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Laws and Regulations

Volume 137

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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 6 DECEMBER 2005

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 6 December 2005

This day, at thirty-five minutes past twelve o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

107 An Act to amend the Environment Quality Act

109 An Act respecting the Director of Criminal and Penal Prosecutions (*modified title*)

127 An Act to amend the Act respecting financial services cooperatives and the Act respecting the Mouvement Desjardins

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Coming into force of Acts

Gouvernement du Québec

O.C. 1174-2005, 7 December 2005

An Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions (2005, c. 19) — Coming into force of section 2

COMING INTO FORCE of section 2 of the Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions

WHEREAS the Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions (2005, c. 19) was assented to on 17 June 2005;

WHEREAS, under section 5 of the Act, its provisions come into force on 17 June 2005, except section 2 which comes into force on the date or dates to be set by the Government;

WHEREAS section 2 of the Act, to the extent that it introduces the second paragraph of section 17.1.1 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2), came into force on 31 August 2005 by Order in Council 808-2005;

WHEREAS it is expedient to set 8 December 2005 as the date of coming into force of the other provisions introduced by section 2 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT 8 December 2005 be set as the date of coming into force of the provisions enacted by section 2 of the Act to amend the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs and other legislative provisions (2005, c. 19), other than the provisions introducing the second paragraph of section 17.1.1 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2) which came into force on 31 August 2005.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7330

Regulations and other acts

Gouvernement du Québec

O.C. 1182-2005, 7 December 2005

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03)

Amendment to Order in Council 45-2004 dated 21 January 2004, amended by Order in Council 1169-2004 dated 15 December 2004

WHEREAS Order in Council 45-2004 dated 21 January 2004 set 1 January 2005 as the date of coming into force of sections 342, 343, 361, 378, 384, 390, 400, 403, 416, 418, 483, 484, 491, 727, 728 and 729 of the Act respecting the Agence nationale d'encadrement du secteur financier (R.S.Q., c. A-7.03), which became the Act respecting the Autorité des marchés financiers (R.S.Q., c. A-33.2) following the amendment made by paragraph 2 of section 90 of the Act to amend the Securities Act and other legislative provisions (2004, c. 37);

WHEREAS Order in Council 45-2004 dated 21 January 2004 was amended by Order in Council 1169-2004 dated 15 December 2004 to postpone the coming into force of those sections to 1 January 2006;

WHEREAS it is expedient to further postpone the date of coming into force of those sections to 1 January 2007;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT "1 January 2006" in the last paragraph of the operative part of Order in Council 45-2004 dated 21 January 2004, amended by Order in Council 1169-2004 dated 15 December 2004, be replaced by "1 January 2007".

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7331

Gouvernement du Québec

O.C. 1206-2005, 7 December 2005

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Battures-de-Saint-Fulgence Wildlife Preserve

Regulation respecting the Battures-de-Saint-Fulgence Wildlife Preserve

WHEREAS, under paragraphs 1, 3, 4 and 6 of section 125 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations in respect of the matters set out therein;

WHEREAS, under paragraph 14 of section 162 of the Act, the Government may make regulations determining the provisions of a regulation the infringement of which constitutes an offence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the Battures-de-Saint-Fulgence Wildlife Preserve was published in Part 2 of the *Gazette officielle du Québec* of 29 June 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS no comments were received following the publication of the draft Regulation;

WHEREAS it is expedient to make the Regulation respecting the Battures-de-Saint-Fulgence Wildlife Preserve without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation respecting the Battures-de-Saint-Fulgence Wildlife Preserve, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the Battures-de-Saint-Fulgence Wildlife Preserve

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 125, pars. 1, 3, 4 and 6 and s. 162, par. 14)

1. This Regulation applies to the Battures-de-Saint-Fulgence Wildlife Preserve established by Minister's Order 2005-020 dated 3 May 2005.

2. The territory of the Battures-de-Saint-Fulgence Wildlife Preserve is divided into two sectors as shown on the map in Schedule 1.

3. No person may hunt in sector A of the wildlife preserve.

Despite the first paragraph, hunting is allowed in that sector to recover a wounded animal.

4. In sector B of the preserve, a person may use a field or floating blind during the open season for migratory birds set out in the Migratory Birds Regulations (C.R.C. c. 1035) on the condition that the blind is dismantled or removed after hunting.

5. No person may install a shelter for winter fishing in the wildlife preserve.

6. No person may travel in the wildlife preserve with an off-highway vehicle referred to in paragraph 1 or 2 of section 1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2), except a person who carries on scientific research or maintenance work in the wildlife preserve in the performance of duties.

7. Every person may enter, travel about or engage in any activity in the wildlife preserve on the condition that only the corridors, trails, observation platforms or footbridges designated for those purposes are used.

Despite the first paragraph and subject to section 3, a hunter or trapper may travel anywhere in the wildlife preserve during hunting or trapping periods to enter his or her hunting or trapping areas or to recover hunted or trapped animals.

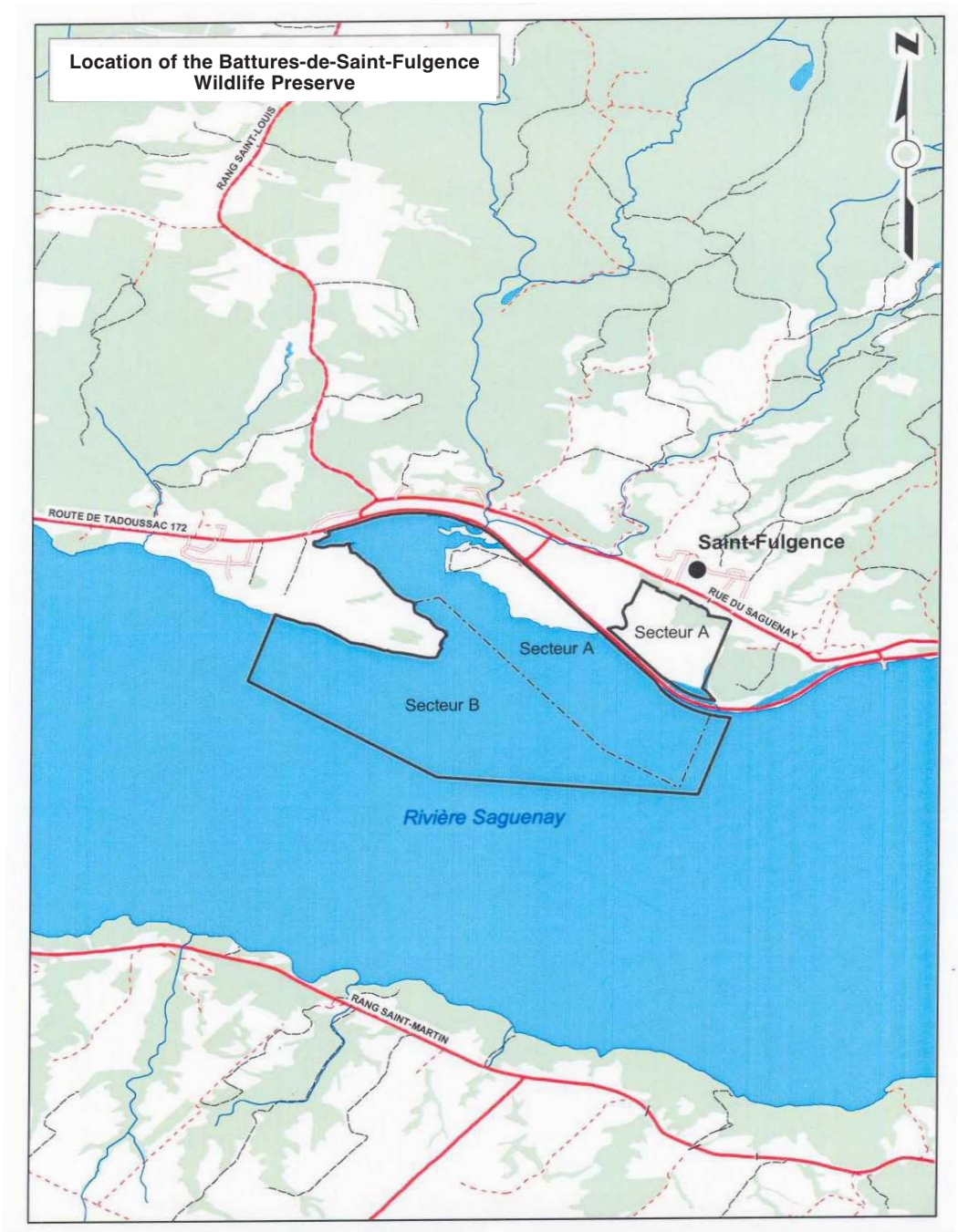
8. Any person who enters the wildlife preserve with a domestic animal shall keep it on a leash unless the animal is a hunting dog within the meaning of section 24 of the Regulation respecting hunting activities made by Order in Council 858-99 dated 28 July 1999, during the open season for migratory birds referred to in section 4.

9. No person may engage in any activity in the wildlife preserve that may alter any biological, physical or chemical component of the wildlife habitat.

10. A person who contravenes any of sections 3 to 9 commits an offence.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

SCHEDULE I


Location of the Battures-de-Saint-Fulgence Wildlife Preserve
N
RANG SAINT-LOUIS
ROUTE DE TADOUSSAC 172
Saint-Fulgence
RUE DU SAGUENAY
Secteur A
Secteur A
Secteur B
Rivière Saguenay
RANG SAINT-MARTIN

Gouvernement du Québec

O.C. 1223-2005, 7 December 2005

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31; 2005, c. 2)

Fiscal administration
— Amendments

Regulation to amend the Regulation respecting fiscal administration

WHEREAS, under the second paragraph of section 31 of Act respecting the Ministère du Revenu (R.S.Q., c. M-31), amended by section 2 of chapter 2 of the Statutes of 2005, the Government may, after obtaining the opinion of the Commission d'accès à l'information, make regulations to determine that a refund owing to a person by reason of the application of a fiscal law may also be allocated to the payment of any amount for which that person is in debt to the State under an Act other than a fiscal law;

WHEREAS, under the fourth paragraph of that section 31, such a regulation may prescribe terms and conditions for the allocation operations, including the method for providing the necessary information to the Ministère du Revenu;

WHEREAS, under the first paragraph of section 31.1.5 of the Act respecting the Ministère du Revenu, amended by section 3 of chapter 2 of the Statutes of 2005, the Government may, after obtaining the opinion of the Commission d'accès à l'information, make regulations to determine the terms and conditions governing the application of the second paragraph of section 30.1 and section 31.1.1 of the Act respecting the Ministère du Revenu, the information required under section 31.1.2 of the Act and the terms and conditions respecting communication of that information;

WHEREAS, under the first paragraph of section 96 of the Act, the Government may make regulations in particular to prescribe the measures required to carry out the Act;

WHEREAS the Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was made under the Act respecting the Ministère du Revenu;

WHEREAS it is expedient to amend the Regulation respecting fiscal administration to prescribe certain measures required to carry out the Act respecting the Ministère du Revenu introduced by chapter 2 of the Statutes of 2005;

WHEREAS the Commission d'accès à l'information gave its opinion on those measures on 9 November 2005;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established, amended or revoked by the Regulation warrants the absence of prior publication and such coming into force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Revenue:

THAT the Regulation to amend the Regulation respecting fiscal administration, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting fiscal administration*

An Act respecting the Ministère du Revenu
(R.S.Q., c. M-31, s. 31, 2nd and 4th pars. and s. 31.1.5, 1st par.; 2005, c. 2, ss. 2 and 3)

1. Section 31R1 of the Regulation respecting fiscal administration is amended by adding the following paragraph at the end of the first paragraph:

"(*e*) the Act respecting parental insurance (R.S.Q., c. A-29.011).".

* The Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r.1) was last amended by the Regulation to amend the Regulation respecting fiscal administration made by Order in Council 711-2004 dated 30 June 2004 (2004, *G.O.* 2, 2299). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

2. Section 31R2 is amended

(1) by replacing paragraph *a* by the following:

"(*a*) their name;";

(2) by striking out paragraph *b*.

3. Section 31R4 is amended by striking out the second paragraph.

4. Section 31R5 is revoked.

5. The following is inserted after section 31R5:

"**31R6.** The information referred to in section 31R2 or 31R4 must be sent in such a manner as to preserve its confidentiality. To that end, the addressee and the sender shall identify the persons who, in their organization, are authorized to send or receive such information.

31R7. Any information referred to in section 31R2 or 31R4 that is no longer necessary for the purposes of the allocation provided for in section 31R1 is to be safely destroyed by its addressee.

31.1.5R0.1. The Minister shall inform every natural person owing an amount exigible under a fiscal law that an allocation provided for in section 31.1.1 of the Act may be made in relation to the person's debt.".

6. Section 31.1.5R1 is amended

(1) by replacing "a corporation" in the portion before subparagraph 1 of the first paragraph by "a person other than a natural person";

(2) by replacing "corporation" in subparagraph 1 of the first paragraph by "person";

(3) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.1) the business number assigned to the person under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), as the case may be;";

(4) by replacing "corporation" in subparagraph 5 of the first paragraph by "person";

(5) by inserting the following subparagraph after subparagraph 3 of the second paragraph:

"(3.1) the business number assigned to the person under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons, as the case may be;".

7. Section 31.1.5R3 is amended

(1) by replacing "corporation" in the portion of the first paragraph before subparagraph 1 by "person other than a natural person";

(2) by replacing "1 to 4" in subparagraph 1 of the first paragraph by "1, 3 and 4";

(3) by replacing "1 to 4" in subparagraph 1 of the second paragraph by "1 and 4";

(4) by adding the following subparagraph after subparagraph 2 of the second paragraph:

"(3) the user number assigned by the Minister.".

8. Section 31.1.5R4 is amended by replacing "to the corporation or the person to whom the amount was to have been paid informing that corporation or person" in paragraph 3 by "to the person to whom the amount was to have been paid informing the person".

9. The following is inserted after section 31.1.5R8:

"**31.1.5R8.1.** The information referred to in any of sections 31.1.5R1, 31.1.5R3 and 31.1.5R6 or paragraph 2 of section 31.1.5R4 must be sent in such a manner as to preserve its confidentiality. To that end, the addressee and the sender shall identify the persons who, in their organization, are authorized to send or receive such information.".

10. Section 31.1.5R9 is replaced by the following:

"**31.1.5R9.** Any information referred to in section 31.1.5R1 or 31.1.5R3 that is no longer necessary for the purposes of the withholding provided for in the second paragraph of section 30.1 or the allocation provided for in section 31.1.1 of the Act is to be safely destroyed by its addressee.".

11. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except section 1 which comes into force on 1 January 2006.

7333

Gouvernement du Québec

O.C. 1242-2005, 14 December 2005

Professional Code
(R.S.Q., c. C-26)

Amount of the contribution of each member of a professional order for the 2006-2007 fiscal year of the Office des professions du Québec

WHEREAS, under section 196.2 of the Professional Code (R.S.Q., c. C-26), the expenditures incurred by the Office des professions du Québec in a fiscal year shall be payable by the members of the professional orders;

WHEREAS, under section 196.3 of the Code, each member of a professional order is required to pay, for every fiscal year of the Office, a contribution equal to the total of the expenditures incurred by the Office for a year of reference, divided by the total number of members entered on the rolls of all orders on the last day of the year of reference;

WHEREAS, under section 196.4 of the Code, the Government shall fix, for each fiscal year of the Office, the amount of the contribution of each member of an order;

WHEREAS the first paragraph of section 196.5 of the Code determines that where, for a particular fiscal year, the total amount of the contributions paid under section 196.3 is less than or is more than the amount of the expenditures incurred by the Office, the contribution of each member, established in accordance with section 196.3, shall be increased or reduced, as the case may be;

WHEREAS, under the second paragraph of that section, the increase or reduction shall be determined by establishing the difference between the expenditures incurred by the Office for that fiscal year and the total amount of contributions paid for the year of reference and dividing that difference by the total number of members entered on the roll of every order on the last day of that fiscal year. The charge payable pursuant to section 196.8 shall be deducted when the increase or reduction is determined;

WHEREAS, for the purposes of section 196.5 of the Code, the reference year to serve as the basis for the calculation of the contribution is the period from 1 April 2004 to 31 March 2005;

WHEREAS it is expedient to fix the amount of the contribution payable by each member of an order;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT $17.10 be fixed as the amount of the contribution of each member of a professional order for the 2006-2007 fiscal year of the Office des professions du Québec.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7347

Draft Regulations

Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Classification of services offered by family-type resources and the rates of compensation applicable to each type of service
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The main purpose of the Amendments is to increase the daily lump sum granted to family-type resources and the allowances paid to foster families to cover the personal expenses of children in their care. The Amendments will have a positive impact on the amounts paid to family-type resources for the services they provide and allow them to meet the needs of the children in their care.

The Amendments will also increase the annual compensation paid to foster families to cover expenses related to school supplies for the children.

Further information may be obtained by contacting

Annik Paris
1075, chemin Sainte-Foy, 6e étage
Québec (Québec)
G1S 2M1

Telephone: 418 266-6869
Fax: 418 266-6854

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service *

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 303 and 314)

1. The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service is amended by replacing "$1" in section 5.1 by "$2".

2. Section 8 is amended by adding ", and to the daily lump sum provided for in section 5.1" at the end of the first paragraph.

3. Section 9 is amended

(1) by adding ", and to the daily lump sum provided for in section 5.1" at the end of the first paragraph;

(2) by inserting ", and to the daily lump sum provided for in section 5.1," in the second paragraph before "for a maximum period".

4. Section 10 is amended by adding ", and to the daily lump sum provided for in section 5.1" at the end of the first paragraph.

5. Section 11 is amended

(1) by inserting ", and to the daily lump sum provided for in section 5.1," in the first paragraph before "for each day";

(2) by adding "and to the daily lump sum provided for in section 5.1" at the end of the second paragraph;

(3) by replacing "compensation" by "amounts" in the third paragraph.

* The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, made by Minister's Order 93-04 of the Minister of Health and Social Services dated 30 November 1993 (1993, *G.O.* 2, 6781), was last amended by the Amendments made by Minister's Order 2005-012 of the Minister of Health and Social Services dated 25 August 2005 (2005, *G.O.* 2, 3783). For previous amendments, refer to the *Tableau des modifications et Index sommaire,* Québec Official Publisher, 2005, updated to 1 September 2005.

6. Section 13 is amended by inserting ", and to the daily lump sum provided for in section 5.1," in the first paragraph after "$7.25".

7. Section 14 is amended by replacing "and 5" by ", 5 and 5.1".

8. Section 20.1 is amended by replacing "$4" by "$5".

9. Section 21 is amended by replacing "$77.22" and "128.44 in subparagraphs 1 and 2 of the first paragraph by "$115.89" and "$195.76" respectively.

10. Section 26 is amended by replacing "as of 1 January 1994" in the second paragraph by "as of 1 April 2006 and, thereafter, as of 1 January 2007".

11. These Amendments come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec.*

7345

Draft Regulation

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Certain rates of compensation applicable to services provided by intermediate resources

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting certain rates of compensation applicable to services provided by intermediate resources, appearing below, may be made by the Minister of Health and Social Services on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to provide for the payment to intermediate resources of a daily allowance to cover the personal expenses of each child in their care and for the payment of an annual compensation to cover expenses related to school supplies for the children.

The Regulation will have a positive impact on the amounts made available to allow intermediary resources to meet the needs of the children.

Further information may be obtained by contacting

Annik Paris
1075, chemin Sainte-Foy, 6e étage
Québec (Québec)
G1S 2M1

Telephone : 418 266-6869
Fax : 418 266-6854

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15e étage, Québec (Québec) G1S 2M1.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting certain rates of compensation applicable to services provided by intermediate resources

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 303)

1. In addition to the compensation to which they are entitled pursuant to section 6 of chapter 12 of the Statutes of 2003, intermediate resources are also entitled to special compensation in accordance with sections 2 to 4.

2. Intermediate resources are entitled to a daily amount of $5 as an allowance to cover the personal expenses of each child in their care.

3. Intermediate resources are entitled at the beginning of the school year, for the purchase of books and school supplies and for certain extracurricular activities of a child, to the following annual compensation :

(1) for each child at the preschool or elementary leve : $115.89 ;

(2) for each child at the secondary level : $195.76.

In addition, after receiving the prior authorization of the identified institution and upon presentation of vouchers, intermediate resources are also entitled, during the school year, to the reimbursement of the purchase cost of any other school supplies needed by the child.

4. The amounts provided for in section 3 are, as of 1 April 2006 and then as of 1 January 2007, adjusted each year according to the pension index established in accordance with section 117 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9).

The amounts adjusted in the manner prescribed above are reduced to the nearest cent if they include a fraction of a cent less than $0.005; they are increased to the nearest cent if they include a fraction of a cent greater than $0.005.

The Minister is to inform the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and, if the Minister considers it appropriate, give notice by any other means.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7346

Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic
— Implementation of the provisions relating to industrial accidents and occupational diseases

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, the text of which appears below, will be made by the Commission de la santé et de la sécurité du travail with or without amendment on the expiry of 45 days following this publication.

The Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic was signed on 17 December 2003 by representatives of both governments.

As regards industrial accidents and occupational diseases, the Commission must, under section 170 of the Act respecting occupational health and safety, make the Agreement by regulation to make it effective.

The provisions relating to industrial accidents and occupational diseases contained in the Agreement constitute a consolidation and update of the provisions appearing in the agreement of 12 February 1979 amended twice, on 5 September 1984 and on 19 December 1998. The Agreement signed on 1979 and its two amendments are replaced by the new agreement signed on 17 December 2003.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Daniel Gauthier, Secretary General, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3C 4E1.

GÉRARD BIBEAU,
Chairman of the Board
and Chief Executive Officer
Commission de la santé et de la
sécurité du travail

Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. Benefits under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations thereunder shall be extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the French Republic, signed on 17 December 2003, and appearing as Schedule 1.

2. The benefits shall apply in the manner prescribed in the Agreement and in the Administrative Arrangement appearing as Schedule 2.

3. This Regulation replaces the Regulation respecting the application of the provisions relating to work accidents and occupational illnesses contained in the Entente entre le Gouvernement du Québec et le Gouvernement de la République française en matière de sécurité sociale, R.R.Q., 1981, c. S-2.1, r.12, the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Avenant à l'Entente en matière de sécurité sociale entre le Gouvernement du Québec et le Gouvernement de la

République française and in the Arrangement administratif pertaining thereto made by Order in Council 1052-89 (1989, *G.O.* 2, 2500), and the Regulation respecting the implementation of the provisions relative to industrial accidents and occupational diseases contained in the Avenant No. 2 à l'Entente entre le gouvernement du Québec et le gouvernement de la République française en matière de sécurité sociale made by Order in Council 531-2002 (2002, *G.O.* 2, 2342)

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE 1
(s. 1)

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE FRENCH REPUBLIC

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FRENCH REPUBLIC,

TAKING NOTE of the Agreement on social security between the Gouvernement du Québec and the Government of the French Republic signed on 12 February 1979, Avenant No. 1 to the Agreement signed on 5 September 1984 and Avenant No. 2 signed on 19 December 1998;

CONSIDERING the changes made to their respective statutes;

RESOLVED to preserve the mobility of persons between France and Québec by guaranteeing to their respective nationals the advantages of the coordination of their social security statutes,

HAVE AGREED AS FOLLOWS:

TITLE I
GENERAL

ARTICLE 1
DEFINITIONS

In this Agreement, unless a different meaning is indicated by the context,

(a) "France" means the European and overseas departments of the French Republic;

(b) "competent authority" means the Québec minister or the French minister responsible for the administration of the statutes referred to in Article 2;

(c) "competent institution" means the Québec department or body or the French social security agency responsible for the administration of the statutes referred to in Article 2;

(d) "statutes" means laws, regulations and any other application measures relating to the social security branches and plans referred to in Article 2;

(e) "unsalaried activity" means as regards Québec, an activity that consists in doing business on one's own account or similar work under the statutes of Québec; as regards France, an activity that justifies coverage by an unsalaried worker plan;

(f) "period of insurance" means,

— as regards Québec,

for the purposes of Chapters 1, 2 and 4 of Title III, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent;

— as regards France,

any period recognized as such by the statutes under which it was completed and any period considered as equivalent to a period of insurance;

(g) "insured person" for the purposes of Chapter 3 of Title III means,

— as regards Québec,

a person who, immediately before the person's arrival in France, was a person residing in Québec within the meaning of the Health Insurance Act,

— as regards France,

a person who, immediately before the person's arrival in Québec, was an insured person or claimant of an insured person under a French maternity health plan or received benefits under the universal health coverage;

(h) "benefit" means any benefit in kind or in cash provided under the statutes of each Party, including any supplement or increase applicable under the statutes referred to in Article 2;

(i) "pension" means any pension, annuity or lump sum, including any supplement or increase applicable under the statutes referred to in Article 2;

(j) "dependents" means the spouse and dependents according to Québec statutes or the persons deriving rights from an insured person according to French statutes;

(k) "reside" means for the purposes of paragraph 2 of Article 12 and Chapters 3 and 5 of Title III, to ordinarily live in the territory of a Party with the intent to establish or maintain therein a domicile and to have been legally authorized to do so;

(l) "stay" means to be temporarily in the territory of a Party without intending to live therein permanently;

and any term not defined in the Agreement has the meaning given to it under the applicable statutes.

ARTICLE 2
MATERIAL SCOPE

1. The Agreement shall apply

A. as regards Québec,

to the statutes respecting the Pension Plan, family benefits, industrial accidents and occupational diseases, the health insurance plan, hospital insurance plan and other health services and, when specified, the general prescription drug insurance plan;

B. as regards France,

(a) to the statutes establishing the organization of social security;

(b) to the statutes respecting social insurance applicable to

— salaried workers in non-agricultural occupations,

— salaried workers in agricultural occupations;

(c) to the social statutes applicable to

— unsalaried workers in non-agricultural occupations, except occupations concerning supplemental old age insurance plans,

— unsalaried workers in agricultural occupations,

except the provisions which extend the right to become a member of a voluntary insurance plan to persons working or residing outside the French territory;

(d) to statutes relating to voluntary old age and continued disability insurance;

(e) to statutes respecting the prevention of and compensation for industrial accidents and occupational diseases and to statutes concerning voluntary insurance for industrial accidents and occupational diseases;

(f) to statutes relating to family benefits;

(g) to statutes relating to the various plans for unsalaried and equivalent workers;

(h) to statutes relating to special social security plans.

2. The Agreement shall apply to any Act or regulation which amends, adds to or replaces the statutes referred to in paragraph 1.

The Agreement shall also apply to any Act or regulation of one Party which extends the existing plans to new classes of beneficiaries or to new benefits; notwithstanding the preceding, that Party may, within three months of the date of publication of the Act or regulation, notify the other Party that the Agreement shall not apply to that Party.

The Agreement shall not apply to an Act or regulation covering a new branch of social security, unless the Agreement is amended to that effect.

ARTICLE 3
PERSONAL SCOPE

1. Unless otherwise provided, the Agreement shall apply

(a) to the persons who, regardless of their nationality, perform a salaried or unsalaried activity and who are subject to the statutes referred to in Article 2 or who have acquired rights under those statutes, as well as to their dependents;

(b) to the public servants of the Gouvernement du Québec and the public servants of the French administration and to their dependents;

(c) to other insured persons, regardless of their nationality, only for the purposes of Chapter 3 of Title III;

(d) to the voluntary insured persons, regardless of their nationality, for old age and industrial accident and occupational disease risks.

2. The Agreement shall not apply to the categories of persons referred to in the Memorandum of Agreement on Social Security for Students and Participants in

Cooperation Programs between the Gouvernement du Québec and the Government of the French Republic, except the categories for which explicit reference in the said Memorandum is made to this Agreement.

ARTICLE 4
EQUAL TREATMENT

The persons referred to in paragraph 1 of Article 3 of this Agreement shall receive the same treatment for the purposes of the statutes referred to in Article 2, as soon as the persons legally reside in the territory of either Party.

