

CIRCULAR

Guiding the implementation of the Government's Decree No. 51/2010/ND-CP of May 14, 2010, and Decree No. 04/2014/ND-CP of January 17, 2014, on goods sale and service provision invoices¹

Pursuant to November 29, 2006 Law No. 78/2006/QH11 on Tax Administration, and November 20, 2012 Law No. 21/2012/QH13 Amending and Supplementing a Number of Articles of the Law on Tax Administration;

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

Pursuant to June 3, 2008 Law No. 13/2008/QH12 on Value-Added Tax and June 19, 2013 Law No. 31/2013/QH13 Amending and Supplementing a Number of Articles of the Law on Value-Added Tax;

Pursuant to November 29, 2005 Law No. 51/2005/QH11 on E-Transactions;

Pursuant to the Government's Decree No. 51/2010/ND-CP of May 14, 2010, on goods sale and service provision invoices, and Decree No. 04/2014/ND-CP of January 17, 2014, amending and supplementing a number of articles of Decree No. 51/2010/ND-CP;

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

At the proposal of the General Director of Taxation,

The Minister of Finance guides goods sale and service provision invoices as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

¹ Công Báo Nos 533-534 (28/5/2014)
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This Circular guides the printing, issuance and use of goods sale and service provision invoices (below collectively referred to as invoices); tasks and powers of tax administration agencies at all levels and agencies and organizations involved in the printing, issuance and use of invoices; rights, obligations and responsibilities of agencies, organizations and individuals in the printing, issuance and use of invoices; and examination and inspection of invoices.

Article 2. Subjects of application

1. Goods sellers and service providers, including:

a/ Vietnamese business organizations, households and individuals that sell goods or provide services in Vietnam or abroad;

b/ Foreign business organizations and individuals that sell goods or provide services in Vietnam or conduct production and business in Vietnam and sell goods abroad;

c/ Vietnamese non-business organizations, households and individuals or foreign non-business organizations and individuals that sell goods or provide services in Vietnam.

2. Invoice-printing organizations, billing software suppliers, intermediary organizations providing e-invoicing solutions.

3. Goods and service buyers.

4. Tax administration agencies at all levels and organizations and individuals involved in the printing, issuance and use of invoices.

Article 3. Types and forms of invoice

1. Invoice means a document made by a seller to record information on goods sale or service provision in accordance with law.

2. Types of invoice

a/ Value-added invoice (form No. 3.1 provided in Appendix 3 and form No. 5.1 provided in Appendix 5 to this Circular), which is an invoice reserved for organizations that declare and calculate value-added tax by the credit method in the following activities:

- Domestic sale of goods and provision of services;
- International transportation;
- Export of goods into non-tariff zones and cases regarded as export;
- Export of goods and provision of services abroad.

b/ Sale invoice, which is reserved for the following entities:

- Organizations and individuals that declare and calculate value-added tax by the direct method when selling goods or providing services in the inland or exporting goods into non-tariff zones and in cases regarded as export (form No. 3.2 provided in Appendix 3 and form No. 5.2 provided in Appendix 5 to this Circular);

- Organizations and individuals in non-tariff zones when selling goods or providing services in the inland or to one another or when exporting goods or providing services abroad. Sale invoices must be inscribed with the phrase “For use by organizations and individuals in non-tariff zones” (form No. 5.3 provided in Appendix 5 to this Circular).

For example:

- Enterprise A declares value-added tax by the credit method. The enterprise concurrently sells goods domestically and exports goods abroad. It shall use value-added invoices for both domestic sale and export.

- Enterprise B declares value-added tax by the credit method. The enterprise sells goods both domestically and into non-tariff zones. It shall use value-added invoices for both domestic sale and sale into non-tariff zones.

- Enterprise C is an export-processing enterprise. When selling goods in the inland or abroad (outside the Vietnamese territory), the enterprise shall use sale invoices inscribed with the phrase “For use by organizations and individuals in non-tariff zones”.

- Enterprise D declares value-added tax by the direct method. When selling goods or providing services domestically and into non-tariff zones or when exporting goods abroad, the enterprise shall use sale invoices.

c/ Other types of invoice, including stamps, tickets, cards, insurance premium receipts, etc.

d/ Air freight receipts; international freight vouchers; receipts of banking service charges, etc., of which the forms and contents comply with international practices and relevant laws.

3. Forms of invoice

An invoice may take one of the following forms:

a/ Self-printed invoice, which is printed by business organizations themselves from informatics equipment, cash registers or other machines upon goods sale or service provision;

b/ E-invoice, which is a combination of e-data messages on goods sale or service provision created, made out, sent, received, stored and managed in accordance with the Law on E-Transactions and guiding documents;

c/ Invoice printed on order, which is an invoice printed according to a set form on order of an organization for use for sale of goods and provision of services, or on order of a tax office for distribution or sale to organizations, households and individuals.

4. Documents which are printed, issued, used and managed like invoices include ex-warehousing-cum-internal transportation slips and ex-warehousing-cum-consignment slips (forms No. 5.4 and No. 5.5 provided in Appendix 5 to this Circular).

Article 4. Contents of a made-out invoice

1. Compulsory contents of a made-out invoice which must be presented on the same side

a/ Invoice type

The invoice type must be shown on each invoice. For example: VALUE-ADDED INVOICE, SALE INVOICE, etc.

An invoice which is also used as a specific document for accounting or sale may have an additional name which must be written after the name of invoice type with a font size smaller than that of the invoice type or be put in brackets. For example: VALUE-ADDED INVOICE - WARRANTY CARD, VALUE-ADDED INVOICE (WARRANTY CARD), VALUE-ADDED INVOICE - RECEIPT, VALUE-ADDED INVOICE (RECEIPT), etc.

b/ Symbol of invoice number pattern and symbol of invoice

Symbol of invoice number pattern shows the symbol of the invoice type, number of original and serial number of a form of a type of invoice (a type of invoice may have different forms).

Symbol of invoice is a sign identifying invoices by the Vietnamese alphabet, together with the 2 last numerals of the year.

For invoices printed on order, to inscribe the 2 last numerals of the year of printing ordering. For self-printed invoices, to inscribe the 2 last numerals of the year when such invoices are put into use as stated in the invoice issuance notice or the year when such invoices are printed.

For example: Enterprise X announces the issuance of its self-printed invoices on June 7, 2014, with a quantity of 500 invoices, numbered from 201 to 700. By the end of 2014, the enterprise does not use up all these 500 invoices. It may continue to use the remaining invoices in 2015.

If enterprise X does not want to continue to use invoices which have been issued but remain unused, it shall destroy unused invoices and make a new invoice issuance notice according to regulations.

c/ Names of invoice originals

Originals of an invoice are those with the same serial number. Each invoice of the same number must have at least 2 originals and at most 9 originals, of which:

- + The first original is for filing.
- + The second original is to be handed to the buyer.

The third original onward is named based on its specific utility as prescribed by the invoice issuer. Particularly, an individual invoice issued by a tax office must have 3 originals, with the third original for filing at the tax office.

For assets subject to registration of ownership or use rights with competent agencies, traders of such assets shall create and issue invoices with at least 3 originals and hand to buyers 2 originals, including the second original “For the buyer” and another original for registration of ownership and use rights in accordance with law.

In case traders of assets (automobiles, motorbikes, etc.) subject to registration of ownership or use rights with competent agencies create invoices with 2 originals and the second original of invoices must be filed at agencies managing the registration of such assets (e.g. public security offices), the asset buyers may use the following documents for accounting, tax declaration and credit and state budget finalization according to regulations: a photocopy of the second original of the invoice bearing the seller’s certification, payment voucher as prescribed and registration fee receipt (the second original or a photocopy of such receipt) related to the assets subject to registration.

d/ Serial number of invoice

The serial number of an invoice is the number in a sequence of natural numerals in the invoice symbol, consisting of 7 digits.

dd/ Name, address and tax identification number of the seller;

e/ Name, address and tax identification number of the buyer;

g/ Name, unit of calculation, quantity and unit price of the goods or service; total payable amount in figures and words;

In addition to the line of unit price which is value-added tax-exclusive price, a value-added invoice must contain lines of value-added tax rate, value-added tax amount, and total payable amount in figures and words;

h/ Signatures and full names of the buyer and seller, seal of the seller (if any), and date of making out the invoice;

i/ Name of the invoice-printing organization.

