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## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

#### URUGUAY

Communicated by the Government of Uruguay

##### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

### **DECREE-LAW NO. 14.294 (31 OCTOBER 1974) CONTAINING PROVISIONS ON NARCOTIC DRUGS AND SUBSTANCES THAT CAUSE PHYSICAL OR PSYCHOLOGICAL DEPENDENCE**

AMENDED BY LAW NO. 15.738 (13 MARCH 1985) AND  
LAW NO. 17.016 (28 OCTOBER 1998)

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\* *Note by the Secretariat:* This document incorporates the amendments made to Decree-Law No. 14.294 (31 October 1974) by Law No. 15.738 (13 March 1985) and Law No. 17.016 (28 October 1998). The amendments appear in **bold type**.

**Decree-Law No. 14.294**

**NARCOTIC DRUGS**

**CONTAINING PROVISIONS ON NARCOTIC DRUGS AND SUBSTANCES  
THAT CAUSE PHYSICAL OR PSYCHOLOGICAL DEPENDENCE**

**The Senate and Chamber of Representatives of the Eastern Republic of  
Uruguay, meeting as a General Assembly,**

**DECREE THE FOLLOWING:**

**CHAPTER I**

Article 1. The import and export of the substances contained in schedules I and II of the New York Single Convention of 1961, ratified by Law No. 14.222 of 11 July 1974, as well as of the substances contained in schedule I of the Convention on Psychotropic Substances drawn up in Vienna, Austria, in February 1971, and those substances that the Executive, on the basis of studies or findings by the national health authorities or recommendations of international organizations, decides to include or exclude or transfer between these schedules, shall be a State monopoly.

Article 2. The Executive shall determine, on a proposal from the Ministry of Public Health, the conditions under which it will operate this monopoly, which shall be under the responsibility of that Ministry and the proceeds of which shall be devoted to the care and rehabilitation of drug addicts.

**Article 3. The plantation, cultivation, harvesting and marketing of any plant from which narcotic drugs or other substances causing physical or psychological dependence can be extracted shall be prohibited, except when, as applicable, these activities are carried out exclusively for purposes of scientific research or for the manufacture of therapeutic products for medical use.**

**In such cases, plantation or cultivation must be previously authorized by the Ministry of Public Health and shall remain under its direct control.**

**Any unauthorized plantation shall be immediately destroyed by order of the sitting criminal judge of first instance who hears the case.**

Article 4. The substances referred to in article 1 may be purchased from the State only by the proprietors of pharmacies or laboratories authorized by the Ministry of Public Health.

Article 5. The substances referred to in article 1, together with the psychotropic substances in schedules II, III and IV of the Convention on Psychotropic Substances drawn up in Vienna, Austria, in February 1971, may be used only for therapeutic purposes or purposes of scientific research. They may not be sold, delivered or supplied without prior presentation of the original medical, odontological or veterinary prescription, in accordance with the regulations to be issued.

The prescriptions must be preserved for a period of two years at least.

With regard to the substances in schedule I of the above-mentioned Vienna Convention, the provisions of article 7 of the Convention shall be taken particularly into account.

Article 6. The import and export of the substances contained in schedules II, III and IV of the Convention of Vienna, Austria, of February 1971, and of the preparations contained in schedules III and IV of the New York Single Convention of 1961, may take place only with the prior authorization of the Ministry of Public Health, such authorization being given on a special form for each import or export, stating the international name of the substance, its designation in the national list, the quantity to be imported or exported, the pharmaceutical formula, the name and address of the importer and exporter and the period within which the operation must be effected.

Before an export authorization is granted, the presentation of documentation certifying that the import has been authorized by the competent authority of the country of destination shall be required.

Article 7. Exports of consignments to a post office box, to a bank or to a person other than the person named in the corresponding authorization shall be prohibited.

Products that enter the national territory in transit must be accompanied by an export authorization.

Any requested diversion of the goods shall be treated as an export.

Article 8. The carriage by international ships, aircraft, motor coaches or railway trains of limited quantities of substances in the annexed lists necessary for first-aid purposes or emergency cases during the journey shall not be considered to be illegal imports or exports, but the Ministry of Public Health and the Ministry of the Interior, as appropriate, shall effect the necessary controls to prevent their use for illicit purposes.