ARTICLE 5
EXPORT OF BENEFITS

Every old age, survivors or disability pension, death benefit or benefit in kind or industrial accident or occupational disease benefit acquired under the statutes of one Party, with or without applying the Agreement, shall not be subject to any reduction, modification, suspension, suppression or forfeiture for the sole reason that the beneficiary resides or stays outside the territory of the Party in which the debtor institution is located; the pension or benefit shall be payable to the beneficiary regardless of the place where the beneficiary stays or resides.

TITLE II
APPLICABLE STATUTES

ARTICLE 6
GENERAL RULE

Subject to Articles 7, 8, 9, 10, 11, 12 and 13, persons performing a salaried or unsalaried activity in the territory of one Party shall be subject to the statutes of that Party.

ARTICLE 7
PERSONS PERFORMING AN UNSALARIED ACTIVITY IN THE TERRITORY OF ONE PARTY AND TRAVELLING TEMPORARILY TO THE TERRITORY OF THE OTHER PARTY

1. Persons performing an unsalaried activity in the territory of one Party and performing services on their account in the territory of the other Party may remain subject to the statutes of the first Party provided that the activity does not exceed one year and is directly related to the activity the person ordinarily performs.

2. Persons ordinarily performing an activity considered to be unsalaried in the territory of one Party and performing for less than 3 months the same activity considered to be salaried in the territory of the other Party may remain subject, for that period, to the statutes of the first Party.

ARTICLE 8
SECONDMENT

1. A salaried person performing work for his or her employer in the territory of the other Party may remain subject to the statutes of the Party where the activity is ordinarily performed so long as the proposed work period does not exceed 36 months and the person is not sent to replace another person who has reached the end of the secondment.

2. If the period of the work to be performed for the same employer extends beyond the proposed initial period and exceeds 36 months, the statutes of the first Party shall remain applicable for a period proposed by common agreement by the competent authorities of both Parties or the bodies they have designated to that effect.

ARTICLE 9
DUAL STATUS

1. A person simultaneously performing in the same calendar year a salaried activity in the territory of one Party and an unsalaried activity in the territory of the other Party or performing in the same calendar year an unsalaried activity in the territory of both Parties shall be simultaneously subject to the statutes of both Parties.

2. Notwithstanding paragraph 1, a person who ordinarily performs a salaried activity in the territory of one Party and who, for a period of less than three months, performs an unsalaried activity in the territory of the other Party shall be exempt from paying contributions or fees for that activity under the statutes of the other Party. The exemption of contributions or fees shall exclude the person from the coverage of the applicable plan of that Party.

ARTICLE 10
TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on the account of a third party or on its own account, transports passengers or goods, and which has its head office in the territory of one Party, shall, with respect to such work, be subject only to the statutes of the Party in whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of a Party other than the Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding paragraphs 1 and 2, if employees work for the most part in the territory of the Party in which they reside, they shall, with respect to such work, be subject only to the statutes of that Party even if the carrier employing them has no head office, branch or permanent agency in that territory.

ARTICLE 11
SEAMEN

1. Persons working on a ship shall be subject to the statutes of the State under whose flag the ship sails.

2. Persons employed for loading, unloading and repairing ships or employed in supervisory services in a port shall be subject to the statutes of the Party in which the port is located.

ARTICLE 12
PUBLIC SERVICE

1. Persons in the public service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the statutes of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and who are in the public service for the other Party in that territory shall, with respect to that service, be subject only to the statutes of the place of residence.

ARTICLE 13
DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of the Parties or the bodies designated to that effect may, by common agreement, derogate from the provisions of Articles 6 to 12 with respect to any persons or categories of persons.

TITLE III
PENSIONS AND BENEFITS

CHAPTER 1
OLD AGE AND SURVIVORS PENSIONS

ARTICLE 14
PENSIONS

This Chapter shall apply,

— as regards Québec,

to retirement and survivors' pensions, including death benefits, provided for in the Act respecting the Québec Pension Plan ;

— as regards France,

to old age and survivors' pensions provided for in the statutes referred to in paragraph 1.B. of Article 2.

ARTICLE 15
PENSION CLAIM

The date of receipt of a pension claim under the statutes of one Party is presumed to be the date of receipt of the claim under the statutes of the other Party, except if the person concerned expressly requests that the payment of benefits acquired under the statutes of the other Party be suspended.

ARTICLE 16
TOTALIZATION OF INSURANCE PERIODS

1. If the statutes of one Party subordinates the acquisition, maintenance or recovery of the right to pensions under a plan that is not a special plan within the meaning of paragraphs 2 or 3, on completion of periods of insurance, the competent institution of that Party shall totalize, to the extent necessary, the periods of insurance completed under the statutes of the other Party, whether the periods completed were in a general or special plan, as if the periods completed were under the statutes applied by the Party, the overlapping periods being counted only once.

For the purposes of such a totalization, only the periods completed from 1 January 1966 shall be considered.

2. If the statutes of one Party include special plans that subordinate the granting of certain pensions provided that the periods of insurance have been completed in a determined occupation or employment, the periods

completed under the statutes of the other Party shall be taken into account, for the granting of the pensions, only if they have been completed in the same occupation or employment.

3. The provisions of paragraph 2 shall not apply, as regards the special plans of France, to special retirement plans for civil and military officers of the State, territorial and hospital officers and workers in industrial establishments of the State.

4. If, considering the totalization provided for in paragraph 2 or the periods completed in plans referred to in paragraph 3, the person concerned does not meet the requirements for entitlement set out in the special plan, the periods of insurance completed in the special plan shall be taken into account in the conditions set out in the statutes of the Party where the special plan applies.

ARTICLE 17
MINIMUM DURATION OF INSURANCE

1. If the total duration of the periods of insurance completed by a person under the statutes of a Party is less than one year, the competent institution of that Party shall not be required to have recourse to the totalization in Article 16 to grant a pension. If, however, those periods are enough for entitlement to a pension under those statutes, the pension shall be paid only on that basis.

2. The periods referred to in paragraph 1 may, however, be taken into account for conferring and calculating the rights to a pension with regard to the statutes of the other Party.

ARTICLE 18
CALCULATION OF THE PENSION

1. If persons who have been successively or alternately subject to the statutes of each Party meet the requirements for entitlement to pension benefits, for themselves or for their dependents or survivors, under the statutes of either Party, the competent institution of that Party shall determine the amount of the pension in accordance with the provisions of the statutes it applies having regard only to the periods of insurance completed under those statutes and, in accordance with paragraphs 2 and 3, using the best solution for the beneficiary.

2. If the persons do not meet the requirements of the statutes of a Party without having recourse to the totalization referred to in Article 16, or to determine the best solution in accordance with paragraph 1,

(a) the competent institution of Québec shall recognize one year of contribution if the competent institution of France certifies that a period of insurance of at least 78 days, 13 weeks, 3 months or a quarter in a calendar year has been credited under the French statutes;

(b) the competent institution of France shall consider each year of insurance certified by the competent institution of Québec as equivalent to four quarters, 12 months, 52 weeks or 312 days of insurance with regard to the statutes it applies.

3. Considering the totalization provided for in paragraph 2, the competent institution shall determine, in accordance with its own statutes, whether the person concerned fulfills the requirements to be entitled to a pension under those statutes.

4. When entitlement to a pension is established with regard to the statutes it applies, considering the above totalization,

(a) the competent institution of Québec shall determine the amount of the portion of the pension related to earnings by calculating the amount in accordance with the provisions of the statutes of Québec and shall add to it the amount of the flat-rate benefit multiplied by the fraction that the contributory period to the Québec Pension Plan is of the contributory period as defined in the statutes relating to that plan;

(b) the competent institution of France shall determine the benefit that would be payable to the insured person as if all the periods of insurance or equivalent periods had been completed exclusively in respect of the statutes of France, then shall reduce the amount of the benefit in proportion to the duration of the periods of insurance and equivalent periods completed in respect of the statutes it applies, before the occurrence of the event insured against, with relation to the total duration of the periods completed, in respect of the statutes of both Parties, before the occurrence of the event insured against. The maximum total duration shall be the maximum duration eventually required by the statutes it applies for a complete pension.

ARTICLE 19
DEATH BENEFIT IN THE QUÉBEC PLAN

The provisions of Articles 15, 16, 17 and 18 apply, by analogy, to the death benefit provided for in the Québec Pension Plan.

CHAPTER 2
DISABILITY PENSIONS

ARTICLE 20
BENEFITS

This Chapter shall apply

— as regards Québec,

to the disability pensions and disabled contributor's child's pensions provided for in the Act respecting the Québec Pension Plan;

— as regards France,

to the disability pensions provided for in the statutes referred to in paragraph 1.B. of Article 2.

ARTICLE 21
DETERMINATION OF ENTITLEMENT

1. The disability pension shall be paid in accordance with the statutes to which the person concerned is subject at the time of the disability taking into account, when the statutes so require, the periods of insurance completed in the territory of the other Party. The conversion rules applicable to the periods of insurance shall be the rules retained in paragraph 2 of Article 18.

2. Subject to the provisions of paragraph 7, when entitlement is established under the statutes referred to in paragraph 1, with or without recourse to the totalization provided for in Article 16, the competent institution for the purposes of the statutes shall determine the amount of the pension as if the periods of insurance completed under the statutes of each Party had been completed only under the statutes it applies.

For the calculation of the pension,

— where the competent institution is the Québec institution, it shall allocate the average pensionable earnings for the Québec period of insurance to each year of the French period of insurance commencing in 1966;

— where the competent institution is the French institution, it shall calculate on the basis of the annual average salary or income corresponding to the periods of insurance completed with respect to its statutes.

3. The payment of the pension is ensured by the competent institution, in accordance with the requirements of the statutes it applies.

4. Subject to the provisions of paragraph 7, the institution paying the pension shall apportion the costs of the pension between the institutions of both Parties in the proportion that the periods of old age insurance completed under the statutes of each Party are of the aggregate of the periods of insurance applied, as soon as the person concerned does not receive old age pension under the statutes of France.

5. If the pension is refused by the institution applying the statutes to which the person concerned is subject at the time of disability for a reason other than age, the institution shall send the claim to the institution of the other Party for examination.

6. The latter institution shall determine entitlement to the pension considering the totalization of the periods of insurance, including the last periods completed under the statutes that refused the pension. If entitlement is established, the institution shall then ensure the payment and apportion the costs in accordance with paragraph 4.

7. Where the person concerned receives an old age pension under the French statutes, the apportionment of the costs shall cease or shall not be applied. If entitlement to a Québec disability pension is established, with or without recourse to totalization, the pension is calculated or revised, as applicable, by applying the provisions of Article 18, as of the date of disability, with indexation of the amount in the case of a revision.

8. The provisions of paragraphs 1 to 7 of this Article do not apply to the special plans of France for civil and military officers, territorial and hospital officers and workers in industrial establishments of the State.

ARTICLE 22
SUSPENSION OR TERMINATION OF PENSION

1. Where the costs of a disability pension is apportioned in accordance with paragraph 4 of Article 21, the institution ensuring the payment shall notify the institution of the other Party of the suspension or termination, as applicable, of the pension.

2. If, after suspension of the disability pension, the insured person regains entitlement, the pension shall be paid by the institution that is the debtor of the pension originally granted, in accordance with the provisions of paragraph 4 of Article 21.

CHAPTER 3
HEALTH AND MATERNITY BENEFITS

ARTICLE 23
ENTITLEMENT TO BENEFITS IN KIND

1. For entitlement to, maintenance or recovery of health and maternity insurance benefits in kind when passing from the statutes of one Party to the statutes of the other Party, the periods of insurance completed under the statutes of the first Party shall be considered to be periods of insurance completed under the statutes of the other Party, provided that they do not overlap.

2. For the purposes of paragraph 1, "periods of insurance" means,

(a) in Québec, any period of eligibility for health insurance;

(b) in France, any period of affiliation

— owing to a professional activity, an equivalent period or a period of compensated unemployment;

— owing to the pursuit of studies, the collection of a pension or a benefit entitling to health care; or

— alternatively, acquired under the condition of residence;

or any period during which a person had the status of dependent.

3. The benefits under the requirements provided for in this chapter are granted only on presentation of the required documents, specified in the Administrative Arrangement.

ARTICLE 24
PASSING FROM THE STATUTES OF ONE PARTY TO THE STATUTES OF THE OTHER PARTY

1. The insured person of one Party, other than a person referred to in Article 7, Article 8, paragraphs 1 and 2 of Article 10, Article 11, paragraph 1 of Article 12, or Article 13, who leaves the territory of that Party and stays in the territory of the other Party to carry on a salaried or unsalaried activity, shall receive benefits in kind under the conditions set out in the statutes that apply in the territory of the latter Party, and having regard to the provisions of Article 23, during the entire period of the salaried or unsalaried activity in the territory, regardless of the expected duration of the activity.

2. The insured person who leaves the territory of one Party to reside in the territory of the other Party, shall receive benefits in kind provided for in the statutes that apply in the territory of the second Party, having regard to the provisions of Article 23, as of the day of arrival in that territory, under the other conditions set out in the statutes.

3. The same provisions shall apply to the dependents accompanying or joining the insured person referred to in paragraphs 1 and 2, to the extent that, before their departure, they are entitled to benefits in the territory of the Party they are leaving.

ARTICLE 25
STAY OF THE INSURED PERSON IN THE TERRITORY OF THE ORIGINAL PARTY

1. Canadian nationals insured in France who resided in Québec before their departure for France and who did not obtain French citizenship or French nationals insured in Québec who did not obtain Canadian citizenship and their dependents shall receive health and maternity insurance benefits in kind if they require immediate health care, including hospitalization, during a temporary stay in Québec or France respectively.

2. The institution of the place of stay shall pay the benefits, according to the statutes it applies, on behalf of the competent institution, provided that the latter has certified entitlement to benefits in kind.

3. The certificate, which is equivalent to an authorization, shall be valid for not more than three months. That period may be extended for another three months following a favourable opinion from the competent institution.

ARTICLE 26
TRANSFER OF THE PLACE OF STAY DURING TREATMENT OR COMPENSATION

1. A person insured by virtue of professional activity or a beneficiary of unemployment benefits or one of their dependents, if entitled to health or maternity insurance benefits provided by the competent French institution, shall retain the benefits when staying in Québec provided that the person has been so authorized by that institution.

An insured person residing in Québec whose pre-existing health condition, including pregnancy, requires a foreseeable medical follow-up, shall retain the health and maternity insurance benefits when staying in France provided that the person has been so authorized by the competent Québec institution.

2. The authorization may only be refused if it is established that the travel of the person concerned is such that it may compromise the person's health or the application of the medical treatment, or that the travel is done to receive medical treatment. The authorization is valid for not more than three months. That period may be extended for another three months by the competent institution concerned.

In the case of an extremely serious disease, the competent institution may extend the benefits beyond the total period of six months referred to above.

3. The institution in the place of stay shall provide the benefits on behalf of the competent institution.

ARTICLE 27
BENEFITS IN KIND PROVIDED FOR IN THE FRENCH STATUTES

1. To examine entitlement to benefits in kind by virtue of health and maternity insurance, the competent French institution shall consider, under the requirements provided for in paragraph 1 of Article 23, the employment periods completed in Québec.

2. In the cases provided for in Articles 25 and 26, insured persons subject to the French statutes shall be entitled to health and maternity insurance benefits in kind. The benefits shall be provided directly and covered by the competent institution.

ARTICLE 28
PERSONS REFERRED TO IN ARTICLE 7, 8, 12 OR 13

1. Insured persons referred to in Article 7, Article 8, paragraph 1 of Article 12, or Article 13 and their dependents accompanying or joining them shall be entitled to benefits for the duration of the stay in the territory of the Party where they are carrying on their activity.

2. Benefits in kind shall be provided, on request from the person concerned, by the institution of the place of stay on behalf of the competent institution or directly by that institution. With respect to a stay in Québec, all persons referred to in paragraph 1 shall also be entitled to the guarantees of the prescription drug general insurance plan under the conditions set out in the Administrative Arrangement.

3. Benefits in kind shall be provided directly and covered by the competent institution.

ARTICLE 29
DEPENDENTS RESIDING IN THE TERRITORY OF THE OTHER PARTY

1. Dependents of an insured person who reside or return to reside in the territory of the Party other than the territory in which the insured person is located shall be entitled to health and maternity insurance benefits in kind.

2. The determination of the dependents as well as the scope, duration and terms and conditions of entitlement to the benefits shall result from the provisions of the statutes that apply in the territory of residence of the dependents.

ARTICLE 30
BENEFITS FOR THE HOLDERS OF A PENSION OR ANNUITY

The holders of a pension or an annuity shall be entitled to health and maternity insurance benefits in kind under the conditions set out in the statutes of the territory of the Party in which they reside, having regard to the provisions of paragraph 2 of Article 24.

CHAPTER 4
DEATH BENEFITS IN THE FRENCH PLAN

ARTICLE 31
DEATH OCCURRING IN QUÉBEC

1. Where a person subject to the French statutes dies in Québec, entitlement to death benefits shall be in accordance with French statutes, considering the provisions of Article 16, as if the death had occurred in France.

2. The competent French institution is required to grant death benefits under the statutes it applies even if the beneficiary resides in the territory of Québec.

ARTICLE 32
DEATH OCCURRING IN FRANCE

1. Where a person subject to French statutes dies in France and the requirement of insurance duration set out in the French statutes is not fulfilled, the periods of insurance completed in Québec shall be used to complete the periods of insurance completed in France.

2. Where the person stays or resides in France without being subject to the French statutes, particularly in the situations referred to in Articles 25, 26 and 28, the death in France is deemed to have occurred in Québec.

CHAPTER 5
BENEFITS IN CASE OF INDUSTRIAL ACCIDENTS OR OCCUPATIONAL DISEASES

ARTICLE 33
BENEFITS

This Chapter shall apply to all benefits relating to industrial accidents and occupational diseases provided for in the statutes of each Party.

ARTICLE 34
VICTIMS SUBJECT TO THE STATUTES OF THE OTHER PARTY

1. Workers referred to in Articles 7 to 13 who remain subject to the statutes of one Party and are victims of an industrial accident or suffer from an occupational disease in the territory of the other Party shall be entitled to the benefits in the territory of stay.

2. For the purposes of paragraph 1, the institution in the place of stay must immediately contact the affiliated institution so that that institution may determine if the disease or accident comes under the statutes it applies.

3. If it is determined that the disease or accident comes under the affiliated statutes, the affiliated institution shall issue a service entitlement form whereby the institution in the place of stay, is to provide the benefits in kind arising from the disease or accident, on behalf of the affiliated institution. The benefits in kind shall be provided directly by the affiliated institution.

ARTICLE 35
TEMPORARY OR PERMANENT TRANSFER OF RESIDENCE DURING A PERIOD OF TEMPORARY INCAPACITY

1. Workers who are victims of an industrial accident or occupational disease in the territory of one of the Parties and who are entitled to the benefits owed during the temporary incapacity shall retain entitlement to the said benefits when they transfer their residence to the territory of the other Party, provided that prior to their departure the workers have obtained the authorization from the Québec or French institution to which they are affiliated.

2. The authorization shall be valid only for the period fixed by that institution.

3. If, on the expiry of the period fixed, the health of the victim so requires, the period shall be extended until the victim's recovery or until the effective consolidation by decision of the affiliated institution, following a favourable opinion of its medical examination service.

ARTICLE 36
RELAPSE AFTER TRANSFER OF RESIDENCE

1. If a worker who received benefits under the statutes of one Party suffers a relapse from the industrial accident or occupational disease when the worker has transferred his or her residence to the territory of the other Party, the worker shall be entitled, in that territory, to benefits arising from that relapse, provided that the worker has obtained the agreement of the institution to which the worker was affiliated on the date of the accident or the first report of the disease.

2. For the application of paragraph 1 by the affiliated Québec institution, the term "relapse" also includes recurrence and aggravation. Benefits in kind for an occupational disease shall be granted, if applicable, subject to the provisions of Article 43.

ARTICLE 37
BENEFITS IN KIND AFTER CONSOLIDATION

If the health of a worker who has been recognized as a victim of an industrial accident or occupational disease after the worker has transferred his or her residence to the territory of the other Party, requires benefits in kind after consolidation of the worker's condition, the worker shall be entitled to the benefits following agreement with the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease.

ARTICLE 38
BENEFITS

In the cases provided for in Articles 35, 36 and 37, benefits in kind shall be provided by the institution in the territory of the new residence of the worker, in accordance with the provisions of the statutes applicable in the territory concerning the scope and terms and conditions of the provision of benefits. Benefits in kind shall be provided by the affiliated institution of the worker or, in the case of relapse, by the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease, in accordance with the statutes it applies.

ARTICLE 39
BENEFIT COVERAGE

1. Benefits in kind provided in accordance with Articles 34 and 38 shall be covered by the competent institution for compensation of the worker's industrial accident or occupational disease.

2. The Administrative Arrangement shall fix the terms and conditions of reimbursement of the benefits by the competent institution within the meaning of paragraph 1 to the institution of the place of residence or stay of the worker.

ARTICLE 40
GRANTING OF LARGE BENEFITS

In the cases provided for in Articles 34 to 37, the granting of prosthesis, large devices and other large benefits in kind shall be subject, except in a case of emergency, to the authorization of the worker's affiliated institution or the institution to which the worker was affiliated at the time of the accident or the first medical report of the disease.

ARTICLE 41
ASSESSMENT OF THE DEGREE OF INCAPACITY

To assess the degree of permanent incapacity resulting from an industrial accident or occupational disease with regard to the statutes of one Party, industrial accidents and occupational diseases that occurred previously under the statutes of the other Party shall be taken into account as if they had occurred under the statutes of the first Party.

ARTICLE 42
DOUBLE EXPOSURE TO THE SAME RISK

1. Where a victim of an occupational disease performed, in the territory of both Parties, work likely to cause the said disease, the rights of the victim or the rights of the victim's survivors shall be examined exclusively with respect to the statutes of the Party in whose territory the work concerned was last performed, and provided that the interested party meets the conditions set out in those statutes.

2. Where, in the said statutes, the granting of benefits is subject to the condition that the work likely to cause the disease have been performed for a certain period, the periods completed under the statutes of the other Party in the carrying on of an activity likely to cause the disease shall be taken into account, if necessary.

3. Where the statutes of one Party subject entitlement to occupational disease benefits to the condition that the disease be medically reported for the first time in its territory, that condition shall be deemed fulfilled when the disease has been reported for the first time in the territory of the other Party.

4. Benefits shall be provided by the competent institution in accordance with the rules of the statutes it applies.

5. In the case referred to in paragraph 2, benefits shall be covered by the institutions of each Party in the proportion that the duration of the periods of insured work likely to cause the said disease completed under their own statutes is of the aggregate of the periods of insured work during which the victim carried on a similar activity under the statutes of both Parties.

ARTICLE 43
AGGRAVATION OF A COMPENSATED OCCUPATIONAL DISEASE

In the case of the aggravation of an occupational disease compensated under the statutes of one Party while the victim resides in the territory of the other Party, the following rules shall apply:

(a) if the worker has not performed work under the statutes of the Party in whose territory the worker resides that is likely to aggravate that occupational disease, the institution of the first Party covers the aggravation of the disease under its own statutes;

(b) if the worker has performed work under the statutes of the Party in whose territory the worker resides that is likely to aggravate that occupational disease,

i. the institution of the first Party continues to cover the benefit owed under its own statutes as if there had not been any aggravation of the disease;

ii. the institution of the Party in whose territory the worker resides shall cover the benefit supplement corresponding to the aggravation. The amount of the supplement shall be determined according to the statutes of the latter Party as if the disease had occurred in its own territory; the amount shall be equal to the difference between the amount of the benefit owed after the aggravation and the amount of the benefit that would have been owed before the aggravation.

CHAPTER 6
COMMON PROVISIONS TO VARIOUS PENSIONS OR BENEFITS

ARTICLE 44
CONSIDERATION OF DEPENDENTS

If, under the statutes of one Party the amount of the pension or benefit varies according to the number of dependents, the institution that pays the pension or benefit

shall also take into account the dependents residing in the territory of the other Party, provided that residence is not an essential criterion under the applicable statutes for determining the status of dependent.

ARTICLE 45
DETERMINATION OF BASIC WAGE OR INCOME

When under the statutes of one Party the payment of pensions or benefits is based on average wage or income for all or part of the period of insurance, the average wage or income taken into consideration for the calculation of pensions or benefits covered by the institutions of that Party shall be determined pursuant to the statutes of the said Party, having regard only to the period of insurance completed under those statutes.

ARTICLE 46
CONSIDERATION OF THE PERIOD OF INSURANCE

Any contribution period completed under the French statutes prior to the date on which the contributor has reached 18 years of age may be taken into account to determine the eligibility of an applicant for a disability or survivors' pension or death benefit under the statutes of Québec. The application of that requirement cannot operate to permit the granting of a disability pension by Québec unless the contributory period of the contributor is at least two years under the Québec Pension Plan. No survivors' pension or death benefit may be granted by Québec unless the contributory period of the deceased contributor is at least three years under the Québec Pension Plan.

CHAPTER 7
FAMILY BENEFITS

ARTICLE 47
GRANTING OF BENEFITS

1. Subject to Article 48, the persons covered by this Agreement shall receive family benefits for their dependent children accompanying them in the territory of one Party provided for by the statutes of that Party as soon as they arrive in the territory.

2. Where the insured persons are covered under the statutes of the Party other than the Party in whose territory one or more of their dependent children reside, family benefits shall be provided according to the conditions set out in the statutes of the place of residence of the children and according to the terms and conditions defined in the Administrative Arrangement.

ARTICLE 48
PERSONS REFERRED TO IN ARTICLES 7, 8, 12 AND 13

1. The persons referred to in Articles 7 and 8, paragraph 1 of Article 12, and Article 13 shall be entitled for the children accompanying them in the territory of one Party to the family benefits listed in the Administrative Arrangement that are provided for by the statutes to which the persons remain subject.

2. Benefits shall be covered directly by the competent institution.

TITLE IV
FINANCIAL AND MISCELLANEOUS

ARTICLE 49
ADMINISTRATIVE ARRANGEMENT

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Agreement to be agreed to by the competent authorities.

2. The liaison agency of each Party shall be designated in the Administrative Arrangement.

ARTICLE 50
CLAIM FOR PENSION OR BENEFIT

1. To be entitled to a pension or benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions in the Administrative Arrangement.

2. In the cases where no special provisions are provided in the Agreement or the Administrative Arrangement, a claim for a benefit filed with the institution of one Party is deemed to be a claim for a benefit under the statutes of the other Party. For the examination of rights, the date of receipt of such a claim shall be deemed to be the date on which the claim was received under the statutes of the first Party.

ARTICLE 51
PAYMENT OF BENEFITS

1. Cash pensions or benefits owed by the debtor institutions shall be paid directly to the beneficiaries in accordance with the provisions of the statutes of each Party in the currency of the Party making the payment, without any deduction for administrative charges or for any other costs incurred in the payment of the pension or benefit.

2. For the purposes of paragraph 1, where an exchange rate is required, that rate shall be the rate in effect on the day the payment is made.

3. Pension arrears allocated by the Établissement national des invalides de la marine shall be paid directly to the beneficiaries by the territorially competent French consulate.

ARTICLE 52
FILING PERIOD

1. A request, a declaration or an appeal respecting social security which, under the statutes of one Party, must be filed within a prescribed time to the authority or institution of that Party shall be accepted if it is filed within the same time period to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the latter Party shall immediately forward the request, declaration or appeal to the authority or institution of the first Party.

2. The date on which the request, declaration or appeal is filed with the authority or institution of a Party shall be considered as the date of filing with the authority or institution of the other Party.

ARTICLE 53
MEDICAL EXAMINATION REPORTS AND ADMINISTRATIVE CONTROLS

1. At the request of the competent institution of one Party, the corresponding institution of the other Party shall make the necessary arrangements to provide the medical examination reports required for persons residing or staying in the territory of the latter Party.

2. The reports referred to in paragraph 1 shall not be disallowed solely because they have been made in the territory of the other Party.

3. The terms and conditions for the application of administrative controls shall be set out in the Administrative Arrangement.

