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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SEVENTH LEGISLATURE

Bill 137
(2006, chapter 4)

An Act respecting reserved designations and added-value claims

Introduced 6 December 2005
Passage in principle 13 December 2005
Passage 13 April 2006
Assented to 19 April 2006

Québec Official Publisher
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EXPLANATORY NOTES

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

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

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

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

LEGISLATION REPLACED BY THIS BILL:

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

Bill 137

AN ACT RESPECTING RESERVED DESIGNATIONS AND ADDED-VALUE CLAIMS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND PRINCIPLES

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

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

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

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

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

(3) reserved designations relating to specificity.

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

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

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

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

CHAPTER II

CONSEIL DES APPELLATIONS RÉSERVÉES ET DES TERMES VALORISANTS

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

The Board is a legal person.

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

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

9. The mission of the Board is

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

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

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

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

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

10. To that end, the Board

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

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

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

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

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

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

(1) producers;

(2) processors;

(3) distributors;

(4) retailers;

(5) certification bodies;

(6) consumers; and

(7) producers of products that contain alcohol.

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

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

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

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

15. The Board assigns the following functions to committees:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER III

REGULATORY MEASURES

DIVISION I

RECOGNITION AND AUTHORIZATION

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

(1) recognizes the reserved designation concerned; or

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

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

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

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

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

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

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

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

DIVISION II

INSPECTION AND SEIZURE

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

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

(1) enter the premises at any reasonable time;

(2) inspect the products, the premises and any object to which this Act and the regulations apply, and take samples free of charge;

(3) take photographs or make recordings; and

(4) require the production of any book, bill of lading, record or other document for examination or for the purpose of making copies or extracts, if the inspector has reasonable grounds to believe that they contain information related to the application of this Act or the regulations.

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

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

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

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

DIVISION III

AUTHORIZATION TO REMEDY

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

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

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

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

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

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

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

DIVISION IV

DISPOSAL OF THING SEIZED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IV

ACCREDITATION

DIVISION I

ACCREDITATION PROCESS

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

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

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

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

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

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

DIVISION II

EFFECT OF ACCREDITATION

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

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

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

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

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

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

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

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

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

DIVISION III

WITHDRAWAL OF ACCREDITATION

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

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

CHAPTER V

POWERS OF THE GOVERNMENT AND THE MINISTER

DIVISION I

REGULATORY POWERS

57. The Minister may make regulations

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

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

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

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

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

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

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

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

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

DIVISION II

OTHER POWERS OF THE MINISTER

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

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

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

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

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

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

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

CHAPTER VI

OFFENCES AND PENALTIES

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

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

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

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

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

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

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

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

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

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

CHAPTER VII

MISCELLANEOUS PROVISIONS

DIVISION I

FUNDING OF THE BOARD

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

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

DIVISION II

TRANSITIONAL AND FINAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

Coming into force of Acts

Gouvernement du Québec

O.C. 329-2006, 26 April 2006

An Act respecting the Québec correctional system (2002, c. 24)
— Coming into force

COMING INTO FORCE of the Act respecting the Québec correctional system

WHEREAS the Act respecting the Québec correctional system (2002, c. 24) was assented to on 13 June 2002;

WHEREAS, under section 211 of the Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the dates of coming into force of the provisions of the Act, except section 16;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the provisions of the Act respecting the Québec correctional system (2002, c. 24) come into force on 5 February 2007, except

(1) sections 140 to 142, sections 59, 119, 160, 175 and 176, to the extent that they deal with a temporary absence for a family visit and section 175, to the extent that it deals with communication of the date of the offender's eligibility for a temporary absence for reintegration purposes, which will come into force on 4 June 2007;

(2) section 5 which will come into force on 3 March 2008; and

(3) section 16 which will come into force on a date to be fixed by the Government.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 331-2006, 26 April 2006

An Act to abolish certain public bodies and transfer administrative responsibilities (2005, c. 44)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to abolish certain public bodies and transfer administrative responsibilities

WHEREAS the Act to abolish certain public bodies and transfer administrative responsibilities (2005, c. 44) was assented to on 16 December 2005;

