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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 137

(2006, chapter 4)

## **An Act respecting reserved designations and added-value claims**

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**Introduced 6 December 2005**

**Passage in principle 13 December 2005**

**Passage 13 April 2006**

**Assented to 19 April 2006**

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**Québec Official Publisher  
2006**

## **EXPLANATORY NOTES**

*This bill replaces the Act respecting reserved designations. Its purpose is to regulate the use of designations and claims identifying agricultural, aquacultural and other food products intended for sale, and to establish the Conseil des appellations réservées et des termes valorisants for that purpose. The functions of the Board include accrediting certification bodies, holding consultations on the proposed specifications or characteristics of the products concerned, and advising the Minister on the recognition of reserved designations or the authorization of added-value claims.*

*The bill gives the Minister the power to recognize reserved designations, to authorize added-value claims by regulation and to define the standards to be met by products in order to qualify for those designations or claims. It grants the exclusive right to use a recognized reserved designation or authorized added-value claim to the parties registered with an accredited certification body, which certifies the products concerned as compliant with the applicable specification manual or with the regulation of the Minister.*

*In addition, the bill grants the Board the inspection and seizure powers necessary to regulate the use of the designations under its authority. It grants the Minister the regulatory powers necessary to administer the Act and, particularly, to determine criteria and requirements for the recognition of reserved designations and for the accreditation of certification bodies.*

*Lastly, the bill prescribes offences and penalties to permit enforcement and contains transitional provisions.*

### **LEGISLATION REPLACED BY THIS BILL:**

- Act respecting reserved designations (R.S.Q., chapter A-20.02).

# **Bill 137**

## **AN ACT RESPECTING RESERVED DESIGNATIONS AND ADDED-VALUE CLAIMS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### **CHAPTER I**

#### **OBJECT AND PRINCIPLES**

**1.** The object of this Act is to protect the authenticity of products, and of terms used to identify and promote them, through product certification based on origin or on special characteristics associated with a method of production or specificity.

**2.** In this Act, “product” means an unprocessed or processed agricultural, aquacultural or other food product that is intended for sale.

**3.** A reserved designation falls into one of the following three classes:

(1) reserved designations relating to a method of production such as organic farming;

(2) reserved designations relating to a link with a terroir, such as protected designations of origin and protected geographical indications;

(3) reserved designations relating to specificity.

**4.** An authorized added-value claim identifies a special characteristic of a product, generally a method of production or preparation, that is sought by the consumer.

**5.** To qualify for a reserved designation, a product must be certified by an accredited certification body as compliant with a specification manual.

To qualify for an added-value claim, a product must be certified by an accredited certification body as compliant with standards defined by regulation of the Minister.

**6.** Recognition of a reserved designation or authorization of an added-value claim grants the parties registered with an accredited certification body the exclusive right to use the designation or claim, on the conditions set by that certification body.

## **CHAPTER II**

### **CONSEIL DES APPELLATIONS RÉSERVÉES ET DES TERMES VALORISANTS**

**7.** A reserved designations and added-value claims board (“the Board”) is established under the name “Conseil des appellations réservées et des termes valorisants”.

The Board is a legal person.

The Board is deemed a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) for the sole purpose of making the Board subject to that Act.

**8.** The Board has its head office in the city of Québec. It may hold its meetings anywhere in Québec.

**9.** The mission of the Board is

(1) to accredit bodies that comply with the applicable accreditation manual as certification bodies;

(2) to advise the Minister on the recognition of reserved designations;

(3) to advise the Minister on the authorization of added-value claims and issue advisory opinions on the special characteristics of products that may qualify for those claims;

(4) to hold consultations, particularly prior to recommending the recognition of a reserved designation or the authorization of an added-value claim and prior to issuing advisory opinions on the special characteristics of products that may qualify for those claims; and

(5) to monitor the use of recognized reserved designations and authorized added-value claims.