Article 9. The substances covered by the controls established by this Law may be supplied to the public by establishments so authorized by the Ministry of Public Health, which establishments must document their sales monthly and in duplicate on special forms which shall be provided by the health authorities.

Article 10. Drugstores, pharmacies and laboratories that employ the substances contained in schedules I and II of the New York Single Convention of 1961 in their preparations and specific medicines intended to be kept in their stocks or for sale shall note, in a book signed and sealed by the public health authorities, the purchase of these substances, the type and quantity employed in their preparation and their sale of these substances, as well as of the preparations and specific medicines made using them.

Drugstores may sell these substances and preparations only to pharmacies, on the basis of an order signed by the pharmaceutical managers.

Laboratories shall sell their specific medicines and preparations, with these substances, to drugstores and pharmacies on the basis of an order signed by their technical directors.

Article 11. Only pharmacies may sell, deliver or supply to the public, in any form, the substances referred to in article 5, as well as the preparations and specific

medicines referred to in the preceding article, under conditions to be established in regulations.

Laboratories may issue original substances to health professionals, following presentation of the corresponding prescriptions.

Article 12. Private organizations for collective medical care may supply the drugs specified in article 5, and the preparations and specific medicines referred to in article 10, to their members, from stocks that they may maintain for these purposes.

The substances shall be dispensed following presentation of the corresponding medical prescriptions and under the professional responsibility of a pharmaceutical chemist.

The substances included in schedule I of the Vienna Convention of February 1971 shall be excluded from the use provided for in the preceding paragraph.

Article 13. Cupboards or cabinets in which the various drugs mentioned in article 5, together with the documentation required under regulations to be issued, are kept or deposited, shall remain locked under the responsibility of the official concerned.

Article 14. The Ministry of Public Health shall compile, within a period of 90 days from the promulgation of this Law, a register of medical, veterinary and odontological professionals, with their names, domiciles and private and surgery telephone numbers and an authenticated copy of their signatures.

The booklet containing these data will be sold at cost price to all laboratories, pharmacies and drugstores, which shall be obliged to have it in their possession in order to be able to check for possible falsification of prescriptions relating to the drugs specified in article 5.

This booklet shall be revised annually in January and distributed before the end of that month under the same conditions as set out in the preceding paragraph. The use of prescription books by professionals registered since the latest issue of the register shall be governed, until the distribution of the following issue, by relevant regulations to be issued by the Executive.

**Article 15. The Executive may amend or expand the content of the schedules and tables referred to in this Law, including or deleting substances or transferring them from one list to another, following the consultations specified.**

**The schedules and tables referred to in the present Law shall be considered an integral part of the Law.**

## CHAPTER II

Article 16. The Ministry of Public Health shall be responsible for:

- (A) Primary prevention of drug addiction through educational campaigns and prophylactic measures;
- (B) Secondary prevention through prompt action against drug addiction;
- (C) Assistance, treatment and social rehabilitation for the drug addict;

(D) Subjection to control, identification, incorporation and inclusion in the various annexed lists of those drugs that produce physical or psychological dependence;

(E) Control over trade in such drugs from their importation, processing in laboratories and marketing in drugstores to their final sale to the consumer public;

(F) Preparation of the statistics and reports required under international conventions signed by Uruguay.

Article 17. An executive agency shall be established which shall be called the "National Committee for the Control of Drug Addiction" and shall be directly subject to the Ministry of Public Health.

Article 18. The National Committee for the Control of Drug Addiction shall be composed of a psychiatrist from the Directorate of Mental Health, an epidemiologist from the Division of Hygiene and a pharmaceutical chemist from the Technical Division, all with particular qualifications in the subject matter. They shall be appointed by the Ministry of Public Health and shall serve a term of four years, subject to extension for a further period of four years.

The Committee shall adopt its own rules of procedure and be supported by a permanent Secretariat, to be recruited, installed and equipped by the Ministry of Public Health.