ARTICLE 54
PROTECTION OF PERSONAL INFORMATION

1. In this Article, the word "information" means any information from which the identity of a natural or a legal person may be easily established.

2. Unless disclosure is required under the statutes of a Party, any information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.

3. Access to personal information shall be subject to the statutes of the Party on whose territory the information is located.

ARTICLE 55
RESPONSIBILITIES OF THE COMPETENT AUTHORITIES AND INSTITUTIONS

The competent authorities and institutions shall

(a) communicate to each other any information concerning the measures taken, internally, for the application of the Agreement;

(b) assist each other without charge in any matter concerning the application of the Agreement;

(c) forward to each other any information on amendments to their statutes referred to in Article 2 to the extent that such amendments affect the application of the Agreement; and

(d) inform each other of the difficulties encountered in the interpretation or application of the Agreement.

ARTICLE 56
MUTUAL ASSISTANCE

For the application of this Agreement and the statutes on social security of the other Party, the competent administrative authorities and social security institutions of both Parties shall assist each other as if it involved the application of their own statutes.

ARTICLE 57
REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Party must reimburse the cost of benefits that, in accordance with the provisions of Chapters 3 and 5 of Title III, are provided on its behalf by the competent institution of the other Party and the share of pensions or benefits that it pays that are provided by the other competent institution.

2. The competent institution of one Party must reimburse to the competent institution of the other Party the fees pertaining to each medical examination report produced in accordance with Article 53. The forwarding of medical information or other information already in the possession of the competent institutions shall be an integral part of administrative assistance and shall be effected without charge.

3. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the costs referred to in paragraphs 1 and 2.

4. The Parties shall determine, if applicable, in the Administrative Arrangement whether they waive all or part of the reimbursement of the costs.

ARTICLE 58
JOINT COMMISSION

1. A joint commission, composed of representatives of the competent authorities of each Party, shall be responsible for monitoring the application of the Agreement and proposing possible amendments. The joint commission shall meet, as necessary, at the request of either Party, alternately in France and in Québec.

2. Disputes concerning the application or the interpretation of the Agreement shall be settled by the joint commission. If a dispute cannot be settled in that manner, the dispute shall be settled by mutual agreement between the two Governments.

TITLE V
TRANSITIONAL AND FINAL

ARTICLE 59
TRANSITIONAL

1. This Agreement shall not confer any new entitlement before the date of coming into force of the Agreement.

2. Any period of insurance or residence completed under the statutes of one Party before the date of coming into force of this Agreement shall be taken into account for the determination of entitlement in accordance with the provisions of this Agreement.

3. Any pension or benefit that has not been paid or that has been reduced or suspended by reason of the nationality of the person concerned shall be, at the request of that person, paid or reinstated from the date of coming into force of this Agreement, unless the rights paid previously led to a settlement in capital.

4. Subject to the provisions of paragraph 1, there is entitlement under this Agreement even if the entitlement relates to an event prior to the date of coming into force of the Agreement.

5. Despite the provisions of paragraph 7 of Article 21 of this Agreement, a person who, on the date of coming into force of this Agreement, receives a shared-cost disability pension provided by Québec and an old age pension under the French statutes, shall keep the said disability pension as long as the person has entitlement under the statutes of Québec and the cost remains apportioned between the institutions.

6. A person who, on the coming into force of this Agreement, receives an old age pension under the French statutes and files a claim for a disability pension with Québec after the said date of coming into force, shall receive a pension under the conditions set out in Article 16 of the Agreement signed on 12 February 1979 if the person's pension entitlement starts on a date prior to the date of coming into force of this Agreement.

7. The holder of an old age, survivors, disability or income replacement benefit owed under Québec statutes who resides in France on the date of coming into force of this Agreement and is entitled on that date to health and maternity insurance benefits in kind for the purposes of the provisions of Article 12 of the Agreement signed on 12 February 1979, shall continue, with the person's dependents, to be entitled to the vested rights as such, provided that no entitlement starts at a later time on account of the exercise of a professional activity or the collection of a pension or annuity under the French plan.

ARTICLE 60
FINAL

1. This Agreement revokes and replaces the Entente en matière de sécurité sociale entre le Gouvernement du Québec et le Gouvernement de la République française signed on 12 February 1979, amended by Avenant No. 1 dated 5 September 1984 and Avenant No. 2 dated 19 December 1998, except Article 16 for the cases referred to in paragraph 6 of Article 59 of this Agreement.

2. This Agreement is entered into for an undetermined term. A Party may withdraw from the Agreement by sending a written notice to the other Party. The withdrawal shall take effect on the 1st day of the 12th month following the date on which the said notice is received.

3. In the case of a withdrawal from this Agreement, the provisions of the Agreement shall continue to apply to vested rights, notwithstanding any restrictive provisions contained in the plans concerned with respect to an insured person's stays outside the country. The Parties shall make arrangements regarding the rights being vested.

4. The Parties shall notify each other of the completion of its internal procedures required for the coming into force of this Agreement which shall take effect on the first day of the third month following the date on which the last notification is received.

Done in French, in duplicate, in Paris, on 17 December 2003

FOR THE GOUVERNEMENT DU QUÉBEC:	FOR THE GOVERNMENT OF THE FRENCH REPUBLIC:
MONIQUE GAGNON-TREMBLAY, *Deputy Premier, Minister of International Relations and Minister responsible for La Francophonie*	PIERRE-ANDRÉ WILTZER, *Minister Delegate for Cooperation and Francophony*

SCHEDULE 2
(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE FRENCH REPUBLIC

In accordance with Article 49 of the Agreement on social security signed on 17 December 2003 between the Gouvernement du Québec and the Government of the French Republic, hereafter called the "Agreement", the competent authorities represented by

FOR QUÉBEC:

— Jean D. Ménard, head of the Service des ententes internationales, Ministère des Relations internationales;

FOR FRANCE:

— Florence Lianos, head of the Division des affaires communautaires et internationales, Direction de la sécurité sociale, Ministère des affaires sociales, du Travail et de la Solidarité;

— Louis Ranvier, responsible for international matters, Direction Générale de la forêt et des affaires rurales, Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires rurales;

CONSIDERING the desire of both Governments to implement the Agreement with a view to preserving the mobility of persons between Québec and France,

HAVE AGREED TO THE FOLLOWING PROVISIONS:

TITLE I
GENERAL

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement the terms used shall have the meaning assigned to them in Article 1 of the Agreement.

ARTICLE 2
PARTICULARS CONCERNING EQUALITY OF TREATMENT

For the purposes of Chapters 3 and 5 of Title III of the Agreement, as regards Québec statutes, workers temporarily working in Québec and staying legally in Québec without residing therein within the meaning of Article 1 of the Agreement shall receive, in that territory, treatment equal to the treatment given to persons residing therein, with regard to the benefits provided, in accordance with the provisions of Article 4 of the Agreement.

TITLE II
PROVISIONS RELATING TO APPLICABLE STATUTES

ARTICLE 3
CERTIFICATE OF COVERAGE

1. In the cases referred to in Articles 7 to 13 of the Agreement, the institutions of the Party whose statutes remain applicable, that are designated below, shall establish, on application from the employer or an unsalaried worker, a "certificate of coverage" certifying that the worker concerned remains subject to the statutes.

The certificate is issued

(a) with respect to the Québec statutes, by the Québec liaison agency;

(b) with respect to the French statutes, by the worker's Caisse or, with respect to salaried workers of the general plan, by the Caisse in the district in which the employer is located.

2. For the purposes of paragraph 2 of Article 8 of the Agreement and, as regards a derogation concerning individual cases, of Article 13, an agreement prior to the issuance of a certificate of coverage must be requested

(a) for the maintenance of affiliation to the Québec statutes, by the Québec liaison agency to France's liaison agency;

(b) for the maintenance of affiliation to the French statutes,

— by France's liaison agency, as regards insured persons under plans other than the seamen's plan;

— by the Établissement national des invalides de la marine, as regards insured persons under the seamen's plan;

to the Québec liaison agency, which is responsible for obtaining a decision from the competent Québec institutions.

3. A decision made by mutual agreement by both Parties shall be communicated to the interested affiliated organizations and to the worker, if need be through the worker's employer.

4. Liaison agencies may agree, if applicable, on common procedures to improve or clarify the management of certificates of coverage.

5. For the purposes of Article 13 of the Agreement, the department responsible for social security, for France, and the liaison agency responsible for obtaining a decision from the competent institutions, for Québec, may, by common agreement, derogate from the applicable statutes with respect to a category of persons.

ARTICLE 4
PUBLIC SERVICE

1. For the purposes of paragraph 1 of Article 12 of the Agreement, the following persons are deemed to be in the Public Service:

(a) for Québec,

the persons employed by the Gouvernement du Québec and governed by the Public Service Act;

(b) for France,

i. persons in government employment and military service and similar personnel;

ii. salaried personnel other than the personnel referred to in subparagraph *i*, working for a French public administration and who, assigned in the territory of Québec, remain subject to the French social security plan.

2. For the purposes of paragraph 2 of Article 12 of the Agreement, the following persons are deemed to be in the Public Service:

(a) for Québec,

locally recruited persons;

(b) for France,

salaried personnel other than the personnel referred to in subparagraph *ii* of subparagraph *b* of paragraph 1 working for the French government.

TITLE III
PROVISIONS CONCERNING PENSIONS AND BENEFITS

CHAPTER 1
OLD AGE PENSIONS AND SURVIVORS BENEFITS

ARTICLE 5
FILING OF CLAIM

1. For the purposes of Chapter 1 of Title III of the Agreement, a claim for a pension under the statutes of one Party shall be filed with the competent institution of that Party through the competent institution or liaison agency of the other Party, if the claimant resides in the territory of the latter Party. If the claimant resides in the territory of a third party state, the claim shall be filed with the competent institution of either Party.

2. With respect to claims for pensions under the statutes of Québec, la Régie des rentes du Québec shall be the competent institution for any application relating to a person whose contributions have been paid into the Québec Pension Plan.

ARTICLE 6
PROCESSING OF THE CLAIM

1. The competent institution or liaison agency through which the pension claim is filed shall send the claim to the competent institution of the other Party with the required supporting documents and a liaison form indicating the periods of insurance completed and the entitlement, if any, under the statutes of the first Party.

2. For the purposes of Article 16 of the Agreement for the totalization of the periods of insurance, the competent institution of one Party shall request from the competent institution of the other Party a statement indicating the periods of insurance recognized under the statutes that the latter Party applies.

3. The information on civil status entered on the claim form shall be certified by the institution or agency forwarding the claim, which exempts the institution or agency from sending the supporting documents.

4. The competent institution shall notify the claimant as soon as it has made a decision under the statutes it applies indicating the remedies and time limits provided for in the statutes; the institution shall also notify the institution or agency of the other Party through which the claim was filed, using the liaison form.

CHAPTER 2
DISABILITY PENSIONS

ARTICLE 7
FILING AND PROCESSING OF CLAIM

1. For the purposes of Article 21 of the Agreement, a claim for disability pensions must be filed with the institution to which the person concerned was affiliated at the time the disability occurred, according to the terms and conditions set out in the statutes to be applied by the institution.

2. If the person resides in the territory of the other Party, the person may send the claim to an institution situated in that territory, according to the terms and conditions set out in the statutes of that Party. That institution shall send the claim along with the required medical documents or a medical report and a statement of the periods of insurance completed under the statutes it applies to the institution to which the person concerned was affiliated at the time the disability occurred.

ARTICLE 8
AMOUNT OF THE DISABILITY PENSION AND CALCULATION PROCEDURES OF THE RÉGIE DES RENTES DU QUÉBEC

For the purposes of paragraphs 2 and 6 of Article 21 of the Agreement, where a disability pension is paid by Québec, the amount of the pension payable to the contributor shall be equal to the sum of the total amount of the fixed portion and the amount of the part related to earnings established over the aggregate of the periods of insurance taken into account. The amount of the pension payable to the contributor's children is the amount fixed by the statutes of Québec.

ARTICLE 9
EXAMINATION OF THE CLAIM BY THE INSTITUTION OF THE OTHER PARTY; CONSIDERATION OF THE PERIODS OF INSURANCE COMPLETED IN THE TERRITORY OF THE OTHER PARTY FOR THE CALCULATION OF DISABILITY PENSIONS AND APPORTIONMENT OF THE COST

1. In the case referred to in paragraph 5 of Article 21 of the Agreement, the refusing institution shall send the claim to the institution of the other Party along with the medical documents it has or a medical report and the statement of the periods of insurance completed under the statutes it applies.

2. For the purposes of paragraph 1 of the first sentence of Article 21 of the Agreement, in the case where the statutes applied by the institution to which the claim was sent requires a determined number of hours of activity for entitlement, a day of insurance shall be equivalent to 6 hours of work.

3. In every case where the competent institution, as regards the provisions of paragraph 2 or paragraph 6 of Article 21 of the Agreement, awards a disability pension, the institution of the other Party may not, for any reason whatsoever, refuse the apportionment of the costs.

ARTICLE 10
EXCHANGE OF INFORMATION RELATING TO DISABILITY PENSIONS

1. The institutions shall inform each other of the awarding of paid disability pensions in accordance with the provisions of paragraphs 1 to 4 or paragraph 6 of Article 21 of the Agreement, using the form provided for that purpose.

2. For the purposes of paragraph 7 of Article 21 of the Agreement,

(a) the competent French institution shall inform the Régie des rentes du Québec of the granting of an old age pension in respect of a person receiving a shared-cost disability pension, in order to terminate the apportionment of the costs as of the date of entitlement to the old age pension;

(b) where a person who has reached the minimum age required for the granting of an old age pension under the French statutes submits a claim for a disability pension to the Régie des rentes du Québec, the Régie shall

establish the amount of the pension owed, if any, without apportionment of the costs and shall call upon that person to assert the person's entitlement to an old age pension under the French statutes;

(c) if, however, the person informs the Régie des rentes du Québec of the rejection or deferral of the claim for old age pension under the French statutes, the Régie, by common agreement with the competent French institution, shall review the amount of the disability pension, taking into account the periods of insurance completed under the French statutes and shall communicate to the latter institution the result of the review as provided in paragraph 1 of this Article.

3. In the situations referred to in paragraphs 1 and 2 of Article 22 of the Agreement, the notices of suspension, termination or resumption of the benefits shall be communicated with the statements of account established for the claims for reimbursement.

CHAPTER 3
HEALTH AND MATERNITY BENEFITS

ARTICLE 11
DETERMINATION OF DEPENDENTS

1. For the purposes of paragraphs 1 and 2 of Article 24 of the Agreement, dependents shall respectively be determined in accordance with the statutes applicable in the territory of work or residence.

2. For the purposes of Articles 25, 26 and 28 of the Agreement, dependents shall be determined in accordance with the statutes applied by the institution paying the benefits.

ARTICLE 12
PROCEDURES RELATING TO ENTITLEMENT TO, MAINTENANCE OR RECOVERY OF BENEFITS

1. For the purposes of Articles 23 and 24 of the Agreement, where it is necessary to resort to the totalization of the periods of insurance, the information on the periods completed previously shall be given by the institution of the Party under whose statutes the person was previously subject by means of a "certificate of periods of insurance related to employment or residence, as regards health insurance, maternity and death". The certificate shall be issued at the request of the person concerned or at the request of the new competent institution.

2. To receive benefits in kind in the territory of Québec, a person must register with the Régie de l'assurance-maladie du Québec using the registration form and submitting the certificate referred to in paragraph 1 of this Article along with documents corresponding to the person's immigrant status in Québec and, if applicable, proof of establishment of domicile. Entitlement to benefits shall be determined as soon as the form is received at the Régie de l'assurance-maladie du Québec and be retroactive to the date of arrival of the person.

3. To receive benefits in kind in the territory of France, a person must be registered, in compliance with the conditions set out in the French statutes according to the person's situation, with the appropriate competent institution, and must justify as needed prior affiliation to the Régie de l'assurance-maladie du Québec by submitting the certificate referred to in paragraph 1 of this Article. The benefits shall then be granted on the day of the person's arrival in that territory.

4. Where, for entitlement to the benefits in kind provided for in the French statutes, the competent institution must use the periods of employment in Québec as provided in paragraph 1 of Article 27, the insured person must submit any document attesting to the effective duration of the activity during the periods of employment.

ARTICLE 13
PROCEDURES IN CASE OF TEMPORARY STAY IN THE TERRITORY OF THE ORIGINAL PARTY

1. For the purposes of paragraph 1 of Article 25 of the Agreement, the insured person or one of the person's dependents shall submit to the institution of the place of stay a certificate of entitlement to health and maternity insurance benefits in kind. The certificate may be established for a period not exceeding three months.

The certificate shall be submitted in the case where the insured person or one of the person's dependents applies for entitlement to benefits in kind:

(a) in Québec, at the Régie de l'assurance maladie du Québec so that the institution may register the person;

(b) in France, at the territorially competent Caisse primaire de l'assurance maladie with regards to the place where the care is received.

2. If, at the time of registration or submission of the claim for benefits, a person does not have the form referred to in paragraph 1 of this Article, the person must request the form from the institution to which the person is affiliated. If the person has serious grounds for not making the request himself or herself, the request

may be made through the institution of the place of stay. Entitlement to benefits shall be established with effect on the date the care commenced.

3. The three-month period referred to in paragraph 3 of Article 25 shall commence on the initial date of care. If, on the expiry of the three-month period, the person's health requires, in the opinion of the attending physician, that the benefits in kind be continued, the coverage may be extended for another three-month period provided that the competent institution has given a favourable opinion by renewing the certificate referred to in paragraph 1 of this Article.

ARTICLE 14
PROCEDURES IN THE CASE OF TRANSFER OF PLACE OF STAY DURING THE TREATMENT OR COMPENSATION

1. For the purposes of paragraph 1 of Article 26 of the Agreement, the insured person or one of the person's dependents shall be required to submit a certificate of entitlement to health and maternity insurance benefits in kind to the institution of the place of stay.

2. The certificate shall be issued by the competent institution, on request from the person concerned before departure, and must include the period during which the benefits are provided within the initial three-month period. The initial period of validity of the certificate may exceptionally be longer than three months if the anticipated period of benefits so justifies. In the case of maternity, the certificate issued under the same conditions as in the case of health insurance is valid for the granting of benefits in kind until the end of the compensation period for maternity provided for in the statutes applied by the competent institution.

If the certificate is requested by an insured person under the French plan who, in accordance with the provisions of paragraph 2 of Article 27 of the Agreement, is entitled to benefits in kind, the certificate shall be issued after the consulting physician has agreed to the travel.

3. — In Québec, the certificate is submitted to the Régie de l'assurance maladie du Québec so that the agency may register the insured person or dependent.

— In France, the certificate is submitted to the territorially competent Caisse primaire d'assurance maladie with regards to the place where the care is received.

4. If, at the time of registration or submission of the claim, a person does not have the form referred to in paragraph 1 of this Article, the person must request the form from the institution to which the person is affiliated. When the person has serious grounds for not making the request himself or herself, the request may be made through the institution of the place of stay. Entitlement to benefits shall be established with effect on the date the place of stay has been transferred.

5. If the health of the insured person or dependent requires an extension of care beyond the period anticipated originally in the certificate issued, the institution of the place of stay, on its own motion or on the request of the insured person, shall apply for the renewal of the certificate.

The competent institution shall grant the extension provided that entitlement to the benefits is maintained with regard to its statutes throughout the additional three-month period or a longer period in the case of an exceptionally serious illness. The institution may, if need be, request a medical verification from the institution of the place of stay and shall communicate the results to the institution.

In the case of a refusal of the extension, the reasons for the refusal and the remedies available shall be given to the person concerned and to the institution of the place of stay.

ARTICLE 15
PROCEDURES PRIOR TO ENTITLEMENT TO BENEFITS OF SECONDED WORKERS AND DEPENDENTS

1. For the purposes of paragraphs 1 and 2 of Article 28 of the Agreement, a worker who chose to refer to the institution of the Party in whose territory the person is staying shall submit the "certificate of coverage" to the institution.

2. In France, the certificate shall be filed with the Caisse primaire de l'assurance maladie of the place of stay. The Caisse that is the custodian of the certificate shall inform the Québec liaison agency by returning to the agency the card attached to the certificate of coverage that includes the name of the Caisse and the name of the worker.

3. In Québec, the certificate shall be submitted to the Régie de l'assurance maladie du Québec that registers the insured person. At the time of registration, the person may become a member of the general prescription drug insurance plan without paying a premium if the person submits proof that the person has no access to a group insurance plan in Québec providing reimbursement of costs related to prescription drugs.

4. The provisions of paragraphs 2 and 3 shall not apply by analogy to the worker's dependents.

ARTICLE 16
SPECIAL PROVISIONS CONCERNING INSURED PERSONS UNDER THE FRENCH PLAN FOR BENEFITS IN KIND AND MEDICAL MONITORING IN CASE OF INTERRUPTION OF WORK

1. To receive health and maternity insurance benefits in kind provided by French statutes, the insured person referred to in Articles 25 and 28 of the Agreement shall submit to the competent French institution, within a three-day period after the commencement of the work disability, except in the case of a force majeur, a notice of interruption of work or a work disability certificate issued by the attending physician.

2. The provisions of paragraph 1 of this Article shall apply in case the interruption of work of the person referred to in Articles 25, 26 or 28 of the Agreement is extended. The competent institution shall examine the rights of the person concerned and inform the person directly of the decision, indicating the remedies and their time limits.

3. The competent institution notified of an interruption of work may, at any time, and particularly in the case of an extension of a prior interruption of work, request from the Régie de l'assurance maladie du Québec a medical verification the results of which shall be communicated to the institution as soon as possible.

ARTICLE 17
FORMALITIES TO BE FOLLOWED BY DEPENDENTS RESIDING IN THE TERRITORY OF THE OTHER PARTY

The persons referred to in Article 29 of the Agreement shall receive the benefits provided by the institution of the place of residence under the following conditions.

In the case of a dependent who returns to reside in Québec, the provisions of paragraphs 1 and 2 of Article 12 of this Arrangement shall apply by analogy.

A dependent residing or returning to reside in France must register at the Caisse primaire de l'assurance maladie of the place of residence by submitting a form issued by the Régie de l'assurance maladie du Québec attesting to status as an insured person entitled to benefits. The form shall be issued on the request of the insured person or the Caisse primaire d'assurance maladie and shall be valid for a period of not more than twelve months, having a commencement date that may not precede the date of commencement of coverage of the insured person under the statutes of Québec.

ARTICLE 18
FORMALITIES TO BE FOLLOWED BY THE HOLDERS OF A PENSION OR ANNUITY

For the purposes of Article 30 of the Agreement, the provisions of paragraphs 1 to 3 of Article 12 of this Arrangement shall apply by analogy.

CHAPTER 4
NOT APPLICABLE

CHAPTER 5
BENEFITS IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

ARTICLE 19
DETERMINATION OF INSTITUTIONS

For the purposes of Articles 34 to 43 of the Agreement

(a) affiliated institutions, as regards the statutes of Québec or France, are respectively the Commission de la santé et de la sécurité du travail, hereafter referred to as "CSST" and the Caisse de sécurité sociale to which the worker is affiliated;

(b) the institution of the place of stay or residence is, in Québec, the Commission de la santé et de la sécurité du travail, and in France, the Caisse of the place of stay or residence of the worker.

ARTICLE 20
CLAIM FOR BENEFITS UNDER THE STATUTES OF THE OTHER PARTY

1. For the purposes of Article 34 of the Agreement,

(a) if the disease or accident occurs in France,

the institution of the place of stay shall send a case management claim, along with a medical certificate and a declaration describing the place and circumstances of the occurrence of the occupational injury, signed by the worker or the worker's representative, to the affiliated institution;

(b) if the disease or accident occurs in Québec,

the CSST shall, when it receives a claim for a worker under French statutes, send the claim to the affiliated institution pursuant to the terms and conditions provided in subparagraph *a* of this paragraph.

2. The affiliated institution that receives a claim for benefits shall immediately communicate its decision to the institution of the place of stay, on the basis of the information furnished by that institution, using the form provided to that effect. In the case of a negative decision, benefits shall be provided, in accordance with the general provisions applicable to the persons referred to in Article 28 of the Agreement.

3. For entitlement to benefits in kind, a seconded worker or a self-employed worker insured voluntarily shall apply directly to the affiliated institution in accordance with the provisions of the statutes applied by that institution.

4. Where a worker requests that the entitlement to benefits be extended beyond the period indicated in the form, the worker shall send the request with supporting medical documents to the affiliated institution either directly or through the institution of the place of stay.

5. If the medical documents furnished do not permit the affiliated institution to make a decision, the institution shall request from the institution of the place of stay to have the person concerned examined, specifying the nature of the additional information required.

6. The affiliated institution shall communicate its decision to a worker using a form indicating the entitlement extension period and the nature of the benefits granted or, if applicable, the reason for the refusal and the remedies available and their time limits.

ARTICLE 21
MAINTENANCE OF BENEFITS IN THE TERRITORY OF STAY OR OF NEW RESIDENCE

1. A worker referred to in Article 35 of the Agreement is required to submit a form to the institution of the place of stay or of the new residence attesting that the affiliated institution authorizes the first institution to maintain entitlement to benefits in kind after the worker's transfer of residence.

2. When, for a serious reason, the form referred to in paragraph 1 could not be established prior to a worker's transfer of residence, the affiliated institution may, on request from the worker or the institution of the place of stay or of the new residence, issue the form after the transfer of residence.

3. When a worker requests an extension of benefit entitlement beyond the period provided for, the provisions of paragraphs 4, 5 and 6 of Article 20 shall apply.

ARTICLE 22
RELAPSE AFTER TRANSFER OF RESIDENCE

1. To receive benefits in the case of relapse or aggravation, a worker referred to in Article 36 or 37 of the Agreement shall send a claim along with the required medical documents to the institution of the new place of residence, specifying that he or she has received benefits from the institution of the other Party following an industrial accident or an occupational disease.

2. The institution of the place of stay shall send the claim along with the medical documents to the institution that recognized the industrial accident for a decision. The latter institution shall then proceed in accordance with the provisions of paragraphs 5 and 6 of Article 20 of this Arrangement.

3. A claim sent directly to the institution that has recognized the industrial accident shall be admissible.

ARTICLE 23
GRANTING OF LARGE BENEFITS IN KIND

1. For the purposes of Article 40 of the Agreement, where the institution of the place of stay or residence grants prostheses, large devices or other large benefits in kind, the institution shall request that the affiliated institution send its decision concerning such granting on the form that will be sent to the worker. If the benefits have already been granted due to an emergency, the institution of the place of stay or residence shall so notify the affiliated institution and the acknowledgement of receipt of the notice shall serve as retroactive authorization.

2. Benefits shall be provided under the conditions and according to the forms prescribed by the statutes of the institution of the place of stay, unless otherwise specified by the affiliated institution.

ARTICLE 24
ASSESSMENT OF THE DEGREE OF DISABILITY

For the purposes of Article 41 of the Agreement, a worker and the institution to which the worker was previously affiliated shall furnish to the institution processing the claim, on the request of that institution and to the extent where it is necessary for the processing of the claim, the information relating to industrial accidents or occupational diseases that occurred or were ascertained under the previously affiliated statutes.

ARTICLE 25
DOUBLE EXPOSURE TO THE SAME RISK

1. Where the competent institution of the Party in whose territory a victim last carried on work likely to cause the occupational disease ascertains that the victim or the victim's dependents do not satisfy the conditions of its statutes, having regard to the provisions of paragraphs 2 and 3 of Article 42 of the Agreement, the said institution shall

(a) immediately send to the institution of the other Party the decision and accompanying documents and a copy of the notice referred to below;

(b) notify at the same time the worker of its refusal, indicating the conditions that are not satisfied, the remedies available under the law and their time limits and that the declaration has been transmitted to the institution of the other Party.

2. Where a remedy is exercised against the refusal of the institution of the Party in whose territory a victim last carried on work likely to cause the occupational disease, the institution is required to so inform the institution of the other Party and to make any final decision known to that institution.