**10.** To that end, the Board

(1) prepares, in accordance with the regulations of the Minister, an accreditation manual setting out the standards and criteria against which it will assess applications for accreditation;

(2) monitors accredited certification bodies, and sees that they apply certification standards and criteria and have the necessary resources to exercise adequate supervision, as provided for in the applicable accreditation manual, over the activities of users of recognized reserved designations and authorized added-value claims, and the necessary resources to verify the products they certify; and

(3) sees that the parties registered with an accredited certification body comply with the rules for using recognized reserved designations and authorized added-value claims.

**11.** The Board may impose a contribution on accredited certification bodies to cover the cost of its activities.

**12.** The Board is composed of nine members, including a chair and executive director.

The Government appoints two members, including the chair and executive director. The Conseil de promotion de l'agroalimentaire québécois incorporated by letters patent issued under Part III of the Companies Act (R.S.Q., chapter C-38) appoints a member from each of the following groups:

- (1) producers;
- (2) processors;
- (3) distributors;
- (4) retailers;
- (5) certification bodies;
- (6) consumers; and
- (7) producers of products that contain alcohol.

The Conseil de promotion de l'agroalimentaire québécois chooses each of these seven members from among the candidates proposed by the representative associations for the group concerned; those associations collectively propose three to five candidates.

If the Conseil de promotion de l'agroalimentaire québécois fails to make those appointments, the Minister designates another legal person with similar activities.

**13.** The members of the Board are appointed for a term not exceeding three years in such a manner that two positions on the Board become vacant each year. On the expiry of their term, the members remain in office until replaced or reappointed.

**14.** A member of the Board may resign by sending a written notice of resignation to the Minister.

**15.** The Board assigns the following functions to committees:

(1) to design an accreditation manual in keeping with the criteria and requirements prescribed by regulation of the Minister, to assess specification manuals, to assess, at the Minister's request to the Board, the special characteristics of products that may qualify for an added-value claim, and to assess the advisability of holding consultations on proposed amendments to a specification manual;

(2) to assess, in light of the applicable accreditation manual and through such means as inspection plans designed to verify the compliance of a product with the specification manual or the regulation authorizing the relevant added-value claim, the capacity of certification bodies to administer a certification program, and to ensure that accredited certification bodies comply with the standards and criteria set out in the applicable accreditation manual; and

(3) to monitor the use of recognized reserved designations and authorized added-value claims, and to assess suitable means or proceedings to prevent the unlawful use of those designations and claims.

Each committee is composed of members qualified in the matters within its purview. The functions set out in subparagraphs 1, 2 and 3 must be exercised by separate committees.

The Board makes a decision on an accreditation manual, an accreditation, consultations or suitable means and proceedings once an assessment has been submitted by the competent committee.

**16.** The chair and executive director is responsible for the administration and general management of the Board. The position of chair and executive director is a full-time position.

The chair and executive director calls and presides at meetings of the Board and sees to the proper conduct of business. The chair and executive director, if absent or unable to act, is replaced by the member designated by the chair and executive director. If that member or another member is absent or unable to act, the Government may appoint a replacement.

**17.** The chair and executive director is entitled to remuneration and employment benefits in accordance with the standards and scales set by the Government.

The other members of the board of directors receive no remuneration. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the internal by-laws.

**18.** The Board may appoint a secretary and hire the personnel it requires to carry out its functions.

The secretary of the Board and the other members of its personnel are appointed in accordance with the staffing plan established by by-law of the Board.

The Board determines the standards and scales of remuneration, employment benefits and other conditions of employment of the members of its personnel by by-law, subject to the provisions of a collective agreement.

**19.** The quorum at meetings of the Board is the majority of its members, including the chair and executive director or the person replacing the chair and executive director.

