



LEGAL NEWS

Tax – Fee – Charge

Law on Anti-Money Laundering 2022: 7 remarkable new points

1. Add more potential risks for the making reports

* **Current regulations:** No

* **From March 01, 2023:**



Apart from the financial institutions which have operations in deposit and loan, financial lease as in accordance with previous regulations, Law on Anti-Money Laundering 2022 **supplements the organization of payment intermediary services which are the subject matter of reporting.**

It is timely and necessary to supplement the organization of payment intermediary services which are the subject matter of reporting because e-wallet is now becoming the popular form of payment of clients which are considered to have potential risks for money laundering.

Besides, Law on Anti-Money Laundering 2022 also amends and supplements the name of some subject matter of reporting to be suitable with the law provisions and international institution's recommendations as follows:

- Stockbroking;
- Securities investment consulting, securities issuance underwriting;
- Managing securities investment funds; managing securities portfolios
- Doing life insurance business...

2. Supplement the principles of exchange, provision, and transfer of information



* **Current regulations:** No

* **From February 01, 2023:**

Law on Anti-Money Laundering 2022 supplement the principles as follows:

In case there is no treaty or agreement between Vietnam and a foreign country, the exchange, provision, and transfer of information in international cooperation on the prevention and combat of money laundering shall be carried out on the reciprocity principle that is not contrary to the laws of Vietnam and is in accordance with international law and practices.

Therefore, the reciprocity principle that is not contrary to the exchange, provision, and transfer of international information on anti-money laundering to the laws of Vietnam

3. Supplement the national risk assessment on money laundering

* **Current regulations:** No

* **From March 01, 2023:**

Law on Anti-Money Laundering 2022 supplements the regulations on national risk assessment on money laundering with the purpose to cover all the arising activities in the future and restrict the risks of money laundering.

In particulars, the national risk assessment on money laundering is implemented as follows:

- Implementation duration: Every 05 years:
- Responsibilities of risk assessment: The State Bank of Vietnam shall take the prime responsibility and coordinate with the relevant Ministries and industries:
 - National risk assessment on money laundering
 - Submit to the Government for approval the updated national risks on money laundering and the action plan after the update.
- Subjects of risk assessment: Involve also emerging activities that may have any money laundering risk

Within that, the Government shall provide for the principles, criteria, and methods of national risk assessment on money laundering. Ministries and sectors have the following responsibilities shall disseminate the results of the national risk assessment on money laundering within their ministries and sectors; update money laundering risks based on the implementation of the post-assessment action plan or arising risks.



4. Add more verification of client identification information

*** Current regulations:**

Law on Anti-Money Laundering 2012 prescribes the identification information method for clients such as:

- By data or documents of individuals or organizations;
- By organizations or individuals who are having relationships with clients;
- By managing agencies or other competent state agencies;
- By hiring other organizations.

*** From March 01, 2023:**

Law on Anti-Money Laundering 2022 supplements the identification information method for clients in national databases under the law.

Besides, supplementing the regulations on the subject matter of reporting in relation to the foreign individual with political influence, the responsibilities of the subject matter of reporting to deploy appropriate measures to verify the origin of property of clients and beneficial owners who are foreign individuals with political influence and those.

The Law on Anti-Money Laundering 2022 points out clearly that the subject matter of reporting must issue policies and procedures to identify and assess money laundering risks before providing new products and services or applying the measure to minimize the risks of anti-money laundering.

5. Intramural regulations for the subject matter of reporting who is the micro-enterprise

*** Current regulations:**

Law on Anti-Money Laundering 2012 has general responsibility for developing intramural regulations for organizations without any requirements for intramural regulations on the contents as follows: Client acceptance policy, recruitment of anti-money laundering staff, training and retraining of anti-money laundering skills; [More](#)

Tax – Fee – Charge

3 types of payable taxes, charges for business households in 2023

Personal income tax and value-added tax

** Business households and business individuals that generate a turnover of up to VND 100 million from production and business activities in a calendar year*

This content is prescribed in Clause 2, Article 4 of [Circular No. 40/2021/TT-BTC](#) as follows:



“2. Business households and business individuals that generate a turnover of up to VND 100 million from production and business activities in a calendar year will be exempt from VAT and PIT in accordance with the laws on VAT and PIT. Business households and business individuals shall make accurate, truthful and adequate tax declarations and submit their tax dossiers within a law-specified time limit, and take responsibility before law for the accuracy, truthfulness and adequacy of their tax dossiers under regulations.