Invoices printed on order must state the name and tax identification number of invoice-printing organizations.

k/ Invoices must be written in Vietnamese. For an invoice requiring foreign language words, those words must be put in brackets () to the right of or just below the Vietnamese words with a font size smaller than that of the Vietnamese words. Figures written on an invoice are natural numerals: 0, 1, 2, 3, 4, 5, 6, 7, 8 and 9. The digits representing thousands, millions, billions, trillions, million billions and billion billions must be followed by a dot (.). The digit following the digit representing units must be preceded with a comma (,). In case enterprises use accounting software which uses a comma (,) to separate digits representing thousands, millions, billions, trillions, million billions and billion billions and a dot (.) to separate the digit representing units and which uses Vietnamese without accent marks, they may use Vietnamese without accent marks and the way of separating digits with comma (,) and dot (.) as mentioned above. The line of total payable amount must be written in words. Words written in Vietnamese without accent marks on invoices must not lead to misunderstanding of contents of the invoice. Before using Vietnamese without accent marks and comma (,) and dot (.) for separating digits as mentioned above, enterprises shall make written registration with tax offices and take responsibility for the accuracy of invoices made out by the registered method.

An organization's or an individual's invoices of a given form must be of the same size (except cases in which invoices are printed from cash registers in paper rolls; in this case, the length of an invoice depends on the length of the list of goods sold).

2. Optional contents of a made-out invoice

a/ In addition to the compulsory contents specified in Clause 1 of this Article, business organizations may create other information to serve their business activities, including also logos, decorative or advertising images;

b/ Additional information must comply with current law and neither hide nor obscure compulsory contents of the invoice.

3. Cases in which an invoice is not required to contain all compulsory contents

a/ A goods seller or service provider that fully satisfies the conditions for self-printing of invoices guided in this Circular may create, issue and use the following invoices without the buyer's signature and the seller's seal: electricity bill; water bill; telecommunications service bill and banking service bill;

b/ In the following cases, all compulsory contents are not necessarily required unless the buyer, which is an accounting unit, requires the seller to make out invoices with full contents provided in Clause 1 of this Article:

- Self-printed invoices made out by lawfully established supermarket or trade center businesses are not required to contain the buyer's name, address, tax identification number and signature and the seller's seal.

- For stamps and tickets: Stamps and tickets with preprinted par value are not required to contain the seller's signature and seal and the buyer's name, address, tax identification number and signature.

- For an enterprise which uses a great quantity of invoices and properly observes tax laws, based on the characteristics of its business activities, mode of selling goods and method of making out invoices, the provincial-level Tax Department may consider and guide the enterprise to make out invoices without the seller's seal at the proposal of the enterprise.

- Other cases as guided by the Ministry of Finance.

Chapter II

CREATION AND ISSUANCE OF INVOICES

Article 5. Principles of creation of invoices

1. Creation of invoices means creating invoice formats in a form specified in Clause 3, Article 3 of this Circular for use in the goods sale or service provision by business organizations.

2. An organization may concurrently create invoices of different forms (self-printed invoices, invoices printed on order and e-invoices) under Decree No. 51/2010/ND-CP, Decree No. 04/2014/ND-CP and this Circular.

a/ Newly established or operating organizations and enterprises which fall into the cases specified at Point a, Clause 1, Article 6 of this Circular may create self-printed invoices;

b/ Business organizations which satisfy the conditions specified at Point b, Clause 1, Article 6 of this Circular may create self-printed invoices;

c/ Business organizations specified at Points a and b of this Clause which do not themselves print invoices may create invoices printed on order under Article 8 of this Circular;

d/ Organizations other than those defined at Points a and b of this Clause that pay value-added tax by the credit method and are not entitled to buy invoices from tax offices may create invoices printed on order under Article 8 of this Circular;

dd/ Organizations other than enterprises but engaged in business activities (including also cooperatives, foreign contractors and project management units); and business households and individuals that are not entitled to print by themselves, or order the printing of, invoices may buy invoices printed on order of tax offices under Article 11 of this Circular;

e/ Public non-business units engaged in production and business activities in accordance with law which fully satisfy the conditions for invoice printing under Clause 1, Article 6, but do not themselves print invoices may create invoices printed on order or buy invoices printed on order of tax offices;

g/ Organizations other than enterprises and non-business households or individuals that sell goods or provide services and need invoices for handing to customers may obtain individual invoices from tax offices.

3. Organizations may not create identical serial numbers of invoices of the same symbol.

4. Quality of invoice paper and writing or printing ink must satisfy the requirement of preservation period in accordance with the accounting law.

Article 6. Creation of self-printed invoices

1. Entities entitled to create self-printed invoices

a/ Enterprises and non-business units entitled to create self-printed invoices after obtaining a tax identification number include:

- Enterprises lawfully established in industrial parks, economic zones, export-processing zones and hi-tech parks.

- Public non-business units engaged in production and business activities in accordance with law.

- Enterprises and banks with a charter capital of VND 15 billion or more actually contributed by the time of notifying invoice issuance, including their branches and attached units in localities other than provinces or cities where their head offices are based that declare and pay VAT.

Example: VT telecommunication group with its head office in Hanoi has a charter capital of over VND 15 billion actually contributed by the time of invoice issuance. If the group creates self-printed invoices, its branches and attached units in localities other than the province or city where its head office is based that declare and pay VAT in that province or city may also create self-printed invoices;

b/ Enterprises established after the effective date of this Circular and having a charter capital of under VND 15 billion that are engaged in production or service provision and invest in procurement of fixed assets,

machinery and equipment valued at VND 1 billion or more as written in purchase invoices at the time of notifying invoice issuance may themselves print invoices for use in goods sale or service provision when fully satisfying the following conditions:

- Having obtained a tax identification number;
- Having earned turnover from goods sale or service provision;
- Having an equipment system (computers, printers and cash registers) for printing and making out invoices upon goods sale or service provision;
- Being accounting units as defined in the Accounting Law and having billing software to enable the transfer of data from billing software into accounting books on a monthly basis for accounting and declaration of turnover on value-added tax returns to be submitted to tax offices;
- Not being sanctioned for tax-related violations or having been sanctioned for tax-related violations with a total paid fine of less than VND fifty (50) million within three hundred and sixty five (365) consecutive days up to the date of notifying the first issuance of self-printed invoices;
- Having written requests for use of self-printed invoices (form No. 3.14 provided in Appendix 3 to this Circular) with managing tax offices' certification of the enterprises' full satisfaction of the prescribed conditions. Within 5 working days after receiving such requests, managing tax offices shall give opinions on the conditions for enterprises to use self-printed invoices (form No. 3.15 provided in Appendix 3 to this Circular);

c/ Before creating invoices, an organization defined at Point a or b of this Clause shall issue a decision on the use of self-printed invoices and take responsibility for its decision.

A decision on the use of self-printed invoices has the following principal contents:

- Name of the equipment system (computer, printer and applied software) used to print invoices;
- Technical section or name of the service provider in charge of technical aspects of invoice printing;
- Responsibilities of each section involved in the creation, making out, circulation and storage of self-printed invoices' data within the organization;
- Formats of self-printed invoices of different types together with their use purposes, which must contain items to cover all the contents specified in Clause 1, Article 4 of this Circular.

2. Organizations eligible for creating self-printed invoices and using programs to print invoices from computers, cash registers or other machines shall adhere to the following principles:

- Invoices are numbered automatically. Each original of an invoice of the same number is printed only once. The second-printed original onward must be indicated as a copy.

- The applied software for invoice printing meets security requirements by user authorization. Unauthorized users may not tamper with the data on the software.

3. Conditions and responsibilities of billing software suppliers

a/ Conditions

A billing software supplier must be an enterprise having a business registration certificate (enterprise registration certificate) which indicates the business line of computer programming or software publishing, unless organizations use their own software to print invoices.

b/ Responsibilities

- To ensure that billing software supplied to a unit complies with regulations on self-printing of invoices; not to print invoices with formats identical to those installed in software already supplied to enterprises.

- To report on the supply of billing software to managing tax offices. A report must indicate names, tax identification numbers and addresses of billing software users (form No. 3.7 provided in Appendix 3 to this Circular).

Reports on the supply of billing software shall be made and submitted to managing tax offices on a quarterly basis. First-quarter reports must be submitted no later than April 30; second-quarter reports, July 30; third-quarter reports, October 30; and fourth-quarter reports, January 30 of the subsequent year.

For a billing software supplier that ceases the supply of billing software, the last reporting period is counted from the beginning of this period to the time the supplier ceases the supply of billing software. The reporting deadline is the 20th of the month following the month of ceasing the supply of billing software.

For a billing software supplier which has just commenced or resumed the supply of billing software, the reporting period is counted from the date of commencement or resumption of the supply of billing software to the end of the quarter, depending on the time of commencement or resumption of the supply of billing software.

A foreign-based billing software supplier or an enterprise using its own software to print invoices is not required to report on the supply of billing software.

Within 3 (three) working days after receiving a report, the tax office shall post it on the General Department of Taxation's website.

