

# LEGAL BRIEFING

## DISCLAIMER

This briefing is for information purposes only. Its contents do not constitute legal advice and should not be regarded as detailed advice in individual cases.  
For legal advice, please contact our Partners.



[info@lntpartners.com](mailto:info@lntpartners.com)



(+84) 028 3821 2357



<http://lntpartners.com>

## New regulations on issuing invoices

---

### Overview

Invoices for sales of goods and provision of services are currently governed by Decree 119/2018/ND-CP (“**Decree 119**”) and Decree 51/2010/ND-CP (“**Decree 51**”). The implementation of these regulations has revealed certain inconsistency and unsuitability.

In the absence of consistent regulations on invoices for sale of goods and provision of services, on 19 October 2020 the Government issued Decree 123/2020/ND-CP (“**Decree 123**”) detailing the management and use of invoices when selling goods and providing services, the management and use of documentation when conducting tax, fee and charge procedures; the tasks, powers, and responsibilities of agencies, organisations, and individuals in the management and use of invoices and documentation.

Decree 123 will take effect from 1 July 2022 and replace Decree 119 and Decree 51. At the same time, Decree 123 encourages agencies, organisations, and individuals who meet information technology infrastructure requirements to apply the provisions on electronic invoices (“**e-invoice**”) and documentation before 1 July 2022.

### New regulations on issuing invoices

Compared with Decree 119 and Decree 51, Decree 123 provides a step-by-step guide to e-invoice implementation. This Legal Briefing will focus on the key differences between Decree 123 and its predecessors Decree 119 and Decree 51.

*First*, Decree 123 provides for a list of prohibited conducts in the field of invoices and documentation, namely:

- Committing fraud such as using illegal invoices, or illegally using invoices;
- Obstructing tax officials from performing their duties;
- Illegally accessing, falsifying, and destroying information systems of invoices and documentation;
- Conducting bribery or similar activities in connection with invoices to gain illicit profits with organisations or individuals selling goods/services and individuals with related rights and obligations.

This list was not specified in either Decree 119 or Decree 51.

**Second**, Decree 123 abolishes the following provision of Decree 119: “enterprises, corporate bodies and soletraders shall put in place the use of e-invoices and e-invoices with tax authority’s code no later than 1 November 2020”, and instead encourages agencies, organisations and individuals to apply e-invoices as soon as feasible.

**Third**, for externally printed invoices, internally printed invoices, e-invoices which have been announced to be issued or have been purchased from the tax authority, Decree 123 allows agencies and organisations to continue using such invoices until the end of 30 June 2022, instead of 31 October 2020 as stipulated in Decree 119.

**Moreover**, other than regulating the invoicing time for (i) selling goods, (ii) providing services, (iii) multiple deliveries or staged handover, Decree 123 specifies the time for issuing invoices in some specific cases such as:

- Provision of services in large quantity on a regular basis;
- Provision of telecommunication services;
- Provision of construction and installation services; and
- Search, exploration, extraction, and processing of crude oil.

Subject to such regulation, the invoicing time shall be determined based on the characteristics of the goods or services in question, which makes it easier to determine the appropriate invoicing time in specific cases and helps reduce violations and disputes.

**Last but not least**, in addition to the three types of invoices specified in Decree 199, namely value-added invoices, sales invoices, and other types of invoices (electronic stamps, electronic cards...), Decree 123 introduces two types of invoices including e-invoices for selling public assets and e-invoices for selling national reserve.

The new legal framework due to take effect on 01 July 2022 will bring with it detailed provisions on invoices and documentation, and extend the leeway for application of e-invoices for the time being. Accordingly, enterprises should familiarise themselves with the new regulation to take advantage of the more favourable provisions.

## About Us

**LNT & PARTNERS (“LNT”)** is a full-service independent Vietnamese law firm focusing on advisory and transactional work in the areas of corporate, M&A, competition, pharmaceutical, real estate, infrastructure and finance as well as complex and high-profile litigation and arbitration matters. The firm is among the most prominent ones in Vietnam, representing a wide range of multinational and domestic clients, including Fortune Global 500 companies and well-known domestic listed companies.

Please contact our Partners for further legal updates and services:

**Mr. Hong Bui**

*Corporate, M&A*

[Hong.Bui@lntpartners.com](mailto:Hong.Bui@lntpartners.com)

**Ms. Quyen Hoang**

*Corporate, M&A*

[Quyen.Hoang@LNTpartners.com](mailto:Quyen.Hoang@LNTpartners.com)

**Dr. Tuan Nguyen**

*Competition, Pharmaceutical*

[Tuan.Nguyen@LNTpartners.com](mailto:Tuan.Nguyen@LNTpartners.com)

**Mr. Thuy Nguyen**

*Corporate, M&A*

[Thuy.Nguyen@LNTpartners.com](mailto:Thuy.Nguyen@LNTpartners.com)

**Mr. Binh Tran**

*Real Estate & Infrastructure*

[Binh.Tran@LNTpartners.com](mailto:Binh.Tran@LNTpartners.com)

**Dr. Net Le**

*Banking & Finance*

[Net.Le@LNTpartners.com](mailto:Net.Le@LNTpartners.com)

**Mr. Net Le**

*Dispute Resolution*

[Net.Le@LNTpartners.com](mailto:Net.Le@LNTpartners.com)

**Ms. Minh Vu**

*Banking & Finance, Tax*

[Minh.Vu@LNTpartners.com](mailto:Minh.Vu@LNTpartners.com)

### Our locations:

**HO CHI MINH Office**

*Level 21, Bitexco Financial Tower,*

*2 Hai Trieu St, D1*

*(+84) 28 3821 2357 or 28 3910 3733*

**HA NOI Office**

*Level 12, Pacific Place Building,*

*83B Ly Thuong Kiet St, Hoan Kiem*

*(+84) 24 3824 8522 or 24 3834 8580*

**SINGAPORE Office**

*Level 40, Ocean Financial Centre*

*10 Collyer Quay, 049315*

*(+65) 9 240 2947*