

Tax Alert

December 2025

Amendments to administrative penalties related to taxation and invoicing

The Government issued Decree No. 310/2025/ND-CP (Decree 310) on 2 December 2025, amending several provisions of Decree No. 125/2020/NĐ-CP¹ (Decree 125), relating to administrative penalties for tax and invoice-related violations.

Decree 310 makes amendments to align with the implementation of e-invoicing. Accordingly, the provisions on administrative penalties related to the printing, use of pre-printed invoices, notification of use, or cancellation of paper invoices, which applied prior to the adoption of e-invoicing under Decree No. 123/2020/NĐ-CP² and its guiding documents, have been abolished.

In addition, Decree 310 also introduces amendments on several aspects of administrative penalties in the field of taxation and invoicing, including:

- Introducing administrative penalties for failing to notify the managing tax authority of the filing constituent entity (CE) and the list of CEs as stipulated by Resolution No. 107/2023/QH15³ (Resolution 107);
- Clarifying principles and penalty levels where taxpayers issue invoices at incorrect times or fail to issue invoices on multiple occasions;
- Stipulating more specific guidance on the determination of large-scale violations;
- Separating penalty levels for providing inaccurate information and for failing to provide information, instead of applying a single penalty framework for both.

¹ Decree 125/2020/ND-CP issued by the Government dated 19 October 2020 stipulating administrative penalties for tax and invoice-related violations, effective from 5 December 2020.

² Decree 123/2020/ND-CP issued by the Government dated 19 October 2020 providing regulations on invoices and documents, effective from 1 July 2022.

³ Resolution No. 107/2023/QH15, issued by the National Assembly on 29 November 2023, on the application of additional CIT under global anti-base erosion rules, effective from 1 January 2024.

1. Administrative penalties for non-compliance with Resolution 107

Decree 310 expands the scope of entities subject to administrative tax penalties, including CEs responsible for filing obligations, those required for tax registration, submission of tax returns and payment of top-up CIT, as well as CEs assigned by the group to notify the designated filing entity and the list of CEs.

Under the new regulations, a late notification will incur a warning, while failure to provide the required notification will result in a penalty ranging from VND1,000,000 to VND2,000,000. Decree 310 does not introduce specific penalty provisions for violations relating to tax registration, tax return filing, and payment of the top-up tax prescribed under Resolution 107. Accordingly, such violations will continue to be addressed in accordance with the prevailing general principles.

2. Principles and administrative penalty levels for multiple violations relating to issuing invoices at incorrect times or failing to issue invoices

In recent times the practice has been that if a taxpayer issues a number of invoices at incorrect times or fails to issue invoices, each issued error is considered a separate violation.

To ensure consistent interpretation and simplify enforcement, Decree 310 provides that where a taxpayer commits multiple violations relating to issuing invoices at the incorrect time or failing to issue invoices, and these violations remain within the statutory limitation period and are reviewed at the same time, the taxpayer will be penalized for only one violation.

The administrative penalty levels are determined based on the number of invoices, the type of violation, and the purpose of issuing the invoices, which are categorized into two groups:

- Group (i): invoices issued for goods and services used for promotion, advertising, samples; gifts, donations, exchanges, payments in lieu of wages, or internal consumption; goods issued under forms of lending, borrowing, or goods return;
- Group (ii): invoices for the sale of goods or the provision of services.

The corresponding penalty levels for each type of violation and the number of invoices are prescribed under Decree 310 as follows:

Incorrect-timing invoice issuance (VND)	Failure to issue invoice (VND)	Group (i)	Group (ii)
Warning	Warning	1 invoice	Not applicable
0,5-1,5 million	1-2 million	2-9 invoice	1 invoice
2-5 million	2-10 million	10-49 invoice	2-9 invoice
5-15 million	10-30 million	50-99 invoice	10-19 invoice
15-30 million	30-50 million	From 100 invoice or more	20-49 invoice
30-50 million	60-80 million	Not applicable	50-99 invoice
50-70 million	60-80 million	Not applicable	From 100 invoice or more

3. Clarification on the regulations regarding large-scale violations

Regulations on large-scale violations	According to Decree 125	According to Decree 310
Tax-related	Violations will be considered large-scale if the amount of tax involved is VND100 million or more, or the value of goods and services is VND500 million or more.	Violations are only considered large-scale when the taxpayer commits tax evasion and the evaded tax amount is VND100 million or more and is subject to administrative penalties. The provision based on the value of goods and services has been abolished.
Invoice-related	A violation is considered large-scale if it involves 10 or more invoices. Decree 125 does not limit the types of invoice-related violations.	Decree 310 maintains the threshold of 10 or more invoices but applies only to violations relating to giving or selling invoices; loss, fire, or damage of invoices; or violations of invoice destruction.

4. Other changes

- Decree 310 establishes maximum penalty levels for certain administrative violations relating to tax and invoices. Accordingly, for administrative violations where no specific maximum penalty is stipulated in this Decree, no specific penalty applies as Law No. 88/2025/QH15⁴ (amending and supplementing certain provisions of the Law on Administrative Penalties), effective from 1 July 2025, has removed the maximum penalty ceiling for administrative violations in the field of taxation.
- Under current regulations, penalties are adjusted for aggravating or mitigating circumstances, with each circumstance resulting in a 10% increase or decrease in the penalty compared to the average of the applicable penalty range, provided that the final penalty remains within that range. Decree 310 revises this principle. Specifically, the penalty will be increased or decreased by 10% compared to the average amount of the penalty range where there is one aggravating or mitigating circumstance. If there are two or more circumstances, the penalty imposed will be set at the ceiling or floor amount of the applicable penalty range.
- The penalties for providing incorrect information or for failing to provide information are now distinct, with fines set from VND6 million to VND10 million and from VND10 million to VND16 million respectively, replacing the previous rules of applying for same general penalty range of VND6 million to VND16 million as prescribed in Decree 125.

5. Effective date

- Decree 310 will take effect from 16 January 2026 and provide clearer transitional rules. While Decree 125 stipulates that the regulations in force at the time of the violation will apply if the violation is completed after the new legislation takes effect, Decree 310 introduces specific principles for addressing ongoing violations. Specifically, violations arising and completed before the effective date of this Decree will continue to be governed by the regulations applicable at the time the violation occurred. Meanwhile, if a violation commenced before, but continues and is detected after the effective date of this Decree, the provisions of Decree 310 will apply.

⁴Law No. 88/2025/QH15 issued by the National Assembly on 25 June 2025, amending and supplementing certain provisions of the Law on Handling Administrative Violations, effective from 1 July 2025.

Contact us

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

Find out more and tell us what matters to you by visiting us at <http://kiemtoanfac.vn>

