.
- Intact invoices that contain sufficient information.
- Invoices on which figures, written text or printed text are clear, sufficient, and accurate as prescribed without erasure or changes.
- Invoices that are not in the cases mentioned in Article 22 and Article 23 of this Circular.

Chapter IV

RIGHTS AND OBLIGATIONS OF ENTITIES FOR MANAGEMENT AND USE OF INVOICES

Article 26. Rights and obligations of sellers of goods and services

1. Sellers of goods and services are entitled to:

- a) Create and use self-printed invoices, ordered invoices if conditions in this Circular are satisfied;
- b) Buy invoices published by Provincial Departments of Taxation Create if permitted as prescribed in this Circular;
- c) Use legitimate invoices for their business operation;
- d) Refuse to provide information about printing, publishing, and use of invoices for unauthorized organizations or individuals as prescribed by law;
- dd) File a lawsuit against any entity that infringes upon the right to create, publish, and use legitimate invoices.

2. Sellers of goods and services are obliged to:

- a) Manage the creation of invoices in accordance with this Circular;
- b) Sign contracts to print invoices with eligible printing facilities defined in Clause 4 Article 8 of this Circular if permitted to sue ordered invoices; sign contracts to buy invoice printing software

with eligible providers defined in Clause 3 Article 6 of this Circular if permitted to use self-printed invoices;

c) Make and send a notice of invoice publication as prescribed;

d) Issue and give invoices when selling goods and services to customers, except for the cases in which invoices are not required in this Circular.

dd) Regularly inspect the use of invoices; promptly prevent potential violations;

e) Submit invoice use reports to supervisory tax authorities in accordance with instructions in Article 27 of this Circular.

Article 27. Invoice use report

Every quarter, every seller of goods and services (except for those provided with invoices by tax authorities) shall submit a invoice use report to the supervisory tax authority, even when no invoices are used during the period. The report of the first quarter shall be submitted by April 30, second quarter by July 30, third quarter by October 30, and fourth quarter by January 30 of the next year (template 3.9 Appendix 3 enclosed herewith). If no invoices are used during the period, the quantity of used invoices in the report shall be zero (0).

New companies, companies using self-printed invoices and ordered invoices that commit violations and are prohibited from using self-printed invoices and ordered invoices, companies that pose high tax risks and are required to buy invoices from tax authorities according to instructions in Article 11 of this Circular shall submit invoice use reports monthly.

The deadline for submitting monthly invoice use reports is the 20th of the next month. Monthly invoice use reports shall be submitted for 12 months from the establishment date or the first day on which invoices are bought from tax authorities. After this deadline, tax authorities shall inspect the use of invoices, tax declaration and tax payment, and consider allowing companies to switch over to submit invoice use reports quarterly. If no notifications are made by tax authorities, companies shall keep submitting invoice use reports monthly.

When the terminal tax statement is submitted, every entity that sells goods and services shall submit invoice use reports when they are divided, separated, merged, dissolved, bankrupt, or transferred, or when a state-owned company is delegated, sold, or leased.

When the entity moves its business location to another administrative division under the management of the current supervisory tax authority, an invoice use report must be submitted to the tax authority of the new administrative division.

Telecommunications service bill, electricity bills, water bills, banking service bills, passenger transport tickets, stamps, tickets, cards, and some other cases specified by the Ministry of Finance shall be included in the report as a total quantity without specific invoice numbers. Business establishments are totally responsible for the accuracy of the quantity of unused invoices at the end of each period, used invoices, cancelled invoices, lost invoices, destroyed invoices, and must provide detailed figures about invoices (a range of invoice numbers) at the request of tax authorities.

Article 28. Storage, preservation of invoices

1. Self-printed invoices that are not issued shall be kept in computers in the security mode.

2. Ordered invoices that are not issued shall be kept in storage as if valuable papers.
3. Invoices issued by accounting units shall be kept in accordance with regulations on storage and preservation of accounting documents.
4. Invoices issued by entities other than accounting units shall be stored and preserved as if their private assets.

Article 29. Destroying invoices

1. Confirmed destroyed invoices

- Test-invoices, printed invoices that are incorrect, repeated, or damaged; plates, and similar instruments for creating ordered invoices shall be confirmed destroyed if no invoices remain their original forms, or text on invoices no longer exist so that such invoices cannot be restored or copied.
- Self-printed invoices shall be confirmed destroyed if invoice printing software is modified so that it cannot keep creating invoices.

2. Cases in which invoices are destroyed

- a) Printed ordered invoices that are incorrect, repeated, or redundant must be destroyed before the invoice printing contract is finalized.
- b) Entities must destroy invoices that are no longer used. Invoices shall be destroyed within 30 days from the day on which a notification is sent to the tax authority. In case the tax authority has notified invoice expiration (except for the cases in which tax debt payment is enforced), invoices must be destroyed within 10 days from the day on which the tax authority notifies the expiration or lost invoices are found.
- c) Invoices issued by accounting units shall be destroyed in accordance with regulations of law on accounting.
- d) Invoices that have not been issued but are evidence of lawsuits must not be destroyed and shall be handled in accordance with law.

3. Destroying invoices of business entities

- a) The business entity shall make a list of invoices that need destroying.
- b) The business organization must establish an invoice destruction council. The invoice destruction council must be participated by representatives of the management board and accounting department of the organization.

Business households and businesspeople are not required to establish invoice destruction councils when destroying invoices.

- c) Members of the invoice destruction council must sign the invoice destruction record and take responsibility before the law for any mistake.
- d) An invoice destruction dossier consists of:
 - A decision to establish the invoice destruction council, except for business households and businesspeople;

- A list of invoices that need destroying, specifying: invoice names, template numbers, invoice symbols, quantity of invoices (a range of numbers or specific numbers of invoices in case numbers of the invoices being destroyed are not continuous).