ARTICLE 26
NOTICE IN CASE OF SHARED COST

For the purposes of paragraph 5 of Article 42 of the Agreement, the institution providing benefits shall send to the liaison agency of the other Party a first notice in which the institution shall indicate the amount of the benefits provided to a worker or the worker's dependents, the period of work likely to cause the occupational disease performed in the territory of each Party and the amount of the share to be paid by each of the competent institutions.

ARTICLE 27
AGGRAVATION OF A COMPENSATED OCCUPATIONAL DISEASE

1. For the purposes of Article 43 of the Agreement, a worker is required to furnish to the competent institution of the new place of residence the necessary information relating to previous benefits received for the occupational disease concerned. The said institution may contact the institution that provided the benefits to the worker to obtain any details.

2. In the case referred to in subparagraph *a* of Article 43 of the Agreement, a copy of the decision of refusal notified to the worker by the institution of the worker's new place of residence shall be forwarded to the competent institution of the other Party. Those institutions shall exchange any information useful to determine the worker's health condition.

3. In the case referred to in subparagraph *b* of Article 43 of the Agreement, the institution paying the amount of the supplement shall so inform the institution of the other Party.

CHAPTER 6
NOT APPLICABLE

CHAPTER 7
FAMILY BENEFITS

ARTICLE 28
FAMILY BENEFITS

The term "family benefits" means

(a) with respect to the Québec statutes, all benefits defined in the Act respecting family benefits;

(b) with respect to the French statutes, family allowances and allowance for infants in the portion paid up to three months of age.

ARTICLE 29
CLAIM FOR FAMILY BENEFITS

For the purposes of Article 47 of the Agreement, family benefits shall be payable in respect of dependent children as of the first day of the month following their arrival in the new territory of stay or residence provided that

(a) for Québec, the claim is made to the Régie des rentes du Québec, in accordance with the provisions of the statutes in force in that territory;

(b) for France, the beneficiary and the children justify the legality of their stay and that the claim for benefits be made to the Caisse d'allocations familiales of their place of stay or residence.

ARTICLE 30
NOTICE TO COMPETENT INSTITUTIONS

To obtain Québec family benefits, the persons referred to in Article 48 of the Agreement, going to France from Québec, shall furnish the certificate referred to in Article 3 of this Arrangement to the Régie des rentes du Québec. Persons going to Québec from France must so inform their Caisse d'allocations familiales.

TITLE IV
FINANCIAL AND MISCELLANEOUS

ARTICLE 31
LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 49 of the Agreement, each Party has designated the following liaison agencies:

(a) in Québec,

the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other agency that the competent Québec authority may designate later;

(b) in France,

the Centre des liaisons européennes et internationales de sécurité sociale.

ARTICLE 32
DATE OF RECEIPT OF CLAIM

The date of receipt of a claim for a pension, benefit or allowance by the competent institution or liaison agency of one Party is deemed to be the date of receipt by the competent institution of the other Party even if no pension, benefit or allowance is payable under the statutes of the first Party.

ARTICLE 33
MEDICAL EXAMINATION REPORTS AND VERIFICATIONS

1. The competent institution of one Party that pays a pension or benefit to a person residing in the territory of the other Party may have that person examined by a physician of its choice in accordance with the conditions set out in its own statutes.

2. If, following a request for verification by the institution paying the disability pension, it is observed that the beneficiary has resumed work in the territory of the other Party, a report shall be sent to the said institution by the institution of the place of residence of the beneficiary.

ARTICLE 34
REIMBURSEMENT BETWEEN INSTITUTIONS

1. Benefits in kind provided for the purposes of Articles 25, 26 and 28 of the Agreement shall be reimbursed on the basis of the costs incurred by the institution of the place of stay as described in the individual statements of expenses that it submits and may include, for Québec, a percentage increase of the amount for consultations and medical examinations outside hospitalization billed on a fee basis to take into account the consultation and examinations that are not so billed. The rate is fixed at 15% and may increase by agreement between the competent authorities or agencies designated to that end, on the basis of the changes in the funding of medical acts in Québec. The amount of hospitalization expenses shall be established on the basis of daily prices.

2. Benefits in kind provided pursuant to Article 39 of the Agreement shall be reimbursed on the basis of the expenses incurred by the institution at the place of stay as described in the individual statements of expenses that it submits.

3. The statements of expenses established by the French institutions shall be consolidated by the French liaison agency and sent every six months with a summary report, including a duplicate, to the Régie de l'assurance maladie du Québec for expenses relating to health and to the Commission de la santé et de la sécurité du travail for expenses related to industrial accidents. Both agencies shall send quarterly statements of expenses, along with a summary report, established in Québec to the French liaison agency.

4. For the purposes of paragraph 4 of Article 21 and paragraph 5 of Article 42 of the Agreement, at the end of every calendar year the institution that provided the pensions and benefits shall send to the liaison agency of the first Party a statement of pensions and benefits provided indicating the amount paid and the portion payable by the institution of the other Party. The liaison agency of the first Party shall submit the billing to the other Party.

5. For the purposes of Article 53 of the Agreement, at the end of every calendar year, the competent institution of each Party that performed the medical verifications or made the examination reports shall send individual statements of the costs incurred to the liaison agency. The liaison agency of that Party shall submit the statements to the liaison agency of the other Party for reimbursement.

6. Each debtor institution shall pay the amounts owed to the other institution within six months following the date of receipt of the reimbursement claims sent in accordance with the provisions of paragraphs 3, 4 and 5 of this Article.

ARTICLE 35
CONTESTATION OF REIMBURSEMENT

1. Where following the verification of the statements of expenses to be reimbursed referred to in Article 34 of this Arrangement, a Party contests certain amounts, the Party shall immediately reimburse the amounts with which the Party agrees, accompanied by a notice stating the reasons of the contestation of the other amounts.

2. The Party receiving a contestation shall examine it and communicate its findings as soon as possible to the other Party. If the contestation is not justified, the claim shall be reinstated with supporting documents. The matter is settled when the next statement is submitted.

ARTICLE 36
CONTINUATION OF UNDUE PAYMENT

In the case of undue payment of a shared-cost pension or benefit, the institution that provided the payment shall be responsible for continuing the undue payment, the amount of which shall be apportioned between the institutions of both Parties in the proportion established for the payment of the pension or benefit concerned. If the amount cannot be recovered, the loss shall be charged to both institutions according to the same rule.

ARTICLE 37
FORMS

Forms and other documents required to implement the procedure provided for in the Administrative Arrangement shall be established by mutual agreement by the competent institutions and agencies responsible for the application of the Agreement for each Party. The forms and documents shall appear as schedules to a supplementary administrative arrangement.

ARTICLE 38
STATISTICAL DATA

The liaison agencies of both Parties shall exchange statistical data concerning the payment of pensions made during every calendar year to beneficiaries residing in the territory of the other Party. The data shall indicate the number of beneficiaries and the amount of the pensions for each category.

TITLE V
FINAL

ARTICLE 39

This Arrangement revokes and replaces the General Administrative Arrangement relating to the conditions of application of the Agreement on social security between the Gouvernement du Québec and the Government of the French Republic signed on 12 February 1979, the Arrangement signed on 15 May 1987 making the first amendment and the Arrangements signed on 21 December 1998 making the second and third amendments respectively to that General Administrative Arrangement.

This Administrative Arrangement comes into force on the same date as the Agreement signed on 17 December 2003.

Done in duplicate at Québec City, on 17 December 2003, and in Paris, on 30 December 2003

FOR THE COMPETENT AUTHORITY OF QUÉBEC:

JEAN D. MÉNARD,
Head of the Service des ententes internationales
Ministère des Relations internationales

FOR THE COMPETENT AUTHORITY OF THE FRENCH REPUBLIC:

FLORENCE LIANOS,
Head of the Division des Affaires communautaires et internationales
Ministère des Affaires sociales, du Travail et de la Solidarité

LOUIS RANVIER,
Chargé des questions internationales de sécurité sociale
Ministère de l'Agriculture, de l'Alimentation, de la Pêche et des Affaires rurales

7327

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Psychologists
— Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of psychologists made by the Bureau of the Ordre des psychologues du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

According to the Order, the purpose of the Regulation is to modernize the Code of ethics of psychologists and to reinforce the duties and obligations of the psychologists towards clients, the public and the profession, in order to ensure better protection of the public.

The Order considers that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Édith Lorquet, legal and external affairs adviser at the Ordre des psychologues du Québec, 1100, avenue Beaumont, bureau 510, Montréal (Québec) H3P 3H5; telephone: 514 738-1881, ext. 223 or 1 800 363-2644; fax: 514 738-8838.

Any person having comments to make is asked to send them to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3, before the expiry of the 45-day period. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be forwarded to the professional order that made the Regulation and to the interested persons, departments and bodies.

GAÉTAN LEMOYNE,
Chair of the Office
des professions du Québec

Code of ethics of psychologists

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER 1
GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations of psychologists regardless of the context or manner in which they engage in their professional activities or the nature of their contractual relationship with clients.

2. Psychologists may not exempt themselves, even indirectly, from a duty or obligation contained in this Code.

CHAPTER II
GENERAL DUTIES

3. Psychologists must, in the practice of their profession, show respect for the dignity and freedom of persons.

4. The conduct of psychologists towards every person with whom they enter into a professional relationship, whether physical or psychological, must be beyond reproach.

5. Psychologists must practise their profession according to generally recognized scientific and professional principles, in keeping with good practice in psychology.

6. Psychologists must consider all foreseeable consequences of their research and work on society.

7. Psychologists must discharge their professional obligations with competence, integrity, objectivity and moderation.

8. Psychologists, in the practice of their profession, must assume full personal civil liability. They may not evade or attempt to evade personal civil liability or request that a client or person renounce any recourse taken in a case of professional negligence on their part. They may not invoke the liability of the partnership or company within which they carry on their professional activities or that of another person also carrying on activities as a ground for excluding or limiting their personal professional liability.

9. Psychologists must take reasonable measures to ensure that every person collaborating with them in the practice of the profession and any partnership or company within which they practise complies with the Professional Code and regulations thereunder, including this Code.

CHAPTER III
DUTIES AND OBLIGATIONS TOWARDS CLIENTS

DIVISION I
CONSENT

10. Before agreeing with a client to provide professional services, psychologists must consider the request, the client's expectations and the extent of their skills and the means at their disposal.

11. Before providing professional services, psychologists must, except in an emergency, obtain the free and enlightened consent of the client, the client's representative or the client's parents, in the case of a child under 14 years of age, informing the client of

(1) the objective, nature, relevance and main terms of the professional services, the advantages and disadvantages of the services and alternatives, the limits and mutual responsibilities of the parties, including any agreement on the fees and terms of payment;

(2) the possibility of refusing the professional services offered or ceasing to receive professional services at any time; and

(3) the rules and limits of confidentiality and the terms related to the transmission of confidential information pertaining to the intervention.

Disclosure of the information must be adapted to the context of the professional services provided.

12. Psychologists must take reasonable measures, including when the emergency has ended, to ensure that the consent is free and enlightened by ensuring that the client has properly understood the information communicated.

13. Psychologists must ensure that the consent remains free and enlightened throughout the professional relationship.

DIVISION II
CONFIDENTIAL INFORMATION

14. Psychologists must preserve the privacy of the persons with whom they enter into a professional relationship, avoiding gathering information and exploring aspects of private life that have no relation with the professional services agreed on with the client.

15. Psychologists, for the purpose of preserving professional secrecy,

(1) must not disclose any information on their client, except the information authorized in writing by the client, or verbally in an emergency, or ordered by law;

(2) must inform a client who intends to authorize the release of confidential information to a third party of the consequences of the disclosure and reservations of the psychologists, if any;

(3) must not disclose that a client has requested their professional services or intends to use their professional services;

(4) must not mention any factual information likely to identify the client and must modify, if required, certain information identifying the client when using information obtained from the client for didactical, pedagogical or scientific purposes;

(5) must obtain prior written authorization from the client to record or videotape an interview or activity; the authorization must specify the subsequent use of the recording and the terms of revocation of the authorization; and

(6) must not disclose, without authorization, the name of a client when consulting or being supervised by another professional.

16. Psychologists providing professional services to a couple or family must preserve the right to professional secrecy of each member of the couple or family. They may agree with them on other terms allowing disclosure of certain confidential information.

17. Psychologists providing professional services to a group must inform the members of the group of the possibility of some aspect of the private life of one of the members or a third party being revealed. They must secure a commitment from the members of the group to preserve the confidentiality of information on the private life of one of the members or a third party.

18. Psychologists may communicate information protected by professional secrecy to prevent an act of violence, including a suicide, where the psychologists have reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, psychologists may only communicate the information to a person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

Psychologists may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

19. Psychologists who communicate information protected by professional secrecy to prevent an act of violence must enter in the client's record the circumstances of the communication, the information communicated and the name of every person to whom the information was given.

DIVISION III
RIGHTS OF ACCESS TO INFORMATION AND CORRECTION OF DOCUMENTS

20. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to consult or obtain a copy of documents that concern the client in any record made in his or her respect.

Psychologists may charge the client reasonable fees not exceeding the cost of reproducing or transcribing documents or the cost of transmitting a copy of the documents.

Psychologists who intend to charge such fees must inform the client of the approximate amount to be paid before copying, transcribing or transmitting the information.

Psychologists may deny access to information contained in a record established in the client's respect if the disclosure would likely cause serious harm to the client or to a third party. On written request from a client, a psychologist must notify the client in writing of the reasons for the refusal and enter the reasons in the record.

21. Psychologists must respond promptly, at the latest within 30 days of its receipt, to any written request made by a client or a person authorized by the client to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the client or to make written comments in the record.

Psychologists must give the client, free of charge, a duly dated copy of the document or part of the document filed in the record so that the client may verify that the information has been corrected or deleted or, as applicable, give the client an attestation stating that the client's written comments have been filed in the record.

Psychologists who refuse to grant a request to correct or delete information in any document concerning the client must, on written request from the client, notify the client in writing of the reasons for the refusal and enter the reasons in the record.

22. Psychologists must respond promptly to any written request from a client to have a document returned to the client.

DIVISION IV
CONFLICT OF INTEREST AND PROFESSIONAL INDEPENDENCE

23. Psychologists must subordinate their personal interests or, where applicable, the interests of their employer or colleagues to those of their clients.

24. Psychologists must, except in an emergency, avoid providing professional services to persons with whom they have a relationship that is likely to affect the professional nature of the relationship and the quality of the professional services.

25. Psychologists must refrain from interfering in the personal affairs of their client.

26. During the professional relationship, psychologists must not establish relations of an intimate nature likely to affect the quality of the services, or relations of an amorous or sexual nature with a client, and must refrain from making remarks or improper gestures of a sexual nature to a client.

For the purpose of determining the duration of the professional relationship, psychologists must take into consideration, in particular, the nature of the problems to be addressed by and the duration of the professional services provided, the client's vulnerability and the likelihood of the psychologist having to provide professional services to the client again.

27. Psychologists may not act as such for a third party against a client in a dispute to which the client is a party.

28. Psychologists must not, for the same client, intervene in a manner that is likely to affect the quality of their professional services.

29. Psychologists acting as an expert may not become the attending psychologist of a person having been the subject of the expertise, unless expressly requested by the person and the psychologist has obtained authorization from the persons concerned by the change of role.

30. Psychologists must not use the professional relationship established with a client for personal, political or commercial purposes if doing so may cause prejudice to a third party or compromise the quality of their professional services.

31. Psychologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest, particularly when the interests concerned are such that they may tend to favour certain interests over those of their client or their integrity and loyalty towards their client may be adversely affected.

32. If psychologists become aware that they are in a real or apparent conflict of interest, they must define the nature and meaning of their obligations and responsibilities, notify their client and agree with the client on the appropriate measures, if any.

33. If psychologists provide professional services to several clients who may have divergent interests, they must inform them of their duty to be objective and of the specific actions that will be undertaken to provide the services. If the situation becomes irreconcilable with their duty to be objective, the psychologists must terminate the professional relationship.

34. Except for the remuneration to which they are entitled, psychologists may not receive, pay, offer to pay or agree to pay any benefit, rebate or commission in connection with the practice of their profession.

DIVISION V
WITHDRAWAL OF PROFESSIONAL SERVICES

35. Psychologists may cease to provide professional services to a client solely for just and reasonable grounds, including

(1) loss of the relationship of trust between the client and the psychologist;

(2) lack of benefit to the client from the professional services offered by the psychologist;

(3) the likelihood that maintaining the professional services may, in the psychologist's judgment, become more harmful than beneficial for the client;

(4) the impossibility for the psychologist to maintain a professional relationship with the client, particularly in the presence of a conflict of interest;

(5) inducement by the client to perform illegal, unfair or fraudulent acts or to contravene this Code;

(6) non-compliance by the client with the conditions agreed on and the impossibility of entering with the client into a reasonable agreement to reinstate the conditions, including professional fees; and

(7) the psychologist's decision to scale down his or her practice or to put an end to the practice for personal or professional reasons.

36. Psychologists who wish to terminate the relationship with a client must give the client reasonable notice and ensure that the withdrawal of such services does not cause prejudice to the client or, at the least, causes as little prejudice as possible. Psychologists must ensure insofar as they are able that the client may continue to obtain the professional services required.

DIVISION VI
QUALITY OF PROFESSIONAL SERVICES

37. Psychologists must refrain from practising their profession or performing professional acts if their state of health is an obstacle to doing so, or in any condition or state that may compromise the quality of the professional services.

38. Psychologists must establish a psychological diagnosis in respect of their client and give advice to the client only if they have sufficient professional and scientific information to be able to do so.

39. Psychologists must develop, perfect and maintain their knowledge and skills in the field in which they practise.

40. Psychologists must, as soon as the interest of their client so requires, consult another psychologist, a member of another professional order or another competent person, or refer the client to one of those persons.

41. Psychologists must seek to establish or maintain a relationship of mutual trust and respect with their clients.

42. Psychologists must acknowledge the client's right to consult another psychologist or any other competent person. Psychologists may not, by any means whatsoever, interfere with the client's freedom of choice.

43. Psychologists must be available and diligent in respect of their client. If unable to meet a request within a reasonable time that will not be prejudicial to the client, they must inform the client of the time when they will be available. If the situation could cause prejudice to the client, the client must be referred to an appropriate resource.

44. Psychologists may not persistently or unwarrantedly urge a person to have recourse to their professional services.

45. Psychologists may not perform unwarranted professional acts or unnecessarily increase the number of such professional acts, and must refrain from performing acts that are inappropriate or disproportionate to the client's needs.

46. Psychologists called upon to make an assessment must

(1) clearly inform the person who is being assessed of the person to whom the assessment report is being sent and of the manner in which a copy of the report may be requested;

(2) avoid obtaining any information from that person or making any interpretations or comments not pertinent to the assessment. Any information received that is unrelated to the assessment must remain confidential; and

(3) limit their report or recommendations and, if applicable, their deposition before the court to information relevant to the assessment.

DIVISION VII
USE OF PSYCHOLOGICAL MATERIAL

47. Psychologists must comply with the scientific and professional principles generally accepted in psychology when using, administering, correcting and interpreting psychological tests, and when publishing tests and information that must be provided with the related manuals and documents.

48. Psychologists must recognize the inherent limits of the measurement instruments they use and exercise caution in interpreting the psychometric material, in particular taking into account

(1) the specific characteristics of the tests or of the client that may interfere with their judgment or affect the validity of their interpretation;

(2) the context of the intervention; and

(3) factors that could affect the validity of the measurement instruments and necessitate changes in the administering of tests or the weighting of standards.

49. Psychologists may not give to a third party, other than another psychologist, any raw, unprocessed data from an assessment or resulting from a psychological consultation.

50. Psychologists must take the means necessary to not compromise the methodological and metrological validity of a test by revealing the protocol to the client or a third party who is not a psychologist.

51. In every written or verbal psychological report, psychologists must limit their comments to the interpretation of the psychological material and to the relevant conclusions.

DIVISION VIII
FEES

52. Psychologists must charge and accept fair and reasonable fees warranted by the circumstances, and proportional to the professional services provided. To determine their fees, psychologists must consider the following factors:

(1) their experience or particular competence;

(2) the time required to provide the professional services;

(3) the complexity and extent of the professional services;

(4) the performance of professional services that are unusual or provided in unusual conditions; and

(5) the performance of professional services that require exceptional competence or celerity.

53. Psychologists must provide their client with all the explanations required for the understanding of the statement of fees and terms of payment.

54. Psychologists may, by written agreement with the client,

(1) require an advance to cover the payment of disbursements necessary to perform the professional services required;

(2) require the deposit in trust in the amount of their fees if the nature of the professional activities is such that payment of the services by the client may not be forthcoming;

(3) require partial payment if they act as consultants to a body in connection with a long-term contract;

(4) require administrative fees for a missed appointment by the client according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees;

(5) subject to the applicable legislative provisions, require fees supplementary to those reimbursed by a third-party payer.

55. Psychologists may not provide a receipt or other document that falsely indicates that professional services have been or will be provided.

56. Psychologists may not charge interest on accounts unless the client has been duly notified. The interest so charged is at the agreed rate or, if none, at the legal rate.

57. Before instituting legal proceedings, psychologists must have exhausted all other means available to recover their fees.

CHAPTER IV
DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

58. In public statements dealing with psychology, psychologists must avoid making any exaggerated or purely sensational affirmations.

59. Psychologists who give information to the public on psychological procedures and techniques must indicate the restrictions, limits and contraindications that apply to their use.

60. Psychologists must avoid publicly discrediting, without substantiation, any traditional or new psychological techniques that differ from those they use themselves but that respect the scientific principles generally accepted in psychology.

61. Psychologists acting as professional consultants informing the public must stress the relative value of the information or advice being given.

CHAPTER V
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

62. To the extent of their resources, qualifications and experience, psychologists must seek to promote the development and credibility of the profession.

63. Psychologists may not, in any way whatsoever, intimidate or hinder a representative of the Order acting in the performance of duties assigned to the representative by the Professional Code and its regulations.

64. Psychologists recognize the Order's responsibility to ensure the protection of the public and the practice of the profession by competent professionals. They are to collaborate by

(1) informing the Order that a candidate does not meet the conditions of admission and entry on the roll of members;

(2) informing the Order that a person is appropriating the title of psychologist or permits or holds out that he or she is a psychologist when the person is not authorized to do so; and

(3) promptly answering all oral or written requests from the secretary of the Order, a syndic, a member of the review committee or professional inspection committee or an investigator, expert or inspector of that committee.

65. A psychologist who is informed of an inquiry into the psychologist's professional conduct or competence or of a complaint lodged against the psychologist may not communicate with any person who requested the inquiry without the prior written authorization of the syndic of the Order. A psychologist must never seek to intimidate a person or take reprisals or threaten to take reprisals against any person who has taken part or cooperated in such an inquiry or complaint or intends to do so, or has reported behaviour that is contrary to the provisions of this Code or intends to do so.

66. In the practice of their profession, psychologists must preserve their professional autonomy and recognize that they are not required to perform any task contrary to their conscience or to the principles governing the practice of their profession, namely by informing the Order of the pressures on them that are of a nature such as to interfere with the proper practice of the profession.

67. If a psychologist learns, outside a confidential client relationship, that another psychologist is not acting professionally in his or her practice, is unfit to practise or is in breach of ethics, and has reasonable grounds to believe that the information is valid, the psychologist must inform the Order. If the information is given to the psychologist in the psychologist's practice, the information is to be disclosed only with the explicit authorization of the client.

68. Psychologists must cooperate with their colleagues and not abuse a colleague's good faith, breach the colleague's trust or use unfair practices.

69. Psychologists must respect any commitment entered into with the Bureau, the administrative committee, the secretary of the Order, a syndic or the professional inspection committee.

CHAPTER VI
RESEARCH

70. Before engaging in research, psychologists must

(1) obtain the approval of the project by a research ethics committee that complies with the standards in force, particularly in regard to the composition of the committee and its operating methods;

(2) ensure that all those working with them on the project share their concern for the integral respect of the participants; and

(3) obtain the written consent of the participants or persons legally responsible for them, after informing them of all the major, special or unusual risks inherent in the research, and of any other aspects likely to assist them in making a decision regarding their participation.

71. Psychologists must be honest and open with participants. Where the research methodology requires that certain aspects of the research not be revealed to the

participants immediately, psychologists must explain the reasons for the procedure as soon as possible after completion of the experiment.

CHAPTER VII
ADVERTISING

72. Psychologists must refrain from participating as psychologists in advertising that recommends that the public buy or use a product unrelated to psychology.

73. Psychologists who are involved in the commercial distribution of instruments, books or other products related to psychology must base any statement concerning the operation, advantages and performance of such products on proof scientifically and professionally recognized in psychology.

74. Psychologists who, in their advertising, claim to possess skills or specific qualities, in particular as to the effectiveness or scope of their professional services and to those generally provided by other members of their profession, or as to their level of competence, must be able to substantiate such claims.

75. Psychologists must keep a copy of every advertisement for a period of three years following the date on which it was last broadcast or published. The copy must be given, on request, to a syndic.

CHAPTER VIII
USE OF THE GRAPHIC SYMBOL OF THE ORDER

76. Psychologists who reproduce the graphic symbol of the Order for advertising purposes must ensure that the symbol conforms to the original held by the Order.

77. Where psychologists use the graphic symbol of the Order in their advertising, they may not suggest that such advertising emanates from the Order.

78. Psychologists who carry on their activities within a partnership must ensure that any use of the graphic symbol of the Order in the partnership complies with sections 76 and 77.

79. Psychologists must ensure that a partnership within which they carry on their professional activities does not use the graphic symbol of the Order in connection with the advertising or name of the partnership unless all the services provided by the partnership are professional services provided by psychologists.

In the case of a partnership which provides the professional services of psychologists and the services of persons other than psychologists, the graphic symbol of the Order may be used in connection with the name of the partnership or in its advertising provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

The graphic symbol of the Order may, however, always be used in connection with the name of a psychologist.

80. This Code of ethics replaces the Code of ethics of psychologists, approved by Order in Council 3048-82 dated 20 December 1982 and replaced by a decision dated 18 February 1983, and the Regulation respecting advertising by psychologists (R.R.Q., 1981, c. C-26, r.153).

81. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7328

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Pulp and paper mills

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting pulp and paper mills, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to replace the Regulation respecting pulp and paper mills made by Order in Council 1353-92 dated 16 September 1992. It harmonizes the method of calculating the discharge limits of certain contaminants into effluents with that of the federal regulation, adjusts certain effluent monitoring and analysis standards, and improves closure and post-closure management standards for mill residual materials landfill sites.

The replacement of the current regulation entails an updating of a number of references to provisions of Acts, regulations and policies that have been amended or revoked over time. The draft Regulation facilitates the retrieval of forms since each form is now in a separate, numbered schedule.

The impact of the draft Regulation on enterprises will not entail new equipment set-up expenses. The modification to the method of calculating discharge limits

simplifies the application of the requirements, although without relaxing them. For mills that discharge effluents into sewer systems and that generally are smaller enterprises, their effluent monitoring requirements are slightly reduced by the draft Regulation.