Article 19. The National Committee for the Control of Drug Addiction shall be responsible for:

(A) Preparing programmes and plans for the prevention and treatment of drug addiction, which, after approval by the Ministry of Public Health, shall be implemented by its organs in the fields of their technical competence;

(B) Supervising the implementation of these programmes;

(C) Proposing to the Ministry of Public Health such changes in the laws and regulations in force as it considers necessary;

(D) Promoting the establishment of specialized polyclinics and centres for the treatment and rehabilitation of drug addicts in each department of the country;

(E) Ensuring free and confidential treatment for any patient requesting it;

(F) Coordinating its work with the Directorate-General for Combating Illicit Traffic in Drugs of the Ministry of the Interior, the Ministry of Education and Culture, the Council for Children and the National Directorate of Customs, under regulations to be issued by the Executive;

(G) Evaluating the results of the programmes implemented.

Article 20. For purposes of the preparation of adult education programmes, the National Committee for the Control of Drug Addiction may organize such surveys and investigations as it considers necessary, in accordance with the relevant regulations.

Public and private agencies must cooperate fully in the preparation and implementation of such programmes.

Corporate bodies that fail to offer due cooperation may lose the grants or subsidies that they receive from the State.

Article 21. The National Committee for the Control of Drug Addiction, at the beginning of each school year, shall organize courses for educators, after prior agreement with the competent authorities, to prepare them for cooperating in measures to prevent drug addiction in educational establishments. Only educators approved by the National Council of Education and the Council for Children may participate in these courses.

Article 22. Directors of education centres shall be obliged to inform the National Committee for the Control of Drug Addiction about cases of use of or trafficking in the substances controlled by the Law within the school environment.

Non-compliance with this obligation shall be considered a serious misdemeanour and may lead to dismissal or the closure of the establishment if it is private.

Article 23. The National Committee for the Control of Drug Addiction shall keep a register recording all cases of drug addiction, with specification of the drugs used and of the circumstances in which they were consumed, without the names of the drug addicts appearing at any stage.

Police and judicial authorities and physicians shall make available to the National Committee for the Control of Drug Addiction the relevant data on the cases in which they intervene.

The Register of Drug Addiction shall be kept secret.

### CHAPTER III

Article 24. The Ministry of the Interior shall have the following tasks:

(A) Prevention, control and prosecution of all acts involving the import, export, production, manufacture, trading, marketing or illegal use of the substances regulated by the present Law;

(B) Cooperation at the international level to ensure the effectiveness of joint action to combat crime related to drug addiction.

Article 25. There shall be established an Honorary Commission and a Directorate-General for Combating Illicit Traffic in Drugs, both coming under the Ministry of the Interior.

Article 26. The Honorary Commission for Combating Illicit Traffic in Drugs shall consist of three members designated by the Executive. Two of them at least shall be professionals of university level well known for their competence in the subject, and the third shall be a person designated by the Ministry of the Interior on the proposal of the National Committee for the Control of Drug Addiction.

Article 27. The Honorary Commission shall have the following tasks:

(A) Establishing general guidelines for the activities of the Directorate-General;

(B) Planning the measures that it considers necessary to ensure the efficiency of State activities for preventing and combating illicit trafficking in drugs;

(C) Advising the Directorate-General on all matters that the latter considers appropriate to submit for its consideration;

(D) Evaluating every six months, jointly with the Directorate-General, the programmes and activities carried out;

(E) Coordinating action with the National Committee for the Control of Drug Addiction.

Article 28. The Director-General shall be appointed by the Executive, on a proposal by the Ministry of the Interior, accompanied by justifications.

He shall be confirmed in his post every two years, following consultation with the Honorary Commission.

He shall receive the same remuneration as the Director-General of Penal Institutions.

The Ministry of the Interior shall take the necessary measures to establish and equip the services hereby created, within not more than 60 days from the publication of this Law.

Article 29. The Directorate-General for Combating Illicit Traffic in Drugs shall be responsible for:

- (A) The establishment of a National Anti-Drug Brigade;
- (B) The selection and training of its personnel;
- (C) The preparation of a register listing all criminals whose illicit activities at national or international level are related to the subject matter of this Law;
- (D) The organization of a laboratory for the analysis of suspicious substances;
- (E) Supervision of customs control, which must be ensured by specialized personnel;
- (F) Training of the personnel assigned to customs control;
- (G) International cooperation in efforts to combat the abuse of narcotic or psychotropic substances;
- (H) Preparation of all reports required under conventions signed by Uruguay.

