



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

HANDBOOK

Documentation to be filed by the applicants for licenses relating to cannabis for the issuance of the report by the National Secretariat against Money Laundering and Financing of Terrorism (SENACLAFT).

The documentation listed below must be filed at the beginning of the process, at the **Cannabis Control and Regulation Institute** or at the **Ministry of Livestock, Agriculture and Fisheries (MGAP)**, as appropriate. If it is necessary, sometime in the future, to add complementary documentation, such documentation will be delivered directly to SENACLAFT, if compliant with the deadlines set forth in this handbook.

Applicable legislation:

Law 19 172 of December 20, 2013 and Decrees Nos. 120/014 of May 6, 2014, 372/014 of December 16, 2014, 250/015 of September 14, 2015 and 246/021 of July 28, 2021.

Electronic address

In accordance with the provisions of Decree No. 355/21 dated October 21, 2021, the proponent of the license must establish an electronic address before SENACLAFT. The hyperlink below is the one to be used:

<https://www.gub.uy/secretaria-nacional-lucha-contra-lavado-activos-financiamiento-terrorismo/comunicacion/noticias/se-dispuso-obligatoriedad-constitucion-suscripcion-senaclaft-domicilio>

IF THE PROPONENT IS AN INDIVIDUAL:



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

- a) Photocopy of valid identity card or another identifying document if foreigner.
- b) Proof of having established an electronic address before SENACLAFT, e-mail address and contact telephone number.
- c) Criminal record certificate issued by the Ministry of the Interior (when initiating the procedure online, select Presidency - Human Resources - Office: SENACLAFT). Attach a photocopy of proof of the commencement of this procedure. If the proponent resides or has resided abroad in the last 5 years, equivalent documentation issued by the relevant agencies will be requested.
- d) Affidavit with certified signatures, listing who will be the beneficial owner of the investment, specifying what type of license is requested and the total amount of the investment.
- e) Justification of the origin of the funds to be used in the project, stating the capital contributed and submitting the corresponding supporting documentation, as appropriate. In all cases it will be indispensable that the documentation submitted shows sufficient financial standing to make the investment for which the license is being requested. Below are some examples, by way of illustration:
 - In the case of the applicant's own funds, they may prove the origin of such funds by submitting tax returns for the last 3 fiscal years or a certificate of income issued by a public accountant. In this last case, the professional must detail precisely which documents they had before them to make the certification, confirm that sufficient financial standing to make the investment arises from said documentation, and specify the amount of said investment. If the certificate is issued by a foreign accountant, notarial certification of the signature and their capacity as accountant, and apostille or legalization procedure will be necessary, as appropriate.
 - In case of a loan contract, the contract must be attached and the origin of the money loaned must be proven with the corresponding documents. With regard to the lender, attach a photocopy of their identification document and a criminal



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

record certificate. Likewise, documentation must be added that justifies the disbursement of the money from the lender's account and its entry into the license applicant's account.

- In the case of a gift, the gift contract must be presented and the origin of the gifted money must be proven with the corresponding documentation. With regard to the donor, attach a photocopy of the donor's identification document and a certificate of criminal record. Likewise, documentation that proves the disbursement of the money from the donor's account and its entry into the recipient's account must be attached.
- In the case of funds from a legal business that is duly documented (purchase and sale of real estate, sale of shares, etc.): notarial testimony of the respective instrument where said business was documented must be filed. Reasonableness criteria will be applied to accept this proof of income, taking into account, for example, the amount received, the date of the business, the possibility of demonstrating that this money has not yet been used, etc.

IF THE PROPONENT IS A LEGAL ENTITY

- a) For the legal entity, the following must be detailed: corporate name, TRN, domicile and usual place of business.
- b) Proof of having established an electronic address before SENACLAFT. E-mail address and telephone number of the representative or contact before SENACLAFT.
- c) Of the partners, shareholders, directors and final beneficiaries of the investment:
 - Photocopy of valid identity card or other identifying document if foreigner, e-mail address and telephone number.
 - Criminal record certificate issued by the Ministry of the Interior (when initiating the procedure online, select Presidency - Human Resources. Office: SENACLAFT). Attach a photocopy of proof of the commencement of this procedure. If the proponent resides or



Uruguay
Presidencia

SENAFLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

has resided abroad in the last 5 years, equivalent documentation issued by the relevant agencies.

d) Notarial testimony of the bylaws or articles of incorporation and potential amendments, with the corresponding publications and declarations. Notarial testimony of the document proving the provisions of Section 86 of Law 16 060, as amended by Section 13 of Law 17 904, notarial testimony of the minutes of appointment of directors and appointment of positions, if applicable. Proof of good standing and representation of the company (notarial or registry certificate), issued less than 30 days prior.

e) As applicable:

- Notarial testimony of Form B and the corresponding proof of its filing before the Central Bank of Uruguay (BCU). Affidavit with certified signatures that there have been no subsequent amendments to such communication.