Further information may be obtained by contacting

Sylvain Chouinard, Engineer
Ministère du Développement durable, de l'Environnement et des Parcs
Direction des politiques de l'eau
Service des eaux industrielles
675, boulevard René-Lévesque Est, 8e étage, boîte 42
Québec (Québec) G1R 5V7

Telephone: 418 521-3885, extension 4988
Fax: 418 643-2124
E-mail: sylvain.chouinard@mddep.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to Sylvain Chouinard, édifice Marie-Guyart, 8e étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,
Minister of Sustainable Development, Environment and Parks

Regulation respecting pulp and paper mills

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *a* to *e*, *f*, *g*, *h* to *j* and *m*, s. 46, pars. *a* to *g* and *l*, s. 53.30, 1st par., subpars. 1, 2 and 4, s. 70, pars. 1, 2, 5 and 6, ss. 109.1 and 124.1)

CHAPTER I
INTERPRETATION AND GENERAL

1. In this Regulation,

"acute lethality level" means the level where effluent toxicity causes the death of more than 50% of rainbow trout exposed for 96 hours to an undiluted effluent; in such a case, toxicity is greater than 1 toxic unit; (niveau de létalité aiguë)

"AOH" means adsorbable organic halogens; (COHA)

"BOD_5" means a 5-day biochemical oxygen demand; (DBO^5)

"complex" means a physical space consisting of at least two mills, where the process water from the mills is wholly or partially mixed and is treated by the same person; (complexe)

"composite sample" means a sample consisting of all the samples taken at a sampling station in one day; (échantillon composite)

"daily bleached pulp production" means the quantity of pulp produced by a mill in one day and bleached with a chlorinated bleaching agent, expressed in tonnes and evaluated after the final stage of bleaching at a water content of 10%; (production quotidienne de pâte blanchie)

"daily dissolving grade sulphite pulp production" means the quantity of dissolving grade sulphite pulp produced by a mill in one production day, expressed in tonnes and evaluated after the final stage of bleaching at a water content of 10%; (production quotidienne de pâte au bisulfite à dissoudre)

"daily loss" means the measurement of TSS, BOD_5 or AOH discharge expressed in kg/day, corresponding

(1) for the final effluent discharged into the environment or into a storm sewer, to the concentration of the contaminant in that effluent multiplied by the daily flow of that effluent;

(2) for the final effluent discharged into a sewer system, to the result obtained using the following formula: A x B x C, where A is the concentration of the contaminant in that effluent, B is the daily flow of that effluent and C is the portion of those contaminants not eliminated by municipal treatment, being 15% for TSS and BOD_5 and 50% for AOH; (perte quotidienne)

"daily production of finished product" means the quantity of finished product manufactured each day and intended for sale and, in the case of a complex, the quantity of finished product manufactured each day and intended for sale outside the complex; that quantity is expressed in tonnes and determined by weight; if the water content of the finished product is greater than 10%, the quantity weighed is corrected to bring the water content back to 10%; (production quotidienne de produits finis)

"day" means a 24-hour interval commencing at a fixed time and corresponding to both the period during which the necessary sampling is performed to collect the composite samples in Division IV and the period during which daily production is calculated; (jour)

"dissolving grade sulphite pulp" means purified pulp produced by the sulphite process, with a cooking yield of less than 46% at all times; the cooking yield corresponds to the number of kilograms of oven-dry pulp produced from 100 kilograms of oven-dry wood; (pâte au bisulfite à dissoudre)

"effluent" means process water that is no longer treated before being discharged into the environment, into a storm sewer or into a sewer system; (effluent)

"final effluent" means the effluent discharged into the environment, into a storm sewer or into a sewer system; (effluent final)

"finished product" means the paper product or pulp other than dissolving grade sulphite pulp; (produit fini)

"maximum lethality level" means the level where effluent toxicity causes the death of 50% of rainbow trout exposed for 96 hours to an effluent diluted in a ratio of 1:3 by volume; in such a case, toxicity is equal to 3 toxic units; (niveau maximum de létalité)

"mill" means any plant that manufactures a paper product or pulp intended for sale; (fabrique)

"mill residual materials" means bark, wood residue, pulp, paper and paperboard discards, ash from a combustion facility, sludge from process water treatment, de-inking sludge, lime sludge, green liquor dregs, residues from lime slaking and any other residue from the pulp or paper product manufacturing process and that is not a hazardous material within the meaning of paragraph 21 of section 1 of the Environment Quality Act (R.S.Q., c. Q-2); (matières résiduelles de fabrique)

"mixed sludge" means a mixture of sludge from process water treatment or a mixture of sludge from process water treatment and de-inking sludge; (boues mixtes)

"monthly loss" means the sum of the total daily losses measured over one month, divided by the number of days in the month on which sampling and analysis were conducted, the result of which is multiplied by the number of days in the month on which there was a discharge; (perte mensuelle)

"paper product" means a product directly derived from pulp, such as paper, paperboard and any absorbent product or construction material manufactured on a paper or board machine; (produit de papier)

"particles" means any substance, except uncombined water, which exists in a finely divided liquid or solid state in suspension in a gaseous environment; (particules)

"ppm" means the number of cubic centimetres of a gaseous contaminant per cubic metre of gas; (ppm)

"process water" means wastewater from the operation of a mill, such as water from the treatment of feed water, water from the various stages of production, wash water or washing solutions that may be treated by the mill, boiler blow-down water, cooling water and seal water; (eaux de procédé)

"pulp" means treated cellulose fibres that are derived from wood, another vegetable material or recycled paper products; (pâte)

"reference conditions" means a temperature of 25 °C and a barometric pressure of 101.3 kilopascals; (conditions de référence);

"RPR_B" means the reference production rate for bleached pulp with a chlorinated bleaching agent and, where applicable, the interim reference production rate for bleached pulp with a chlorinated bleaching agent; (RPR_B)

"RPR_D" means the reference production rate for dissolving grade sulphite pulp and, where applicable, the interim reference production rate for dissolving grade sulphite pulp; (RPR_D)

"RPR_F" means the reference production rate for all finished product and, where applicable, the interim reference production rate for finished product; (RPR_F)

"sanitary wastewater" means wastewater from a mill's sanitary facilities; (eaux domestiques)

"sewer system" means a municipal system of separate or combined sewers, excluding storm sewers; (réseau d'égouts)

"total reduced sulphur compounds" means hydrogen sulphide (H_2S), methyl mercaptan (CH_3SH), dimethyl sulphide ($(CH_3)_2S$) and dimethyl disulphide ($(CH_3)_2S_2$); (composés de soufre réduit totaux)

"total daily loss" means the sum of the daily losses for each of the final effluents; (perte quotidienne totale)

"TSS" means total suspended solids; (MES)

"100-year flood plain" means the line that corresponds to the limit line of a flood likely to occur once every one hundred years; (ligne d'inondation de récurrence de 100 ans)

The person who has custody of a mill, a process water purification plant that is not a municipal plant, or a facility for the storage, final deposit by landfilling or treatment by combustion of mill residual materials is considered to be an operator.

2. The operator of a mill must send a prevention and intervention program for accidental discharge containing the elements listed in Schedule I to the Minister of Sustainable Development, Environment and Parks within 30 days following the date on which operations begin.

The operator must update that program annually and send it to the Minister not later than 31 January of each year.

3. The operator of a mill or a process water purification plant must notify the Minister of the time fixed for the beginning of a day. If that time is changed, the operator must notify the Minister in writing at least 40 days before the change.

4. Despite section 12 of the Regulation respecting the application of the Environment Quality Act made by Order in Council 1529-93 dated 3 November 1993, any equipment used or installed for the purpose of reducing the emission, deposit, issuance or discharge of contaminants into the environment must at all times be in good working order and function optimally, including outside production hours, even if the equipment has the effect of reducing the emission, deposit, issuance or discharge of contaminants to a level above the standards prescribed in any regulation of the Government made under the Environment Quality Act.

5. This Regulation applies to a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

CHAPTER II
WASTEWATER MANAGEMENT

DIVISION I
SCOPE

6. This Chapter applies to the operator of a mill and to the operator of a process water purification plant that is not a municipal plant.

DIVISION II
REFERENCE PRODUCTION RATE

7. The reference production rate of a mill for finished product, dissolving grade sulphite pulp or bleached pulp with a chlorinated bleaching agent for any year corresponds respectively to the highest value of the 90th percentiles of the daily production of finished product, dissolving grade sulphite pulp or bleached pulp for any of the previous three years.

The 90th percentile is the statistically derived value corresponding respectively to the daily production of finished product, dissolving grade sulphite pulp or bleached pulp at the mill that was exceeded on 10% of the days that the mill operated in the year.

8. Where less than three years of the data referred to in section 7 are available on which to calculate the reference production rate, the operator of the mill is authorized to use a reference production rate calculated on the basis of available data, or an interim reference production rate.

An interim reference production rate corresponds to an estimation of the 90th percentile of the daily production of finished product, dissolving grade sulphite pulp or bleached pulp. The operator must send the estimation to the Minister, along with supporting documents.

9. If the 90th percentile of the daily production of finished product, dissolving grade sulphite pulp or bleached pulp has increased or is expected to increase by more than 25%, in respect of any period of 100 consecutive days, from the reference production rate of the mill, the operator is authorized to use an interim reference production rate if the operator complies with the conditions in section 8.

10. If the 90th percentile of the daily production of finished product, dissolving grade sulphite pulp or bleached pulp has decreased or is expected to decrease by more than 25%, in respect of any period of 100 consecutive days, from the reference production rate of the mill, the operator must use an interim reference production rate not later than 30 days after the decrease occurs or after becoming aware of the expected decrease and must comply with the conditions in section 8.

DIVISION III
STANDARDS FOR EFFLUENTS

§1. General

11. Final effluent discharged into the environment must be discharged by an outfall that is submerged at all times ; the same applies to the outfall of a storm sewer into which final effluent is discharged.

12. No foam is to be visible on the surface of the watercourse receiving the discharge at the point where final effluent discharged into the environment leaves the outfall or at the point where final effluent is discharged into the outfall of a storm sewer.

13. Final effluent discharged into the environment or into a storm sewer must have a pH between 6.0 and 9.5.

Despite the foregoing, the pH of the cooling water final effluent may be equal to that of the feed water.

14. Final effluent discharged into the environment or into a storm sewer must have a temperature lower than 65 °C.

15. No effluent may contain a concentration of hydrocarbons in excess of 2 milligrams per litre.

The first paragraph does not apply to effluents discharged into sewer systems.

16. No effluent may contain a total concentration of chlorinated dioxins and chlorinated furans in excess of 15 picograms per litre expressed as 2, 3, 7, 8-TCDD toxic equivalents.

The congeners to be quantified individually and the toxic equivalency factors are those listed in Schedule II.

17. No effluent may contain a total concentration of polychlorinated biphenyls in excess of 3 micrograms per litre expressed per homologous group.

The homologous groups to be analyzed are those in Schedule III.

18. The discharge into the environment or into a storm sewer of final effluent whose toxicity has reached the acute lethality level is prohibited.

19. Dilution of an effluent is prohibited.

20. Despite section 19, two effluents may be combined if each of them complies with the standards prescribed in sections 15 to 17.

The toxicity of each of the effluents must be lower than the acute lethality level.

21. Despite sections 19 and 20, an effluent having undergone biological treatment and having reached the acute lethality level may be combined with another effluent provided that

(1) the average removal rate, measured in BOD_5 reduction from biological treatment, is at least 90% for the month preceding toxicity control sampling;

(2) the toxicity of the effluent having undergone biological treatment is lower than the maximum lethality level; and

(3) the mill has reduced its annual water consumption by at least 50% since 1985, calculated in cubic metres per tonne of production, except if the water consumption is lower than 40 cubic metres per tonne or the mill was built after 31 December 1971.

22. The solids accumulated in any process water treatment equipment may not be emptied with the effluents.

23. The operator may treat municipal wastewater if the average annual flow of such water accounts for no more than 10% of the flow for which the treatment plant was designed.

The operator may also treat industrial wastewater and septic tank sludge. An authorization for such treatment must be obtained under the Environment Quality Act.

Despite the treatment of wastewater and sludge, the operator must comply with the standards prescribed in this Division.

24. Gas scrubbing water from the process equipment referred to in Chapter III must be treated with the process water or discharged into a sewer system.

25. During the first day following the day on which a total production stoppage occurs, the total daily TSS or BOD_5 loss may not exceed the daily limit calculated under sections 30 and 32 or sections 38 and 40, as the case may be, for the day on which the total production stoppage occurred.

26. During the second day following the day on which a total production stoppage occurs and throughout the duration of that stoppage, the total daily TSS or BOD_5 loss may not exceed 25% of the limit calculated as provided in section 25.

§2. Standards applicable to the final effluent from a mill whose construction was completed before 22 October 1992

27. This Subdivision applies in respect of final effluent from a mill, whose construction was completed before 22 October 1992 and that is discharged into the environment or into a storm sewer.

It also applies in respect of final effluent from such a mill that is discharged into a sewer system if the mill also discharges final effluent into the environment or into a storm sewer.

28. The monthly loss of TSS, BOD_5 or AOH in the final effluents may not exceed the monthly limit established in sections 29, 31 and 33.

The total daily loss of TSS, BOD_5 or AOH in the final effluents may not exceed the daily limit established in sections 25, 26, 30, 32 and 34.

29. The monthly TSS discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 7.1 kilograms per tonne and by the number of days in the month concerned.

For a dissolving grade sulphite pulp mill, the monthly TSS discharge limit is equal to the limit calculated under the first paragraph, to which is added the product of the RPR_D multiplied by a discharge standard of 12 kilograms per tonne and by the number of days in the month concerned.

30. The daily TSS discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 14.2 kilograms per tonne.

For a dissolving grade sulphite pulp mill, the daily TSS discharge limit is equal to the limit calculated under the first paragraph, to which is added the product of the RPR_D multiplied by a discharge standard of 24 kilograms per tonne.

31. The monthly BOD_5 discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 4.5 kilograms per tonne and by the number of days in the month concerned.

For a dissolving grade sulphite pulp mill, the monthly BOD_5 discharge limit is equal to the limit established under the first paragraph, to which is added the product of the RPR_D multiplied by a discharge standard of 18 kilograms per tonne and by the number of days in the month concerned.

32. The daily BOD_5 discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 7.1 kilograms per tonne.

For a dissolving grade sulphite pulp mill, the daily BOD_5 discharge limit is equal to the limit established under the first paragraph, to which is added the product of the RPR_D multiplied by a discharge standard of 31 kilograms per tonne.

33. The monthly AOH discharge limit is equal to the product of the mill's RPR_B multiplied by a discharge standard of 0.7 kilograms per tonne and by the number of days in the month concerned.

34. The daily AOH discharge limit is equal to the product of the mill's RPR_B multiplied by a discharge standard of 0.85 kilograms per tonne.

§3. Standards applicable to the final effluent from a mill whose construction was completed on or after 22 October 1992

35. This Subdivision applies in respect of final effluent from a mill whose construction was completed on or after 22 October 1992 and that is discharged into the environment or into a storm sewer.

It also applies in respect of final effluent from a mill that is discharged into a sewer system if the mill also discharges final effluent into the environment or into a storm sewer.

36. The monthly loss of TSS, BOD_5 or AOH in the final effluents may not exceed the monthly limit established in sections 37, 39 and 41.

The total daily loss of TSS, BOD_5 or AOH in the final effluents may not exceed the daily limit established in sections 25, 26, 38, 40 and 42.

37. The monthly TSS discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 2.7 kilograms per tonne and by the number of days in the month concerned.

38. The daily TSS discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 5.3 kilograms per tonne.

39. The monthly BOD_5 discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 2.2 kilograms per tonne and by the number of days in the month concerned.

40. The daily BOD_5 discharge limit is equal to the product of the mill's RPR_F multiplied by a discharge standard of 3.6 kilograms per tonne.

41. The monthly AOH discharge limit is equal to the product of the mill's RPR_B multiplied by a discharge standard of 0.2 kilograms per tonne and by the number of days in the month concerned.

42. The daily AOH discharge limit is equal to the product of the mill's RPR_B multiplied by a discharge standard of 0.25 kilograms per tonne.

43. Cooling water must be separated from other process water.

DIVISION IV
SANITARY WASTEWATER STANDARDS

44. Sanitary wastewater must undergo biological treatment before being discharged into the environment or into a storm sewer.

45. Sanitary wastewater treated separately from process water must be discharged into the environment or into a storm sewer by a separate outfall or be combined with an effluent.

46. Sanitary wastewater treated separately from process water must not contain, before its point of discharge into the environment or before it is combined with an effluent, a concentration of TSS or BOD_5 in excess of 30 milligrams per litre.

DIVISION V
MONITORING EQUIPMENT

47. The operator must install and maintain in working order a sampling station and a flow measurement system upstream from the discharge point for each final effluent.

48. If effluents are combined, the operator must install and maintain in working order a sampling station for each of those effluents upstream from the point where they are combined.

If the flow of each of the effluents cannot be measured or calculated otherwise, the operator must install and maintain in working order a flow measurement system for each of those effluents.

49. Where an effluent is combined in accordance with section 21, the operator must install and maintain in working order a sampling station at the biological treatment entry and outflow, to evaluate the removal rate measured in BOD_5 reduction.

50. If treated sanitary wastewater is discharged into the environment or into a storm sewer or combined with an effluent, the operator must install and maintain in working order a sampling station and a flow measurement system for sanitary wastewater upstream from the discharge point or the point where they are combined, as the case may be.

51. The sampling stations and flow measurement systems referred to in sections 47 to 50 must have a manhole enabling them to be monitored.

DIVISION VI
DESIGN STANDARDS FOR STORAGE AREAS AND EMERGENCY BASINS

52. An operator who establishes or alters an outdoor storage area for pulpwood or materials consisting of cellulose fibres used in the manufacturing process must comply with the following siting standards:

(1) the area must be situated at least 60 metres horizontally from the natural high-water mark of the sea, a watercourse or a lake within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains adopted by Order-in-Council 468-2005 dated 18 May 2005;

(2) the area must be situated at least 300 metres horizontally from a well or water intake supplying drinking water; and

(3) the area must be situated at least 60 metres horizontally from a pond, marsh, swamp or bog.

In addition, an outdoor storage area established or altered after (*insert the date of coming into force of this Regulation*) must be watertight.

53. A drainage system for runoff water other than runoff water from the storage area must be installed and maintained to prevent the runoff from coming into contact with the materials stored or with the runoff from those materials.

54. Water from the storage area that is not treated with the process water or discharged into a sewer system must be collected and not contain a concentration of BOD_5 or TSS in excess of 30 milligrams/litre before it is discharged into the environment or into a storm sewer.

If the stored materials consist of primary sludge, section 129 applies and if they consist of bark, the water from those materials that is not treated with process water or discharged into a sewer system must comply with the provisions of sections 105 and 106 before it is discharged into the environment or into a storm sewer.

55. For an outdoor storage area established before 22 October 1992 that does not comply with the siting standards referred to in section 52, sections 53 and 54 apply.

56. An operator must install an emergency basin and maintain it in a state of readiness.

CHAPTER III
ATMOSPHERIC EMISSION STANDARDS

57. This Chapter applies to the operator of a mill.

58. A sulphate pulp mill must not emit concentrations of particles or of total reduced sulphur compounds into the atmosphere in excess of the limits prescribed in Schedule IV.

59. A sulphite, bisulphite or dissolving grade sulphite pulp plant must not emit a quantity of sulphur dioxide into the atmosphere in excess of 6 kilograms per tonne of pulp produced, assuming that the pulp has a water content not exceeding 10%.

The standard fixed in the first paragraph does not include an emission from a spent cooking liquor incinerator. Such an incinerator must not emit a concentration of sulphur dioxide into the atmosphere in excess of 400 ppm.

60. A spent cooking liquor incinerator must not emit a concentration of particles into the atmosphere in excess of 200 milligrams per cubic metre.

For a furnace that commenced operating on or after 22 October 1992, the standard prescribed in the first paragraph is 100 milligrams per cubic metre.

61. The concentration of contaminants measured to verify compliance with the standards prescribed in sections 59 and 60 is expressed on a dry basis, under the reference conditions and corrected to 8% oxygen using the formula

$$E = \frac{E_a \times 12.9}{20.9 - A}$$ where

"E" is the corrected concentration;
"E_a" is the concentration on a dry basis without correction;
"A" is the percentage of oxygen on a dry basis in the gases at the sampling site.

CHAPTER IV
MONITORING AND ANALYSIS OF EFFLUENT AND WASTEWATER

62. This Chapter applies to the operator of a mill and to the operator of a process water purification plant that is not a municipal plant.

63. The operator must install and maintain in working order a continuous system for measuring and recording the pH and temperature upstream from the discharge point for each final effluent.

If the second paragraph of section 13 applies, the operator must install and maintain in working order a continuous system for measuring and recording the pH at the feed water intake point.

The accuracy of the system must be tested once a week.

The operator must keep a log of the testing, adjustments and repairs made and retain it for a minimum of two years after the date of testing.

64. The operator must test on an annual basis the accuracy of the primary element in each flow measurement system referred to in sections 47 and 48, using a flow measurement method in Book 7 of the Guide d'échantillonnage à des fins d'analyses environnementales, published by the Ministère du Développement durable, de l'Environnement et des Parcs.

The difference between the measurement of the primary element and the flow measurement obtained using the above-mentioned method must not exceed 10%.

65. The operator must inspect on a monthly basis the primary element and on a daily basis the secondary element of each flow measurement system. The operator must keep a log of the inspections and repairs performed and retain it for a minimum of two years after the date of the inspection.

66. Within 30 days after the day on which the testing required by section 64 was performed, the operator must provide the Minister with a report in writing containing the following information:

(1) the flow measurement method used for the testing;

(2) the difference in percentage between the measurement of the primary element and the flow measurement obtained during the testing; and

(3) the results and the steps enabling the flow value to be obtained on testing.

67. The operator must correct any malfunction or inaccuracy in the primary element.

68. Each sampling station must have an automatic sampling device designed to perform one of the following sampling procedures:

(1) the taking of at least 8 equal and representative samples each hour containing at least 50 millilitres each, at a fixed frequency; or

(2) the taking of at least 192 equal and representative samples each day containing at least 50 millilitres each, at a frequency proportionate to the flow.

The components of the sampler that are in contact with the sample must be of materials compatible with the nature of the contaminants taken, and the sampler strainer must be situated at a place enabling a sample representative of the effluent to be taken.

69. The operator must measure or calculate the flow of each effluent each day on which the effluent is sampled and must measure the flow of each final effluent each day on which there is a discharge.

In the case of a total production stoppage, those requirements cease to apply from the 60th day that follows the day on which the stoppage occurs, except where wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system.

70. The operator must continuously measure and record the flow of the final effluents at the stations referred to in section 47 and, where applicable, the flow of effluents at the stations referred to in section 48. The operator must take a reading of the flow at the beginning and at the end of each day.

71. The operator must measure the following at the sampling stations referred to in section 47:

(1) TSS and BOD_5 on each production day in the case of a mill that discharges an effluent into the environment, into a storm sewer or into a sewer system if, in the latter case, the mill also discharges an effluent into the environment or into a storm sewer, and three times a week, on non-consecutive production days, in the case of a mill that discharges its effluents into a sewer system;

(2) TSS and BOD_5 on each day, for the first 10 days following a total production stoppage, except for regular weekend stoppages, and throughout the duration of equipment maintenance work performed during the total production stoppage if such work continues for more than 10 days, and thereafter once a week for the remainder of the stoppage if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system;

(3) toxicity and resinic and fatty acids, once a month at an interval of at least 21 days, except in the case of an effluent discharged into a sewer system; the compounds of resinic and fatty acids to be analyzed are those appearing in Schedule V;

(4) chemical oxygen demand, copper, lead, zinc, nickel and aluminum, once a month at an interval of at least 21 days;

(5) hydrocarbons, once a week, except where they are already measured at the sampling stations referred to in section 48;

(6) in respect of a mill using a chlorinated product as a pulp bleaching agent, AOH, three times a week on non-consecutive production days of bleached pulp and, where section 48 does not apply, chlorinated dioxins and furans and chlorophenols, once a month at an interval of at least 21 days; the congeners of chlorinated dioxins and furans and chlorophenol compounds to be analyzed are those appearing in Schedules II and VI; and

(7) in respect of a mill recycling paper or paperboard in a quantity exceeding 1,000 tonnes per month and, where section 48 does not apply, polychlorinated biphenyls, once a month at an interval of at least 21 days; the homologous groups of polychlorinated biphenyls to be analyzed are those appearing in Schedule III.

In the case of a total production stoppage, subparagraphs 2 to 7 of the first paragraph cease to apply from the 60th day that follows the day on which the stoppage occurs, except if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system.

72. The operator must measure the following at the sampling stations referred to in section 48:

(1) toxicity, once a month at an interval of at least 21 days, in the case of an effluent discharged into the environment or into a storm sewer, and hydrocarbons, once a week;

(2) chlorinated dioxins and furans, and chlorophenol compounds, once a month at an interval of at least 21 days, in the case of a mill using a chlorinated product as a pulp bleaching agent; the congeners of dioxins and furans and chlorophenol compounds to be analyzed are those appearing in Schedules II and VI; and

(3) polychlorinated biphenyls, once a month at an interval of at least 21 days, in the case of a mill recycling paper or paperboard in a quantity exceeding 1,000 tonnes per month; the homologous groups of polychlorinated biphenyls to be analyzed are those appearing in Schedule III.

Subparagraphs 2 and 3 of the first paragraph do not apply in respect of an effluent that has not undergone treatment.

In the case of a total production stoppage, the first paragraph ceases to apply from the 60th day that follows the day on which the stoppage occurs, except if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system.

73. If an effluent is combined in accordance with section 21, the operator must measure the BOD_5 each day at the sampling station referred to in section 49.

74. An operator who discharges treated sanitary wastewater into the environment or into an effluent must measure, at the sampling station referred to in section 50, TSS and BOD_5 once a month at an interval of at least 21 days.

75. The operator must continuously measure and record the pH and temperature at the points referred to in section 63, on each day on which there is a discharge.

76. An operator who discharges water from storage areas into the environment or into a storm sewer must measure TSS and BOD_5 once a month in a grab sample taken upstream from the discharge point.

77. Subject to section 78, the analyses necessitated by the measurements referred to in sections 71 to 74 must be performed on a portion of a composite sample.

78. In respect of toxicity, the analyses necessitated by the measurements referred to in sections 71 and 72 must be performed on a grab sample.

79. The operator must keep samples at room temperature not exceeding 4° Celsius until they have been analyzed.

80. The analyses necessitated by the measurements referred to in sections 71 to 74 and 76 must be performed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act, in accordance with the methods described in the Liste des méthodes d'analyses relatives à l'application des règlements découlant de la Loi sur la qualité de l'environnement published by the Minister of Sustainable Development, Environment and Parks.

Despite the foregoing, the analyses necessitated by the measurements of toxicity referred to in section 72 must be performed in accordance with Division 6 of Reference Method EPS 1/RM/13 described in the aforementioned list, in the case where effluents are combined in accordance with section 21.

81. The operator must send to the Minister, within 30 days following the last day of each month, the results of the measurements made under sections 69 to 76 and the mill's daily production data of finished product, and where applicable, of dissolving grade sulphite pulp. For the results of the chlorinated dioxin and furan measurements, the time limit is 60 days.

The results and data must be sent using media-based information technology conforming to the standard format provided by the Minister that contains the information required by Schedules II, III, V to XII and XIV.

The operator must also keep a log of the data referred to in the first paragraph and retain it for a minimum of two years after the date on which the data is sent to the Minister.

CHAPTER V
MEASUREMENT OF EMISSIONS

82. The operator of a sulphate pulp mill must install, calibrate and maintain in working order

(1) a sampling system to continuously measure and record the concentrations of total reduced sulphur compounds emitted into the atmosphere by the recovery furnace; the measurement scale of that sampling system must have a reading interval of not more than 20 ppm where the standard is 5 ppm and not more than 100 ppm where the standard is 20 ppm; the concentrations measured and recorded by the sampling system must correspond to those obtained by the total reduced sulphur compound measurement method used in the annual sampling;

(2) a sampling system to continuously measure and record the percentage of oxygen by volume in the gases from the recovery furnace and the lime kiln; the measurement scale of that sampling system must have a reading interval of not more than 20% oxygen;

(3) for the recovery furnace,

(a) a sampling system to continuously measure and record the concentration of particles in the gases emitted into the atmosphere; the concentrations measured and recorded by the system must correspond to those obtained by the particle measurement method used in the annual sampling; or

(b) a system to continuously measure and record the opacity according to the method described in Book 4 of the Guide d'échantillonnage à des fins d'analyses environnementales, published by the Ministère du Développement durable, de l'Environnement et des Parcs; the measurement scale of that sampling system must have a reading interval of not more than 70% opacity;

(4) if the total reduced sulphur compounds are incinerated, a device to continuously measure and record the combustion temperature at the incineration point of the total reduced sulphur compounds; the device must be accurate within 1% of the temperature measured in degrees Celsius; and

(5) for each wet scrubber that treats emissions from the lime kiln, the dissolving tank or the recovery furnace,

(a) a device to continuously measure and record the load loss of gases through the scrubber using a differential pressure gauge accurate within 0,5 kilopascals; and

(b) a device to continuously measure and record the pressure of the scrubbing liquid, installed on the liquid inlet pipe so as not to obstruct the flow; the device must be accurate within 10% of the nominal pressure in the inlet pipe.