Decisions of the Board are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

**20.** No member of the Board may have a direct or indirect interest in a certification body.

A member who has a direct or indirect interest in an enterprise causing the member's personal interest to conflict with the interest of the Board must, on pain of forfeiture of office, disclose the interest in writing and abstain from participating in any decision involving the enterprise.

**21.** The members of the Board may waive notice of a meeting. Attendance at a meeting constitutes a waiver of notice, unless the members are present for the sole purpose of contesting the legality of the meeting.

**22.** The members of the Board may, in the cases and on the conditions specified in the internal by-laws, take part in a meeting of the Board from separate locations by means of equipment allowing all of them to communicate directly with one another.

**23.** The minutes of the meetings of the Board, approved by the Board and certified by the chair and executive director or the secretary, are authentic. The same applies to documents and copies of documents emanating from the Board or forming part of its records, if they are so certified.

**24.** An intelligible transcription of a decision or other data stored by any technological means is a document of the Board and is evidence of its contents if it is certified by a person referred to in section 23.

**25.** A deed, document or writing is binding on and may be attributed to the Board only if it is signed by the chair and executive director or the secretary.

**26.** The internal by-laws of the Board may, subject to specified conditions, allow a signature to be affixed by means of an automatic device or a facsimile of a signature to be engraved, lithographed or printed on specified documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 23.

**27.** If the secretary or a member of the personnel of the Board has a direct or indirect interest in an enterprise causing that person's personal interest to conflict with the interest of the Board, the person must, on pain of dismissal, disclose the interest in writing to the chair and executive director.

**28.** No judicial proceedings may be brought against a member, the secretary or the personnel of the Board for an act done in good faith in the exercise of their functions.

**29.** Any personal or other information held by the Board for the purposes of this Act and required for the purposes of section 4 of the Food Products Act (R.S.Q., chapter P-29) or a regulation under paragraph *e*, *h* or *m* of section 40 of that Act must be sent to the Minister.

The first paragraph applies despite sections 23, 24 and 28 of the Act respecting Access to documents held by public bodies and the Protection of personal information.

## **CHAPTER III**

### **REGULATORY MEASURES**

#### **DIVISION I**

##### **RECOGNITION AND AUTHORIZATION**

**30.** When one or more certification bodies have demonstrated to the Board that they meet the standards and criteria set out in the applicable accreditation manual and have provided the documents and information required by regulation of the Minister, the Minister, on the recommendation of the Board,

(1) recognizes the reserved designation concerned; or

(2) makes a regulation to authorize an added-value claim and define the standards with which products must comply in order to qualify for it.

If the reserved designation or added-value claim is for a product that contains alcohol within the meaning of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1), the Minister must, in addition, obtain the opinion of the Minister responsible for the administration of that Act and the opinion of the Minister responsible for the administration of Divisions III and IV of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13).

**31.** The Minister gives notice of the recognition of a reserved designation in the *Gazette officielle du Québec*.

The notice specifies where and how the specification manual may be consulted.



**32.** The recognition of a reserved designation takes effect on the date of publication of the notice in the *Gazette officielle du Québec* and the authorization of an added-value claim, on the date of coming into force of the regulation.

From that date, the Board has the power to accredit certification bodies and regulate the use of the recognized reserved designation or the authorized added-value claim.

Despite the first paragraph, the Minister may delay the effective date of a notice relating to a reserved designation in order to give the persons concerned the opportunity to comply with this Act.

**33.** The Board may institute proceedings against any person using a recognized reserved designation or authorized added-value claim for products not certified by an accredited certification body.

## **DIVISION II**

### **INSPECTION AND SEIZURE**

**34.** The Minister appoints the inspectors, analysts and other officers necessary for the enforcement of this Act and the regulations on the recommendation of the Board and from among its personnel.

