

# Customs Alert

January 2026

## The New Circular on Customs Procedures and Tax Administration for Import and Export Goods will take effect from 1 February 2026

On 18 December 2025, the Ministry of Finance issued Circular No. 121/2025/TT-BTC ("Circular 121") amending and supplementing Circular No. 39/2018/TT-BTC and Circular No. 38/2015/TT-BTC on customs procedures, customs inspection and supervision, export and import duties, and tax administration for export and import goods. Accordingly, Circular 121 has updated in detail important amendments to ensure consistency with changes in Law No. 90/2025/QH15 ("Law No. 90") and Decree No. 167/2025/ND-CP ("Decree 167") amending and supplementing Decree No. 08/2015/ND-CP on customs procedures, inspection, and customs supervision and control. Circular 121 officially takes effect from 1 February 2026 with some notable points highlighted as follows:

### 1. Amending Customs Finalization Report Forms ("CFRs")

More detailed information required to be declared, such as separately declaring the quantity of re-imported products which are returned by customers from the quantity of products received from production or re-processing; supplementing specific notes for cases of repair, recycling, and recovery of materials from re-imported products, etc.

### 2. More flexible for supplementary declarations of customs dossiers

Supplementary declarations are allowed even after a post-clearance audit decision has been issued.

### 3. Supplementing new regulations on the time limit for cancellation of export declarations

On-the-spot export customs declarations or export customs declarations for transactions between domestic enterprises and export processing enterprises ("EPEs"), or between two EPEs, will be canceled if the corresponding import customs declaration is not registered within 15 days.

### 4. Supplementing the indirect customs valuation consultation method through the customs system

Enterprises with a high level of compliance can choose to consult directly or indirectly through the electronic system of the customs authority.

### 5. Notification and inspection of export processing and manufacturing facilities ("Manufacturing Facility")

Stipulating each case of Manufacturing Facility Notification including (i) Non-EPEs, (ii) EPEs, and (iii) Enterprises converted to EPEs; Simplifying some contents of Manufacturing Facility Inspection such as for checking the status of human resources, if there are no employees/ social insurance contributions, it shall be recorded and requested for supplementation after official operation; Supplementing cases of Manufacturing Facility Inspection include inspection of customs control and supervision conditions applicable to EPEs.

## **6. Detailed guidance on cases of re-import of exported processed and manufactured products**

Providing specific guidance for each case of re-import of exported processed and manufactured products (such as unused, used goods, re-imported for recycling, destruction, etc.) and requirements for the separate bill of materials (BOM) for re-imported products for repair, recycling in certain cases.

## **7. Narrowing the scope under which the customs procedures carried out by EPEs are optional**

Only applicable to the case of building materials, stationery, food, consumer goods purchased from domestic. Other transactions (such as goods bought, sold, rented, borrowed between EPEs, etc.) must carry out import and export procedures as prescribed.

## **8. Supplementing the conditions for leasing outsourced warehouses of EPEs**

EPEs must meet the conditions on compliance history, production scale, and customs supervision conditions of outsourced warehouses; Supplementing the lease term of external warehouses shall not exceed 02 years from the date of approval by the customs authority, which could be extended and the number of extensions is not limited but must be proposed 30 days before the expiration of the lease term.

## **9. Amending on-the-spot (“OTS”) import and export customs procedures in line with the amendments under Law No. 90 and Decree 167**

Circular 121 provides guidance to ensure consistency with these regulations, accordingly, Circular 121 also stipulates that the goods will only be delivered after the importer has registered the OTS import customs declaration, except for certain special cases; if there is no corresponding OTS import customs declaration is registered within 15 days, the OTS export customs declaration will be canceled or a new customs declaration must be registered and subject to duties obligations.

### **KPMG's recommendations**

Enterprises having import and export activities, especially EPEs and manufacturers relying on OTS customs procedures, should review internal processes, customs documentation, warehouse models, OTS transactions and the method of managing imported materials, exported products, and calculating BOM when preparing the CFRs using the new forms to ensure compliance with new regulations, mitigate the risk of penalties, and optimize management systems as well as operating costs. KPMG will continue to update guidance documents under the Law and support you in assessing the potential impact and adjusting your business model in accordance with the new regulations.

Please contact KPMG if you need further advice or assistance with customs and import and export issues.

## **Contact us**

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