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VIETNAM'S NEW REGULATION ON TAX ADMINISTRATION FOR IMPORTED AND EXPORTED GOODS

OVERVIEW

The Ministry of Finance of Vietnam has issued **Circular No. 86/2026/TT-BTC**, which came into effect on **1 July 2026**, replacing **Circular No. 06/2021/TT-BTC**. The Circular provides updated guidance on customs tax administration relating to imported and exported goods, including procedures for tax declaration, payment, adjustment, exemption, refund and inspection. It supports the implementation of the **Law on Tax Administration No. 108/2025/QH15** and **Decree No. 252/2026/NĐ-CP**, further strengthening Vietnam's customs governance framework.

The Circular forms part of Vietnam's broader effort to modernise customs administration through digitalisation, risk-based supervision and enhanced tax compliance. While it does not introduce new import duty rates or alter preferential tariff treatment under Free Trade Agreements (FTAs), it significantly strengthens customs control procedures, particularly regarding post-clearance tax adjustments, customs valuation, duty exemption management and electronic customs administration.

For Malaysian exporters and investors operating in Vietnam, the Circular represents a shift towards tighter compliance monitoring rather than increased tariff protection. Businesses involved in manufacturing, investment projects, export processing, related-party transactions and machinery imports should review their internal customs procedures to ensure compliance with the new requirements.

KEY CHANGES INTRODUCED BY DECREE NO. 86/2026/TT-BTC

1. Faster Deadlines for Post-Clearance Customs Tax Adjustments

One of the most significant changes introduced under Circular 86 is the requirement for businesses to respond more quickly when customs tax liabilities are determined after goods have already been cleared.

Additional customs duties are generally required to be declared and paid within five working days where:

- Customs changes the HS classification or customs valuation;

- Provisional import prices become final;
- Royalties or licence fees become quantifiable after importation; or
- Supplementary customs declarations are requested by Customs.

These provisions are particularly relevant for companies using provisional pricing arrangements, transfer pricing adjustments, commodity price revisions, year-end debit or credit notes and regional procurement models.

Implication for businesses:

- Malaysian companies should establish internal procedures to promptly notify Vietnam customs teams of pricing or contractual adjustments.
- Delayed reporting may result in additional tax assessments, late payment interest and administrative penalties.
- Greater coordination between finance, procurement, tax and customs departments will become increasingly important.

2. Closer Review of Royalties and Licence Fees

Circular 86 strengthens customs valuation rules relating to royalties, licence fees and similar payments connected with imported goods. Vietnam Customs may review whether payments for trademarks, technology licences, manufacturing know-how or intellectual property should be included in the customs value of imported goods where such payments are commercially linked to import transactions.

Separate licensing agreements or payments made to different companies within the same corporate group will not automatically exclude these payments from customs valuation.

Implication for businesses:

- Malaysian companies licensing technology, trademarks or manufacturing know-how to their Vietnam subsidiaries should review their customs valuation policies.
- Related-party licensing arrangements may receive greater scrutiny during customs inspections.
- Proper documentation demonstrating the commercial relationship between imported goods and royalty payments should be maintained.

3. Stronger Controls over Duty Exemption for Investment Projects

Circular 86 introduces more detailed procedures governing duty exemption for imported machinery and equipment used in investment projects. Project owners are required to notify Customs of an Exemption List before registering the first duty-free import declaration. Imported goods must correspond with approved investment documents, project objectives, production capacity and technical specifications.

The Circular also allows Customs to inspect duty-exempt goods based on risk assessment and requires project owners to retain supporting documentation throughout the project implementation period.

Implication for businesses:

- Malaysian investors establishing manufacturing facilities or expanding production in Vietnam should prepare and verify exemption documentation before equipment is shipped.
- Companies should ensure imported machinery corresponds with approved investment certificates, feasibility studies and technical documentation.
- EPC contractors and project owners should clearly determine responsibilities relating to customs declarations and reporting obligations.

4. Expanded Customs Tax Inspection Powers

Circular 86 further strengthens Vietnam Customs' authority to conduct tax inspections using a risk-based approach.

Inspections may include examination of:

- customs declarations;
- accounting records;
- contracts and invoices;
- payment vouchers;
- customs supporting documents; and
- physical inspection of imported goods where necessary.

Tax inspections are generally conducted within 20 days, with one possible extension of an additional 20 days.

The Circular also permits Customs to re-examine matters previously inspected where new information becomes available or where earlier inspections failed to fully address potential violations.

Implication for businesses:

- Previous customs inspections should not be regarded as permanently closing all compliance matters.
- Businesses should maintain complete customs documentation even after importation has been completed.
- Regular internal customs compliance reviews are recommended.

5. Greater Reliance on Electronic Customs Administration

Circular 86 confirms that customs tax administration will primarily operate through Vietnam's electronic customs processing system.

Businesses remain responsible for ensuring that:

- electronic customs declarations are complete and accurate;
- customs information is consistent with accounting and tax records;
- electronic supporting documents remain valid; and
- documentation can be produced promptly upon request.

Integration with the National Single Window and National Public Service Portal further enables Customs to retrieve and cross-check information electronically.

Implication for businesses:

- Companies should strengthen digital document management systems.
- Greater consistency is required between customs declarations, accounting records and investment documentation.
- Electronic discrepancies are likely to be identified more quickly by Customs.

6. Updated Electronic Payment Requirements

Circular 86 clarifies that customs tax payments made electronically are recognised only when:

- the payer's account has been successfully debited; and
- the payment service provider confirms successful processing.

The Circular also expands the scope of customs obligation confirmations to include taxes, customs charges, late payment interest and administrative penalties.

Implication for businesses:

- Treasury departments should retain electronic payment confirmations as evidence of payment.
- Customs obligation confirmations may be required during project completion, restructuring, investment transfers or company closure.
- Businesses should regularly reconcile customs payment records with electronic banking records.

7. Preferential Tariff Treatment Remains Unchanged

Circular 86 does not amend Vietnam's preferential tariff commitments under existing Free Trade Agreements.

Malaysian exporters may continue to benefit from preferential tariffs under:

- ASEAN Trade in Goods Agreement (ATIGA);
- Regional Comprehensive Economic Partnership (RCEP); and
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

However, importers remain responsible for maintaining sufficient supporting documentation including certificates of origin, origin declarations, HS classifications and manufacturing records.

Implication for businesses:

- Malaysian exporters should continue ensuring compliance with applicable Rules of Origin requirements.
- Supporting documentation should be maintained to substantiate preferential tariff claims.
- Businesses should periodically review which FTA offers the most favourable tariff treatment.

Conclusion

Circular No. 86/2026/TT-BTC represents another important milestone in Vietnam's ongoing customs modernisation programme. Rather than changing tariff rates, the Circular focuses on strengthening customs tax administration through tighter reporting timelines, enhanced customs valuation requirements, stricter management of investment incentives and greater use of electronic customs systems.

For Malaysian exporters and investors, the key challenge will be ensuring effective coordination between finance, procurement, tax and customs functions across regional operations. Companies that proactively strengthen internal customs compliance procedures, maintain comprehensive supporting documentation and respond promptly to post-clearance adjustments will be better positioned to minimise regulatory risks while continuing to benefit from Vietnam's extensive network of preferential trade agreements.

Zaimah Osman (Mdm)
Trade Commissioner

Hafidz Shukri Junit (Mr)
Assistant Trade Commissioner

MATRADE HCMC
Tel : 84-28-3822-1468
Fax : 84-28-3823-1882
Email : hcmc@matrade.gov.my
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