- Submit a list of the entity's shareholders, specifying the percentage of each one in the capital stock, signed by an authorized representative and attaching a notarized copy of the minutes of the Book of Registration of registered securities.

- In the case of other situations in which BCU Form B does not apply, an affidavit by the shareholders/partners, with notarized signatures, must be filed, stating the percentage of the capital stock/quotas held by each one.

- In the case of Civil Associations and Foundations, compliance with Section 137 of Law 19 535 must also be proven.

f) In all cases, the chain of shareholders must be accredited up to the beneficial owner, i.e. the individual exercising control, under the terms of Section 15, subsection B of Law 19 574 of December 20, 2017.

g) The beneficial owner must submit an affidavit, with notarized signatures, acknowledging such position and specifying what type of license is requested and the amount of the investment. If any of the members of the company did not make contributions of money, they must present an affidavit with notarized signatures and statement of beneficial ownership, if applicable, as well as establish what their contribution will be (work, know how, etc.).



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

h) Justification of the origin of the funds to be used in the project, stating the capital contributed by each partner, shareholder or entity, submitting supporting documentation as appropriate.

In all cases it will be indispensable that the documentation submitted shows sufficient financial standing to make the investment for which the license is being requested. Below are some examples:

- Funds owned by the company applying for the license: accounting statements of the company for the last 3 fiscal years, duly signed and bearing the appropriate stamps, with a Public Accountant's report (external auditors' opinion, limited review or compilation report), as appropriate, to the entity's volume of income. If a certificate issued by a foreign accountant is filed, it will be necessary to have a notarized certification of their signature and capacity as accountant, and the apostille or legalization process, as appropriate.
- In the case of entities that list their shares, social quotas or other equity securities in national or international stock exchanges, the following must be reported:
 - Stock exchange on which it operates
 - Authority supervising the activity of the stock exchange
 - Percentage of the integrated capital that is listed
 - Indicate whether the shares or securities are immediately available for sale or acquisition in such market.
- Funds from a loan: such contract must be also attached and the origin of the money loaned must be proven with the appropriate documents. With regard to the lender, attach photocopy of identifying document and certificate of criminal record. Likewise, documentation must be added that proves the disbursement of the money from the borrower's account and its entry into the account of the license applicant.
- Gift: such contract must be also attached and the origin of the money gifted must be proven with the appropriate documents. With regard to the donor, attach photocopy of identifying document and certificate of criminal record. Likewise, documentation that



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

proves the disbursement of the money from the donor's account and its entry into the recipient's account must be attached.

- Funds from a legal business that is duly documented (purchase and sale of real estate, sale of shares, etc.): notarial testimony of the corresponding accrediting document must be filed. Reasonableness criteria will be applied to accept this proof of income, taking into account, for example, the amount received, the date of the business, the possibility of demonstrating that this money has not yet been used, etc.

PROCESSING OF THE DOCKET WITHIN SENACLAFT

If the assessment of the documentation shows that it is complete and sufficient, the corresponding report will be issued and the docket will be returned to the IRCCA or MGAP, as appropriate.

If any documentation is missing or does not comply with the requirements, the proponent of the license shall be informed of such, with the corresponding details, and shall be granted a 30-day period to correct all the observations made in the docket. After such period has elapsed, the docket shall be returned to IRCCA or MGAP.

Notes:

- In all cases, a digital backup of all documentation filed in physical format must be attached.
- All documentation coming from abroad must be filed duly legalized or apostilled and translated into Spanish, if applicable.
- The review of the proposals that do not file the documents and information established in this handbook in a complete manner will not begin.
- Other documents may be requested or clarifications may be required (Decree No. 246/021 of July 28, 2021, Section 27).



Uruguay
Presidencia

SENACLAFT
Secretaría Nacional para la Lucha
Contra el Lavado de Activos
y el Financiamiento del Terrorismo

- In cases in which SENACLAFT deems it relevant, it may authorize the addition of documents that replace any of those required in this handbook.

May 2022