- Invoice destruction record;

- open market operation A notification on invoice destruction record must contain: types, symbols, quantity, numbers of invoices being destroyed, reasons for destruction, date of destruction, method of destruction (template 3.11 Appendix 3 enclosed herewith).

The invoice destruction dossier shall be kept by the business entity that use invoices. The notification of invoice destruction result shall be made into 02 copies, one of them shall be kept, the other shall be sent to the supervisory tax authority within 05 days from the date of invoice destruction.

4. Destroying invoices of tax authorities

Invoices ordered by Provincial Departments of Taxation that have not been published but not been sold or not been provided and are no longer used.

The General Department of Taxation shall specify the procedures for destroying invoices ordered by Provincial Departments of Taxation.

Chapter V

INSPECTION OF INVOICES

Article 30. Inspection of printing, publication, management and use of invoices

1. Selling invoices at tax authorities

a) Tax authorities shall inspect the printing, publication, management and use of invoices according to invoice use reports submitted by entities.

b) When a sign of violations is discovered by the tax authority, within 05 working days from the discovery date, the tax authority shall request the entity to provide an explanation.

2. Invoice inspection at the premises of the business entity.

a) In case the entity fails to provide an explanation or the explanation is not satisfactory, the tax authority shall issue a decision to carry out an invoice inspection at the entity's premises.

b) The inspection contents shall be specified in the decision, including: the legal basis for inspection, inspected subjects; contents and scope of inspection, inspection time, chief and member of the inspectorate, entitlements and responsibilities of the inspectorate and inspected subjects.

c) The head of the supervisory tax authority of the entity shall issue the decision on inspection and take responsibility for it.

d) Within 05 working days from the day on which the decision is sign, it must be submitted to the entity. Within 03 working days from the receipt of the decision on invoice inspection or before the inspection date, if the inspected entity can prove the legitimacy of the creation, publication and use of its invoices, the head of the tax authority shall revoke the decision on invoice inspection.

dd) The inspection must be carried out within 10 working days from the day on which the tax authority issued the decision on inspection. In case the inspected entity requests a delay of the inspection, a written request shall be sent to the tax authority, specifying the reasons. Within 05 working days from the receipt of the written request for delay of the inspection, the tax authority shall notify the inspected entity that whether the delay is approved or not.

The invoice inspection at the entity's premises shall not last more than 05 working days. If necessary, the head of the tax authority may extend this duration, provided the duration does not exceed 05 working days.

Within 05 working days from the ending date of the inspection, the inspectorate shall make an inspection record.

The inspected entity may receive the inspection record and request explanation for contents of the inspection record, and write their opinions on the inspection record (if any).

e) Handling inspection results

- Within 05 working days from the day on which the inspection record is signed with the inspected entity, the chief of the inspectorate must send a report on the inspection result to the person that issues the decision on inspection. If administrative penalties must be imposed, the head of the tax authority shall issue a decision on administrative penalties within 10 working days from the day on which the inspection record is signed. The inspected entity must comply with the decision to handle the inspection result.

- If the violations pertaining to management and use are related to taxation, the tax authority shall issue a decision on tax inspection depending on the nature and severity of the violations in accordance with the Law on Tax administration, the Law on Inspection, and the procedures for tax inspection.

Article 31. Invoice investigation

Invoice investigation shall be combined with investigation into adherence to tax law at the premises of the taxpayer.

Chapter VI

IMPLEMENTATION

Article 32. Implementation

1. This Circular takes effect on June 01, 2014. The Circular No. 64/2013/TT-BTC dated May 15, 2013 of the Ministry of Finance on guidelines for the Government's Decree No. 51/2010/ND-CP dated May 14, 2010 on invoices for sales of goods and services are annulled. Instructions on invoices in previous documents that are in contravention of this Circular are all annulled. Other guiding documents that do not contravene this Circular are still effective.

2. Any company or organization that uses self-printed invoices or electronic invoices before this Circular takes effect and is not required to switch over to buying invoices from tax authorities from the effective date of this Circular is still permitted to create self-printed invoices or ordered invoices.

Companies and business organizations may keep using ordered invoices and ordered invoices of which the notices of publication have been made in accordance with Circular No. 153/2010/TT-BTC dated September 28, 2010 and Circular No. 64/2013/TT-BTC dated May 15, 2013.

3. From June 01, 2014, tax authorities shall stop receiving notices of publication of export invoices.

Any company or business organization that has not used up export invoices ordered and published in accordance with Circular No. 153/2010/TT-BTC dated September 28, 2010 and Circular No. 64/2013/TT-BTC dated May 15, 2013 of the Ministry of Finance, and still wishes to keep using them shall register the quantity of remaining invoices at the supervisory tax authority by June 31, 2014 (template 3.12 Appendix 3 enclosed herewith). From August 01, 2014, the remaining invoices registered in accordance with this Clause may still be used. The export invoices that have not been registered or are registered after June 31, 2014 are not valid. Companies shall destroy export invoices in accordance with Article 29 of this Circular, use VAT invoices and sale invoices for export of goods and services in accordance with this Circular.

4. This Circular has 5 Appendices, Appendices from 1 to 4 are compulsory, Appendix 5 is for reference purposes (nor compulsory).

Article 33. Responsibility for Implementation

1. Tax authorities shall instruct business entities, non-business entities, buyers of goods and services to implement this Circular, carry out inspections and impose penalties for violations by invoice users.

2. The entities that involve in the printing, publication, management and use of invoices shall comply with instructions in this Circular.

Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Finance for consideration./.

**PP THE MINISTER
DEPUTY MINISTER**

Do Hoang Anh Tuan

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