Beneficial Owners Registry

The experience in Uruguay


November 2022
The way to transparency

Law N° 18.930 07/2012
Law N° 19.288 09/2014
Law N° 19.484 01/2017

Grey list 2009
White list 2011
Automatic exchange of tax information 2018
National Internal Audit (NIA) – compliance supervision and enforcement capabilities

Central Bank of Uruguay (FIU) – responsible for custody and management of registered information

Sections 27 y 28 Law N° 19.484
Beneficial Owner definition

- Natural person
- Directly or indirectly holds at least 15% of capital or equivalent or 15% of voting rights
- Holds direct or indirect control over the company

Section 22 Law N°19.484 y Section 1 Dec. 166/017
RESIDENTS

- Bearer shares companies
- Agrarian Companies and associations
- Trusts (BO of the three participants)
- Investment Funds (BO of the Management Company)
- Limited companies
- Collective companies
- Cooperatives
- Foundations
- Civil companies and associations

Sections 22 y 23 Law N°19.484 and Sections 3, 4 and 10 Dec. 166/017
NON RESIDENTS

If comply with one or more of these conditions:

- Acts in national territory through a permanent establishment
- Establishes direction functions in national territory for company activities in the country or abroad
- Holds assets over a threshold of 2,500,000 UI (USD 300,000 aprox.)
- Includes trusts and investment funds whose administrators or trustees are residents

Sections 22 and 23 Law N°19.484 and Sections 3, 4 and 10 Dec.166/017
Obligations

- Identify
- Inform BCU (45 working days)
- Keep the information
- Take actions to update the information

Art. 22 y 23 Law N°19,484 and Arts. 3, 4 y 10 Dec., 166/017
Registry information is classified as secret

Secret can be lifted by:

- Dirección General Impositiva (Tax Office)
- Secretaría Nacional para la Lucha contra el LA/FT (National coordinator of National Prevention System)
- Law enforcement authorities
- Junta de Transparencia y Ética Pública (Anti corruption office)
- Explicit authorization of persons included in the Registry or the legal representative of the company

Section 39  Law N°19.484 and Section 1 Law N° 20.018
Companies cannot register acts in public registries without a certification of compliance with obligations.

Companies cannot pay dividends to equity holders or BOs not informed to the Registry.

Enforcement capabilities based on supervision and sanctionary powers.

Sections 33, 34 and 37 Law N°19.484
Consistency controls

- NIA has direct access to the Registry – strategic analysis to detect inconsistencies – inspection plan based on detected risks

- FIU strategic and operational analysis detect unusual reports or inconsistencies that are reported to NIA – cross checks with other databases (Tax Office)

- CBU - Supervision of DD in financial system - detected inconsistencies are reported to NIA

Sections 33, 34 and 37  Law N°19.484
NIA has sanctionary powers

Law establihes fines for non compliance in identification, reporting to the Registry or keeping de information

NIA can inform the Tax Office (DGI) to suspend certification of DGI and can disclose the list of non compliant companies

Sections 32, 33, and 34 Law N°19.484
Main challenges

- Nominees
- Risk evaluation of the misuse of companies updated
- Importance of Beneficial Owner identification during due diligence process
- Greater access to information
Thank you