**Article 30. Anyone who, without legal authorization, produces, in whatever manner, the raw materials or substances, as applicable, capable of producing psychological or physical dependence contained in the schedules referred to in article 1, chemical precursors or other chemical products contained in tables 1 and 2 of this Law, or those specified by the Executive under the authority given to it by article 15 of this Law, shall be punished by a penalty of between 20 months' ordinary imprisonment and 10 years' rigorous imprisonment.**

**Article 31. Anyone who, without legal authorization, imports, exports, introduces in transit, distributes, transports, has in his possession other than for consumption, holds in deposit, stores, possesses, offers for sale or negotiates, in any manner, any of the raw materials, substances, chemical precursors or other chemical products mentioned in the preceding article shall be punished by the same penalty as is set forth in that article.**

**A person who has in his possession a reasonable quantity intended exclusively for his personal use shall be exempt from punishment, depending**

on a moral assessment by the judge, who must state in his decision the reasons therefor.

**Article 32.** Anyone who organizes or finances any of the criminal activities described in this Law, even if the acts do not take place on the national territory, shall be punished by a penalty of between 20 months' ordinary imprisonment and 18 years' rigorous imprisonment.

**Article 33.** Anyone who, from within the national territory, carries out acts aimed at the illegal introduction in foreign countries of the substances mentioned in this Law shall be punished by a penalty of between 20 months' ordinary imprisonment and 8 years' rigorous imprisonment.

**Article 34.** Anyone who, without legal authorization, for a consideration or without charge, supplies, applies or delivers the substances in this Law, or promotes, incites or facilitates their consumption, shall be punished by a penalty of between 20 months' ordinary imprisonment and 8 years' rigorous imprisonment.

**Article 35.** Anyone who violates the provisions of this Law in regard to the import, export, production, manufacture, marketing or supply of the substances and preparations contained in schedule III of the New York Single Convention of 1961, or of those included in schedules II, III and IV of the Vienna Convention, shall be punished by a penalty of between 12 months' ordinary imprisonment and 4 years' rigorous imprisonment.

#### CHAPTER IV

**Article 36.** A penalty of between 4 and 15 years' rigorous imprisonment shall be imposed in the following cases:

(1) When the delivery, sale, facilitation or supply of the substances referred to in article 1 was to a person of less than 21 years of age or to a person deprived of discernment or willpower.

(2) If the minor or person deprived of discernment or deficient in willpower suffers a serious illness as a consequence of the offence.

If death occurs, a penalty of between 5 and 20 years' rigorous imprisonment shall be imposed.

(3) When the substance was supplied or applied without the consent of the victim.

(4) When the offence was committed through the abusive or fraudulent exercise of a health profession, or any other profession subject to authorization or supervision for reasons of public health.

(5) When the offence was committed in the immediate vicinity of or inside an educational institution, health facility, hospital, prison, sport, cultural or social centre or precinct or place used for events or gatherings of a public nature, whatever their purpose.

**Article 37.** An attempt to commit an offence shall be punished with the same penalty as the completed offence. Preparations for the commission of an offence shall be punished by one third of the penalty corresponding to the completed offence, but the



judge shall have discretion to raise the penalty to one half, taking into account the gravity of the offence committed and the personality of the perpetrator.

Article 38. If the perpetrator exercises a profession or occupation which provided the means for him to commit the offence or facilitated it, he shall also be sentenced to the penalty of specific disqualification for a period of time falling between the duration of the main penalty and ten years.

Article 39. Immediately after the criminal proceedings, the perpetrator of an offence committed under the influence of the substances governed by this Law shall undergo the corresponding treatment, under the supervision of the National Committee for the Control of Drug Addiction.

If the person is found not to be criminally responsible for his actions, the judge, in pronouncing sentence, shall impose curative preventive measures which shall take place in a public or private establishment or on an out-patient basis, but always under the control of the National Committee for the Control of Drug Addiction, which shall also be heard in connection with the cessation of the measures.

If the perpetrator is found criminally responsible for his actions, he shall, following the period of treatment in a hospital, undergo preventive detention, or serve the penalty, as the case may be, in a penal institution.

The judge has discretion, in applying the penalty, to discount the period spent detained in a hospital.