4. Enterprises highly prone to tax-related risks as guided in Clause 2, Article 11 of this Circular and not buying invoices printed on order from tax offices may use self-printed invoices as follows: They may log in the website of a tax office (the General Department of Taxation or a provincial-level Tax Department) and use the tax office's billing software to make out invoices upon goods sale or service provision, ensuring the tax office's control of all data of enterprises' self-printed invoices already made out.

Article 7. Creation of e-invoices

1. E-invoices shall be created, made out and processed on computer systems of organizations with tax identification numbers upon goods sale or service provision and stored on computers of the involved parties under the law on e-transactions.

2. E-invoices shall be used in accordance with the law on e-transactions.

3. E-invoices shall be managed and used under the Ministry of Finance's circular guiding the creation, issuance and use of e-invoices for goods sale or service provision.

Article 8. Creation of invoices printed on order

1. Entities eligible to create invoices printed on order:

a/ Newly established business organizations eligible to self-print invoices as guided in Article 6 of this Circular that do not use self-printed invoices may create invoices to be printed on order for use in sale of goods and provision of services;

b/ Business organizations and enterprises ineligible to buy invoices from tax offices as guided in Articles 11 and 12 of this Circular may create invoices to be printed on order for use in sale of goods and provision of services;

Before the first ordering of invoice printing, business organizations or enterprises shall send requests for use of invoices printed on order (form No. 3.14 provided in Appendix 3 to this Circular) to managing tax offices.

Within 5 working days after receiving requests from organizations or enterprises, managing tax offices shall issue notices on the use of invoices printed on order (form No. 3.14 provided in Appendix 3 to this Circular);

c/ Provincial-level Tax Departments may create invoices to be printed on order for sale and supply to the entities defined in Articles 11, 12 and 13 of this Circular.

2. Invoices to be printed on order shall be printed in a preprinted format with items fully covering the compulsory contents specified in Clause 1, Article 4 of this Circular.

Entities eligible for creating invoices to be printed on order may decide on the formats of invoices.

Business organizations that order invoice printing must preprint their names and tax identification numbers in the “seller’s name and tax identification number” item in the invoices.

Business organizations that order the printing of invoices for their attached units must have their names preprinted on the upper left of the invoices. Attached units shall append their seals or write their names, tax identification numbers and addresses in the “seller’s name, tax identification number and address” item for use.

For invoices printed on order of a provincial-level Tax Department, the name of that Tax Department must be preprinted on the upper left of the invoices.

3. Printing of invoices on order

a/ Invoices to be printed on order shall be printed under contracts between business organizations or provincial-level Tax Departments and invoice-printing organizations that fully satisfy the conditions specified at Point a, Clause 4 of this Article;

b/ An invoice printing contract shall be made in writing in accordance with the Civil Code. It must specify the type, symbol of invoice number pattern, symbol, quantity, and serial numbers of invoice (starting and ending serial numbers), enclosed with a specimen invoice, and the tax office’s notice of the enterprise’s use of invoices printed on order;

c/ In case an invoice printing organization prints invoices for use in goods sale and service provision activities, the organization’s head must issue an invoice printing decision. Such decision must contain all prescribed details such as type, symbol of invoice number pattern, symbol, quantity, and serial numbers of invoice (starting and ending serial numbers), enclosed with a specimen invoice.

4. Conditions on and responsibilities of invoice printing organizations

a/ Conditions

An invoice printing organization must be an enterprise with a valid business registration certificate and printing license (for both publications and non-publication products).

A public non-business unit engaged in production and business activities like enterprises which has a printing license and printing machinery and equipment may print invoices on order of organizations;

b/ Responsibilities

- To print invoices under signed contracts, not to assign other printing organizations to conduct the whole or any stage of the invoice printing process;

- To manage and preserve film and zinc plates and tools of similar properties used in the creation of invoices printed on order under agreements with the ordering organizations. To seal and keep film and zinc plates which may be further used for printing;

- To destroy invoices which are printed on a trial basis or printed incorrectly, identically, superfluously or mistakenly; and film and zinc plates and tools of similar properties used in the creation of invoices printed on order under agreements with the ordering organizations or individuals;

- To liquidate printing contracts with the ordering organizations;

- To make reports on invoice printing to managing tax offices. A report must indicate the names, tax identification numbers and addresses of the ordering organizations; type and symbol of invoices, symbol of invoice number pattern, quantity of printed invoices (from number... to number...) for each ordering organization (form No. 3.7 provided in Appendix 3 to this Circular).

Reports on invoice printing shall be made and submitted to managing tax offices on a quarterly basis. The deadlines for submission of first-quarter, second-quarter and third-quarter reports are April 30, July 30 and October 30, respectively, while the deadline for submission of fourth-quarter reports is January 30 of the subsequent year.

For an organization which ceases its invoice printing activities, the last reporting period is counted from the beginning of this period to the time the organization ceases its invoice printing activities. The reporting deadline is the 20th of the month following the month of ceasing invoice printing activities.

For an organization which has just started production and business activities or resumed invoice printing activities, the first reporting period is counted from the date of starting production and business activities or

resuming printing activities to the end of a quarter, depending on the time of starting production and business activities or resuming printing activities.

Within 3 (three) working days after receiving a report, the tax office shall post it on the website of the General Department of Taxation.

Article 9. Issuance of invoices by business organizations

1. Before using invoices in the sale of goods and provision of services, except invoices bought or distributed by tax offices, business organizations shall make and send invoice issuance notices (form No. 3.5 provided in Appendix 3 to this Circular) and specimen invoices to managing tax offices.

2. An invoice issuance notice contains the name, tax identification number, address and telephone of the invoice issuer, types of invoice to be issued (name and symbol of invoice, symbol of invoice number pattern, date of use commencement, quantity of invoices to be issued (from number... to number...)), name and tax identification number of the invoice printing enterprise (for invoices printed on order), name and tax identification number (if any) of the billing software supplier, or name and tax identification number (if any) of the intermediary organization providing e-invoicing solutions (for e-invoices); date of making the notice, name and signature of the at-law representative and seal of the unit.

Based on invoice use demands of and observance of invoice management and use regulations by organizations and enterprises, managing tax offices shall determine the quantity of invoices to be issued for use for between 3 and 6 months in the invoice issuance notices of organizations and enterprises.

In case banks, credit institutions and their branches use self-printed transactions documents as service charge receipts, they shall send invoice issuance notices enclosed with specimen invoices to their managing tax offices and register the method for numbering invoices without having to register the quantity of to-be-issued invoices.

For the unused invoice numbers already issued which are preprinted with names and addresses, in case a business organization changes its name or address but the tax identification number and managing tax office remain unchanged, if such business organization wishes to continue to use the unused invoices already printed on order with its old name and address, it shall append a mark showing its new name and address next to the preprinted name and address and send a notice of modification of the invoice issuance notice to the managing tax office (form No. 3.13 provided in Appendix 3 to this Circular).

In case a business organization changes its business location, resulting in the change in the managing tax office, if such business organization wishes to continue to use the unused invoices already issued, it shall submit a report on the use of invoices to the tax office of the locality from which it moves and append a mark showing its new address on such invoices, and send a list of the unused invoices (form No. 3.10 provided in Appendix 3 to this Circular) and a notice of modification of the invoice issuance notice to the tax office of the locality to which it moves (indicating the number of unused invoices already issued and to be used). If the business organization does not wish to use the unused invoices already issued, it shall destroy such invoices and notify destruction results to the tax office of the locality from which it moves and make a new issuance notice to the tax office of the locality to which it moves.

Upon occurrence of a change in the contents of an invoice issuance notice, a business organization shall make a new invoice issuance notice under this Clause.

3. Specimen invoice is an invoice printed with correct and full contents of the invoice original to be handed to the buyer which has a serial number consisting of a series of zeros and is printed or stamped with the “specimen” mark. Specimen invoices to be sent together with invoice issuance notices to tax offices and posted up at goods sale and service provision establishments are the originals to be handed to buyers.

In case of unavailability of specimen invoices, an organization that changes its name or address but wishes to continue to use the unused invoices already issued or a branch which uses the same invoice format with its head office may use the first invoice number bearing the new name or address or the first allocated invoice number as specimen invoice. The invoice used as specimen invoice must have its preprinted serial number crossed out and be appended with the “specimen” mark. Issuance notices are not required for invoices used as specimen invoices (such invoices are not included in the quantity of to-be-issued invoices stated in invoice issuance notices).

4. An invoice issuance notice and specimen invoice must be sent to the managing tax office at least five (5) days before a business organization commences the use of invoices and within ten (10) days after the notice is signed. The notice and specimen invoice must be posted up at establishments using invoices for goods and service sale throughout the use duration of such invoices.