WHEREAS, under section 59 of the Act, its provisions come into force on 16 December 2005, except sections 18 to 27 and 35, which came into force on 1 January 2006, sections 36 to 57, which came into force on 1 April 2006, and sections 28 to 34 which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of sections 28 to 34 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT sections 28 to 34 of the Act to abolish certain public bodies and transfer administrative responsibilities (2005, c. 44) come into force on 5 February 2007.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7583

Regulations and other acts

Gouvernement du Québec

O.C. 339-2006, 26 April 2006

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

**Collège des médecins du Québec
— Terms and conditions for the issuance of the permit and specialist's certificates**

Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec

WHEREAS, under parargraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *h* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS, under section 95 of the Code and subject to sections 95.1 and 95.2, every regulation made by the Bureau of a professional order under this Code or an Act constituting a professional order is to be transmitted to the Office for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Bureau of the Collège des médecins du Québec made the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 December 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec

Professional Code
(R.S.Q., c. C-26, s. 93, sub. *c*, s. 94 sub. *h* and *i* and s. 94.1)

DIVISION I
GENERAL PROVISIONS

1. The purpose of this Regulation is to determine the rules governing access to the medical profession. Notably, it prescribes the rules concerning the issue of permits for the practice of medicine contemplated in section 33 of the Medical Act (R.S.Q., c. M-9) and specialist's certificates contemplated in section 37 of that Act. It also

determines standards for equivalence of medical diplomas and postdoctoral training and establishes the procedure for recognizing the equivalence.

2. In this Regulation:

(1) "committee" means the committee formed by the Bureau of the Collège des médecins du Québec under subparagraph (2) of section 86.0.1 of the Professional Code (R.S.Q., c. C-26) to examine applications for permits, specialist's certificates, diploma equivalence and training equivalence;

(2) "diploma in medicine" means a diploma recognized by government regulation as giving access to the permit or to a specialist's certificate, made under the first paragraph of section 184 of the Professional Code;

(3) "equivalence of the diploma in medicine" means recognition by the Bureau that a diploma issued by an educational establishment situated outside Québec certifies that the candidate's level of knowledge and clinical experience is equivalent to that of a holder of a diploma with a degree in medicine;

(4) "postdoctoral training equivalence" means recognition by the Bureau that training acquired at an educational establishment situated outside Québec is equivalent in duration and content to that in accordance with schedule I;

(5) "resident" means the holder of a diploma in medicine or the candidate recognized by the Bureau as having the equivalent of a diploma, who is registered in a postdoctoral university program and effects training periods in that program;

(6) "training sites" mean centres operated by institutions within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or institutions within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), affiliated with universities that issue medical diplomas as well as offices, medical clinics or other sites proposed by the university's competent authorities and recognized by the committee.

3. The secretary of the committee may ask for any document and do any verification to ensure the veracity, the legality and the authenticity of the documents provided in support of an application filed pursuant to this Regulation.

DIVISION II
TERMS AND CONDITIONS FOR THE ISSUANCE OF THE PERMIT AND SPECIALIST'S CERTIFICATES

§1. Postdoctoral training

4. The postdoctoral training which the duration and the content are set out in schedule I consists of a series of training periods served in training sites as part of a university training program approved by the Bureau, in accordance with the terms and conditions of this approval.

Postdoctoral training is deemed complete in the opinion of the Bureau where the resident, according to all training reports, possesses the required professional knowledge and skills to practise medicine autonomously.

5. In order for a resident to undertake postdoctoral training, the secretary of the Collège issues a training card to a resident who applies therefore and meets the following conditions:

(1) holds a registration certificate and is entered in the register for training organized by the Collège pursuant to subparagraph *c* of section 15 of the Medical Act;

(2) provides proof of admission to a university program of postdoctoral training;

(3) pays the fees prescribed pursuant to subparagraph (8) of section 86.0.1 of the Professional Code for obtaining a training card.

6. The training card indicates the postdoctoral university training program in which the resident is registered, the training sites where he primarily effects his training periods and their duration as well as his training level.

Furthermore, the training card mentions that training periods may also be effected in any other training site not indicated on the card.

7. The training card is valid for the period of time indicated on it, and is renewable until the postdoctoral training period is completed.

