

UNOFFICIAL TRANSLATION

GERERAL DEPARTMENT OF TAXATION
HANOI TAX DEPARTMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

No [number withheld]

Hanoi, [date withheld, April 2017]

NOTIFICATION
on non-eligibility for exemption of the
Personal Income Tax (PIT)

To: [INGO name withheld]
Tax code: [INGO tax code withheld]
Address: [INGO address in Hanoi withheld]

Based on Tax Administration Law, Law amending and supplementing some articles of the Tax Administration Law and current guidelines letters;

Based on Article 9, Law on Personal Income Tax No 04/2007/QH12 dated 21 November 2007 by the National Assembly of the Socialist Republic of Vietnam:

"Article 9, Application of treaties

If a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions on personal income tax different from the provisions of this Law, the provisions of that treaty prevail."

Based on Clause 1, Article 2, Law on the Conclusion, Accession to and Implementation of Treaties No 41/2005/QH11 dated 14 June 2005 and Clause 1, Article 2, Law on Treaties No 108/2016/QH13 dated 9 April 2016 by the National Assembly of the Socialist Republic of Vietnam:

"1. International treaty means an agreement in written form concluded in the name of the State or in the name of the Government of the Socialist Republic of Vietnam with a foreign contracting party, that give rise to, change or terminate rights and obligations of the Socialist Republic of Vietnam under international law, regardless of its title, such as treaty, convention, pact, covenant, agreement, protocol, memorandum of understanding, note or another title."

Based on Article 2, Official letter No 13231/BTC-TCT dated 18 September 2009 of the Ministry of Finance guiding PIT for expatriates working in foreign NGOs:

"2. From 1 January 2009: The exemption of personal income tax for expatriates working in representative offices and project offices of foreign non-governmental organizations (NGOs) is **implemented based on the Government's commitments in international treaties signed with** NGOs under conditions:

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- PIT exemption is given for a **specified duration based on agreements on PIT exemption durations concluded between the Vietnamese Government or the Working Committee for Foreign Non-Governmental Organizations (when authorized by the Vietnamese Government) and Vietnam-based foreign non-governmental organizations.**"

After reviewing all letters dated [date in 2013 withheld], [several dates in 2014 withheld], [date in 2016 withheld], [several dates in 2016 withheld], [several dates in 2017 withheld] which were enclosed with the personal documents of [several names of foreign staff withheld], passport numbers [several numbers withheld].

We, the Tax department would like to inform that:

The following cases are not eligible for PIT exemption:

No	Name	Nationality	Passport no.	Remarks
1	[name of foreign staff withheld]	[country]	[number]	
2	[name of foreign staff withheld]	[country]	[number]	
3	[name of foreign staff withheld]	[country]	[number]	

Reasons:

The [name of INGO withheld] submitted the agreement signed between the Vietnam Union of Friendship Organizations (VUFO) and [name of INGO withheld] but the above agreement is not an international treaty and the article, which was stated as its support to assure the PIT exemption, is not qualified for PIT exemption.

[Name of INGO withheld] is responsible to deduct, declare and pay personal income tax for these individuals.

For any query, please kindly contact our Tax Department at number 0983.603.588 at Hanoi Personal Income Tax Department, 187 Giang Vo Street, Dong Da District, Hanoi or send us an official letter.

Thank you for your support.

Recipients:

- As above;
- File.

On behalf of Director
Hanoi Tax Department
Nguyen Van Ho, Vice Director [signed]