From the second time on, business organizations are not required to enclose specimen invoices with invoice issuance notices, if there is no change in the content and format of the to-be-issued invoices.

In case an organization and its attached units and branches use a common invoice format but these attached units and branches declare value-added tax separately, each attached unit or branch shall send an invoice issuance notice to its managing tax office. In case an organization and its attached units and branches use a common invoice format and the organization declares value-added tax for these attached units and branches, these attached units and branches are not required to make invoice issuance notices.

Based on invoice issuance notices of organizations, the General Department of Taxation shall develop a database on invoices on its website so that all organizations and individuals can search for necessary information on invoices issued by organizations.

Within three (3) working days after receiving an invoice issuance notice of an organization, if detecting that such notice does not contain sufficient details as required, a tax office shall notify such in writing to that organization for making a new notice with appropriate modifications.

Article 10. Issuance of invoices by provincial-level Tax Departments

1. Invoice issuance notices must be made for invoices printed on order of provincial-level Tax Departments before their first-time sale or distribution.

2. Contents of an invoice issuance notice and specimen invoices comply with Clauses 2 and 3, Article 9 of this Circular and form No. 3.6 provided in Appendix 3 to this Circular.

3. An invoice issuance notice must be sent to all provincial-level Tax Departments nationwide within 10 (ten) working days after it is made and before invoices are distributed and sold. Such notice must be posted up at easy-to-notice places of attached establishments of provincial-level Tax Departments throughout its validity duration.

In case a provincial-level Tax Department has posted the invoice issuance notice on the General Department of Taxation's website, it will not be required to send such notice to other provincial-level Tax Departments.

4. Upon occurrence of a change in the notified contents, provincial-level Tax Departments shall carry out procedures to make new issuance notices under Clauses 2 and 3 of this Article.

Article 11. Buyers of invoices of tax offices

1. Tax offices shall sell invoices to the following subjects:

a/ Organizations which are not enterprises but conduct business activities (including also cooperatives, foreign contractors and project management units).

Organizations which are not enterprises but conduct business activities mentioned in this Clause are organizations which conduct business activities but are not established and do not operate under the Enterprise Law and other specialized laws.

b/ Business households and individuals;

c/ Business organizations and enterprises that pay VAT by the direct method of multiplying turnover by the rate %;

d/ Enterprises using self-printed invoices or invoices printed on order and having a high risk of tax-related violations;

dd/ Enterprises using self-printed invoices or invoices printed on order which commit invoice-related violations subject to administrative sanctions against tax evasion or fraud.

Enterprises guided at Points d and dd of this Clause shall purchase invoices issued by tax offices within 12 months. Past this time limit, based on the use of invoices, the enterprises' tax declaration and payment and their proposals, tax offices shall, within 5 working days, make a written notice on the self-creation of invoices or continued purchase of invoices issued by tax offices if they do not satisfy the conditions on self-printing of invoices or invoices printed on order (form No. 3.15 provided in Appendix 3 to this Circular).

2. Enterprises having a high risk of tax-related violations guided at Point d, Clause 1 of this Circular are enterprises with an equity capital of under VND 15 billion and showing the following signs:

a/ Having no lawful ownership of or rights to use to plants; production workshops; warehouses; transport vehicles; stores and other facilities;

b/ Enterprises engaged in the exploitation of soil, stone, sand and gravel;

c/ Enterprises with suspicious via-bank transactions in accordance with the law on anti-money laundering;

d/ Enterprises with turnover from the sale of goods or provision of services to other enterprises with their owners being parents, spouses or siblings or having cross-ownership relations making up over 50% of the total business turnover in the corporate income tax finalization declaration of the finalization year;

dd/ Enterprises fail to make tax declarations in accordance with regulations; Failing to submit tax declaration dossiers or submitting tax

declaration dossiers after 90 days from the expiration of the tax declaration dossier submission time limit or the date of commencement of business operations according to the business registration certificates; ceasing their business operations beyond the time limit for business cessation informed to tax offices and tax offices have inspected and confirmed that these enterprises have conducted business operations without making tax declaration; or no longer conducted business operations in the registered business addresses without making notification to tax offices or inspecting tax offices cannot determine the permanent or temporary residence registration places of lawful representatives or business owners.

e/ At-law representatives of enterprises are prosecuted for tax evasion or illegal printing, issuance, sale and purchase of invoices and documents related to state budget collection and remittance;

g/ Enterprises currently using self-printed invoices or invoiced printed on order change their business addresses more than twice within 12 months without making notifications under regulations or fail to make tax declaration and payment at new registered addresses under regulation;

h/ Enterprises show other abnormal signs according to the tax offices' criteria for assessment of tax-related risks.

Managing tax offices shall, based on the guidance of this Clause, scrutinize, conduct physical inspection and make a list of enterprises having a high risk of tax-related violations before the 5th every month. Provincial-level Tax Departments shall make lists of enterprises having a high risk of tax-related violations reported by tax branches or enterprises under their management.

On the 15th every month, directors of provincial-level Tax Departments shall issue decisions enclosed with the lists of enterprises having a high risk of tax-related violations and post up the lists of enterprises having a high risk of tax-related violations purchasing invoiced issued by tax offices on the General Department of Taxation's website and concurrently notify such in writing to such enterprises.

After 15 days from the date the director of the provincial-level Tax Department issues a decision and notifies such to enterprises, these enterprises shall terminate the use of self-printed invoices or invoices printed on order and shift to use invoices issued by tax offices. Tax offices shall sell invoices to enterprises for use right after notifying the termination of use of self-printed invoices or invoices printed on order to enterprises.

3. Enterprises currently using self-printed invoices or invoices printed on order that commit invoice-related violations specified at Point dd, Clause 1 of this Article mean enterprises intentionally or purposefully use unlawful

invoices or illegally use invoices for tax evasion or tax fraud and subject to sanctioning of tax evasion- or tax fraud-related administrative violations; or enterprises with their tax evasion or tax fraud acts notified by related agencies (the State Audit, the Government Inspectorate, the Ministry of Public Security and other related agencies under regulation) to tax offices in localities where their head offices are located.

The time of ceasing the use of self-printed invoices or invoices printed on order is counted from the effective date of the decision on sanctioning of tax evasion- or tax fraud-related administrative violations. Upon issuing the decision on sanctioning of tax evasion- or tax fraud-related administrative violations, tax offices shall clearly state the time of enterprises' ceasing the use of self-printed invoices or invoices printed on order and changing to purchase invoices by tax offices.

4. After 30 days from the date the director of the provincial-level Tax Department sends a written notice to enterprises guided in Clause 2 of this Article or from the effective date of the decision on sanctioning of tax evasion- or tax fraud-related administrative violations for enterprises guided in Clause 3 of this Article, enterprises shall make a report on unusable invoices (according to form 3.12 provided in Appendix 3 to this Circular). Enterprises shall destroy unusable self-printed invoices or invoices printed on order and notify the invoice destruction to managing tax offices under Article 29 of this Circular.

Based on reports on use of invoices by business organizations and enterprises as from the time enterprises begin purchasing invoices issued by tax offices, managing tax offices shall inform that invoices printed on order are no longer usable for enterprises' invoices printed on order with notices of issuance but left unused upon shifting to purchase invoices issued by tax offices.

Article 12. Sale of invoices printed on order of provincial-level Tax Departments

1. Invoices printed on order of provincial-level Tax Departments must be sold at prices which can offset expenses, including printing and distribution costs. Based on this principle, directors of provincial-level Tax Departments shall decide on and post up sale prices of invoices. Tax offices at all levels may not collect any amounts in additions to posted sale prices.

Managing tax offices shall sell invoices to the entities defined in Clause 1, Article 11 of this Circular.

2. Sale of invoices at tax offices

a/ Responsibilities of organizations, households and individuals

Business organizations, households and individuals eligible to buy invoices issued by tax offices shall file an application for purchase of invoices (made according to form No. 3.3 provided in Appendix 3 to this Circular) enclosed with the following documents:

- The invoice buyer (the person undersigning the application or a person lawfully authorized in writing by the enterprise, business organization or household owner) shall produce his/her valid identification card prescribed by the law on identity cards.

- Organizations, households and individuals that buy invoices for the first time shall make a written commitment (according to form No. 3.16 provided in Appendix 3 to this Circular) on production and business locations in accordance with their enterprise registration certificates or investment licenses (practice licenses) or competent agencies' establishment decisions.

Enterprises, organizations, households and individuals that buy invoices issued by tax office shall write and stamp their names, addresses and tax identification numbers on the second original of every invoice before bringing such invoices out of tax offices.

b/ Responsibilities of tax offices

Tax offices shall sell invoices to business organizations, households and individuals on a monthly basis.