Article 40. Anyone who is found consuming narcotic substances or misusing psychotropics, or in circumstances that lead to the supposition that he has just been doing so, having in his possession drugs for his personal use, shall be placed at the disposal of the rota examining court, so that the latter may order an examination of the detainee by the physician of the National Committee for the Control of Drug Addiction and by the forensic physician, who shall produce their report within 24 hours. If the examination shows the detainee to be a drug addict, the judge shall order treatment in a public or private establishment or on an out-patient basis, always subject to medical controls established by the National Committee.

The enforcement of this measure, as well as its cessation, shall be subject to the system of guarantees established in Law No. 9.581 of 8 August 1936.

Article 41. The National Committee for the Control of Drug Addiction shall endeavour to ensure that, whenever a drug abuser is sent for treatment, the requirements of a scientifically oriented therapy are combined with manual, intellectual or artistic production of products capable of ensuring a monetary income, of which one third shall go to the facility providing assistance, one third may be used for personal expenditures of the patient and one third shall be made available to dependent family members or, in their absence, deposited in a personal account which will be specially opened for this purpose.

Article 42. Property of any nature that the people concerned have acquired with money coming from the actions described in articles 30 to 37 of this Law shall also be confiscated (article 105 (a) of the Penal Code), unless they have been legally transferred to bona fide third parties, and without prejudice to legitimate encumbrances that may affect them.

Article 43. When the perpetrators or co-perpetrators of or accessories before, during or after the fact to any of the offences referred to in this Law are aliens, they shall be expelled from the national territory after serving the corresponding penalty.

This shall be without prejudice to their extradition, where applicable.

Article 44. Article 223 of the Penal Code is hereby repealed.

#### CHAPTER V

Article 45. Physicians, veterinarians and odontologists who violate any of the provisions of this Law or the regulations under it, if this does not constitute a criminal offence, shall be suspended from the exercise of their profession by the Ministry of Public Health for ten days the first time, for twenty days the second time and for thirty days the third time, and may definitively lose their qualifications to exercise the profession in the national territory from the fourth violation.

#### CHAPTER VI

Article 46. Voluntary hospitalization and hospitalization at the request of relatives, as well as the compulsory hospitalization provided for in article 40, shall be subject to the requirements and guarantees established by Law No. 9.581 of 8 August 1936.

#### CHAPTER VII

Article 47. The dissemination of terms that serve to designate, directly or indirectly, the drugs specified in article 1 of this Law shall be considered dangerous for mental health.

Article 48. Officers of the Directorate-General for Combating Illicit Traffic in Drugs and of the Inspectorate-General for Pharmacies may enter, at any time, rooms open to the public in business establishments, cafes, bars, guest houses and other analogous establishments, and common areas in boarding houses and hotels, in order to verify whether substances regulated under this Law are unlawfully present.

Article 49. The publication, by any medium, of names, pictures or occupations that will serve to identify drug addicts shall be prohibited.

Violation of this provision may lead to banning of the information medium concerned for up to thirty days. Such a measure may be imposed by the Executive.

**Article 50. Any public authority that seizes narcotic drugs or psychotropic substances and preparations that have been the object of any of the offences referred to in this Law shall, without prejudice to performance of the functions and tasks in its competence:**

**(A) Draw up a record, in the presence of two witnesses, stating:**

**(1) The date, place and circumstances of the seizure;**

**(2) The complete names, positions and units of the officials who took the action; the complete name, nationality, sex, age and number of identity document and passport of each person detained;**

(3) A description of the substances seized, with an indication of the quantity, weight, type of container and any other specification that will serve for the adequate identification of the substances;

(B) Insert the substances seized in a new container, which shall be sealed and sent immediately to the Institute of Forensic Science together with an authenticated copy of the record referred to in the previous paragraph, for the purpose of expert examination and subsequent transmission to the competent court;

(C) Transmit the record referred to in paragraph (A) above to the competent court within 24 hours of the event;

(D) Duly record all the steps that it has taken, together with a detailed and accurate description of the substances that are sent to the Institute of Forensic Science.

The acting court, when it determines that the substances seized are not necessary for the investigation of the offence, shall so inform the National Committee for the Control of Drug Addiction, so that the latter may decide on their utilization, as appropriate, if they can be used therapeutically or for scientific research, or, instead, order their destruction. If the destruction of the substances concerned is ordered, it shall take place at the headquarters of the Institute of Forensic Science in the presence of an official of the above-mentioned Committee and of a public registrar of the Ministry of Public Health, and the corresponding record shall be drawn up.