** Tax calculation method for business households and business individuals*

Business households and business individuals shall apply different tax calculation methods for personal income tax and valued added tax,

(1) Tax calculation method for business households and business individuals paying taxes by the declaration method

The declaration method is applicable to:

- Large-scale business households and business individuals mean a business household or business individual that has a turnover and labor scale at least satisfying the highest turnover and labor criteria applicable to micro-enterprises, specifically:

+ Business households or business individuals engaged in agriculture, forestry, fisheries, or industry construction each having an annual average number of at least 10 employees participating in social insurance or a total turnover of at least VND 3 billion in the preceding year;

+ Business households or business individuals engaged in commerce or service provision each having an annual average number of at least 10 employees participating in social insurance or a total turnover of at least VND 10 billion in the preceding year.

- Business households and business individuals not yet satisfying the criteria for large-scale business but choosing to pay taxes by the declaration method.

(2) Method of tax declaration upon turnover generation

This means a method of tax declaration and calculation based on a percentage of actual turnover generated each time

(3) Business households and business individuals paying taxes by the presumption method

Those failing to implement or inadequately implementing accounting, invoice, and document regimes, unless business households and business individuals pay taxes by the declaration method and business individuals pay taxes upon turnover generation.

(4) Tax calculation method for cases in which organizations/individuals declare and pay taxes on behalf of authorizing individuals.

Business license fee (business license tax)

*** Business license fee rates for individuals and households**

Pursuant to Clause 2, Article 4, Decree No. 139/2016/ND-CP and Clause 3, Article 1, Circular No. 65/2020/TT-BTC, the business license fee rates for individuals and households engaged in goods production and service provision activities as follows:

No.	Turnover	Rate
1	Over VND 500 million/year	VND 01 million/year
2	Over VND 300 to VND 500 million/year	VND 500,000/year
3	Over VND 100 to VND 300 million/year	VND 300,000/year

Turnover serves as a basis for determining business license fees for individuals, groups of individuals, households and business locations newly launched by business households are prescribed as follows

[More](#)



LEGAL UPDATES

Finance - Banking

Digital transformation in non-cash social security payment

On November 25, 2022, the Prime Minister issues **Directive No. 21/CT-TTg** on promoting digital transformation in non-cash social security payments.

Accordingly, the Ministry of Labor, Invalids and Social Affairs shall develop and complete the database on beneficiaries of social security policies, and connect and share social security data with the National Population Database.

At the same time, assume the prime responsibility for, and coordinate with the State Bank of Vietnam, the Ministry of Public Security and relevant agencies to promote the implementation of payment via accounts (including bank accounts, e-wallets, mobile money accounts, and other lawful forms) for social security beneficiaries.

The State Bank of Vietnam directs commercial banks and intermediary payment service providers to research and adopt policies to support and give preferential treatment for payment service fees for social security beneficiaries opening and using bank accounts, and e-wallets to receive support from the state budget.

The Ministry of Finance shall assume the prime responsibility for, and coordinate with ministries and sectors in, amending and supplementing regulations on the management, use, and payment of social security regimes and policies in compliance with the digital transformation and non-cash payment.

Anti-Money Laundering Law 2022 is applied on March 01, 2023

On November 15, 2022, the National Assembly passed Law No. 14/2022/QH15 on Anti-Money Laundering

Anti-Money Laundering Law 2022 includes 04 Chapters, and 66 Articles, decreases 01 Chapter and increases to 16 Articles in comparison with Anti-Money Laundering Law 2021, with many new contents as follows:

- Supplement the reporting subjects which means upon providing the payment intermediary services.
- Regulations on the principle of reciprocity in the information exchanges, supplies, and transfers between Vietnam and foreign countries who haven't signed or attended in the international treaties or agreements.
- Classify customers in accordance with the low, medium, and high-risk levels.



- Specific regulations on the customer identification information.
- Make the reporting subjects clearer when establishing relations with bank partners
- Amend a number of suspicious signs in securities, life insurance
- Specific regulations on information exchange, supplies, and transfer of anti-money laundering.

Anti-Money Laundering Law 2022 takes effect on March 01, 2023.

Insurance

An insurance agent certificate issued before 2023 shall be used before 2025

On November 16, 2022, the Minister of Finance issues **Circular No. 69/2022/TT-BTC** detailing regulations on insurance certificates, insurance agent certificates, insurance broker's certificates, and insurance auxiliary operations certificates.

Accordingly, an insurance agent certificate that is issued before January 1, 2023, must be converted into an insurance agent certificate specified in this Circular before December 31, 2025.

The insurance agent certificate which is issued before January 01, 2023, shall be invalid from January 01, 2025, before the conversion of the new certificate.