The quantity of invoices sold for the first time to a business organization, household or individual must not exceed a book of fifty (50) numbers for each type of invoice. When invoices bought for the first time are used up before the month ends, the tax office shall, based on the quantity of invoices used, decide on the quantity of invoices to be sold for the next time.

After inspecting the use of invoices, tax declaration and payment and application for purchase of invoices, tax offices shall sell invoices to business organizations, households and individuals within the day. The quantity of invoices to be sold to a business organization, household or individual for a month must not exceed the quantity of invoices used in the previous month.

If a business household or individual does not wish to use invoice books but needs individual invoices, tax offices shall sell to such household or individual an individual invoice (1 number) for each time at no charge.

Organizations and enterprises eligible for buying invoices issued by tax offices that shift to self-create invoices to be printed on order, self-printed invoices or e-invoices for use shall cease the use of invoices bought from tax offices from the first date of using self-created invoices under Article 21 of this Circular.

Article 13. Distribution of invoices printed on order of provincial-level Tax Departments

1. Tax offices shall distribute invoices to organizations other than enterprises and non-business households and individuals that irregularly sell goods or provide services and need invoices for handing to customers.

Tax offices do not distribute invoices to organizations other than enterprises and non-business households and individuals not liable to value-added tax or not subject to value-added tax declaration and payment.

2. Invoices distributed by tax offices in a quantity requested by non-business organizations, households or individuals are called individual invoices.

Organizations other than enterprises and non-business households and individuals that irregularly sell goods or provide services and need invoices for handing to customers may obtain from tax offices individual invoices, which are sale invoices.

Enterprises which have been dissolved or gone bankrupt and finalized taxes and closed their tax identification numbers, but have to liquidate assets and need invoices for handing to buyers may obtain from tax offices individual invoices, which are sale invoices.

Particularly for organizations or state agencies which do not pay value-added tax by the credit method, when conducting asset auctions, they may obtain value-added invoices for handing to buyers if the winning price stated in the auctioning dossier approved by a competent agency is the sale price inclusive of value-added tax.

3. Tax offices distributing individual invoices for sale of goods or provision of services are determined as follows:

- For organizations: Tax offices managing localities in which organizations register their tax identification numbers or are based or localities which are stated in their establishment decisions.

- For non-business households and individuals: Tax offices managing localities in which their tax identification numbers are granted or in which they register permanent residence as stated in household status books or valid identity cards (or passports) or places of residence as declared by those households or individuals (certification of local administrations in places of residence is not required).

Non-business organizations, households and individuals with leased real estate may obtain individual invoices from tax offices managing localities where exists the leased real estate.

Organizations, households and individuals shall file applications for distribution of individual invoices (made according to form 3.4 provided in Appendix 3 to this Circular). Based on these applications and enclosed purchase and sale documents, tax offices shall guide taxpayers in determining payable tax amounts under the tax law. For individual value-added invoices, the payable value-added tax amount is that indicated in the individual value-added invoice.

An applicant for an individual invoice shall make out an invoice with 3 originals at a tax office and fully pay taxes under regulations before receiving the individual invoice. After receiving tax payment documents of the applicant, the tax office shall append its seal on the upper left corner of the first and second originals of the invoice and hand them to the applicant while keeping the third original.

Article 14. Invoices directly printed from cash registers

If organizations and enterprises use cash registers for printing or making out invoices to customers upon goods sale or service provision, invoices directly printed from cash registers must have the following details and satisfy the following principles:

- The name, address and tax identification number of the business establishment (the seller);
- The name of the store or stall of the business establishment (in case there are many stores and stalls);
- The name of goods or services, price unit, quantity and payment price. For organizations and enterprises that pay taxes by the credit method, the invoice must clearly state the payment price exclusive of VAT, VAT rates or VAT amounts, and total payment amount inclusive of VAT;
- The name of the cashier, the ordinal number of receipt (for continuously ordinal numbers) and date and time of invoice issuance;
- Invoices printed from cash registers to be delivered to customers;
- Data of such invoices printed from cash registers must be accurately and sufficiently recorded in the accounting book in order to account turnover and declare VAT under regulations. In case a business establishment commits the violation of failing to transfer fully sale database from self-billing software to the accounting book for tax declaration (i.e. lack of turnover for tax fraud purpose), it shall be sanctioned in accordance with the tax law.

Organizations and enterprises that use cash registers for printing or making out invoices to customers upon goods sale or service provision shall send the invoice issuance notice enclosed with the specimen invoices to

managing tax offices and are not required to register the quantity of to-be-issued invoices.

Article 15. Methods of marking invoice identification signs

1. When printing and issuing invoices, organizations shall set out rules on signs to identify invoices during printing, issuance and use.

Depending on the scale and characteristics of their business activities and management requirements, organizations, households and individuals may select one or more of the following methods to make identification signs: anti-counterfeit stamps; special printing techniques; special printing paper and ink; particular signs for each batch of invoice printing or issuance; pre-printed items on invoices (such as name, tax identification number and address of the seller; type of goods or service; unit price, etc.), signature and seal of the seller when making out invoices, etc.

2. When detecting signs of violations related to the printing, issuance, management and use of invoices, organizations, households or individuals shall promptly notify such to tax offices. Invoice printing and issuing organizations, households and individuals shall give a written reply within ten (10) days after receiving a request of a tax office or competent state agency for certification of issued invoices.

Chapter III

USE OF INVOICES

Article 16. Billing

1. Principles of billing

a/ Business organizations, households and individuals may only make out and hand to goods or service buyers types of invoice guided in this Circular;

b/ A seller shall make out an invoice when selling goods or providing services, including goods or services for promotion or advertising or used as samples; goods and services donated, granted, presented as gifts, exchanged or given as salary for employees and for internal consumption (except goods internally circulated for further production); and goods loaned, lent or returned.

An invoice must correctly reflect the invoiced economic operation. An invoice must be neither erased nor modified. It must be written in an unfadable ink of the same color other than red. Figures and words must be written on the invoice continually and uninterruptedly. Pre-printed words must be neither overwritten nor overprinted. Any blank space must be

crossed out. For a self-printed invoice or an invoice printed on order made out on a computer, any blank space on the invoice must not be crossed out;

c/ An invoice shall be made out once in multiple originals. Contents of a made-out invoice must be uniform in all originals of the same serial number;

d/ Invoices shall be made out with consecutive serial numbers in ascending order.

A business organization with different attached units directly selling goods or with different authorized establishments, which distributes invoices printed on order with the same symbol to each establishment in the system, shall open a book to monitor the quantity of invoices distributed to each attached unit or authorized establishment. Attached units and authorized establishments shall use invoices within the distributed quantities with serial numbers in ascending order.

For a business organization that has many sale establishments or authorized establishments concurrently using the same form of self-printed invoices or e-invoices with the same symbol by the mode of random access from a server, that business organization shall decide on a specific plan for the random access by sale establishments or authorized establishments. Invoices shall be made out with serial numbers in ascending order within the entire system of the business organization.

2. Methods of filling in some specific items on an invoice

a/“Date (day, month, year)” of making out an invoice

The date of making out a goods sale invoice is the point of time of transferring the ownership or use right over goods to a buyer, regardless of whether payment has been made.

The date of making out a service provision invoice is the date of completing the service provision, regardless of whether payment has been made. When the service provider collects service charges before or upon providing the service, the date of making out the invoice is the date of collecting charges.

The date of making out an invoice for the supply of residential electricity or water or provision of telecommunications or television services must be within seven (7) days after recording readings of electricity or water meters or closing the conventional period for provision of telecommunications or television services. The conventional period used as a basis for calculating the quantity of goods sold or services provided is based on the agreement between the telecommunications or television service provider and the buyer.

The date of making out an invoice for construction and installation activities is the time of conducting pre-acceptance test and handing over works or work items and the volume of completed construction and installation, regardless of whether payment has been made.

In case of multiple deliveries of goods or transfer of work items or service stages, an invoice must be made out for each delivery or transfer for the volume and value of delivered or transferred goods or services.

For an organization dealing in real estate or building infrastructure or houses for sale or transfer which collects money according to project implementation progress or payment schedules under contracts, the date of making out an invoice is the date of collecting money.

The date of making out an invoice for exported goods or services may be determined by the exporter in line with the agreement between the exporter and importer. The date of determining export revenues for tax calculation is the date of certifying the completion of customs procedures on customs declarations.

For the sale of petrol and oil at retail stations to regular buyers being business organizations and individuals and provision of banking or securities services, the dates of making out invoices comply with the contract signed between two sides enclosed with a statement or another document certified by two sides, but must be no later than the last day of the month in which the sale of goods or provision of services is effected.