## CHAPTER VIII

Article 51. The Executive shall adopt regulations for the implementation of this Law within 60 days of its promulgation.

It shall bring the agencies created by this Law into operation within the same period of time.

Article 52. This Law shall enter into force 60 days from the date of its publication.

Article 53. Provisions in contradiction with this Law, and particularly Law No. 9.692 of 11 September 1937, are hereby repealed.

## CHAPTER IX

Article 54. Anyone who converts or transfers property, products or instrumentalities derived from any of the offences established by this Law, or related offences, shall be punished by a penalty of between 20 months' ordinary imprisonment and 10 years' rigorous imprisonment.

Article 55. Anyone who acquires, possesses, utilizes, has power over or performs any kind of transaction with property, products or instrumentalities that are derived from any of the offences established by this Law, or related offences, or are the proceeds of such offences, shall be punished by a penalty of between 20 months' ordinary imprisonment and 10 years' rigorous imprisonment.

**Article 56.** Anyone who conceals, eliminates or alters evidence of or impedes the true determination of the nature, source, location, disposition, movement, rights with respect to or ownership of property or products derived from any of the offences established by this Law, or related offences, shall be punished by a penalty of between 12 months' ordinary imprisonment and 6 years' rigorous imprisonment.

**Article 57.** Anyone who assists the perpetrator or perpetrators of offences referred to in this Law, or related offences, whether in securing the benefit or result of the criminal act, obstructing justice or escaping the legal consequences of their actions, or gives them any help, assistance or counsel, shall be punished by a penalty of between 12 months' ordinary imprisonment and 6 years' rigorous imprisonment.

**Article 58.** The purpose of deriving advantage or profit for oneself or a third party from the offences referred to in articles 56 and 57 of this Law shall be considered an aggravating circumstance, and in such a case the penalty may be increased by one third.

**Article 59.** If an organized criminal association or group was involved in the commission of any of the offences referred to in this Law, or the commission of the offence was effected through the use of violence or arms or the utilization of minors or persons without legal capacity, the penalty shall be increased by up to one half.

**Article 60.** In relation to the offences referred to in this Law, the following circumstances shall constitute special aggravating circumstances:

- (1) That a victim or victims of the offences established in this Law is less than 18 years of age, lacks legal capacity or is deprived of discernment or willpower;
- (2) That the substance was supplied or applied without the consent of the victim;
- (3) That the offence was committed through the abusive, fraudulent or illegal exercise of a health profession;
- (4) That the offence was committed inside or at the entrance of an educational institution, health facility, hospital, prison, sport, cultural or social centre or facility, or precinct or place used for events or gatherings of a public nature, whatever their purpose;
- (5) That the act resulted in injury to or death of the victim.

**Article 61.** Wilfulness, in respect of any of the offences referred to in this Law, shall be inferred from factual circumstances in accordance with general principles.

The intervening judge shall give reasons for his moral appraisal of the case, whether in a committal order or in a decision not ordering committal, and in the final judgement, whether or not it is a conviction.

## CHAPTER X

**Article 62.** The judge hearing the case may, at any time, without prior notice, issue an order for seizure, sequestration, freezing or any other precautionary measure designed to ensure or preserve the availability of property, products or instrumentalities used in or intended for use in any of the offences referred to in this Law, or related offences, for the purpose of eventual confiscation or forfeiture.

The foregoing powers of the judge hearing the case may be exercised without prejudice to those provided for in **articles 81 and articles 159 to 162, inclusive, of the General Code of Procedure.**

**Article 63.** In the sentence, the judge or court, as applicable, shall order the property, products or instrumentalities relating to any of the offences referred to in this Law, or related offences, to be confiscated and disposed of in accordance with the law.

When such property, products or instrumentalities cannot be confiscated, as a consequence of some act or omission on the part of the convicted person, the judge shall order the confiscation of any other property of the convicted person of equivalent value, or, if this is not possible, shall order the convicted person to pay a fine of the same value.

For these purposes, confiscation means definitive deprivation of any property, product or instrumentality by decision of the competent judicial authority.

