



COMPREHENSIVE LAW ON THE PREVENTION AND SUPPRESSION OF MONEY LAUNDERING AND OTHER ASSETS, AND THE FINANCING OF TERRORISM

On June 17, 2026, Decree No. 15-2026 of the Congress of the Republic of Guatemala was published in the Official Gazette, enacting the Comprehensive Law for the Prevention and Suppression of Money Laundering and Other Asset Laundering and the Financing of Terrorism.

General Provisions:

- **Purpose of the law:** to prevent, detect, punish, and combat money laundering, terrorist financing, and the proliferation of weapons of mass destruction.
- **Guiding principles:** legality, proportionality, international cooperation, interagency coordination.
- **Key Definitions:**
 - *Ultimate Beneficial Owner:* a natural person who owns or controls at least 20% of the capital or voting rights.
 - Reportable entities: designated financial and non-financial entities.
 - Suspicious transaction: a transaction that is inconsistent with the customer's economic profile



➤ Crimes and Legal Classification

Criminal Offenses:

- Transferring, investing, managing, or possessing illicit assets.
- Concealing the origin, destination, or ownership of assets.
- Facilitating illicit transactions by action or omission in connection with one's position or profession.
- Financing terrorism or weapons proliferation.

Penalties:

- Imprisonment for 6 to 20 years.
- Fines proportional to the amount involved.

Criminal liability of legal entities: fines, suspension of operations, revocation of licenses.

➤ Reportable Entities

Reportable Entities: banks, insurance companies, currency exchange bureaus, virtual asset service providers, real estate agencies, notaries, independent attorneys, auditors, accountants, and dealers in precious metals and jewelry.

Obligations: registration with the SIB, implementation of internal prevention policies, and appointment of a compliance officer.

Exception: Registration does not replace sector-specific licenses or registrations.

➤ Compliance Obligations

- Mandatory ML/TF/PADM Prevention Manual.
- Compliance officer designated and approved by the SIB.
- Customer due diligence:
 - Identification of the beneficial owner (threshold: 20%).
 - Documentary verification and periodic updates.
- Reports:
 - Suspicious transactions (RTS).
 - Cash transactions exceeding defined thresholds.
- Record retention: minimum 5 years, maximum 10.
- Training: annual programs for all staff.
- Audits: internal and external to verify compliance.

➤ Risk-Based Approach

- Risk assessment: customers, products, services, channels, geographic location.
- Documentation: written analysis, approved by senior management.
- Updates: periodic, with documented evidence for monitoring purposes.
- Implementation: enhanced measures for high-risk customers (PEPs, vulnerable sectors)



➤ **Special Audit Office (IVE)**

- Expanded powers: from 8 to 13 subparagraphs.
- Functions:
 - Rigorous oversight of regulated entities.
 - Management of records and computer systems.
 - Prompt communication with the Public Prosecutor's Office.
 - Dissemination of crime patterns and alerts.
 - Coordination with international organizations.
 - Sector-specific risk assessment.
 - Issuance of technical guidelines and directives.

➤ **National Coordination Council**

- Chair: Vice President of the Republic.
- Members: SIB, Public Prosecutor's Office, Ministry of Finance, National Civil Police, SAT, Ministry of Foreign Affairs.
- Functions:
 - Coordinate national policies.
 - Assess country risks.
 - Propose legal reforms.
 - Monitor compliance with international commitments.

➤ **Procedures and Penalties**

- Administrative sanctions: fines, suspension of operations, revocation of licenses.
- Criminal sanctions: prison sentences and liability for executives and compliance officers.
- Investigation procedures: jurisdiction of the IVE and coordination with the Public Prosecutor's Office.
- Precautionary measures: freezing of accounts, seizure of assets.
- Appeal procedures: right to a defense and to appeal to the SIB.

➤ **Final and Transitional Provisions**

- Repeal:
- Previous laws (Decreets 67-2001 and 58-2005).
- Regulations:
 - The IVE must submit them by March 17, 2027.
- Protection
 - for the informal economy: the law does not criminalize the use of cash nor does it affect small merchants or informal workers.
- Compliance
 - deadlines: regulated entities must implement measures within 6 months after the law takes effect.



Decree 15-2026 is a comprehensive law that modernizes Guatemalan legislation, expands the scope of regulated entities, strengthens the IVE, establishes clear penalties, and creates a national coordinating council, thereby preparing the country for international evaluations and safeguarding its financial system.

The Decree takes effect on September 17, 2026.

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