The date of making out an invoice for the sale of crude oil, natural gas or processed oil and gas or in other particular cases complies with the Ministry of Finance's separate guidance.

b/ "Name, address and tax identification number of the seller," "Name, address and tax identification number of the buyer": To write the full or abbreviated name as indicated on the business registration certificate and tax registration certificate.

For an organization having an attached unit with its own tax identification number which directly sells goods: To write the name, address and tax identification number of that unit. If such unit has no tax identification number, the tax identification number of the head office shall be written.

For goods or services sold at VND 200,000 or more each time, if the buyer does not require an invoice or provide his/her/its name, address and tax identification number (if any), an invoice shall still be made out, clearly stating that "buyer does not require invoice" or "buyer does not provide name, address and tax identification number."

Particularly for petrol and oil retailers, if buyers do not require invoices, at the end of each day, they shall make out one single invoice for the day's total sales to buyers not requiring invoices;

In case name and address of the buyers are too long, some common nouns may be abbreviated in invoice by the sellers, such as “Phuong” into “P”; “Quan” into “Q”, “Thanh Pho” into “TP”, “Viet Nam” into “VN” or “Co phan” into “CP”, “Trach nhiem Huu han” into “TNHH”, “khu cong nghiep” into “KCN”, “san xuat” into “SX”, “Chi nhanh” into “CN”, etc. but numbers or houses or names of streets, wards, communes, urban districts, rural districts and cities must be sufficient, and names and addresses of enterprises must be clearly identified and suitable to business registration and tax registration of the enterprise;

c/ “Number, name of goods and services, unit of calculation, quantity, unit price, amount”: To write the goods or service sold one after another; to cross out any blank space. For a self-printed invoice or an invoice printed on order made out from a computer, any blank space on the invoice must not be crossed out.

In case a seller has codes of goods and services for management, to write also codes and names of goods on the invoice.

For goods subject to use right or ownership registration, to write in the invoice typical numbers and symbols of those goods as required by law upon registration, such as frame and engine numbers of automobiles and motorbikes; address, grade, length, width and number of stories of houses or apartments, etc.

For particular goods and services such as electricity, water, telephone, petrol and oil, insurance, etc., sold on a regular basis, to specify on the invoice the period of providing goods or services;

d/ “Seller (signature, seal, full name)”

If the unit head does not sign under this item, there must be a document of this person authorizing the goods seller to sign and write his/her full name in the invoice and the seal of the unit must be appended to the upper left corner of the invoice;

dd/ “Buyer (signature, full name)”

For indirect purchase of goods such as via-phone or -fax or online purchase of goods, buyers are not necessarily required to sign and write full names in invoices. When making out an invoice, the seller shall clearly write via-phone or -fax or online sale under the item “buyer (signature, full name)”;

When making out an invoice for goods sale or service provision overseas, foreign buyers are not required to sign the invoice.

e/ Currency written in invoices

The currency written in invoices is Vietnam dong.

For a seller who may sell goods in a foreign currency under law, the total paid amount is written in the foreign currency and the words are written in Vietnamese.

For example: USD 10,000 - ten thousand US dollars.

The seller shall also write in the invoice the exchange rate between the foreign currency and Vietnam dong which is the average interbank exchange rate announced by the State Bank of Vietnam at the time of making out the invoice.

When the exchange rate between the collected foreign currency and Vietnam dong is unavailable, the cross exchange rate with another foreign currency announced by the State Bank of Vietnam shall be written.

Making out of goods sale and service provision invoices in some cases is guided in Appendix 4 to this Circular.

Article 17. Authorized billing

1. A seller may authorize a third party to make out invoices for the goods sale or service provision. In an invoice made out by an authorized party, the name of the authorizing party shall be written in the item “seller” and the authorizing party’s seal appended to the upper left corner of the invoice (such seal is not required for an invoice printed from the equipment of the authorized party or for an e-invoice). Authorization must be made in writing between the involved parties.

2. An authorization document must contain sufficient information in invoices to be made out under authorization (form, type and symbol of invoice, quantity of invoices (from number... to number...)); authorization purpose and duration; mode of delivery or installation of invoices (for self-printed invoices or e-invoices); mode of payment of invoices.

3. The authorizing party shall make an authorization notice, containing sufficient information in invoices to be made out under authorization, authorization purpose and duration based on the signed authorization document, with the name, signature and seal (if any) of the representative of the authorizing party, to the authorized party. This notice must be sent to the tax offices directly managing the authorizing party and authorized party at least three (3) days before the authorized party makes out an invoice.

4. For buyers' information, the authorized party shall post up the notice of authorization at places of goods sale and service provision for which invoices are made out under authorization.

5. When the authorization duration expires or terminates ahead of time, the two parties shall acknowledge such in writing and the authorized party shall promptly remove notices posted up at places of goods sale and service provision.

6. The authorizing and authorized parties shall summarize regular reports on use of invoices made out under authorization. The authorizing party shall make quarterly reports on use of invoices (including invoices made out under authorization) as guided in this Circular. The authorized party is not required to notify the issuance of invoices made out under authorization and report on the use of such invoices.

Article 18. Sale of goods and provision of services without invoices

1. Invoices are not required for goods or services with a total payment of under VND 200,000, unless the buyer so requests.

2. When selling goods or services without invoices under Clause 1 of this Article, a seller shall make a statement of retail of goods or services, which must indicate the name, tax identification number and address of the seller, names of sold goods or provided services and their values, date of making and name and signature of the maker. When the seller pays value-added tax by the credit method, this statement must include the items "value-added tax rate" and "value-added tax amount." Sold goods or provided services shall be written on the statement in the order of their sale during the day (Form 5.6, Appendix 5 to this Circular).

3. At the end of a day, the business establishment shall make out a value-added invoice or a sale invoice indicating the total sales of goods or services on the "total" line of the statement, sign and keep the original to be handed to the buyer and transfer other originals under regulations. In the item "Buyer's name and address" in this invoice the phrase "retail without invoice" shall be written.

Article 19. Making out invoices when the number of types of goods or services is greater than the number of lines on an invoice

When the number of types of sold goods or services is greater than the number of lines in an invoice, a seller may make out more than one invoice or select either of the following methods:

1. The seller makes out many invoices with consecutive serial numbers. On the last line for writing the name of the goods in the invoice of the preceding serial number, write the phrase "to be continued in the following

serial number” and on the first line for writing the name of the goods on the invoice of the following serial number write the phrase “continued from the preceding serial number.” All the goods shall be listed in continuous order from one invoice to another. Write information on the seller and buyer fully in the invoice of the first serial number. Write the signature and affix the seal (if any) of the seller, signature of the buyer, payment price, surcharges, additional charges, commercial discount and value-added tax in the invoice of the last serial number and cross out any blank space.

In case the business establishment uses self-printed invoices, invoices are made out and printed directly on a billing software and the number of types of goods or services is greater than the number of lines on one page of the invoice, the provincial-level Tax Department may consider on a case-by-case basis permitting the business establishment to use the invoice of more than one page if the first part of the following page displays the same serial number of the first page (generated automatically by the computer system); the same names, addresses and tax identification numbers of the seller and buyer as the first page; and has the same form and symbol as the first page; together with a note in Vietnamese without accent marks “continued from preceding page” - page X/Y” (in which X is the page number and Y is the total number of pages of the invoice).”

2. The seller encloses an invoice with a statement of sold goods or provided services.

a/ Contents to be written on the invoice

To write the phrase “enclosed with statement No..., of date (day..., month..., year...)”. On the column “name of goods” only write the general name of goods items.

To write other items on the invoice as guided in Clause 2, Article 16 of this Circular.

b/ Contents of the statement

The statement may be presented by the seller himself/herself as suitable to the characteristics, patterns and categories of goods, but must contain the following principal contents:

+ Name, address and tax identification number of the seller;

+ Name of goods, quantity, unit price and payment amount. If the seller pays value-added tax by the credit method, the statement must contain the items “value-added tax rate” and “value-added tax amount.” The total paid amount (exclusive of value-added tax) is the same as the amount written on the value-added invoice.

The statement must have the phrase “enclosed with invoice No...., date (day..., month..., year...)” and the signatures of both the seller and buyer like in the invoice.

A statement with more than one (1) page must be numbered consecutively and have a seal appended on every two adjoining pages. There must be signatures of the seller and buyer on the last page of the statement like in the invoice.

The number of copies of a statement must correspond to the number of originals of the invoice. Statements shall be kept together with invoices for examination and comparison by tax offices when necessary.

Sellers and buyers shall manage and keep statements enclosed with invoices under regulations.

Article 20. Handling of made-out invoices

1. When detecting errors in a made-out invoice which is not yet handed to the buyer, the seller shall cross out all originals and keep the number of the invoice containing errors.