**35.** An inspector who has reasonable grounds to believe that products or objects to which this Act or the regulations apply may be found in certain premises may, in the exercise of inspection functions,

- (1) enter the premises at any reasonable time;
- (2) inspect the products, the premises and any object to which this Act and the regulations apply, and take samples free of charge;
- (3) take photographs or make recordings; and
- (4) require the production of any book, bill of lading, record or other document for examination or for the purpose of making copies or extracts, if the inspector has reasonable grounds to believe that they contain information related to the application of this Act or the regulations.

**36.** An inspector may, in the exercise of inspection functions, require any person to produce the documents or information held by the person that the inspector needs in order to make sure that a product or object complies with the provisions of this Act and the regulations. The person must furnish the documents or information to the inspector within such reasonable time as is specified by the inspector.

**37.** An inspector may seize any product or object to which this Act applies if the inspector has reasonable grounds to believe that the product or object was used in the commission of an offence under this Act or the regulations.

**38.** Inspectors, analysts and other officers must, on request, identify themselves and produce a certificate of authority signed by the Minister.

A person that hinders an inspector, analyst or other officer in the exercise of official functions or misleads or attempts to mislead, or fails or refuses to obey an inspector, analyst or other officer, is guilty of an offence and is liable to a fine of not less than \$1,000 nor more than \$6,000 and, for a subsequent offence, to a fine of not less than \$3,000 nor more than \$18,000.

### **DIVISION III**

#### **AUTHORIZATION TO REMEDY**

**39.** On application and if considered appropriate by the Minister, the Minister may authorize the owner or possessor of a seized product to make the identification of the product compliant with this Act and the regulations of the Minister. Authorization is granted on the advice of the Board and on the conditions the Minister specifies regarding such matters as the packaging and labelling of the product as well as indications, logos, symbols or other markings associated with the product or its identification.

The application must be made in writing to the Minister not later than 30 days after the date of the seizure. It must be submitted with a detailed description of the proposed steps for making the identification of the product compliant with this Act and the regulations of the Minister. The detailed description must include a time frame and indicate a projected completion date.

The application must also be submitted with a written undertaking to pay the costs involved and reimburse the Board for inspection costs and other expenses related to the verification of the product.

If the Board is satisfied with the proof presented by the holder of the authorization to the effect that the identification of the product has been made compliant with this Act and the regulations of the Minister, it certifies that fact in writing.

The seizure is lifted on the date the holder of the authorization receives the certificate. The Board so informs the Minister in writing.

**40.** If the holder of an authorization under section 39 fails to comply with any of the specified conditions, the Minister, on the recommendation of the Board, may revoke the authorization. Revocation of the authorization obliges the holder to destroy the product, at the holder's expense, within the time determined by the Minister and according to the Minister's instructions. If the

holder fails to do so, the product is confiscated by an inspector and the Board destroys the product at the holder's expense.

## **DIVISION IV**

### **DISPOSAL OF THING SEIZED**

**41.** The owner or possessor of a thing seized assumes custody of that thing. An inspector may, however, if the inspector considers it appropriate, remove it to other premises for safekeeping. In addition, the custodian retains custody of the thing seized when it is submitted in evidence, unless the judge decides otherwise. The custody is maintained until it is dealt with under section 39, 42, 43, 44 or 45 or, if proceedings are instituted, until a judge rules on it.

**42.** The thing seized must be returned to the owner or possessor

(1) if a period of 90 days has expired after the date of seizure and no proceedings have been instituted or authorization granted under section 39; or

(2) if the inspector is of the opinion, after verification during that period, that no offence under this Act or the regulations has been committed or that the owner or possessor of the thing seized has, since the seizure, complied with this Act and the regulations.

**43.** A judge may, on the application of the seizer, authorize the sale of the thing seized if it is perishable or likely to depreciate rapidly.

At least one clear day's prior notice of the application must be served on the person from whom the thing was seized and on the persons who claim to have a right in the thing. However, the judge may exempt the seizer from service if deterioration of the thing is imminent.

The conditions of the sale are determined by the judge. The proceeds of the sale are deposited with the Minister of Finance in accordance with the Deposit Act (R.S.Q., chapter D-5).