83. The operator of a sulphate pulp mill must, at least once a year, measure the following contaminants emitted into the atmosphere:

(1) particles emitted by the recovery furnace, lime kiln and dissolving tank;

(2) total reduced sulphur compounds emitted by the recovery furnace, lime kiln, dissolving tank whose operation began on or after 22 October 1992, the cooking system, evaporation system, condensate stripper system and the brown pulp washing system; the brown pulp washing system may include the following sources: first stage of washing vent, screen knotter or knotter, foam tank or scum breaker and seal tank;

(3) polycyclic aromatic hydrocarbons and sulphur dioxide from the lime kiln and the recovery furnace; and

(4) volatile organic compounds emitted by the recovery furnace.

84. The operator of a sulphite, bisulphite or dissolving grade sulphite pulp mill whose cooking yield is less than 75% must, at least once a year, measure the sulphur dioxide emitted into the atmosphere by the pulp manufacturing process.

85. The operator of a mill must, at least once a year, measure the particles and the sulphur dioxide emitted into the atmosphere by a spent cooking liquor incinerator.

86. The contaminants referred to in sections 83 to 85 must be sampled and analyzed in accordance with the following prescriptions. The polycyclic aromatic hydrocarbons and the volatile organic compounds are those listed in Schedule XV.

The sampling must be performed as provided in Book 4 of the Guide d'échantillonnage à des fins d'analyses environnementales, published by the Ministère du Développement durable, de l'Environnement et des Parcs.

Except for analyses performed using a continuous sample and analysis method described in the above-mentioned guide, the samples must be analyzed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act and in accordance with the methods described in the Liste des méthodes d'analyses relatives à l'application des règlements découlant de la Loi sur la qualité de l'environnement published by the Minister of Sustainable Development, Environment and Parks.

The operator must send to the Minister, within four months following the date of the measurements, a report on the results containing at least the following:

(1) the results of the analysis and the other data collected during the sampling;

(2) the operating conditions of the process equipment at the time of the sampling and a reference to the operating conditions; and

(3) a statement of the problems encountered in taking the measurements that have modified the results.

The operator must also send to the Minister the data on the atmospheric emissions using media-based information technology conforming to the standard format provided by the Minister that contains the information required by Schedule XVI.

87. The operator must also retain the measurements referred to in this Chapter for a minimum of two years after the date on which the measurement was taken.

CHAPTER VI
PULP AND PAPER MILL RESIDUAL MATERIALS MANAGEMENT

DIVISION I
GENERAL

88. The operator of a mill and the operator of a process water purification plant that is not a municipal plant must send the data on mill residual materials management to the Minister within 30 days following the last day of each month.

The data must be sent using media-based information technology conforming to the standard format provided by the Minister that contains the information required by Schedule XVII.

89. The mill residual materials must be stored, treated or landfilled in accordance with the provisions of this Chapter or the provisions of Division IV, V or VII of the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r.14) or be reclaimed in accordance with the Environment Quality Act.

90. The dilution of leachate from residual materials, gas scrubbing water or ash cooling water and storage area water before it is discharged into the environment or into a storm sewer is prohibited.

DIVISION II
COMBUSTION

91. This Division applies to the operator of a facility that treats mill residual materials by combustion.

92. The combustion chamber must have a continuously recording pyrometer.

93. The operator must retain the results recorded by the pyrometer for a minimum of two years after the date on which they are recorded.

94. The ash produced by the combustion of residual materials must be stored or landfilled in accordance with Division 3 of this Chapter or in a solid waste sanitary landfill site to which Division IV of the Regulation respecting solid waste applies or be reclaimed in accordance with the Environment Quality Act.

95. The standards prescribed in Division IV and in subparagraphs *a* and *b* of the first paragraph of section 67 of the Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20), as they read on 21 May 1992, continue to apply to the operator of a facility that treats mill residual materials by combustion, if the residual materials do not consist entirely of wood residue or bark.

The standards prescribed in Divisions IV and XIV of the Regulation respecting the quality of the atmosphere continue to apply to the operator if the residual materials do not consist entirely of wood residue or bark.

96. Sections 105 and 106 apply to water used to cool ash and to gas scrubbing water if it is not treated with the mill's process water or discharged into a sewer system.

97. The operator may accept only mill residual materials, sawmill residual materials consisting exclusively of wood residue and bark, fossil fuels, and used oils and other residual materials whose elimination is authorized under the Environment Quality Act.

DIVISION III
LANDFILLING

98. This Division applies to the operator of a mill, the operator of a process water purification plant that is not a municipal plant and the operator of a facility for the final deposit of mill residual materials by landfilling.

Despite the foregoing, Subdivision 2, section 123, subparagraph 3 of the first paragraph and the second and third paragraphs of section 124 do not apply to the operator of a landfill site permanently closed on or after 22 October 1992 but before (*insert the date of coming into force of this Regulation*).

99. The operator of a mill and the operator of a process water purification plant that is not a municipal plant must, once a week, measure the dryness of the residual materials referred to in section 118, except bark, wood residue, paper and paperboard discards, pulper residues, dry ash handled, rubble and debris before directing those residual materials to a landfill site referred to in Subdivision 1 or a solid waste sanitary landfill site subject to the provisions of Division IV of the Regulation respecting solid waste.

The results of the measurements must be retained by the operator for a minimum of two years after the date of the measurement.

§1. Landfill site

100. No facility for the final deposit of mill residual materials by landfilling may be established or enlarged

(1) in the flood zone of a watercourse or body of water, if the zone is within the 100-year flood plain;

(2) in an area zoned for residential, commercial or residential and commercial purposes or within 150 metres from such an area;

(3) within 50 metres of any public thoroughfare;

(4) within 150 metres of any municipal park, golf course, downhill ski trail, outdoor recreation area, public beach, ecological reserve established under the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), any park within the meaning of the Parks Act (R.S.Q., c. P-9) or any park within the meaning of the National Parks Act (S.C. 2000, c. 32);

(5) within 200 metres of any dwelling, educational establishment, house of worship, food processing plant, vacation camp, institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5) or any tourist accommodation establishment holding a permit issued under the Act respecting tourist accommodation establishments (R.S.Q., c. E-14.2);

(6) within 300 metres of any lake; or

(7) within 60 metres of any sea, watercourse, pond, swamp or tidal flat.

101. Landfilling of mill residual materials must be done at a site where the hydrogeological conditions are such that the leachate flows on the surface or infiltrates the soil and has a migration time of more than five years to travel 300 metres or to reach any well or spring supplying drinking water and situated within 300 metres, unless the leachate has already resurfaced. In the latter case, the leachate must have circulated in the soil for more than two years at an average speed of less than 150 metres per year.

102. Despite section 101, landfilling of mill residual materials is permitted if measures are taken to prevent the leachate from infiltrating the soil.

Despite the foregoing, no landfill site may be established if infiltration is likely to affect the quality of a water table supplying drinking water.

103. If the hydrogeological conditions are such that the water from a landfill site flows on the surface or resurfaces before two years, a collection system must be installed and maintained. The water must be treated so as to comply with the standards prescribed in section 105, unless it is treated with the mill's process water or discharged into a sewer system.

104. Depositing mill residual materials into the water is prohibited.

105. The operator may not allow leachate to be discharged into the environment or into a storm sewer if it contains contaminants in excess of the following concentrations:

(1) aluminum (Al): 10 milligrams per litre;

(2) chromium (Cr): 1 milligram per litre;

(3) iron (Fe): 10 milligrams per litre;

(4) mercury (Hg): 0.05 milligrams per litre;

(5) lead (Pb): 0.3 milligrams per litre;

(6) zinc (Zn): 1 milligram per litre;

(7) BOD_5: 50 milligrams per litre;

(8) TSS: 50 milligrams per litre;

(9) phenolic compounds: 50 micrograms per litre;

(10) total sulphides (expressed in S^{2-}): 1 milligram per litre;

(11) resinic and fatty acids: 300 micrograms per litre.

The limit value prescribed in subparagraph 7 of the first paragraph may be replaced by removal of at least 90% of the BOD_5 contained in the leachate. That removal rate must be calculated each week by comparing the average of the concentrations measured in the last 12 samples taken at the outflow of the treatment system with the average of the concentrations measured in the last 12 samples taken at the entry to the treatment system.

Resinic and fatty acids are the sum of the compounds listed in Schedule V and the phenolic compounds are the sum of the compounds listed in Schedule XIII.

Despite the foregoing, in the case of other wastewater to which the provisions of this section apply, the standard for TSS and for BOD_5 is 30 milligrams per litre and, in the case of phenolic compounds, the standard is 10 micrograms per litre.

106. Leachate must be sampled once a month before its point of discharge into the environment or into a storm sewer. The sample must be a grab sample. The contaminants to be analyzed are those listed in section 105.

The operator must install and maintain in working order a continuous system for measuring and recording the flow at the leachate specific treatment system entry or outflow. The operator must continuously measure and record the flow of the leachate and provide the Minister with a weekly measurement of those flows on the form provided by the Minister. The operator must inspect the measurement system on a weekly basis and test its accuracy on an annual basis in the manner provided in section 64. Sections 66 and 67 apply to the measurement system.

If the leachate is treated so as to reduce by 90% the average concentration of BOD_5 at the treatment system entry or outflow, the operator must measure the concentration in BOD_5 on a weekly basis, unless there is no discharge into the environment or into a storm sewer. Both measurements must be taken on the same day using a grab sample.

The analyses referred to in this section must be performed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act and in accordance with the methods described in the Liste des méthodes d'analyses relatives à l'application des règlements découlant de la Loi sur la qualité de l'environnement published by the Ministère du Développement durable, de l'Environnement et des Parcs.

The operator must send the results of the measurements referred to in this section to the Minister within 30 days following the last day of each month during which the measurements are taken.

The results must be sent to the Minister using media-based information technology conforming to the standard format provided by the Minister that contains the information required by Schedule XII.

The results must be retained by the operator for a minimum of two years after the date of the measurement.

107. Subject to section 108, before being directed to a landfill site, the residual materials referred to in section 118 must have an average dryness value of at least 25%.

Despite the foregoing, the sludge from biological treatment and mixed sludge from biological treatment containing at least 50% sludge on a dry weight basis may be directed to a landfill site if

(1) the sludge has an average dryness value of at least 15% ; and

(2) the landfill site is impermeable and the leachate is collected and treated in accordance with the provisions of section 103.

108. Before being directed to a landfill site, lime sludge and lime slaking residues must have a dryness value of at least 55%.

109. A drainage system must be installed for runoff water other than the runoff water from the landfill area, and the runoff water must not come into contact with the deposited residual materials or with the water from them.

110. On the landfill area, residual materials may not be elevated to more than 10 metres above the surrounding land. That limit includes the final cover.

111. The operator of a landfill site must prohibit public access to the site.

112. A landfill site must have at least five water table monitoring wells.

Each well must be drilled to at least 1 metre into the bedrock or into an impermeable layer of unconsolidated deposits, have a minimum diameter of five centimetres and have a strainer over the entire width of the most permeable water-saturated layer.

At least 1 reference well must be situated upstream from the landfill site in relation to the direction of flow of the water table. The other monitoring wells must be located so as to intercept the potential diffusion and contamination zone ; one of the wells must be situated at a distance of 300 metres from the site, unless the landfill site is impermeable.

113. In June and October each year, the operator must analyze the physicochemical characteristics of the water in the monitoring wells. The analyses must pertain to the pH, conductivity, chlorides, sodium, ammoniacal nitrogen, nitrites and nitrates, chemical oxygen demand, dissolved matter and phenolic compounds listed in Schedule XIII.

The analyses must be performed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act and in accordance with the methods described in the Liste des méthodes d'analyses relatives à l'application des règlements découlant de la Loi sur la qualité de l'environnement published by the Ministère du Développement durable, de l'Environnement et des Parcs.

The results of the analyses must be retained by the operator for a minimum of two years after the date of analysis.

114. The operator must forward to the Minister not later than 1 March of each year a report on the results of the previous year's characterization studies and an explanation of any differences in groundwater quality in comparison with the reference well.

The operator must also send to the Minister, using media-based information technology, the results of the water characterization in the monitoring wells of a landfill site, conforming to the standard format provided by the Minister that contains the information required by Schedule XVIII.

115. At the end of each operating week, the residual materials deposited must be mechanically graded to a slope not exceeding 30%.

In addition, heterogeneous residual materials must be covered with homogeneous materials, including sludge, bark or ash, except ash from dry scrubbing combustion gas equipment, until the heterogeneous residual materials are no longer visible.

116. Landfill operations must be carried out by land section and allow for progressive redevelopment of the land.

As soon as the level prescribed in the longitudinal and transversal sections required by paragraph 4 of section 134 has been reached in a section of land, or where a section of land is left unused for at least one year, an operator must then apply the final cover in the manner provided in section 117.

117. The final cover at least 30 centimetres thick must be made up of earth, clay or soil consisting of various materials that reduce water infiltration. The nature of the material of the cover must be conducive to the regrowth of vegetation. An impermeable synthetic membrane or a membrane consisting of other materials having similar characteristics may also be used to reduce water infiltration. Once covered, the landfill must have a slope of not less than 2% and not more than 30%.

A vegetation cover must be established and maintained; shrub cover may also be added to the vegetation cover. Holes, subsidence and fissures must be filled in or repaired until the soil has been fully stabilized.

118. The operator may accept only

(1) mill residual materials and rubble and debris from the mill;

(2) residual materials consisting entirely of wood residue, bark or ash from a sawmill; and

(3) residual materials consisting entirely of wood residue or bark from a wood processing plant producing only wood chips.

119. The residual materials referred to in section 118, except rubble and debris, may be stored in an area of the landfill site intended for storage. Stored residual materials that have not been used after two years must be landfilled.

§2. Closure

120. Every landfill site must be permanently closed when it has reached its maximum capacity or landfilling operations are permanently terminated.

The operator of the site must immediately notify the Minister in writing of the date of closure.

121. Within six months following the date on which the landfill site is closed, the operator must obtain from an independent expert and send to the Minister a closure report attesting to

(1) the working order, effectiveness and reliability of the system of water table monitoring wells and, if applicable, the leachate collection and treatment system, the drainage system for runoff water, the continuous system for measuring and recording the flow of leachate and the biogas collection and treatment system;

(2) compliance with the limit values that apply to discharges of leachate, if applicable;

(3) the quality of water from monitoring wells in comparison with the reference well; and

(4) compliance of the landfill site with the provisions related to the final cover of landfilled residual materials and to the height of the residual materials relative to the surrounding land.

The closing statement must specify any instances of non-compliance with the provisions of sections 105, 110, 112 and 117 and indicate the remedial measures to be taken. It must also indicate any remedial measures to be taken if there is a problem with the systems listed in subparagraph 1 of the first paragraph.

§3. Post-closure management

122. The operator must comply with the requirements of sections 103, 105, 106, 109, 111 to 114 and 117 that apply to a permanently closed landfill site, for as long as the landfill is likely to be a source of contamination.

The operator must also ensure the monitoring and maintenance of the system of water table monitoring wells and, if applicable, the leachate collection and treatment system, the drainage system for runoff water, the continuous system for measuring and recording the flow of leachate and the biogas collection and treatment system.

123. Leachate sampling pursuant to section 106 may be reduced to a frequency of one sample per year if, after a monitoring period of a minimum duration of five years after the landfill closure date, none of the parameters analyzed in the leachate samplings taken before treatment has exceeded the limit values set out in the first paragraph of section 105.

The results of the analyses must be sent to the Minister in accordance with the fifth and sixth paragraphs of section 106.

124. The operator of a permanently closed landfill site may apply to the Minister to be released from any environmental monitoring or maintenance obligation under this Subdivision if, during a post-closure monitoring period of a minimum duration of five years,

(1) none of the parameters analyzed in the samples of leachate discharged into the environment or into a storm sewer taken before treatment has exceeded the limit values set out in the first paragraph of section 105; if the leachate is discharged into a sewer system or is treated with the mill's process water, the leachate was sampled and analyzed in accordance with section 106 and none of the parameters analyzed in the samples taken before treatment has exceeded the limit values set out in the first paragraph of section 105;

(2) the results of the parameters analyzed in the samples of the water in monitoring wells situated at a maximum distance of 300 metres from the landfill site show no degradation relative to the reference well water as a result of the migration of leachate into the soil where the landfill site is situated; if the landfill is impermeable, the results of the parameters analyzed in the samples of the water in the monitoring wells bordering the landfill show no degradation relative to the reference well water as a result of the migration of leachate into the soil where the landfill is situated; and

(3) the concentration of methane in biogas produced by landfilled residual materials has been measured at a frequency of at least four times a year and at intervals spread evenly throughout the year using a biogas collection system or measurement stations installed in the landfilled residual materials, and all the measurements have indicated a concentration of methane less than 1.25% by volume. The measurement stations must be laid out evenly over the entire landfill area.

The date, time, temperature and barometric pressure must be recorded every time a measurement is taken pursuant to the provisions of the first paragraph.

The analyses of biogas, where applicable, must be performed by a laboratory accredited by the Minister under section 118.6 of the Environment Quality Act and in accordance with the methods provided for in the Liste des méthodes d'analyses relatives à l'application des règlements découlant de la Loi sur la qualité de l'environnement published by the Ministère du Développement durable, de l'Environnement et des Parcs.

The operator's release application must be supported by a status report from an independent expert pertaining to the state of the landfill and, where applicable, its environmental impacts. The status report must be sent to the Minister together with the results of the measurements performed pursuant to this section.

125. The operator is released from the environmental monitoring and maintenance requirements as of the date on which the Minister received the notice informing the Minister that the landfill site complies in every respect with the applicable standards and that it is no longer likely to be a source of contamination.

DIVISION IV
STORAGE

126. This Division applies to the operator of an outdoor storage area for mill residual materials located at the site of a mill or a process water purification plant that is not a municipal plant.

127. The first paragraph of section 52 and section 53 apply to the storage area.

128. The volume of stored residual materials must not exceed the volume produced by the mill in the last twelve months.

If that volume has been reached, the excess must be treated by combustion in accordance with Division 2, be landfilled in accordance with Division 3, or be reclaimed in accordance with the Environment Quality Act.

129. The storage area must be watertight and the water from the area must be collected and comply with the provisions of sections 105 and 106 before it is discharged into the environment or into a storm sewer, if it is not treated with the mill's process water or discharged into a sewer system.

130. The operator may accept only

(1) mill residual materials;

(2) residual materials consisting entirely of wood residue, bark or ash from a sawmill; and

(3) residual materials consisting entirely of wood residue or bark from a wood processing plant producing only wood chips.

DIVISION V
CERTIFICATE OF AUTHORIZATION

131. An applicant for a certificate of authorization to establish or alter a facility for the storage, final deposit by landfilling or treatment by combustion of mill residual materials must

(1) file an application in writing with the Minister;

(2) provide, in addition to the information required under other provisions of the Environment Quality Act or its regulations, the information and documents required by section 132; and

(3) pay the fees under section 136 by money order or certified cheque payable to the Minister of Finance.

132. An application for a certificate must contain

(1) in the case of a natural person, the person's name, address and telephone number;

(2) in the case of a legal person or partnership, the name, address of the head office, the capacity of the signatory and a certified copy of a document emanating from the board of directors or the partners authorizing the submission of the application;

(3) in the case of a partnership, the name, domicile and address of the partners or the name of a legal person associated with the partnership and the head office of the legal person;

(4) in the case of a legal person, the name, domicile and address of the directors and the officers;

(5) in the case of a municipality, a certified copy of a resolution by the municipality authorizing the submission of the application;

(6) a certified copy of the document conferring upon the applicant a right of ownership or use in respect of the property to be used in the proposed operations;

(7) an overall plan consisting of an up-to-date geographic map or aerial photograph showing

(a) the limits of the lots covered by the application for a certificate, the number of those lots and their official cadastral designation and range;

(b) the current use and zoning of the neighbouring land within a radius of 1 kilometre from the location of the proposed storage, treatment or final deposit site;

(c) the layout of the public thoroughfares, access roads, watercourses, lakes, swamps and flood plains, as well as the location of wooded sectors, dwellings and any other construction within the radius indicated in subparagraph *b*; and

(d) the current drainage configuration and the topography of the land within the radius indicated in subparagraph *b*;

(8) in the case of a final deposit, a hydrogeological study containing the information and documents required by section 133;

(9) the plans and specifications for the project prepared by an engineer who is a member of the Ordre des ingénieurs du Québec and containing the information and documents required by section 134 or 135, according to the type of certificate applied for; and

(10) a brief outline of the proposed facility, including a description of the operation of the site covered by the application and of the type and quantity of residual materials to be stored, treated or disposed of.

133. The hydrogeological study must contain the following documents:

(1) a map at a scale of 1:20 000 showing the location of all the wells or sources of drinking water, as well as any natural reservoirs of drinking water within a radius of 1 kilometre;

(2) a geological map illustrating the rock outcrops and the units of unconsolidated deposits within a radius of 1 kilometre;

(3) a description of the local hydrography, geology and hydrogeology;

(4) a map of the zone studied showing the location of stratigraphic drill holes at a scale between 1:2 000 and 1:5 000;

(5) geological sections of the drill holes;

(6) the results and conclusions of *in situ* and laboratory tests and the calculation methods used;

(7) a piezometric map of the sector concerned at a scale between 1:2 000 and 1:5 000;

(8) the results of water analysis and a siting proposal for the reference well and the monitoring wells; and

(9) a hydrogeological report establishing that the land complies with the hydrogeological standards set out in sections 101 to 103, the quality and extent of the current and potential use of groundwater and the vulnerability of groundwater to pollution.

134. The plans and specifications for a final deposit landfill facility must contain the following documents:

(1) a topographic survey of the land establishing the contour lines at a maximum interval of 1 metre;

(2) a list of the servitudes encumbering the land and of the surface and underground facilities located on the land;

(3) a site planning map at a scale between 1:1 000 and 1:1 500 indicating natural screens, embankments and other concealment screens, deforested areas, vehicle circulation areas, cover materials storage areas and location of monitoring wells;

(4) longitudinal and transversal sections of the land showing its initial and final profiles and the stages in the redevelopment of closed sites;

(5) the plans and profiles of the outside runoff drainage system; and

(6) if such facilities are planned, the plans and specifications for the facilities and works intended to collect and treat leachate and to measure its flow, and the plans and specifications for biogas collection systems.

135. The plans and specifications for a facility that stores or treats mill residual materials by combustion must contain the following documents:

(1) a map showing the location of the storage and treatment site;

(2) the plans and specifications for fixed facilities that will be used to treat the residual materials, including any device or works to control, contain or prevent the deposit, issuance, emission or discharge of contaminants into the environment; and

(3) the plans and profiles of the runoff drainage systems other than those in the storage areas.

136. The fees payable for the issue of a certificate of authorization are $1,238.

The fees are adjusted on 1 January of each year based on the percentage change in the Consumer Price Indexes for Canada, as published by Statistics Canada; the change is calculated by determining the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the same period of the second preceding year.

The Minister of Sustainable Development, Environment and Parks is to publish the results of the adjustment in the *Gazette officielle du Québec*, before 1 January of each year and, if the Minister considers it appropriate, give notice by any other means.

137. The certificate of authorization for a facility for the storage, treatment or final deposit of mill residual materials must indicate that it is issued in accordance with section 22 of the Environment Quality Act.

The certificate must mention its issue date and the name of its holder, and describe the nature of the proposed activity, the property to be used for the activity and the location of the property.

138. The certificate or permit holder must notify the Minister in writing within 30 days following any change in the information or documents provided for the issue of a certificate of authorization.

CHAPTER VII
PENALTIES

139. An offence against any of the provisions of sections 13 to 21, 25 or 26, the second paragraph of section 28, section 30, 32 or 34, the second paragraph of section 36, section 38, 40, 42 or 58 to 60 renders the offender liable

(1) to a fine of $10,000 to $25,000 in the case of a natural person; and

(2) to a fine of $25,000 to $500,000 in the case of a legal person.

In the case of a second or subsequent offence, the fine referred to in the first paragraph is doubled.

140. An offence against any of the provisions of the first paragraph of section 28, section 29, 31 or 33, the first paragraph of section 36, section 37, 39 or 41 renders the offender liable

(1) to a fine of $10,000 to $25,000 in the case of a natural person; and

(2) to a fine of $25,000 to $500,000 in the case of a legal person.

In the case of a second or subsequent offence, the fine is

(1) $25,000 to $50,000 in the case of a natural person; and

(2) $250,000 to $1,200,000 in the case of a legal person.

141. An offence against any of the provisions of sections 4, 11, 22, 24, 43 to 56, 63, 68, 89, 90, 94 to 97, 100, 103 to 105, 107 to 112, 115 to 123 and 127 to 130 renders the offender liable

(1) to a fine of $7,000 to $18,000 in the case of a natural person; and

(2) to a fine of $18,000 to $350,000 in the case of a legal person.

In the case of a second or subsequent offence, the fine referred to in the first paragraph is doubled.

142. An offence against any of the provisions of sections 2, 3, 12, 23, 64 to 67, 69 to 88, 92, 93, 106, 113 and 114 renders the offender liable

(1) to a fine of $5,000 to $12,500 in the case of a natural person; and

(2) to a fine of $12,500 to $250,000 in the case of a legal person.

In the case of a second or subsequent offence, the fine referred to in the first paragraph is doubled.

CHAPTER VIII
TRANSITIONAL AND FINAL

143. A mill or process water purification plant that is not a municipal plant and that discharges final effluent into a storm sewer during the six-month period that follows the date of coming into force of this Regulation is exempt from the application of the provisions of sections 11 and 12.

144. This Regulation replaces the Regulation respecting pulp and paper mills made by Order in Council 1353-92 dated 16 September 1992.

145. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE I
(s. 2)

CONTENT OF THE PREVENTION AND INTERVENTION PROGRAM FOR ACCIDENTAL DISCHARGE INTO THE ENVIRONMENT

The prevention and intervention program for accidental discharge into the environment must include

A. current and future prevention and intervention measures, together with an implementation schedule, designed to protect against spills in the case of tanks where pulp, process liquor, chemicals and petroleum products are stored in a volume of more than 1,000 litres or groups of tanks totalling more than 1,000 litres, except in the case of dyes, where those measures are to be applied for any volume stored; those measures must include the following information:

1. for each tank or item of process equipment entailing a risk of spills, such as a digester, bleaching tower or evaporator, the type of material from which the tank or the process equipment is manufactured, its capacity and its location in the plant indicated on a plan, as well as the product contained, its commercial name, its type, its composition, its concentration, its use, the quantity used monthly (except for pulp) and the place where it is used in the manufacturing process;

2. the protection measures designed to contain spills at unloading facilities, tanks and process equipment, such as

(1) a dike, with an indication of its volume, the construction material and the presence or absence of a drain; for natural or artificial materials, an indication of the permeability of the dike and of the earth inside the dike; permeability must be determined by particle-size analyses;

(2) a lubrication oil recovery system on the paper machines;

(3) an overflow leading to another tank;

3. leak detection measures and systems:

(1) identification of the detection instruments with or without an alarm, such as level indicators, pH-meters and conductivity meters, and their location;

(2) the frequency of visual inspection of the pipes, pumps, tanks and process equipment;

4. interventions planned in the event of a spill:

(1) the method for limiting the spill and recovering the product;

(2) the method for treating and eliminating the spilled product;

(3) the method for restoring the affected site, including the potential effects on primary and biological treatments and on effluents;

5. an inventory, arranged by sections within the mill, of the storage tanks for pulp having a consistency of more than 3% and the stock chests, with an indication of the volume of each tank and the protection and intervention measures against spills for the section concerned;

B. the approximate number of stored tanks, in a volume of at least 200 litres and no more than 1,000 litres, the products they contain and the protection measures designed for the tanks;

C. identification of places where there is a high risk of accidental spills, including

1. places where spills occur most often based on the mill operator's experience;

2. places where an eventual spill would have an impact on the environment;

D. practices concerning the management of solvents and cleaning solutions, with an indication of the method for eliminating and treating the contaminated product, such as recovery, neutralization or recycling;

E. the intervention procedure in the event of an accidental discharge, including

1. definition of the alert sequence, indicating

(1) a description of the incident;

(2) communication between the members of the emergency team;

(3) the general procedure;

(4) the procedure for notifying the mill operator and the representatives of the Ministère de la Sécurité publique, of the municipality in which the mill is located and of the Service d'urgence environnement of the Ministère du Développement durable, de l'Environnement et des Parcs;

(5) a report on the incident;

2. the composition of the staff forming the emergency team;

3. definition of the role of each emergency team member and of the persons in charge of the various departments of the mill;

4. a list of the persons referred to in subparagraph 4 of paragraph 1 of this Division and their respective telephone numbers;

F. the intervention procedure in the event of an emergency stoppage or a malfunction in the treatment systems or process equipment, including

1. a description and a diagram of the treatment systems, such as settling tanks, aeration tanks, gas scrubbers and associated equipment, such as filter presses, belt presses, drum filters;

2. internal and external measures designed to ensure compliance with standards in the event of a stoppage or a malfunction in the treatment systems or process equipment, such as

(1) an emergency basin;

(2) a recovery system;

(3) a production cut-back;

(4) a production stoppage in certain sections or throughout the mill;

G. the planned maintenance and cleaning procedure for treatment equipment, including

1. a production stoppage, if necessary;

2. the method for emptying the equipment;

3. the physical means for accumulating, treating and eliminating the matter emptied from the equipment, such as wastewater, sludge and ash;

4. the temporary means for treating effluents, sludge or emissions, as the case may be;

H. a list of the auxiliary equipment available at the mill, including

1. emergency equipment, such as

(1) portable detection systems (gas detectors, conductivity meters);

(2) heavy machinery (bulldozers, crane trucks, loaders);

(3) miscellaneous equipment (portable pumps, specialized absorbents, sand bags);

2. supplementary treatment and storage equipment (emergency basins, back-up tanks, portable tanks);

3. the names of the companies with which the mill would deal in the event of an emergency, indicating the specialty of each company and the type of product it is able to recover;

I. an overall map consisting of an up-to-date geographic map or aerial photograph, indicating:

1. the boundaries of the mill property;

2. the current use of the territory bordering the mill within a radius of 2 kilometres;

3. the layout of public thoroughfares, access roads, watercourses, lakes, swamps and flood plains, as well as the location of wooded sectors, dwellings and any other construction located within a radius of 2 kilometres;

4. the current drainage configuration and the general topography of the land within a radius of 2 kilometres;

J. the general floor plan of the mill, indicating

1. the storm sewer system and the process water sewer system with the location of the detection device for a loss of pulp, process liquor, chemicals and petroleum products;

2. the process equipment entailing a risk of spills and the tanks for pulp, process liquor, chemicals and petroleum products;

3. the places and facilities for unloading chemicals and petroleum products;

4. the atmospheric emission points regulated under this Regulation or under the Regulation respecting the quality of the atmosphere.

K. an emergency plan prepared either in-house or jointly with the Minister of Public Security, defining the procedure to follow in the event of explosion, fire, emission of a dangerous gas, electrical power failure, natural disaster or any other event of a similar nature.

SCHEDULE II
(s. 16, 2nd par., s. 71, 1st par., subpar. 6, s. 72, 1st par., subpar. 2 and s. 81, 2nd par.)

MONTHLY REPORT ON COMPOSITION OF CHLORINATED DIOXINS AND FURANS IN EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
DATE OF SAMPLING : _____
NAME OF LABORATORY : _____
IDENTIFICATION OF EFFLUENT : _____

Chlorinated dioxins and furans	**Concentration**	**Concentration in toxicity equivalent (1)**	**Detection limit**
CONGENERS	(pg/l)	(pg_{eq}/l)	(pg/l)
2378- T4CDD			
12378-P5CDD			
123478-H6CDD			
123678-H6CDD			
123789-H6CDD			
1234678-H7CDD			
OCDD			
2378-T4CDF			
12378-P5CDF			
23478-P5CDF			
123478-H6CDF			
123678-H6CDF			
234678-H6CDF			
123789-H6CDF			
12346789-H7CDF			
1234789-H7CDF			
OCDF			
TOTAL			

(1) This concentration corresponds to the concentration of the congener multiplied by its toxicity equivalency factor (NATO, 1988).

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International toxicity equivalency factors
(NATO, 1988)

Dioxins - Furans	Equivalency factor
2378- T4CDD	1.0
12378-P5CDD	0.5
123478-H6CDD	0.1
123678-H6CDD	
123789-H6CDD	
1234678-H7CDD	0.01
OCDD	0.001
2378-T4CDF	0.1
12378-P5CDF	0.5
23478-P5CDF	0.05
123478-H6CDF	0.1
123678-H6CDF	
234678-H6CDF	
123789-H6CDF	
12346789-H7CDF	0.01
1234789-H7CDF	
OCDF	0.001

SCHEDULE III
(s. 17, 2nd par., s. 71, 1st par., subpar. 7, s. 72, 1st par., subpar. 3 and s. 81, 2nd par.)

MONTHLY REPORT ON COMPOSITION OF POLYCHLORINATED BIPHENYLS IN EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
DATE OF SAMPLING : _____
NAME OF LABORATORY : _____
IDENTIFICATION OF EFFLUENT : _____

Homologous groups	**Concentration (ug/l)**	**Detection limit (ug/l)**
Trichloro-biphenyls		
Tetrachloro-biphenyls		
Pentachloro-biphenyls		
Hexachloro-biphenyls		
Heptachloro-biphenyls		
Octachloro-biphenyls		
Nonachloro-biphenyls		
Decachloro-biphenyls		
TOTAL		

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SCHEDULE IV
(s. 58)

SULPHATE PULP MILL EMISSION STANDARDS

	Standards applicable where operation of process equipment started before 22 October 1992		**Standards applicable where operation of process equipment started on or after 22 October 1992**	
Process equipment	**Particles**	**Total reduced sulphur compounds**	**Particles**	**Total reduced sulphur compounds**
Recovery furnace	200 mg/m^3	20 ppm, except for furnace of a mill built after 12 September 1979, for which the standard is 5 ppm	100 mg/m^3	5 ppm
Lime kiln	340 mg/m^3	10 ppm	150 mg/m^3	10 ppm
Dissolving tank	165 g/t dry solids in the liquor		100 g/t dry solids in the liquor	16 g/t dry solids in the liquor
Cooking system, evaporation system, condensate stripper system and brown pulp washing system		10 ppm		10 ppm

Notes:
— The emission standards apply individually to all the emission points of process equipment;

— the brown pulp washing system may include the following sources:
– first stage of washing vent;
– screen knotter or knotter;
– foam tank or scum breaker;
– seal tank;

— the recovery furnace includes, where applicable, the direct contact evaporator;

— the concentrations of contaminants measured to verify compliance with emission standards expressed in mg/m^3 are corrected to reference conditions, on a dry basis, and to 8% oxygen by volume;

— the concentrations of contaminants measured to verify compliance with the dissolving tank standards are expressed in grams per tonne of dry solids contained in the black liquor incinerated in the recovery furnace;

— the concentrations of contaminants measured to verify compliance with emission standards expressed in ppm are calculated on a dry basis and corrected, in the case of a lime kiln, recovery furnace or any other system for treating total reduced sulphur compounds in fuel burning equipment (Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20)) or in an incinerator, to 8% oxygen by volume according to the following formula. In the case of an incinerator of the "regenerative" type, the correction is made to 18% oxygen by replacing the value 12.9 in the formula by 2.9;

$$E = E_a \times \frac{12.9}{20.9 - A}$$ where

"E" is the corrected concentration;
"E_a" is the concentration on a dry basis without correction;
"A" is the percentage of oxygen on a dry basis in gases at the sampling site.

SCHEDULE V
(s. 71, 1st par., subpar. 3, s. 81, 2nd par. and s. 105, 3rd par.)

MONTHLY REPORT ON COMPOSITION OF RESINIC AND FATTY ACIDS IN EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
DATE OF SAMPLING : _____
NAME OF LABORATORY : _____
IDENTIFICATION OF EFFLUENT : _____

Compounds	**Concentration (µg/l)**	**Detection limit (µg/l)**
FATTY ACIDS		
Linoleic acid		
Linolenic acid		
Oleic acid		
Stearic acid		
9, 10 – dichlorostearic acid		
TOTAL OF FATTY ACIDS		
RESINIC ACIDS		
Primaric acid		
Sandaracopimaric acid		
Isopimaric acid		
Palustric acid		
Levopimaric acid		
Dehydroabietic acid		
Abietic acid		
Neobietic acid		
14 – chlorodehydroabietic acid + 12 – chlorodehydroabietic acid		
12, 14 – dichlorodehydroabietic acid		
TOTAL OF RESINIC ACIDS		
TOTAL OF RESINIC AND FATTY ACIDS		

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SCHEDULE VI
(s. 71, 1st par., subpar. 6, s. 72, 1st par., subpar. 2 and s. 81, 2nd par.)

MONTHLY REPORT ON COMPOSITION OF CHLOROPHENOLS IN EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
DATE OF SAMPLING : _____
NAME OF LABORATORY : _____
IDENTIFICATION OF EFFLUENT : _____

Compounds	**Concentration (µg/l)**	**Detection limit (µg/l)**
2 – chlorophenol		
3 – chlorophenol		
4 – chlorophenol		
2,3 – dichlorophenol		
2,4 – dichlorophenol		
2,5 – dichlorophenol		
2,6 – dichlorophenol		
3,4 – dichlorophenol		
3,5 – dichlorophenol		
2,4,6 – trichlorophenol		
2,3,4 – trichlorophenol		
2,3,6 – trichlorophenol		
2,3,5 – trichlorophenol		
2,4,5 – trichlorophenol		
3,4,5 – trichlorophenol		
2,3,5,6 – tetrachlorophenol		
2,3,4,6 – tetrachlorophenol		
2,3,4,5 – tetrachlorophenol		
Pentachlorophenol		
4 – chlorocathecol		
3,5 – dichlorocathecol		
4,5 – dichlorocathecol		
3,4,5 – trichlorocathecol		

Compounds	Concentration (µg/l)	Detection limit (µg/l)
Tetrachlorocathecol		
4 – chloroguaiacol		
4,5 – dichloroguaiacol		
4,6 – dichloroguaiacol		
3,4,5 – trichloroguaiacol		
4,5,6 – trichloroguaiacol		
Tetrachloroguaiacol		
6 – chlorovanilline		
5,6 – dichlorovanilline		
3,4,5 – trichlorosyringol		
4,5 – dichloroveratrol		
3,4,5 – trichloroveratrol		
3,4,5,6 – tetrachloroveratrol		
TOTAL		

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SCHEDULE VII
(s. 71, 1st par., subpars. 1, 2 and 6 and s. 81, 2nd par.)

MONTHLY REPORT ON FINAL EFFLUENT CHARACTERISTICS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
NAME OF LABORATORIES : _____
IDENTIFICATION OF FINAL EFFLUENT : _____
MONTH : _____ YEAR : _____ BEGINNING OF DAY : _____ O'CLOCK

	TSS		BOD_5		AOH		FLOW	pH			Temp.
DAYS	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Final effluent (m^3/d)	Feed water MIN.	Final effluent MIN	Final effluent MAX.	Final effluent MAX. (°C)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

	TSS		BOD_5		AOH		FLOW	pH			Temp.
DAYS	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Concentration final effluent (mg/l)	Daily loss (1) (kg/d)	Final effluent (m^3/d)	Feed water MIN.	Final effluent MIN	Final effluent MAX.	Final effluent MAX. (°C)
21											
22											
23											
24											
25											
26											
27											
28											
29											
30											
31											

(1) The daily loss corresponds

(a) for a final effluent discharged into the environment or into a storm sewer, to the concentration of the contaminant in that final effluent multiplied by the daily flow of that final effluent ;

(b) for a final effluent discharged into the environment or into a sewer system, to the result obtained using the following formula : A x B x C, where A is the concentration of the contaminant in that final effluent, B is the daily flow of that final effluent and C is the portion of those contaminants not eliminated by municipal treatment, 15% for TSS and BOD_5 and 50% for AOH.

SCHEDULE VIII
(s. 71, 1st par., subpars. 3 to 7, ss. 72 and 81, 2nd par.)

MONTHLY REPORT ON EFFLUENT CHARACTERISTICS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
NAME OF LABORATORIES : _____
MONTH : _____ YEAR : _____
IDENTIFICATION OF EFFLUENT : _____ BEGINNING OF DAY : _____ O'CLOCK

		(A)	(B)	(C)
Parameters	**Date of sampling and type of sample or date of flow measurement**	**Treated effluent (2)(4)**	**Untreated effluent (3)(4)**	**Final effluent (5)**
Flow (1)(m^3/day)				
Resinic and fatty acids (µg/l)				
Chlorophenols (µg/l)				
Chemical oxygen demand (mg/l)				
Aluminum (mg/l)				
Copper (mg/l)				
Nickel (mg/l)				
Lead (mg/l)				
Zinc (mg/l)				
Hydrocarbons (mg/l)				

		(A)	(B)	(C)
Parameters	**Date of sampling and type of sample or date of flow measurement**	**Treated effluent (2)(4)**	**Untreated effluent (3)(4)**	**Final effluent (5)**
Toxicity (T.U.) (rainbow trout)				
Polychlorinated biphenyls (µg/l)				
Chlorinated dioxins and furans (pg_{eq}/l)				

☐ Do not write in this space.

(1) For each day on which an effluent is sampled, there must be a corresponding flow measurement for that effluent on that date.

(2) This may refer to an effluent treated by primary treatment only, by biological treatment or by treatment of another type.

(3) This refers to untreated effluent that is added to treated effluent.

(4) If there is only one effluent, the data prescribed for columns A and B must be entered in Column C.

(5) This refers to effluent discharged into the environment, into a storm sewer or into a sewer system.

SCHEDULE IX
(s. 81, 2nd par.)

MONTHLY REPORT ON THE EVALUATION OF THE BIOLOGICAL TREATMENT PERFORMANCE IN BOD_5

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
NAME OF LABORATORY : _____
MONTH : _____ YEAR : _____ BEGINNING OF DAY : _____ O'CLOCK

DAYS	Concentration in BOD_5		Removal rate
	Entry into biological treatment (1) (mg/l)	Outflow from biological treatment (1) (mg/l)	(%)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

DAYS	Concentration in BOD_5		Removal rate (%)
	Entry into biological treatment (1) (mg/l)	Outflow from biological treatment (1) (mg/l)	
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
Average			

☐ Do not write in this space.

(1) The data is required where effluents are combined in accordance with section 21.

SCHEDULE X
(s. 81, 2nd par.)

MONTHLY REPORT ON COMPLIANCE OF FINAL EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
MONTH : _____ YEAR : _____

	Daily limits :	**Daily limits during total stoppage :**	**Monthly limits :**
BOD_5 :	**____ kg**	**____ kg**	**____ kg**
TSS :	**____ kg**	**____ kg**	**____ kg**
AOH :	**____ kg**		**____ kg**

Day	**Daily production Finished product (tonnes)**	**Flow Total Final effluents (m^3/d)**	**BOD_5**		**TSS**		**AOH**		**pH (1)**	**Max. temp.**
			Total daily loss (kg/d)	**Excess (kg/d)**	**Total daily loss (kg/d)**	**Excess (kg/d)**	**Total daily loss (kg/d)**	**Excess (kg/d)**	**Time in excess (hour)**	**Standard 65 °C (2)**
									< 6.0 > 9.5	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

Day	Daily production Finished product (tonnes)	Flow Total Final effluents (m^3/d)	BOD_5		TSS		AOH		pH (1)	Max. temp.
			Total daily loss (kg/d)	Excess (kg/d)	Total daily loss (kg/d)	Excess (kg/d)	Total daily loss (kg/d)	Excess (kg/d)	Time in excess (hour) < 6.0 > 9.5	Standard 65 °C (2)
21										
22										
23										
24										
25										
26										
27										
28										
29										
30										
31										
Average loss										
Monthly loss										

☐ Do not write in this space.

(1) The pH of the cooling water final effluent may be equal to that of the feed water.

(2) Indicate the maximum temperature on the days not in compliance.

Contaminants not in compliance : _____
Reasons or comments : _____
Remedial measures implemented or planned : _____

SCHEDULE XI
(s. 81, 2nd par.)

MONTHLY REPORT ON COMPLIANCE OF EFFLUENTS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
IDENTIFICATION OF EFFLUENT : _____ MONTH : _____ YEAR : _____

Standardized contaminants	Effluent treated biologically	Untreated effluent	Final effluent	Effluent treated other than biologically	Standards
Toxicity (T.U.) (rainbow trout)					<= 1 T.U. ou < 3 T.U
					<= 1 T.U.
Hydrocarbons (mg/l)					2 mg/l
Polychlorinated biphenyls (µg/l)					3 µg/l
Chlorinated dioxins and furans (pg_{eq}/l)					15 pg_{eq}/l

☐ Do not write in this space.

Contaminants not in compliance : _____

Reasons or comments : _____

Remedial measures implemented or planned : _____

_____

SCHEDULE XII
(s. 81, 2nd par. and s. 106, 6th par.)

MONTHLY REPORT ON COMPLIANCE OF OTHER WASTEWATER

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
MONTH : _____ YEAR : _____
NAME OF LABORATORIES : _____ TYPE OF SAMPLE : _____
IDENTIFICATION OF WASTEWATER : _____

Contaminants to be analyzed	Standards	Date of sampling	Sanitary wastewater	Storage area water (1)	Leachate (2)		Storage area water	Gas scrubbing water	Ash cooling water
					mg/l	%			
BOD_5	50 mg/l or 90% removal for leachate 30 mg/l for other water								
TSS	50 mg/l for leachate 30 mg/l for other water								
Aluminum	10 mg/l								
Chromium	1 mg/l								
Iron	10 mg/l								
Mercury	0.05 mg/l								
Lead	0.3 mg/l								
Zinc	1 mg/l								
Phenolic compounds	50 µg/l for leachate 10 µg/l for other water								
Total sulphides	1 mg/l								
Resinic and fatty acids	300 µg/l								

☐ Do not write in this space.

(1) The standards of other parameters apply where primary sludge or bark is stored.

(2) Where leachate is treated by a stand-alone system and where the 90% removal standard for BOD_5 is used, enter in the table above the removal rate (%) in BOD_5, based on 12 weeks and calculated each week. Enter in the table below the weekly data used to calculate the removal rate. In the case of the flow, the measurement may be made at the treatment system entry or outflow.

Week		BOD_5 concentration (mg/l)		Flow (m^3/week)
		Entry into treatment system	Outflow from treatment system	
From	to			
From	to			
From	to			
From	to			
From	to			

Contaminants not in compliance : _____

Reasons or comments : _____

Remedial measures implemented or planned : _____

_____

SCHEDULE XIII
(s. 105, 3rd par. and s. 113, 1st par.)

LIST OF PHENOLIC COMPOUNDS FOR OTHER WASTEWATER

Phenol
o-cresol
m-cresol
p-cresol
2,4-dimethylphenol
Guaiacol
2,4-dichlorophenol + 2,5-dichlorophenol
Catechol
2-nitrophenol
2,4,6-trichlorophenol
4-nitrophenol
Eugenol
4,5-dichloroguaiacol
Isoeugenol
2,3,4,6-tetrachlorophenol
6-chlorovanillin
4,5-dichlorocatechol
3,4,5-trichloroguaiacol
4,5,6-trichlorogauaiacol
5,6-dichlorovanillin
Pentachlorophenol
3,4,5-trichlorocatechol
Tetrachloroguaiacol
3,4,5-trichlorosyringol
Tetrachlorocatechol

SCHEDULE XIV
(s. 81, 2nd par.)

MONTHLY REPORT ON DAILY PRODUCTION

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
MONTH : _____ YEAR : _____ BEGINNING OF DAY : _____ O'CLOCK

DAYS	Daily production				
	Finished product (tonnes)	Pulp bleached with chlorinated product (tonnes)	Dissolving grade sulphite pulp (1) (tonnes)	New plant in the complex (2)	
				Finished product (tonnes)	Pulp bleached with chlorinated product (tonnes)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

DAYS	Daily production				
	Finished product (tonnes)	Pulp bleached with chlorinated product (tonnes)	Dissolving grade sulphite pulp (1) (tonnes)	New plant in the complex (2)	
				Finished product (tonnes)	Pulp bleached with chlorinated product (tonnes)
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

(1) Indicate the monthly average of the cooking yield _____ %.

(2) Applies in the case of a mill in a complex built on or after 22 October 1992.

SCHEDULE XV
(s. 86, 1st par.)

LIST OF POLYCYCLIC AROMATIC HYDROCARBONS

Anthracene
Benzo (a) anthracene
Benzo (b) fluoranthene
Benzo (j) fluoranthene
Benzo (k) fluoranthene
Benzo (g,h,i) perylene
Benzo (e) pyrene
Benzo (a) pyrene
Chrysene
Dibenzo (a,h) anthracene
Dibenzo (a,i) pyrene
Indéno (1,2,3-cd) pyrene
Pyrene

LIST OF VOLATILE ORGANIC COMPOUNDS

Trichlorofluromethane
1,1-dichloroethene
Dichloromethane
1,2-dichloroethene
1,1-dichloroethane
2,2-dichloropropane
Chloroforme
1,1,1-trichloroethane
1,1-dichloropropylene
Carbon tetrachloride
Benzene
1,2-dichloroethane
Trichloroethene
1,2-dichloropropane
Dibromomethane
Bromodichloromethane
Trans-1,3-dichloropropylene
Toluene
Cis-1,3-dichloropropylene
1,1,2-trichloroethane
1,1,2,2-tetrachloroethylene
1,3-dichloropropane
Dibromochloromethane
1,2-dibromoethane
Chlorobenzene
1,1,1,2-tetrachloroethane
Ethylbenzene
M,P-xylene
Styrene
Bromoform
Isopropylbenzene
1,1,2,2-tetrachloroethane
Bromobenzene
1,2,3-trichloropropane
N-propylbenzene
1-chloro-2-methylbenzene
1,3,5-trimethylbenzene
1-chloro-4-methylbenzene
1,1-dimethyl ethylbenzene
1,2,4-trimethylbenzene
1-methyl propylbenzene
P-isopropyltoluene
1,3-dichlorobenzene
1,4-dichlorobenzene
N-butylbenzene
1,2-dichlorobenzene
1,2,4-trichlorobenzene
Hexachlorobenzene
Naphtalene
1,2-dibromo-3-chloropropane
1,2,3-trichlorobenzene

SCHEDULE XVI
(s. 86, 5th par.)

COMPLIANCE REPORT OF ATMOSPHERIC EMISSIONS

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
MONTH : _____ YEAR : _____

Process equipment	Identification	Parameter	Unit	Concentrations	Standard
Recovery furnace		Particles	mg/m^3		
		Total reduced sulphur compounds	ppm		
		Polycyclic aromatic hydrocarbons	ug/m^3		
		Volatile organic compounds	ug/m^3		
		Sulphur dioxide	mg/m^3		
Lime kiln		Particles	mg/m^3		
		Total reduced sulphur compounds	ppm		
		Polycyclic aromatic hydrocarbons	ug/m^3		
		Sulphur dioxide	mg/m^3		
Dissolving tank		Particles	g/t dry solids in the liquor		
		Total reduced sulphur compounds	g/t dry solids in the liquor		
Cooking system		Total reduced sulphur compounds	ppm		
Blow tank		Total reduced sulphur compounds	ppm		
Evaporation system		Total reduced sulphur compounds	ppm		
Condensate stripper system		Total reduced sulphur compounds	ppm		
Brown pulp washing system		Total reduced sulphur compounds	ppm		
First stage of washing vent		Total reduced sulphur compounds	ppm		
Knotter vent		Total reduced sulphur compounds	ppm		
Foam tank		Total reduced sulphur compounds	ppm		
Seal tank		Total reduced sulphur compounds	ppm		
Contaminated water tank		Total reduced sulphur compounds	ppm		
Incinerator of non condensable gases (1)		Total reduced sulphur compounds	ppm		

Process equipment	Identification	Parameter	Unit	Concentrations	Standard
Biomass boiler (1)		Total reduced sulphur compounds	ppm		
Oil boiler (1)		Total reduced sulphur compounds	ppm		
Residual materials boiler (1)		Total reduced sulphur compounds	ppm		
Sulphite, bisulphite or dissolving grade sulphite pulp plant		Sulphur dioxide	kg/t of produced pulp		
Incinerator		Sulphur dioxide	ppm		
		Particles	mg/m^3		

☐ Do not write in this space.

(1) This equipement may be used to burn total reduced sulphur compounds.

Reasons or comments : _____

Remedial measures implemented or planned : _____

SCHEDULE XVII
(s. 88, 2nd par.)

MONTHLY REPORT ON MILL RESIDUAL MATERIALS MANAGEMENT

NAME OF OPERATOR : _____
LOCATION OF MILL : _____
MONTH : _____ YEAR : _____

Code	Management method	Identification of site
#1	Landfilling in a site reserved for mill residual materials	
#2	Landfiling in an elimination site (Under Division IV of the Regulation respecting solid waste)	
#3	Combustion	
#4	Composting	
#5	Recovery for agricultural and sylvicultural purposes	
#6	Other management method Specify :	

Type of mill residual materials	Management method (Code)	Real weight (tonnes)	Volume (m^3)	Dryness (1) %
Bark				
Wood residue				
Bark and wood residue				
Paper and paperboard discards				
Dry ash handled				
Pulper residues				
Wet ash handled				Av. :
				Min. : Max. :
Pulp discards				Av. :
				Min. : Max. :
Knots				Av. :
				Min. : Max. :
Lime slaking rejects				Av. :
				Min. : Max. :
Lime sludge				Av. :
				Min. : Max. :
Lime slaking rejects and sludge				Av. :
				Min. : Max. :

Type of mill residual materials	Management method (Code)	Real weight (tonnes)	Volume (m^3)	Dryness (1) %
Green liquor dregs				Av.:
				Min.: Max.:
Primary treatment sludge				Av.:
				Min.: Max.:
Biological treatment sludge				Av.:
				Min.: Max.:
De-inking sludge				Av.:
				Min.: Max.:
Primary and biological treatment sludge				Av.:
		% biological sludge (2):		Min.: Max.:
Primary treatment and de-inking sludge				Av.:
				Min.: Max.:
Biological treatment and de-inking sludge				Av.:
		% biological sludge (2):		Min.: Max.:
Primary, biological treatment and de-inking sludge				Av.:
		% biological sludge (2):		Min.: Max.:
Other mill residual materials				Av.:
				Min.: Max.:

☐ Do not write in this space.

(1): The minimum and maximum dryness value is required only for mill residual materials whose management code is #1 or #2.

(2): The percentage of biological sludge in dry weight on all the mixture of buried sludge is required only where the mill is to benefit from a dryness standard of 15% in accordance with the conditions of section 107.

"Other mill residual materials" means any residue from the pulp or paper product manufacturing process that is not a hazardous material.

Do not enter in the "Other mill residual materials" space: residual materials that are not mill residual materials such as: discarded pieces of equipment, construction or demolition waste (debris and rubble), used oils, solid residual materials similar to household refuse and sawmill residual materials.

Reasons or comments: _____

Remedial measures implemented or planned: _____

SCHEDULE XVIII
(s. 114, 2nd par.)