2. When errors are detected in a made-out invoice which has been handed to the buyer but the goods or service has not been delivered to the buyer and the seller and buyer have not declared taxes, such invoice must be voided. The seller and buyer shall make a record of withdrawal of all originals of the invoice containing errors, clearly stating the reason for such withdrawal. The seller shall cross out all originals of the invoice, keep the number of this invoice and make out a new invoice under regulations.

3. When errors are detected in a made-out invoice which has been handed to the buyer, the goods or service has been delivered to the buyer, and the seller and buyer have declared taxes, the seller and buyer shall make a record or written agreement specifying the errors and the seller shall make out an invoice to correct those errors. This invoice must indicate the adjustment (increase or decrease) of the quantity of goods, sale price, value-added tax rate, value-added tax amount for invoice No..., symbol... Based on the correction invoice, the seller and buyer shall declare adjustments to the purchase and sale turnover, and output and input taxes. A correction invoice must not contain negative numbers (-).

4. Handling of made-out invoices in some specific cases is guided in Appendix 4 to this Circular.

Article 21. Disposal of invoices no longer in use

1. Organizations, households or individuals shall notify tax offices of invoices no longer in use in the following cases:

a/ Organizations, households or individuals that are approved by tax offices to stop using their tax identification numbers (or close tax identification numbers) shall stop using unused invoices the issuance of which has been notified;

b/ Organizations, households or individuals that issue replacement invoices shall stop using the replaced invoice numbers which are not yet used;

c/ Organizations, households or individuals that no longer use invoices bought from tax offices shall destroy those invoices under Article 29 of this Circular;

d/ Invoices are lost, burnt or damaged as guided in Article 24 of this Circular.

2. Managing tax offices shall notify the termination of validity of the following invoices:

- Invoices no longer in use as notified to tax offices by organizations, households or individuals under Clause 1 of this Article.

- Invoices not yet made out of organizations, households or individuals that abscond from their business places without notifying tax offices.

- Invoices not yet made out of organizations, households or individuals that arbitrarily cease business activities without notifying tax offices.

- Invoices bought from tax offices by organizations, households or individuals that donate or sell these invoices.

Article 22. Use of unlawful invoices

Use of unlawful invoices is the use of counterfeit invoices or invoices without validity or with expired validity.

Counterfeit invoices are those printed or created according to the format of invoices issued by another organization or individual or printed or created with identical serial numbers for the same symbol.

Invoices without validity are those created under this Circular but the issuance of which has not been notified yet.

Invoices with expired validity are those for which issuance procedures have been completed but are no longer in use as announced by the issuing organization or individual; those which are lost after their issuance is notified and the issuing organization or individual has notified the managing tax office of such loss; and those of organizations or individuals having stopped using tax identification numbers (also called closing tax identification numbers).

Article 23. Unlawful use of invoices

1. Unlawful use of invoices is billing without real transactions; donation or sale of unused invoices to be made out by other organizations or individuals upon goods sale or service provision (except cases eligible for use of invoices sold or distributed by tax offices and cases of authorized billing as guided in this Circular); donation or sale of made-out invoices for accounting, tax declaration or disbursement of state budget funds by other organizations or individuals; making out of invoices with insufficient compulsory contents; making out of invoices with originals containing different contents; and use of invoices for a goods or service as proof for another goods or service.

2. Some specific cases regarded as unlawful use of invoices:

- Invoices with some or all unreal contents.

- Use of invoices of another organization or individual for sale or legalization of goods or services bought without documents or goods sold or services provided for tax fraud or for sale of goods without tax declaration and payment.

- Use of invoices of another organization or individual for sale of goods or provision of services without tax declaration and payment or for tax fraud; or for legalization of goods or services bought without documents.

- Invoices with originals containing different values of goods or services or different compulsory contents.

- Use of goods sale and service provision invoices concluded by tax offices, public security offices or other functional agencies as unlawful.

Article 24. Handling of lost, burnt and damaged invoices

1. When detecting loss, burning or damage of made-out or unused invoices, business organizations, households or individuals shall report such to managing tax offices (Form No. 3.8, Appendix 3 to this Circular) within five (5) days after such loss, burning or damage. If the final (fifth) day of this time limit falls on a public holiday provided by law, it may be counted as the subsequent day of that holiday.

2. When a seller has made out an invoice for sale of goods or provision of services under regulations but later the seller or buyer has the second original of that invoice lost, burnt or damaged, the seller and buyer shall make a record of the incident, clearly stating the month in which the seller declared and paid taxes using the invoice's first original. The record must contain the signature and full name of the representative at law (or authorized person) and seal (if any). The seller shall copy the first original of the invoice, have it signed by its representative at law and append a seal to it before handing it to the buyer. The buyer may use the copied invoice bearing

the seller's certification and seal (if any) enclosed with the record of loss, burning or damage of the invoice's second original for accounting and tax declaration. The seller and buyer shall take responsibility for the truthfulness of the loss, burning or damage of invoices.

In case the loss, burning or damage of the used second original involves a third party (the third party is the one transporting goods or delivering the invoice), the seller or buyer that hires the third party shall have its responsibility determined and handled under regulations.

Article 25. Buyers' use of invoices

1. Buyers may use lawful invoices in accordance with law to evidence their use rights or ownership over goods or services; enjoy sales promotion, post-sale benefits, lucky draws or damages in accordance with law. They may use such invoices for the accounting of goods or service purchase in accordance with the accounting law; tax declaration; registration of use rights or ownership; and declaration and payment of state budget capital in accordance with law.

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

- Original goods sale or service provision invoices, second original (to be handed to the buyer), except the cases specified in Clause 1, Article 4, and Article 24, of this Circular.

- Undamaged invoices with full contents under regulations.

- Figures and letters typewritten or printed on invoices must be legible, complete and accurate under regulations without being erased or modified.

- Invoices other than those specified in Articles 22 and 23 of this Circular.

Chapter IV

RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS IN INVOICE MANAGEMENT AND USE

Article 26. Rights and obligations of goods and service sellers

1. Goods or service sellers may:

a/ Themselves print invoices or order the printing of invoices for use if they fully satisfy the conditions specified in this Circular;

b/ Buy invoices issued by provincial-level Tax Departments if they are eligible as guided in this Circular;

c/ Use lawful invoices for their business activities;

d/ Refuse to provide data on invoice printing, issuance and use to unauthorized organizations and individuals in accordance with law;

dd/ Initiate lawsuits against organizations or individuals that infringe upon the rights to create, issue and use lawful invoices.

2. Goods or service sellers shall:

a/ Manage invoice creation activities guided in this Circular;

b/ For ordering the printing of invoices, sign invoice printing-ordering contracts with qualified printing establishments under Clause 4, Article 8 of this Circular; for use of self-printed invoices, sign contracts with qualified software suppliers under Clause 3, Article 6 of this Circular to buy billing software;

c/ Make and send invoice issuance notices under regulations;

d/ Make out and deliver invoices when selling goods or services to customers, except cases not requiring invoices under this Circular;

dd/ Regularly inspect the use of invoices and promptly prevent signs of violation;

e/ Report on the use of invoices to managing tax offices under Article 27 of this Circular.

Article 27. Reporting on use of invoices

Quarterly, goods and service sellers (except those obtaining invoices from tax offices) shall submit reports on use of invoices to managing tax offices even no invoice is used during the period. Reports on use of invoices of the first quarter must be sent no later than April 30; of the second quarter, no later than July 30, of the third quarter, no later than October 30; and of the fourth quarter, no later than January 30 of the following year (Form No. 3.9, Appendix 3 to this Circular). In case no invoice is used during the period, the quantity of invoices written in the report is zero (=0).

Newly established enterprises, enterprises using self-printed invoices or invoices printed on order committing a violation and banned from use of such invoices, and enterprises with high tax risks and obliged to buy invoices printed on order of tax offices under Clause 1, Article 11 of this Circular shall monthly submit reports on use of invoices.

The reports on use of invoices must be submitted no later than the 20th of the following month. The submission of such monthly reports shall be within 12 months from the date of establishment or the date of shifting to buy invoices printed on order of tax offices. Past that time limit, tax offices shall inspect the reporting on use of invoices, the tax declaration and payment by enterprises to allow them to submit quarterly reports. If no notice from the tax

offices is received, enterprises shall continue to submit monthly reports on use of invoices.

Goods and services sellers shall submit reports on use of invoices upon their split-up, separation, merger, dissolution, bankruptcy or ownership transfer or upon assignment, sale, contracting or lease of state enterprises, within the time limit for submission of tax finalization dossiers.

An organization, household or individual that relocates the business place to another locality not managed by its/his/her current managing tax office shall submit a report on use of invoices to the tax office of the locality from which it/he/she moves.