**Article 64.** The provisions of articles 62 and 63 shall be without prejudice to the rights of bona fide third parties.

**Article 65.** All persons claiming to have a lawful interest in the property, products or instrumentalities may appear before the judge hearing the case, who shall hear them in accordance with the principles of due legal process, with notification of the defence, where applicable, and of the prosecution service, which may be represented in this proceeding.

**Article 66.** The judge shall order the return to the third party of the corresponding property, products or instrumentalities when, in his judgement, the good faith of the third party is established.

**Article 67.** Whenever property, products or instrumentalities are confiscated in pursuance of the provisions of this Law which do not need to be destroyed and are not prejudicial for the population, the judge shall place them at the disposal of the Executive, which shall determine their use, and which may opt—depending on the characteristics of the property, products or instrumentalities and what is most convenient and desirable in the concrete case—for:

(A) Retaining them for official use or transferring them to any public body that has participated directly or indirectly in the seizure or confiscation of the property concerned;

(B) Sell them and transfer the proceeds of such sale to any public body that has participated directly or indirectly in their seizure or in the coordination of prevention or law enforcement programmes in the area of drugs;

(C) Transfer the property, products or instrumentalities, or the proceeds from their sale, to any private body devoted to the prevention of abuse of drugs and the treatment, rehabilitation and reintegration in society of those affected by their consumption.

## CHAPTER XI

**Article 68.** The Executive shall establish a register in which all must be entered who produce, manufacture, prepare, import, export, distribute, use, have in their possession, are depositaries of, store, offer for sale or negotiate, in any manner, chemical precursors and other chemical products included in tables 1 and 2.

Only those who have obtained the corresponding authorization from the Executive may carry out the operations and activities referred to in the preceding paragraph in relation to chemical precursors and other chemical products included in the tables referred to in that paragraph.

**Article 69.** For the purposes of this Law, chemical precursors are substances that can be used in the production, manufacture and preparation of narcotic drugs or psychotropic substances whose molecular structure can be incorporated in the final product, and are consequently essential for these processes.

For the purposes of this Law, other chemical products are substances—such as solvents, reagents or catalysts—that, though not precursors, can be used in the production, manufacture, extraction or preparation of narcotic drugs or psychotropic substances.

**Article 70.** Individuals or corporate bodies subject to the obligation set out in article 68 shall keep and retain records of the inventory, production, manufacture, acquisition and distribution of the substances and products listed in tables 1 and 2 of the annex in the manner determined under regulations to be issued by the Executive.

Such regulations shall establish the maximum quantities of each of the products included in table 2 that are exempted, in each activity, from the rules established in this Law.

## CHAPTER XII

**Article 71.** Institutions or enterprises that engage in activities of financial brokerage covered by Decree-Law No. 15.322 of 17 September 1982, banks regulated by Law No. 16.131 of 12 September 1990, money-exchange offices referred to in article 56 of Law No. 16.696 of 30 March 1995 and, in general, individuals or corporate bodies subject to control by the Central Bank of Uruguay shall comply with regulations to be issued by the Executive or the Central Bank of Uruguay to prevent the conversion, transfer or concealment of

property, products or instrumentalities derived from any of the activities established as offences by this Law.

Violation of the provisions of these regulations may, depending on the case and as appropriate, lead to the application of the administrative sanctions or measures provided for in Decree-Law No. 15.322 of 17 September 1982, amended by Law No. 16.327 of 11 November 1992.

The above is without prejudice to the power of the judge to evaluate, as applicable, in accordance with the criteria and procedures provided for in this Law, the possible criminal responsibility of directors, managers, administrators, agents, trustees or lawyers of the institutions, enterprises or companies referred to in the first paragraph.

Article 72. In conformity with regulations to be issued by the Central Bank of Uruguay, institutions for financial brokering and other institutions that engage in financial activities in the relevant field may not maintain accounts without due identification of the holders of those accounts.

The institutions referred to in the preceding paragraph shall record and verify by effective means the identity, agency, domicile, legal capacity, occupation or social purpose—as applicable—of individuals and corporate bodies holding accounts in the institutions, in conformity with regulations to be issued by the Central Bank of Uruguay.

Article 73. The institutions referred to in the preceding article shall keep and retain, under conditions established by regulations of the Central Bank of Uruguay, records and commercial correspondence permitting the reconstruction of financial transactions that exceed the amount established in those regulations, and a database that will permit rapid access to information on financial operations.