**44.** The owner or possessor of the thing seized may, at any time, apply to a judge to obtain the release of the thing or of the proceeds of the sale, except if the owner or possessor has applied for an authorization under section 39.

The application must be served on the seizer or, if proceedings have been instituted, on the prosecutor.

The judge grants the application if satisfied that the applicant would suffer serious or irreparable damage from continued detention of the thing seized or of the proceeds of the sale and that the release will not hinder the course of justice.

**45.** If the owner or possessor of a thing seized is unknown or untraceable, the thing seized or the proceeds of the sale are transferred to the Minister of Revenue 90 days after the date of seizure, together with a statement describing the thing and indicating, if available, the name and last known address of the interested party.

The provisions of the Public Curator Act (R.S.Q., chapter C-81) pertaining to unclaimed property apply to the thing or proceeds so transferred to the Minister of Revenue.

**46.** On the application of the seisor, a judge may order that the period of detention be prolonged for a maximum of 90 days.

**47.** On the application of either party, a judge may, on pronouncing a conviction for an offence under a provision of this Act or the regulations, order the confiscation of a thing seized or of the proceeds of the sale.

Prior notice of the application for confiscation must be given to the other party and to the person from whom the thing was seized, except if they are in the presence of the judge.

The Board prescribes the manner in which the thing or proceeds of the sale confiscated under this section are to be disposed of.

**48.** Except with the assent of an inspector, no person may sell or offer for sale a seized or confiscated thing, or remove or allow such a thing, its container or the writ of seizure or confiscation to be removed, or remove or break seals affixed by an inspector.

## **CHAPTER IV**

### **ACCREDITATION**

#### **DIVISION I**

##### **ACCREDITATION PROCESS**

**49.** A body constituted as a legal person that applies to the Board for accreditation and, in the opinion of the Board, complies with the applicable accreditation manual is entitled to accreditation to certify products as compliant with a specification manual or with the standards defined by regulation of the Minister.

For the purposes of this Act, the administrative unit of the Centre de recherche industrielle du Québec referred to as the “Bureau de normalisation du Québec” in section 16 of the Act respecting the Centre de recherche industrielle du Québec (R.S.Q., chapter C-8.1) is considered a body constituted as a legal person.

The Board must satisfy itself that the applicant body has the capacity to administer a certification program based on the specification manual or the standards defined by regulation of the Minister.

**50.** A body's application for accreditation must be submitted with all the documents specified in the applicable accreditation manual and the regulations. It must also be submitted with a list of the parties registered with the body and a list of the products that the body intends to certify.

**51.** The Board may require the applicant body to provide any other document or information it considers relevant to the assessment of the application. It may demand to be allowed to visit, as provided for in the applicable accreditation manual, the facilities of the applicant body and of the parties registered with the applicant body.

**52.** If of the opinion that the applicant body does not meet the standards and criteria set out in the applicable accreditation manual, the Board must first give the applicant body an opportunity to submit its observations, then give reasons for its decision to deny accreditation.

## **DIVISION II**

### **EFFECT OF ACCREDITATION**

**53.** On the expiry of a period of 15 days after the date on which the Board sends the interested parties its decision granting accreditation to the certification body, the Board gives notice of the decision in the *Gazette officielle du Québec*. The decision becomes effective on the date of publication of the notice.

**54.** Accreditation gives the certification body for a recognized reserved designation or authorized added-value claim the power or obligation

(1) to administer a certification program that complies with the applicable accreditation manual;

(2) to refrain from unduly limiting the accessibility of its services for those to whom a specification manual or a regulation authorizing an added-value claim applies or whose activities are regulated by such a manual or regulation;

(3) to certify products bearing the recognized reserved designation as compliant with the specification manual or to certify products bearing the authorized added-value claim as compliant with the regulation of the Minister;

(4) to ensure that the parties registered with the certification body comply with the specification manual or with the standards defined by regulation of the Minister;

(5) to receive any proposed amendment to a specification manual and forward it to the Board;

(6) to keep an up-to-date list of the parties registered with the certification body, including their business contact information, and an up-to-date list of the products it certifies, and provide access to those lists, which are public information; and

(7) to impose a contribution on the parties registered with the certification body to cover its operating costs.