For bills of telecommunications service, electricity and water, banking service charge invoices, passenger fares of transport businesses, stamps, tickets, cards and other cases as guided by the Ministry of Finance, to report on the quantity (total number) of invoices rather than on each invoice number. Business establishments shall take full responsibility before law for the accuracy of the number of unused invoices left at the beginning of a period, the total numbers of used invoices, voided invoices, lost invoices and destroyed invoices and provide detailed data on invoices (from number... to number...) when so requested by tax offices.

Article 28. Storage and preservation of invoices

1. Self-printed invoices which are not yet made out shall be stored on computers according to information confidentiality regulations.

2. Invoices printed on order which are not yet made out shall be kept and preserved in warehouses under regulations on archive and preservation of valuable papers.

3. Invoices already made out by accounting units shall be kept under regulations on archive and preservation of accounting documents.

4. Invoices already made out by organizations, households and individuals other than accounting units shall be kept and preserved like private assets of those organizations, households and individuals.

Article 29. Destruction of invoices

1. Invoices regarded as destroyed

- Invoices printed on trial, incorrectly, identically, superfluously or mistakenly, film and zinc plates and tools of similar properties for printing invoices on order are regarded as completely destroyed when no invoice is in its complete form or no letter left on the invoice to enable the joining, copying or restoration of the invoice to its original state.

- Self-printed invoices are regarded as completely destroyed when interventions are made to the billing software, disallowing it to further create invoices.

2. Cases of destruction of invoices

a/ Invoices printed on order which are printed incorrectly, identically or superfluously shall be destroyed before liquidating the invoice printing-ordering contract;

b/ Organizations, households or individuals with unused invoices shall destroy these invoices within thirty (30) days after notifying tax offices. Organizations, households or individuals that keep invoices with expired validity as notified by tax offices shall destroy these invoices within ten (10) days after tax offices notify their expired validity or after finding lost invoices;

c/ Invoices made out by accounting units shall be destroyed in accordance with the accounting law;

d/ Invoices which are not yet made out but serve as exhibits of legal cases may not be destroyed but shall be handled in accordance with law.

3. Destruction of invoices by business organizations, households and individuals

a/ Business organizations, households or individuals shall make a list of invoices to be destroyed;

b/ Business organizations shall form an invoice destruction council which must consist of representatives of the leaders and accounting divisions of their organizations;

When destroying invoices, business households or individuals are not required to form an invoice destruction council;

c/ Invoice destruction council members shall sign the invoice destruction record and take responsibility before law for any errors;

d/ An invoice destruction dossier comprises:

- The decision to form the invoice destruction council, except for business households and individuals;

- The list of invoices to be destroyed, specifying the name of invoice, symbol of invoice number pattern, symbol of invoice, quantity of invoices to be destroyed (from number... to number..., or the specific numbers of invoices to be destroyed if those invoices have non-consecutive serial numbers);

- The invoice destruction record;

- The invoice destruction notice, which specifies the type, symbol and quantity of destroyed invoices from number... to number..., reason for destruction, date and hour of destruction, destruction method (Form No. 3.11 provided in Appendix 3 to this Circular);

Invoice destruction dossiers shall be kept at business organizations, households or individuals using those invoices. Particularly, an invoice destruction notice shall be made in two (2) copies, one for filing and the other to be sent to the managing tax office within five (5) days after invoices are destroyed.

4. Destruction of invoices by tax offices

Tax offices shall destroy invoices printed on order of provincial-level Tax Departments of which issuance notices have been made, but which have been neither sold nor distributed and are no longer used.

The General Department of Taxation shall provide the process of destruction of invoices printed on order of provincial-level Tax Departments.

Chapter V

EXAMINATION AND INSPECTION OF INVOICES

Article 30. Examination of invoice printing, issuance, management and use

1. Examination at tax offices

a/ Tax offices shall examine the printing, issuance, management and use of invoices based on reports on invoice use of organizations, households and individuals;

b/ Within five (5) working days after detecting signs of violation, a tax office shall request in writing an organization, household or individual to give explanations.

2. Examination of invoices at offices of invoice users

a/ When an organization, household or individual fails to give explanations or gives unsatisfactory explanations, a tax office shall issue a decision to examine invoices at the head office of such organization or individual;

b/ Invoice examination contents must be specified in the decision on examination at the head office or sale places of the unit, including legal grounds for examination; subjects of examination; contents and scope of examination; examination time; head and members of the examination team; powers and responsibilities of the examination team and examined subjects;

c/ The head of the tax office directly managing the organization, household or individual shall issue and take responsibility for the examination decision;

d/ Within five (5) working days after the date of its signing, the decision on invoice examination at the office of an organization, household or individual must be sent to that organization, household or individual. Within three (3) working days after receiving an invoice examination decision or before the time of examination, if that organization, household or individual can prove its/his/her lawful making out, issuance and use of invoices, the head of the tax office shall issue a decision to cancel the invoice examination decision;

dd/ Examination must be conducted within ten (10) working days after a tax office issues an examination decision. When receiving an examination decision, an organization, household or individual that wishes to delay such examination shall make a written request to the tax office clearly stating the reason and the time for delay for the latter's consideration and decision. Within five (5) working days after receiving a written request for delay of the examination, the tax office shall notify the organization, household or individual of its approval or disapproval of such delay.

The time for invoice examination at the head office or shop of an organization, household or individual must not exceed five (5) working days counting from the first day of examination. When necessary, the head of the tax office may prolong the examination time once for another five (5) working days.

Within five (5) working days after completing the examination, the examination team shall make an examination record.

The examined organization, household or individual may receive the invoice examination record, request explanations about this record and reserve its/his/her opinions in the record (if any).

e/ Handling of examination results

- Within five (5) working days after signing the examination record with the examined organization or individual, the head of the examination team shall report on examination results to the examination decision issuer. When a violation subject to administrative sanctioning is committed, within ten (10) working days after signing the record, the head of the tax office shall issue a decision to sanction the administrative violation. The examined organization, household or individual shall execute the decision on handling of examination results.

- When violations of invoice management and use regulations detected through examination lead to tax-related handling procedures, depending on the nature and severity of those violations, the tax office shall issue a decision on tax examination and inspection under the Tax Administration Law, the Inspection Law and the process of tax examination and inspection.

Article 31. Inspection of invoices

Inspection of invoices shall be combined with inspection of observance of tax laws at head offices of taxpayers.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 32. Effect

1. This Circular takes effect on June 1, 2014. To annul the Ministry of Finance's Circular No. 64/2013/TT-BTC of May 15, 2013, guiding the Government's Decree No. 51/2010/ND-CP of May 14, 2010, on goods sale and service provision invoices. Other previous documents' provisions guiding invoices which are contrary to this Circular are all annulled. Other documents guiding invoices which are not contrary to this Circular remain effective.

2. Enterprises and business organizations may remain the use of self-printed invoices or invoices printed on order if already used them before the effective date of this Circular and not subject to buy invoices printed on order of tax offices from the effective date of this Circular.

Enterprises and business organizations already made issuance notices on use of self-printed invoices and invoices printed on order guided in the Ministry of Finance's Circular No. 153/2010/TT-BTC of September 28, 2010, and Circular No. 64/2013/TT-BTC of May 15, 2013, may continue to use such invoices.

3. From June 1, 2014, tax offices will not receive issuance notices of export invoices.

Enterprises and business organizations that have not yet used up export invoices printed on order and have already made issuance notices guided in the Ministry of Finance's Circular No. 153/2010/TT-BTC of September 28, 2010, and Circular No. 64/2013/TT-BTC of May 15, 2013, and wish to continue to use such invoices, shall register the remaining invoices to managing tax agencies no later than July 31, 2014 (Form 3.12 provided in Appendix 3 to this Circular). From August 1, 2014, the remaining invoices which were already registered according to this Clause may be used. Unregistered invoices or invoices registered after July 31, 2014 shall be

expired. Enterprises shall conduct the destruction of export invoices guided in Article 29 of this Circular and use VAT invoices, sale invoices for export of goods and provision of services to overseas countries under this Circular.

2. To this Circular are 5 appendices of which Appendices 1 thru 4 are compulsory and Appendix 5 is for reference (optional) (not translated).

Article 33. Implementation responsibilities

1. Tax offices at all levels shall disseminate and guide business and non-business organizations, households and individuals and buyers of goods and services in implementing this Circular and examine and handle violations committed by invoice users.

2. Organizations, households and individuals involved in the printing, issuance and use of invoices shall fully comply with this Circular.

Any problem arising in the implementation of this Circular should be promptly reported to the Ministry of Finance for study and settlement.-

For the Minister of Finance

Deputy Minister

DO HOANG ANH TUAN