Article 74. The Executive, with the assistance of the Central Bank of Uruguay, shall coordinate training programmes for relevant personnel related to the activities referred to in chapter XII of the present Law and, with regard to the subjects dealt with in chapter XIII, shall coordinate training programmes on questions concerning international legal cooperation with the assistance of the Directorate for International Legal Cooperation and Justice of the Ministry of Education and Culture.

### CHAPTER XIII

Article 75. Requests for international legal cooperation in criminal matters which emanate from foreign authorities with competence in accordance with the law of the requesting State for the investigation and prosecution of the offences referred to in this Law, or of related offences, and which relate to legal cooperation in regard to simple procedures, the taking of evidence, preservation measures or the attachment, confiscation, forfeiture or transfer of property, shall be received and acted on by the Directorate for International Legal Cooperation and Justice of the Ministry of Education and Culture. This Directorate, in conformity with the relevant international treaties in force and national rules, shall transmit the corresponding requests for international legal

cooperation, directly and without delay, to the competent national judicial authorities or administrative authorities with judicial functions, as applicable, to be dealt with in accordance with Uruguayan law.

**Article 76.** Requests for international legal cooperation and annexed documentation received by the above-mentioned Directorate by diplomatic or consular channels, or directly, shall be exempt from the requirement for legalization and shall be accompanied, where applicable, by a translation into Spanish.

**Article 77.** 1. The superior national courts competent to provide the requested international legal cooperation shall deal with the request of their own motion, with the participation of the Attorney-General's Office, in accordance with Uruguayan laws, and shall verify: (a) that the request is duly substantiated; (b) that it identifies the competent foreign authority, giving its name and address; and (c) that, if applicable, it is accompanied by a translation into Spanish in accordance with the relevant domestic legislation.

2. In cases of international legal cooperation, such cooperation is furnished by the superior national courts, and the judge shall examine whether the conduct that gave rise to the investigation, prosecution or procedure in the requesting State constitutes a criminal offence under national law or not.

3. In cases of requests for legal cooperation in regard to records, the lifting of bank secrecy, or the attachment, sequestration and delivery of any object, including, inter alia, documents, information or effects, the acting national court shall act on the request if it establishes that the request contains all the information justifying the measure requested. This measure shall be subject to Uruguayan procedural and substantive law.

4. Requests for international legal cooperation may be rejected by the national courts responsible for acting on them if the courts conclude that the requests seriously, concretely and manifestly prejudice *ordre public*, security or other essential interests of Uruguay.

**Article 78.** Authorities or private persons of the States requesting cooperation may not engage, on Uruguayan territory, in activities which, under national legislation, are the prerogative of the national authorities.

**Article 79.** When the data required for the execution of the request for international legal cooperation are insufficient or unclear, the acting court may request expansion or clarification of the data from the requesting foreign authority through the Directorate for International Legal Cooperation and Justice, which shall transmit the request for expansion or clarification on an urgent basis. In cases in which the request for international legal cooperation is not executed in part or at all, this fact, together with the reasons for its not having been executed, shall be immediately communicated by the acting court to the requesting foreign authority through the above-mentioned Directorate of the Ministry of Education and Culture.

**Article 80.** The domestic legislation of Uruguay shall govern any liability for damage that may result from acts of its authorities in rendering international legal cooperation requested by foreign authorities.



The Eastern Republic of Uruguay reserves the right to sue requesting States for indemnification arising out of action on requests for international legal cooperation.

The request for international legal cooperation made by a foreign authority shall imply knowledge and acceptance by that authority of the principles set forth in the preceding provisions, all of which shall be drawn to the attention of the requesting authority by the above-mentioned Directorate for Cooperation of the Ministry of Education and Culture, as soon as the relevant request for cooperation is received by the Directorate.

Meeting Hall of the Chamber of Representatives, at Montevideo, on 7 October 1998.

**JAIME MARIO TROBO,**  
*President.*

**MARTIN GARCIA NIN,**  
*Secretary.*

Montevideo, 22 October 1998.

**To be implemented, acknowledged, communicated, published  
and entered in the National Register of Laws and Decrees.**

**SANGUINETTI.**