However, it expires if a resident is expelled from the postdoctoral university training program, in case of abandonment by the resident of postdoctoral training or on the date his registration certificate is revoked in accordance with the provisions of the Regulation respecting causes, terms and conditions for issuing and revoking registration in medicine approved by Order in Council No. 1084-2003 of October 15, 2003.

8. A resident is authorized to engage in, amongst professional activities reserved to physicians, those corresponding to his level of training and required to complete his postdoctoral training, if he fulfils the following conditions:

(1) he does so in the training sites required to attain the objectives of the training periods in accordance with the stipulations on his training card;

(2) he does so under the supervision of competent persons and in compliance with the rules applicable to physicians, particularly those concerning ethics, prescriptions, and keeping of records and consulting rooms.

§2. Examinations

9. The final examination evaluates whether the candidate is qualified to practise medicine autonomously.

The final examination includes one or more components that may be administered by a body with which the Bureau has made an agreement for such purpose pursuant to subparagraph (7) of section 86.0.1 of the Professional Code. The Bureau determines the component or components to be used as well as the prerequisite components.

10. Is eligible for the final examination the candidate recommended by a faculty of medicine and who on the date set for the examination:

(1) has completed 18 months of training, in the case of postdoctoral training lasting 24 months;

(2) has completed 48 months of training, in the case of postdoctoral training lasting 60 months;

(3) has completed 60 months of training, in the case of postdoctoral training lasting 72 months.

11. The holder of a restrictive permit issued under section 35 of the Medical Act is eligible for the final examination if he fulfils the following conditions:

(1) the Bureau has recognized an equivalence of postdoctoral training;

(2) the renewal of his restrictive permit was obtained;

(3) he is recommended by the department head of the institution where he primarily engages in his medical activities.

12. The secretary of the committee notifies to the candidate in writing his eligibility for the examination. If eligibility is denied, the secretary must include the reasons of the decision in writing.

13. To be able to sit an examination, a candidate must fill out a registration application and must return it to the secretary of the committee before the deadline set by the secretary of the committee for registration to examinations.

14. The candidate must take the final examination no later than two years after the end of his postdoctoral training or the Bureau's decision on his application for equivalence of postdoctoral training.

At the end of that period, the candidate may not take the examination unless he proves to the committee that he has kept his knowledge up to date and maintained the necessary professional skills acquired during the postdoctoral training or obtained a recognition of the equivalence of this training.

15. Is constituted a jury of examiners that is appointed by the committee when the selected components issue from the Collège.

The examiners remain in office until they are replaced.

The secretary of the committee may appoint additional examiners to assist the jury or to replace an examiner who is unable to act.

16. When the selected examination components issue from the Collège, the jury determines the content and the procedure of the examination as well as the pass mark, supervises its administration and determines whether a candidate passes the examination, taking into account, if need be, all the training reports.

The jury also determines the content of any component of the supplemental examination available to the candidate who failed the Collège's examination.

17. At least one examination session is held each year.

18. The secretary of the committee informs the candidate in writing that he has passed or failed the examination.

19. As of the first failure, the committee may require the candidate to complete additional postdoctoral training whose content and duration are determined by the com-

mittee before taking the supplemental examination. The candidate may not take the supplemental examination unless completing the additional training and sending the secretary of the committee an attestation to that effect.

20. A candidate who fails the examination is entitled to two supplemental examinations in the next two years. He must, where applicable, include with his registration a document certifying that he has completed additional postdoctoral training.

Notwithstanding the foregoing, the candidate who demonstrates to the Committee that he was unable to take the supplemental examinations within the prescribed period because of illness, accident, pregnancy, death of a member of his immediate family or superior force must be granted an additional period of time to take a supplemental examination to comply with those conditions equivalent to the period during which he was unable to complete the supplemental examination but not exceeding one year.

21. Cheating or plagiarism, participation in cheating or plagiarism, or any attempt to cheat or plagiarize shall result in the failure of the examination upon the Bureau's decision.

The Bureau may also exclude the candidate from an examination session. When the Bureau intends to temporarily or permanently exclude a candidate from an examination session, the secretary of the committee so advises the candidate at least 30 days before the date on which his decision will be made.

The notice must inform the candidate of the reasons warranting the exclusion and the possibility, within this timeframe, to submit comments including during a meeting, and, as the case may be, to produce documents to complete his file.