Insurance agent certificates shall be converted into e-data and stored on the Certificate Examination Management System.

A dossier of requests for conversion of the insurance agent certificates specified includes:

- A written request for the conversion of certificates
- Authenticated copies of the insurance agent certificates issued before January 1, 2023, of the insurance agents;
- Authenticated copies of the insurance agents' citizen ID card/ID card/Passport.

The dossier for conversion of the insurance agent certificate shall be submitted to the Insurance Supervisory Authority and shall be carried out through the Certificate Examination Management System.

Implementation duration: within 60 days from the date of receiving a complete and valid dossier.

This Circular takes effect on January 01, 2023.



Labor - Salary

Lunar New Year holidays in 2023 of public servants and employees

On December 07, 2022, the Ministry of Labor, Invalids and Social Affairs issues Notice No. 5034/TB-LDTBXH on the Lunar New Year and national day holidays in 2023 of cadres, public servants, and officials.

- Cadres, public servants, and officials working at administrative agencies, political organizations or socio-political organizations:
 - Lunar New Year holiday: From Friday, January 20, 2023 of the solar calendar (December 29, 2022 of the lunar calendar) to the end of Thursday, January 26, 2023 of the solar calendar (January 05, 2023, of the lunar calendar). This holiday includes 05 days of the lunar New Year holiday and 02 days of compensatory time off for the weekly days off as prescribed.
 - National Day holiday: From September 01, 2023 (Friday) to the end of September 04, 2023 (Monday) of the solar calendar. This holiday includes 02 days of the National Day holiday, 01 weekly days off, and 01 days of compensatory time off for the weekly day off.

Lunar New Year holidays in 2023 of public servants and employees (Illustration)

- For enterprises and other employers

- Lunar New Year holiday: Include 01 ending day of the year 2022 and 04 beginning days of the year 2023 of the lunar calendar, or 02 ending days of the year 2022 and 03 beginning days of the year 2023 of the lunar calendar, or 03 ending days of the year 2022 and 02 beginning days of the year 2023 of the lunar calendar.
- National Day holiday: - The National Day holiday will include September 02, 2023 (Saturday) and either September 01, 2023 (Friday) or September 03, 2023 (Sunday) of the solar calendar.

The holiday schedule must be notified to employees at least 30 days; in case a weekly day off coincides with a public holiday, the employees will have compensatory time off on the next day.

LIST OF UPDATED LEGAL NORMATIVE DOCUMENTS

Finance - Banking		
1	Decision No. 2081/QD-NHNN dated December 12, 2022 of the State Bank of Vietnam on the interest rate of commercial banks for outstanding housing support loans in 2023 in accordance with the Circular No. 11/2013/TT-NHNN dated May 15, 2013, Circular No. 32/2014/TT-NHNN dated November 18, 2014 and Circular No. 25/2016/TT-NHNN dated July 29, 2016	Issuing date: 12/12/2022 Effective date: 01/01/2023 Effect status: Not yet applied
2	Directive No. 21/CT-TTg dated November 25, 2022 of the Prime Minister on promoting digital transformation in non-cash social security payment	Issuing date: 25/11/2022 Effective date: 25/11/2022 Effect status: In force
Export - Import		
3	Decision No. 1445/QD-TTg dated November 19, 2022 of the Prime Minister promulgating the action program for implementation of the goods import and export strategy toward 2030	Issuing date: 19/11/2022 Effective date: 19/11/2022 Effect status: In force
Agriculture - Forestry		
4	Circular No. 19/2022/TT-BNNPTNT dated December 02, 2022 of the Ministry of Agriculture and Rural Development promulgating the List of pesticides permitted for use in Vietnam and the List of pesticides banned from use in Vietnam	Issuing date: 02/12/2022 Effective date: 16/01/2023 Effect status: Not yet applied



Thank you for your reading!

VIETNAM LAW COMMUNICATION JOINT STOCK COMPANY

In Hanoi: 1A Floor, IC Building, No. 82 Duy Tan Street, Dich Vong Hau Ward, Cau Giay District, Hanoi

Tel: 0938 36 1919

In Ho Chi Minh City: 5th Floor, Orchard Parkview, No. 130 - 132 Hong Ha, Ward No. 9, Phu Nhuan District, HCMC

Tel: 028.39950724 - 028.39950262

Email: cskh@luatvietnam.vn

Hotline: 0938 36 1919

Notice:

** The Legal Newsletter is only for general information and not applied to specific cases. For full contents of law regulations, please see the legal documents.*

** If you want to cancel the receipt of legal updates, please [click here](#). You will receive the final request for confirmation of the cancellation before your email address is removed in our system.*