REPORT ON THE CHARACTERISTICS OF WATER IN THE MONITORING WELLS OF A LANDFILL

NAME OF OPERATOR OF THE LANDFILL : _____
IDENTIFICATION OF THE LANDFILL : _____
NAME OF LABORATORIES : _____
DATE OF SAMPLING : _____

Monitoring wells	Parameters								
	pH	Conductivity (uhmos/cm)	Chlorides (mg/l)	Sodium (mg/l)	Ammoniacal nitrogen (mg/l)	Nitrites and nitrates (mg/l)	Chemical oxygen demand (mg/l)	Dissolved matter (mg/l)	Phenolic compounds (ug/l)

Comments : _____

_____

_____

7329

Treasury Board

Gouvernement du Québec

T.B. 203094, 6 décembre 2005

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11)

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12)

Pension plans in the public and parapublic sectors — Various regulations — Amendments

Regulation to amend various regulations under pension plans in the public and parapublic sectors

WHEREAS, under section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11) and section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the Government may, after consultation by the Commission administrative des régimes de retraite et d'assurances with the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan, make regulations for the application of the Acts respecting those plans;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994, as amended, the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988, as amended, the Regulation under the Act respecting the Teachers Pension Plan by Decision T.B. 169291 dated 29 November 1988, as amended, and the Regulation under the Act respecting the Civil Service Superannuation Plan by Decision T.B. 169292 dated 29 November 1988, as amended;

WHEREAS it is expedient to amend those Regulations;

WHEREAS the Comité de retraite has been consulted;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend various regulations under pension plans in the public and parapublic sectors, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend various regulations under pension plans in the public and parapublic sectors *

An Act respecting the Pension Plan of Certain Teachers
(R.S.Q., c. R-9.1, s. 418, par. 1.1)

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, pars. 9, 9.0.1, 9.1, 11.1 and 13.2)

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11, s. 73, par. 9)

An Act respecting the Civil Service Superannuation Plan
(R.S.Q., c. R-12, s. 109, par. 7)

1. Section 0.3 of the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers is amended by replacing "Schedule V to the Act" in subparagraph 3 of the third paragraph by "Table II of Schedule IV.3 to the Regulation under the Act respecting the Government and Public Employees Retirement Plan approved by Order in Council 1845-88 dated 14 December 1988".

2. Division VII of the Regulation under the Act respecting the Government and Public Employees Retirement Plan is replaced by the following:

"**DIVISION VII**
ACTUARIAL VALUE
(s. 139, pars. 9 and 9.0.1)

12. For the purposes of this Regulation, the expression "CIA Standard" refers to the "Standard of Practice for Determining Pension Commuted Values" confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004.

12.1. The actuarial values of the benefits referred to in sections 43.2, 46.1, 53, 54 and 79 of the Act are determined, taking into account sections 12.2 to 12.2.3, using the following actuarial assumptions:

(1) Mortality rates:

The mortality rates are those determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are those determined according to the following formula:

((1 + interest rate for a non-indexed benefit)/(1 + indexing rate for a partially-indexed benefit)) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) or a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) or a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

* The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, made by Order in Council 708-94 dated 18 May 1994 (1994, *G.O.* 2, 2046), the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), the Regulation under the Act respecting the Teachers Pension Plan, made by Decision T.B. 169291 dated 29 November 1988 (1988, *G.O.* 2, 4085) and the Regulation under the Act respecting the Civil Service Superannuation Plan, made by Decision T.B. 169292 dated 29 November 1988 (1988, *G.O.* 2, 4088), were last amended by the regulation made by Decision T.B. 202419 dated 24 May 2005 (2005, *G.O.* 2, 1727). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate : Nil

(5) Disability rate : Nil

(6) Proportion of married persons at death :

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at death :

— the male spouse of the member is assumed to be one year older ;

— the female spouse of the member is assumed to be four years younger.

12.2. The actuarial value of the pension referred to in section 43.2 of the Act is determined using the "benefit allocation" actuarial method and corresponds to the sum of 30% of the actuarial value determined for a male and 70% of the actuarial value determined for a female.

12.2.1. The actuarial value of the deferred pension referred to in section 46.1 or 54 of the Act is determined using the following actuarial method and assumptions :

Actuarial method

The actuarial method is the "benefit allocation" method and the actuarial value corresponds to the sum of 30% of the actuarial value determined for a male and 70% of the actuarial value determined for a female.

Actuarial assumptions

For that section 46.1, the actuarial assumptions apply, taking into account the rules of Part D of Section 3 of the CIA Standard.

For that section 46.1 or 54, the interest rate applicable from the CANSIM series published by Statistics Canada in the Bank of Canada Review is the reported rate for the fourth month preceding the month in which the valuation date falls and not that of the second month.

12.2.2. For the purposes of section 53 of the Act, the annual value of the initial pension paid to the employee is adjusted by multiplying it by the ratio obtained by dividing the value "A" by the value "B", where

"A" corresponds to the actuarial value at the employee's retirement age ; and

"B" corresponds to the actuarial value at age 65.

The actuarial value is determined using the "benefit allocation" actuarial method and the actuarial value corresponds to the sum of 30% of the actuarial value determined for a male and 70% of the actuarial value determined for a female.

12.2.3. The actuarial value of the benefits referred to in section 79 of the Act is determined using the "benefit allocation" actuarial method and the actuarial assumption of retirement age is the age attained at the date of payment of that actuarial value.".

3. Section 12.5 is amended by replacing "Schedule V to the Act" in paragraph 3 by "Table II of Schedule IV.3".

4. The following Division is inserted after section 29.6 :

"**DIVISION IX.3**
PENSION CREDIT TARIFF
(s. 134, 1st par., subpar. 11.4)

29.7. For the purposes of section 95 of the Act, the employee must pay an amount determined in accordance with the rate appearing in Schedule IV.3.".

5. The following Division is inserted after section 30:

"**DIVISION X.1**
ACTUARIAL ASSUMPTIONS AND METHOD
(s. 134, 1st par., subpar. 13.2)

30.1. The actuarial values of the benefits referred to in section 109.2 of the Act are determined using the average pensionable salary that is used to calculate the pension, and the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "projected benefit method pro rated on service".

Actuarial assumptions

(1) Mortality rates:

The mortality rates are determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are determined according to the following formula:

((1 + interest rate for a non-indexed benefit)/(1 + indexing rate for a partially-indexed benefit) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of employees with a spouse at retirement:

Males: 85%
Females: 60%

(7) Age of spouse at retirement:

— the male spouse of the member is assumed to be two years older;

— the female spouse of the member is assumed to be three years younger;

(8) Rate of increase of MPE:

The annual increase of the maximum pensionable earnings within the meaning of the Québec Pension Plan corresponds to the annual rate of inflation plus 1%.

(9) Rate of increase of salaries:

The annual increase in salaries corresponds to the annual increase of the MPE, increased by the annual rate of salary increase.

For the Pension Plan of Peace Officers in Correctional Services

Years of service	Annual rate of increase
0 - 4 years	2.5%
5 - 15 years	0.4%
16 years and over	0.2%

For the Government and Public Employees Retirement Plan

Years of service	Annual rate of increase
0 - 10 years	2.50%
11 - 20 years	0.75%
21 years and over	0.25%

(10) Rate of increase in the Tax Act defined benefit limit:

The annual increase of Tax Act defined benefit limits corresponds to that of the maximum pensionable earnings as of each year of the indexing of that limit, in accordance with the Income Tax Act.

(11) Retirement age:

The retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 or 8.8 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2).

(12) Reduction for early retirement:

The pension under the Pension Plan of Peace Officers in Correctional Services used to determine the actuarial value of the benefits of that plan is reduced by 1/3 of 1% per month computed for each month comprised between the date on which the actuarial value is determined and the first date on which a pension could have been paid to the member without reduction under than plan.".

6. Division XII is revoked.

7. The following is inserted after Schedule IV.2:

«**SCHEDULE IV.3**
(s. 29.7)

TABLE APPLICABLE TO PAY THE COST OF PENSION CREDIT

Table I

Premium payable by an employee for entitlement to the pension credit referred to in section 88 in respect of years of service prior to 1 July 1982

Premium per $10 of annual pension

Age	Rate	Age	Rate	Age	Rate
18	2.329	36	7.630	54	25.197
19	2.487	37	8.150	55	26.947
20	2.661	38	8.706	56	28.836
21	2.841	39	9.299	57	30.855
22	3.038	40	9.945	58	33.011
23	3.244	41	10.626	59	35.309
24	3.467	42	11.352	60	37.760
25	3.701	43	12.128	61	40.375
26	3.956	44	12.956	62	43.156
27	4.225	45	13.843	63	46.109
28	4.514	46	14.793	64	49.249
29	4.820	47	15.808	65	52.587
30	5.143	48	16.892	66	49.644
31	5.494	49	18.051	67	48.660
32	5.869	50	19.282	68	47.653
33	6.268	51	20.614	69	46.618
34	6.694	52	22.039		
35	7.141	53	23.563		

Table II

Premium payable by an employee for entitlement to the pension credit referred to in section 88 in respect of years of service following 30 June 1982

Premiums per $10 of annual pension

Age	Rate	Age	Rate	Age	Rate
18	2.795	36	9.156	54	30.236
19	2.985	37	9.781	55	32.337
20	3.193	38	10.448	56	34.603
21	3.410	39	11.159	57	37.026
22	3.646	40	11.934	58	39.613

Age	Rate	Age	Rate	Age	Rate
23	3.892	41	12.751	59	42.371
24	4.160	42	13.623	60	45.312
25	4.441	43	14.553	61	48.450
26	4.747	44	15.547	62	51.787
27	5.070	45	16.611	63	55.330
28	5.417	46	17.752	64	59.098
29	5.784	47	18.970	65	63.105
30	6.172	48	20.271	66	59.572
31	6.592	49	21.661	67	58.392
32	7.043	50	23.138	68	57.184
33	7.521	51	24.736	69	55.942 .".
34	8.033	52	26.446		
35	8.570	53	28.276		

8. Chapter V of the Regulation under the Act respecting the Teachers Pension Plan is revoked.

9. Section 10 is replaced by the following:

"**10.** The actuarial value of the pension referred to in section 66 of the Act is determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "benefit allocation" method.

Actuarial assumptions

(1) Mortality rates:

The mortality rates are those determined in accordance with the "Standard of Practice for Determining Commuted Values" confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004, hereafter called the "CIA Standard".

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are those determined according to the following formula:

((1 + interest rate for a non-indexed benefit)/ (1 + indexing rate for a partially-indexed benefit)) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of married persons at death:

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at death:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.

(8) Retirement age:

Age attained at the date of payment of the actuarial value.».

10. The title of Chapter XI and section 11 are revoked.

11. Section 6 of the Regulation under the Act respecting the Civil Service Superannuation Plan is replaced by the following:

"**6.** The actuarial value of the pension referred to in section 74 of the Act is determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "benefit allocation" method.

Actuarial assumptions

(1) Mortality rates

The mortality rates are determined in accordance with the "Standard of Practice for Determining Pension Commuted Values" confirmed by the board of directors of the Canadian Institute for Actuaries on 15 June 2004, hereafter called the "CIA Standard" .

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially indexed benefits:

The interest rates are determined according to the following formula:

((1 + interest rate for a non-indexed benefit)/ (1 + indexing rate for a partially-indexed benefit) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate : Nil

(5) Disability rate : Nil

(6) Proportion of married persons at death :

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Difference of age between spouses at death :

— the male spouse of the member is assumed to be one year older ;

— the female spouse of the member is assumed to be four years younger ;

(8) Retirement age :

Age attained at the date of payment of the actuarial value.”.

12. Chapter VIII, the title of Chapter IX and section 9 are revoked.

13. This Regulation is made on 6 December 2005 but has effect as of 1 January 2006.

7338

Gouvernement du Québec

T.B. 203095, 6 December 2005

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under subparagraphs 7, 7.1 and 12 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by regulation, after the Commission administrative des régimes de retraite et d’assurance has consulted the Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in those subparagraphs, which may vary to the extent provided for in those subparagraphs ;

WHEREAS, the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision 202420 dated 24 May 2005 ;

WHEREAS it is expedient to amend the Regulation to determine the actuarial assumptions and methods to be used to establish the actuarial values of the benefits referred to in those subparagraphs 7, 7.1 and 12 ;

WHEREAS the Comité de retraite has been consulted ;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers ;

WHEREAS the Minister of Finance has been consulted ;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel *

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 7, 7.1 and 12)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by inserting the following Division after section 6 :

* The Regulation under the Act respecting the Pension Plan of Management Personnel was made by Decision T.B. 202420 dated 24 May 2005 (2005, *G.O.* 2, 1733) and has not been amended since that date.

"**DIVISION III.1**
ACTUARIAL VALUE
(s. 196, 1st par., subpars. 7 and 7.1)

6.1. For the purposes of this Regulation, the expression "CIA Standard" refers to the "Standard of Practice for Determining Pension Commuted Values" confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004.

6.2. The actuarial values of the benefits referred to in sections 64, 68, 75, 76 and 117 of the Act are determined, taking into account sections 6.3 to 6.6, using the following actuarial assumptions:

(1) Mortality rates:

The mortality rates are those determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are those determined according to the following formula:

((1 + interest rate for a non-indexed benefit) / (1 + indexing rate for a partially-indexed benefit)) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of married persons at death:

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at death:

— the male spouse of the member is assumed to be one year older;

— the female spouse of the member is assumed to be four years younger.

6.3. The actuarial value of the pension referred to in section 64 of the Act is determined using the "benefit allocation" actuarial method and corresponds to the sum of 50% of the actuarial value determined for a male and 50% of the actuarial value determined for a female.

6.4. The actuarial value of the deferred pension referred to in section 68 or 76 of the Act is determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "benefit allocation" method and the actuarial value corresponds to the sum of 50% of the actuarial value determined for a male and 50% of the actuarial value determined for a female.

Actuarial assumptions

For that section 68, the actuarial assumptions apply taking into account the rules of Part D of Section 3 of the CIA Standard.

For that section 68 or 76, the interest rate applicable from the CANSIM series published by Statistics Canada in the Bank of Canada Review is the reported rate for the fourth month preceding the month in which the valuation date falls and not that of the second month.

6.5. For the purposes of section 75 of the Act, the annual value of the initial pension paid to the employee is adjusted by multiplying it by the percentage obtained by dividing the value "A" by the value "B", where

"A" corresponds to the actuarial value at the employee's retirement age; and

"B" corresponds to the actuarial value at age 65.

The actuarial value is determined using the "benefit allocation" actuarial method and the actuarial value corresponds to the sum of 50% of the actuarial value determined for a male and 50% of the actuarial value determined for a female.

6.6. The actuarial value of the benefits referred to in section 117 of the Act is determined using the "benefit allocation" actuarial method and the actuarial assumption of retirement age is the age attained at the date of payment of that actuarial value.".

2. Section 9 is amended by replacing "Schedule V to the Act respecting the Government and Public Employees Retirement Plan" in paragraph 3 by "Table II of Schedule IV.3 to the Regulation under the Act respecting the Government and Public Employees Retirement Plan approved by Order in Council 1845-88 dated 14 December 1988".

3. The following Division is inserted after section 10:

"**DIVISION IV.1**
ACTUARIAL ASSUMPTIONS AND METHOD
(s. 196, 1st par., subpar. 12)

10.1. The actuarial values of the benefits referred to in section 138.1 of the Act are determined using the average pensionable salary that is used to calculate the pension, and the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "projected benefit method pro rated on service".

Actuarial assumptions

(1) Mortality rates:

The mortality rates are determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially indexed benefits:

The interest rates are determined according to the following formula:

((1 + interest rate for a non-indexed benefit) / (1 + indexing rate for a partially-indexed benefit) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of employees with a spouse at retirement:

Males: 85%
Females: 60%

(7) Age of spouse at retirement:

— the male spouse of the member is assumed to be two years older;

— the female spouse of the member is assumed to be three years younger;

(8) Rate of increase of the MPE:

The annual increase in the maximum pensionable earnings within the meaning of the Québec Pension Plan corresponds to the annual rate of inflation plus 1%.

(9) Rate of increase of salaries:

The annual increase in salaries corresponds to the annual increase of the MPE, increased by the annual rate of salary increase.

For the Pension Plan of Peace Officers in Correctional Services

Years of service	Annual rate of increase
0 - 4 years	2.5%
5 - 15 years	0.4%
16 years and over	0.2%

For the Pension Plan of Management Personnel

Age	Annual rate of increase
18 - 35 years	4.60%
36 - 50 years	2.00%
51 years and over	0.70%

(10) Rate of increase in the Tax Act defined benefit limit:

The annual increase of Tax Act defined benefit limits corresponds to that of the maximum pensionable earnings as of each year of the indexing of that limit, in accordance with the Income Tax Act.

(11) Retirement age:

The retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2).

(12) Reduction for early retirement:

The pension under the Pension Plan of Peace Officers in Correctional Services used to determine the actuarial value of the benefits of that plan is reduced by 1/3 of 1% per month computed for each month comprised between the date on which the actuarial value is determined and the first date on which a pension could have been paid to the member without reduction under than plan.".

4. This Regulation is made on 6 December 2005 but has effect as of 1 January 2006.

7339

Gouvernement du Québec

T.B. 203096, 6 December 2005

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Application of Title IV.2 — Amendments

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 215.11.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the amount of the pension and, where applicable, the amount of the pension credit of the person referred to in section 215.11.12 of the Act shall be increased, in accordance with the actuarial assumptions and methods determined by regulation, by an amount corresponding to the actuarial reduction applicable under the person's plan, if the person pays to the Commission administrative des régimes de retraite et d'assurances a certain established amount;

WHEREAS, under subparagraphs 2 and 3 of the first paragraph of section 215.13 of the Act, the Government may, by regulation, determine measures to allow the transfer of the actuarial value of the benefits of a person entitled to a deferred pension and measures designed to encourage retirement, and in particular measures designed to anticipate the payment of certain pension benefits;

WHEREAS, under the first paragraph of section 215.17 of the Act, government regulations under Title IV.2 of the Act shall be made after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in sections 164 and 173.1 of the Act;

WHEREAS the pension committees have been consulted;

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996, as amended;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan *

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, ss. 215.11.13, 215.13 and 215.17)

1. The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following Chapter before Chapter I:

"**CHAPTER 0.1**
ACTUARIAL REDUCTION OFFSET

0.1. For the purposes of section 215.11.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the amount of the pension and, where applicable, of the pension credit shall be increased by an amount corresponding to the actuarial reduction applicable under the person's plan if the person pays the amount established in accordance with the actuarial method and assumptions determined in Schedule III.

If a part of the amount is paid, the increase referred to in the first paragraph shall be adjusted in the proportion of the amount paid over the amount established for the purposes of that paragraph.".

* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 2 June 1996 (1996, *G.O.* 2, 2759), was last amended by the regulation made by Decision T.B. 202421 dated 24 May 2005 (2005, *G.O.* 2, 1738). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

2. Section 6 is amended by replacing "III" in the first paragraph by "IV".

3. Schedule III is replaced by the following:

"**SCHEDULE III**
(ss. 0.1, 5, 6, 11 and 15.1)

ACTUARIAL METHOD AND ASSUMPTIONS

Actuarial method

The actuarial method is the "benefit allocation" method.

For the purposes of section 11, the actuarial value corresponds to the sum of 30% of the actuarial value determined for a male and 70% of the actuarial value determined for a female.

For the purposes of section 15.1, the actuarial value corresponds to the sum of 50% of the actuarial value determined for a male and 50% of the actuarial value determined for a female.

Actuarial assumptions

(1) Mortality rates:

The mortality rates are those determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are those determined according to the following formula:

((1 + interest rate for a non-indexed benefit) / (1 + indexing rate for a partially-indexed benefit)) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the Standard of Practice for Determining Pension Commuted Values confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004, hereafter called the "CIA Standard";

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of married persons at death:

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at death :

— the male spouse of the member is assumed to be one year older ;

— the female spouse of the member is assumed to be four years younger.

For the purposes of sections 5 and 6, the actuarial assumptions apply taking into account the rules of Part D of Section 3 of the CIA Standard.

For the purposes of sections 11 and 15.1, the interest rate applicable from the CANSIM series published by Statistics Canada in the Bank of Canada Review is the reported rate for the fourth month preceding the month in which the valuation date falls and not that of the second month.".

4. Schedule IV is revoked.

5. This Regulation is made on 6 December 2005 but has effect as of 1 January 2006.

7340

Gouvernement du Québec

T.B. 203097, 6 December 2005

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under paragraphs 3 and 8 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government may, by regulation, determine the actuarial assumptions and methods used to calculate the actuarial value of the benefits referred to in those paragraphs ;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988, as amended ;

WHEREAS it is expedient to amend the Regulation to determine the actuarial assumptions and methods to calculate the actuarial value of those benefits ;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers ;

WHEREAS the Minister of Finance has been consulted ;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services *

An Act respecting the Pension Plan of Peace Officers in Correctional Services
(R.S.Q., c. R-9.2, s. 130, pars. 3 and 8)

1. Section 3 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is replaced by the following :

"**3.** For the purposes of this Regulation, the expression "CIA Standard" refers to the Standard of Practice for Determining Pension Commuted Values" confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004.

3.0.1. For the purposes of sections 23 and 41.12 of the Act, the actuarial values of the benefits are established using the following actuarial method and assumptions :

Actuarial method

The actuarial method is the "projected benefit method pro rated on service".

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the regulation made by Decision T.B. 202422 dated 24 May 2005 (2005, *G.O.* 2, 1739). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

In addition, in the case of that section 23, if the employee is less than 5 years from retirement under the Government and Public Employees Retirement Plan or the Pension Plan of Peace Officers in Correctional Services, or less than 3 years from retirement under the Pension Plan of Management Personnel, the pensionable salary of the pension plans involved in the transfer prior to the qualification year under the Pension Plan of Peace Officers in Correctional Services must also be taken into account in determining the average pensionable salary.

Actuarial assumptions

(1) Mortality rates:

The mortality rates are determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially indexed benefits:

The interest rates are determined according to the following formula:

((1 + interest rate for a non-indexed benefit) / (1 + indexing rate for a partially-indexed benefit) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	Addition to the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate: Nil

(5) Disability rate: Nil

(6) Proportion of employees with a spouse at retirement:

Males: 85%
Females: 60%

(7) Age of spouse at retirement:

— the male spouse of the member is assumed to be two years older;

— the female spouse of the member is assumed to be three years younger;

(8) Rate of increase of the MPE:

The annual increase of the maximum pensionable earnings within the meaning of the Québec Pension Plan corresponds to the annual rate of inflation plus 1%.

(9) Rate of increase of salaries:

The annual increase in salaries corresponds to the annual increase of the MPE, increased by the annual rate of salary increase.

For the Pension Plan of Peace Officers in Correctional Services

Years of service	Annual rate of increase
0 - 4 years	2.5%
5 - 15 years	0.4%
16 years and over	0.2%

For the Government and Public Employees Retirement Plan, the Teachers Pension Plan and the Civil Service Superannuation Plan

Years of service	Annual rate of increase
0 - 10 years	2.50%
11 - 20 years	0.75%
21 years and over	0.25%

For the Pension Plan of Management Personnel

Age	Annual rate of increase
18 - 35 years	4.60%
36 - 50 years	2.00%
51 years and over	0.70%

(10) Rate of increase in the Tax Act defined benefit limit:

The annual increase of Tax Act defined benefit limits corresponds to that of the maximum pensionable earnings as of each year of the indexing of that limit, in accordance with the Income Tax Act (R.S.C. 1985, c. 1, 5th supp.).

(11) Retirement age:

For the purposes of section 41.12 of the Act, the retirement age is the age on the date on which membership ceases as determined pursuant to section 8.7 or 8.8 of the Act.

For the purposes of section 23 of the Act, retirement is determined according to the following retirement rates:

For the Pension Plan of Peace Officers in Correctional Services

For an employee attaining or who would attain 32 years of service before age 50	• 100% at age 50
For an employee attaining or who would attain 30 years of service before age 60	• 60% at 30 years of service • 100% (of the remaining 40%) at 32 years of service
For an employee who would attain 30 years of service at age 60 or after	• 60% at age 60 • 100% (of the remaining 40%) at 32 years of service or at age 65 if the employee attains that age without attaining 32 years of service
For an employee with at least 32 years of service at the time of transfer	• 100% six months after the transfer
For an employee who is 60 years of age or older at the time of transfer	• 60% six months after the transfer • 100% (of the remaining 40%) at 32 years of service or at least age 65 if the employee attains that age without attaining 32 years of service

If the first two criteria apply, the assumption retained is that of the first criteria attained.

If the last two criteria apply, the assumption retained is that of the criteria of 32 years of service.

For the Government and Public Employees Retirement Plan, the Teachers Plan and the Civil Service Superannuation Plan

For an employee attaining or who would attain 35 years of service before attaining age 55	• 100% at age 55
For an employee attaining or who would attain 35 years of service between age 55 years and age 60	• 100% at 35 years of service
For an employee who would attain 35 years of service at age 60 or after	• 60% at age 60 • 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

For an employee who has at least 30 years of service at the time of transfer	• 100% six months after the transfer
For an employee who is 60 years of age or older at the time of transfer	• 60% six months after the transfer • 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

If the last two criteria apply, the assumption retained is that of the criteria of 35 years of service.

For the Pension Plan of Management Personnel

For an employee attaining or who would attain 35 years of service before age 55	• 100% at age 55
For an employee whose age and years of service add up or would add up to 88 or more "criteria 88" at age 55 or older but before age 60	• 60% at criteria 88 • 100% (of the remaining 40%) at 35 years of service or at age 65 if the employee attains that age without attaining 35 years of service
For an employee who has fewer than 28 years of service at age 60	• 60% at age 60 • 100% (of the remaining 40%) at age 65
For an employee who has at least 35 years of service at the time of transfer	• 100% six months after the transfer
For an employee who is 60 years of age or older at the time of transfer	• 60% six months after the transfer • 100% (of the remaining 40%) at 35 years of service or age 65 if the employee attains that age without attaining 35 years of service

If the last two criteria apply, the assumption retained is that of the criteria of 35 years of service.".

2. Section 8 is replaced by the following:

"**8.** The actuarial value of the pension referred to in section 103 of the Act is determined using the following actuarial method and assumptions:

Actuarial method

The actuarial method is the "benefit allocation" method.

Actuarial assumptions

(1) Mortality rates:

The mortality rates are those determined in accordance with the CIA Standard.

(2) Interest rates:

For fully-indexed and non-indexed benefits:

The interest rates are those determined in accordance with the CIA Standard.

For partially-indexed benefits:

The interest rates are those determined according to the following formula:

((1 + interest rate for a non-indexed benefit) / (1 + indexing rate for a partially-indexed benefit) – 1

The result must be rounded to the nearest multiple of 0.25%.

(3) Indexing rate:

(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;

(b) for a benefit indexed according to the excess of the rate of increase in the pension index (PI) over 3% or to half of the rate of increase in the pension index, the indexing rate corresponds respectively to the excess of the indexing rate computed in the manner provided in subparagraph *a* over 3% or to half the indexing rate computed in the manner provided in that subparagraph.

In order to take into account the inflation rate variations, the following additions are made to the results of effective indexing formulas for actuarial value computation purposes.

Inflation level	Addition to the result of the PI-3% formula	Adjusted indexing rate	the result of the 50% PI, min. PI-3% formula	Adjusted indexing rate
0.5	0.1	0.1	0.05	0.3
1.0	0.1	0.1	0.10	0.6
1.5	0.3	0.3	0.15	0.9
2.0	0.5	0.5	0.20	1.2
2.5	0.7	0.7	0.15	1.4
3.0	1.0	1.0	0.20	1.7
3.5	0.8	1.3	0.25	2.0
4.0	0.6	1.6	0.30	2.3
4.5	0.5	2.0	0.45	2.7
5.0	0.4	2.4	0.50	3.0

(4) Turnover rate : Nil

(5) Disability rate : Nil

(6) Proportion of married persons at death :

Age	Male	Female
18 - 64 years old	85%	65%
65 -79 years old	80%	30%
80 - 109 years old	60%	10%
110 years old	0%	0%

(7) Age difference between spouses at death :

— the male spouse of the member is assumed to be one year older ;

— the female spouse of the member is assumed to be four years younger.

(8) Retirement age :

Age attained at the date of payment of the actuarial value.”.

3. This Regulation is made on 6 December 2005 but has effect as of 1 January 2006.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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