### **DIVISION III**

#### **WITHDRAWAL OF ACCREDITATION**

**55.** Before withdrawing the accreditation of a certification body, the Board must inform the certification body of the reasons for its decision and, if applicable, of the corrective action to be taken to avoid withdrawal. The Board must also give the certification body an opportunity to submit its observations.

**56.** On the expiry of a period of 15 days after the date on which the Board sends the interested parties a decision to withdraw accreditation, the Board gives notice of the decision in the *Gazette officielle du Québec*. The withdrawal becomes effective on the date of publication of the notice.

### **CHAPTER V**

#### **POWERS OF THE GOVERNMENT AND THE MINISTER**

### **DIVISION I**

#### **REGULATORY POWERS**

**57.** The Minister may make regulations

(1) to determine criteria and requirements for the recognition of reserved designations;

(2) to prescribe the documents and information that must be submitted with an application for the recognition of a reserved designation;

(3) to determine the standards and criteria that an accreditation manual prepared by the Board must set out and that certification bodies must meet in order to obtain accreditation, which standards and criteria may vary according to the class of reserved designations, according to whether the accreditation manual applies to certification bodies for products that contain alcohol or according to the group of authorized added-value claims the Minister determines;

(4) to determine the indications, logos, symbols or other markings that may be used to identify recognized reserved designations or authorized added-value claims and regulate their use; and

(5) to determine the content and means of dissemination of a notice that the Board is to hold a consultation and any other conditions related to the consultation.

**58.** The Government may, by regulation, make any provision necessary for the carrying out of this Act.

**59.** The Minister must, in a regulation authorizing an added-value claim,

(1) identify the added-value claim and the products or the class of products that may qualify for that claim; and

(2) define the standards with which such products or products of such a class must comply in order to qualify for that claim.

## **DIVISION II**

### **OTHER POWERS OF THE MINISTER**

**60.** The Minister, on the recommendation of the Board, may approve a certification body accredited by an accreditation body coming under another administrative authority. The Minister gives notice of such approval in the *Gazette officielle du Québec*.

From the publication of the notice, a product bearing a reserved designation or added-value claim certified by the body named in the notice is deemed to qualify for the designation or claim under this Act.

The Minister, on the Minister's own initiative or on the recommendation of the Board, may withdraw the approval of such a certification body. The Minister informs the body concerned and the Board of the withdrawal, and gives notice of it in the *Gazette officielle du Québec*. The Board must see to it that the identification of the products concerned is made compliant with this Act and the regulations.

**61.** After seeking an advisory opinion from the Board, the Minister may cancel the recognition of a reserved designation, particularly when there no longer is an accredited certification body that meets the standards and criteria set out in the applicable accreditation manual. The Board must, in its advisory opinion, set out any corrective action that could be taken to avoid cancellation of the recognition.

In all cases, the Minister must first inform the interested parties of the grounds for cancellation of the recognition and, if applicable, of the corrective action the Minister considers must be taken in order to avoid it.

**62.** The Minister gives notice of the cancellation of the recognition of a reserved designation in the *Gazette officielle du Québec*. The cancellation takes effect on the date of publication of the notice.

Despite the first paragraph, the Minister may delay the effective date of a cancellation to give the interested parties the opportunity to comply with this Act.

## **CHAPTER VI**

### **OFFENCES AND PENALTIES**

**63.** A person may not use a recognized reserved designation or authorized added-value claim on a product, its packaging or its labelling, in advertising or commercial documents or in the presentation of a product unless the person is registered with an accredited certification body and the product is certified by such a body as compliant with the applicable specification manual or regulation.

