



PwC Vietnam NewsBrief

New development regarding in-country export and import transactions (“ICEI”) in Vietnam involving Export Processing Enterprises



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30
years
in Vietnam

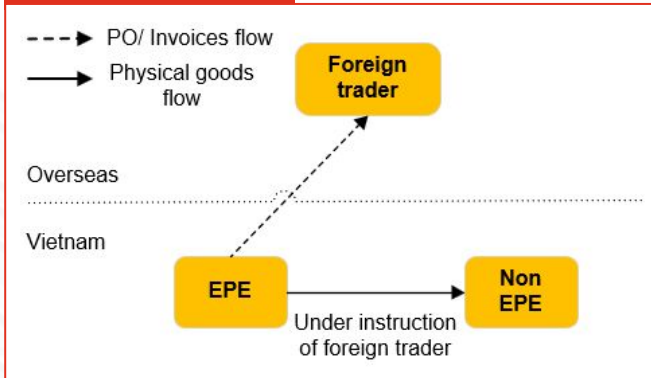
At a glance..

This is an update to our previous Newsbrief on in-country export and import procedures issued on 13 September 2023.

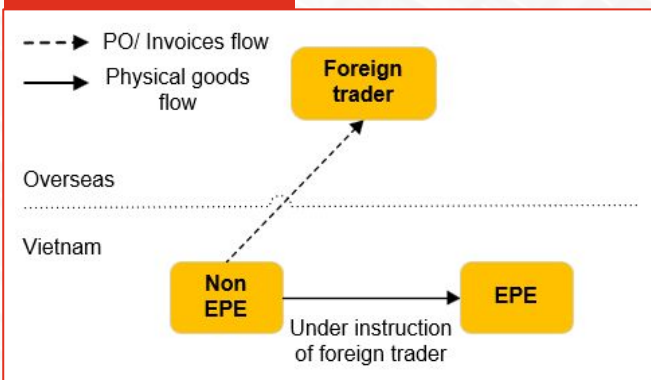
On 28 May, the General Department of Customs issued Official Letter No. 2352/TCHQ-PC to summarize various points discussed in the Dialogue Conference between the Ministry of Finance and Korean Business groups.

Accordingly, the GDC states that the MoF is in the course of preparing draft amendments to Article 35 of Decree No. 08/2015/ND-CP based on the direction of the Deputy Prime Minister and comments from other Ministries, associations and the community of enterprises. The most notable of these is guidance related to ICEI transactions under tripartite buy-and-sell transactions involving EPEs as follows:

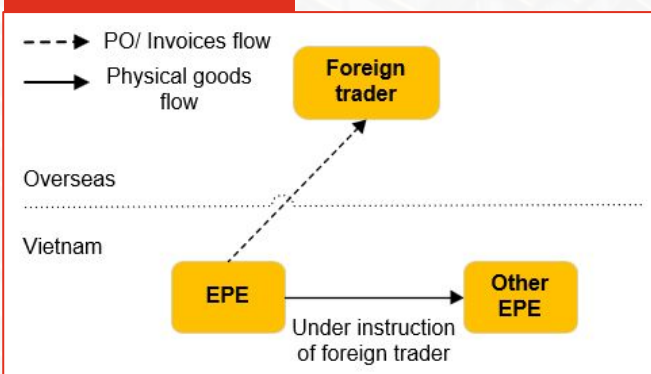
Case 1



Case 2



Case 3



The view of the GDC is that the ICEI transactions as described are permitted to be carried out as stipulated in point c, Clause 1, Article 35 of Decree No. 08/2015/ND-CP, provided that the foreign trader has no presence in Vietnam.

With respect to “has no presence in Vietnam”, the foreign trader will meet the condition if it has no (i) representative office; or (ii) branch; or (iii) direct investment (e.g. subsidiary) in Vietnam. ICEI procedures as stipulated in point c, Clause 1, Article 35 of Decree No. 08/2015/ND-CP include:

“c) Those traded under a sale or purchase contract between Vietnamese enterprises and overseas organizations or individuals that have no presence in Vietnam, and delivered or received under the designation arrangement between foreign traders and other enterprises in Vietnam.”



Regarding this topic, please refer to the below NewsBriefs we have previously issued for further information:

- **NewsBrief dated 09 June 2023:** the GDC issued official letters no. 2587/TCHQ-GSQL and 2588/TCHQ-GSQL regarding draft amendments to Article 35 Decree 08/2015/ND-CP on ICEI transactions on 29 May 2023.
- **NewsBrief dated 13 September 2023:** Proposals to abolish ICEI procedures stipulated in Article 35 of Decree 08/2015/ND-CP and alternatives/solutions for where such procedures can no longer be implemented.

Please contact PwC's Customs team members below for any assistance required.



Contact us

This publication has been prepared for general guidance on matters of interest only, and does not constitute professional advice. For further information or if you require our official advice or assistance, please reach out to us.



Nguyen Thanh Trung

Partner

nguyen.thanh.trung@pwc.com



Nguyen Huong Giang

Partner

n.huong.giang@pwc.com



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