A person to whom a specification manual or a regulation authorizing an added-value claim applies or whose activities are regulated by such a manual or regulation and who contravenes the first paragraph is guilty of an offence and is liable to the fines set out in section 68.

**64.** No person may sell or keep for sale a product bearing a recognized reserved designation or authorized added-value claim unless the product is certified by an accredited certification body.

**65.** In the absence of any evidence to the contrary, persons in possession of a product in a quantity that exceeds the quantity they need for their own consumption are presumed to intend the product for sale.

**66.** If a legal person, partnership, association or body commits an offence under this Act or a regulation, any director, officer, employee, partner or mandatary of the legal person, partnership, association or body who directed, authorized, advised or consented to the commission of the offence is deemed a party to the offence and is liable to the same penalty as that prescribed for committing the offence, whether or not the legal person, partnership, association or body has been prosecuted, convicted or deemed convicted.

**67.** A person that advises, encourages or incites a person to commit an offence or participates in an offence committed by another person is guilty of the offence and is liable to the penalty prescribed for the offence.

**68.** A person that contravenes a provision of section 48 or 64 or a provision of a regulation under paragraph 4 of section 57 is guilty of an offence and is liable to a fine of not less than \$2,000 nor more than \$20,000 and, for a subsequent offence, to a fine of not less than \$4,000 nor more than \$60,000.



In determining the amount of the fine, the court takes into account such factors as the benefits the offender has derived from the offence and its social and economic consequences.

**69.** Penal proceedings for an offence under section 63 or 68 may be instituted by the Board in accordance with article 10 of the Code of Penal Procedure (R.S.Q., chapter C-25.1).

**70.** The fine imposed for an offence belongs to the Board if it instituted the penal proceedings.

## **CHAPTER VII**

### **MISCELLANEOUS PROVISIONS**

#### **DIVISION I**

##### **FUNDING OF THE BOARD**

**71.** The activities of the Board are self-funded by the contributions collected by the Board under this Act.

Despite the first paragraph, the Minister may contribute to the funding of the activities of the Board, up to the amounts specified by the Government.

#### **DIVISION II**

##### **TRANSITIONAL AND FINAL PROVISIONS**

**72.** This Act replaces the Act respecting reserved designations (R.S.Q., chapter A-20.02).

**73.** The provisions of the Regulation respecting reserved designations, enacted by a ministerial order dated 10 September 1997 (1997, G.O. 2, 5043), remain in force until replaced or repealed by a regulation under this Act.

**74.** The Conseil d'accréditation du Québec incorporated by letters patent issued on 16 July 1998 under Part III of the Companies Act is dissolved on (*insert the date of coming into force of this section*) and its rights and obligations are assumed by the Board established under section 7 of this Act.

**75.** In any Act, regulation, order in council or statutory instrument, unless the context indicates otherwise and subject to the necessary modifications, a reference to the Act respecting reserved designations (R.S.Q., chapter A-20.02) or to any of its provisions is a reference to this Act or to the corresponding provision of this Act.

**76.** Reserved designations recognized under the Act respecting reserved designations are deemed reserved designations recognized under this Act.

**77.** Certification bodies accredited under the Act respecting reserved designations are deemed certification bodies accredited under this Act.

**78.** Certification bodies accredited by an accreditation body coming under another administrative authority that were acknowledged by the Conseil d'accréditation du Québec before *(insert the date of coming into force of this section)* are, for the imported products they certify, deemed approved under this Act until the Minister makes a decision under section 60.

The Board must send its recommendation concerning those bodies to the Minister not later than *(insert the date that is 36 months after the coming into force of section 60)*.

**79.** The Minister of Agriculture, Fisheries and Food is responsible for the administration of this Act.

**80.** The provisions of this Act come into force on the date or dates to be set by the Government.