22. A candidate who has failed a component of the examination held by the Collège may apply for a review of the jury's decision to the review committee if he considers that the failure was caused by a factor related to the examination process.

He must forward his application to the secretary of the committee and the dues prescribed pursuant to subparagraph (8) of section 86.0.1 of the Professional Code, within 30 days of the date of receipt of the examination results.

When the review committee intends dismissing the application, the secretary of the committee so notifies the candidate at least 30 days prior to the date fixed for the rendering of his decision. The notice must indicate to the candidate the reasons justifying the dismissal as well as of the possibility, within this timeframe, to submit comments including during a meeting, and to produce documents to complete his file.

23. The review committee is composed of three members appointed by the committee.

24. Within 90 days of the date of receipt of the application or of the candidate's comments, if he has used his right to submit them, the review committee renders one or more of the following decisions in writing:

(1) dismiss the application;

(2) grant the application in whole or in part and decide that the candidate has passed a component of the examination;

(3) authorize the candidate to take a new examination before a new jury that is not a supplemental examination within the meaning of section 20, on a date determined by the secretary of the committee, without additional expenses.

The review committee must state reasons for any decision dismissing the application. When the application is granted in whole or in part, the committee orders that the paid fees for the application to appeal be refunded to the candidate.

The secretary of the committee informs the candidate of the review committee's decision, within 30 days of the date the committee's decision is rendered, by any means providing proof of receipt.

§3. Applications for permit and certificates

25. The Bureau issues a permit referred to in section 33 of the Medical Act and an attestation in family medicine or a specialist's certificate to a candidate who meets the following conditions, in addition to the conditions and formalities imposed by law:

(1) he has completed the postdoctoral training in accordance with schedule I and has passed the family medicine examination or the examination prescribed for the specialty concerned;

(2) he must apply on the form provided by the Collège for that purpose;

(3) he must pay the fees prescribed pursuant to subparagraph (8) of section (8) of the Professional Code for obtaining the permit and the certificate.

DIVISION III
STANDARDS OF EQUIVALENCE

§1. Standards of equivalence of the degree in medicine

26. The diploma of doctor of medicine awarded by a university situated outside Québec is equivalent to a diploma in medicine, provided that the faculty of medicine of that university is accredited by the Association of Canadian Medical Colleges or the Liaison Committee on Medical Education on the date the diploma is awarded.

27. The diploma of doctor of osteopathy awarded by a school of osteopathic medicine situated in the United States is equivalent to a diploma of medicine, providing that the school is accredited by the Bureau of Professional Education of the American Osteopathic Association on the date the diploma is awarded and that the diploma holder has passed examinations determined by the Bureau.

Sections 20 to 24 apply to the candidate who has sat the examinations contemplated in the first paragraph, adapted as required.

28. The diploma of doctor of medicine awarded by a school of medicine or a university that is not accredited by a body recognized by the Collège contemplated in section 26 is equivalent to a diploma in medicine when:

(1) the school or faculty of medicine of that university is listed in the "World Directory of Medical Schools" published by the World Health Organization on the date the diploma is awarded;

(2) the diploma holder has passed the examinations determined by the Bureau;

Sections 20 to 24 apply to the candidate concerned in subparagraph (2) of the first paragraph adapted as required.

29. The effect of the Bureau issuing a restrictive permit contemplated in section 35 of the Medical Act is the recognition of the equivalence of the degree in medicine.

§2. Standards of equivalence for postdoctoral training

30. Training is recognized as equivalent to the whole or a part of the postdoctoral training in medicine provided that it is equivalent in duration and content to one of the training programs listed in schedule I and is completed in a university postdoctoral training program in medicine that is accredited by:

(1) the College of Family Physicians of Canada;

(2) the Royal College of Physicians and Surgeons of Canada; or

(3) the Accreditation Council for Graduate Medical Education.

31. A maximum equivalence of 12 months of training in family medicine or 24 months of training in one of the specialties listed in schedule I is recognized if the candidate:

(1) has completed a postdoctoral training in medicine within an approved university program contemplated in section 30;

(2) proves that he holds three years of relevant experience in family medicine or in the specialty concerned for each year of training for which he is applying for an equivalence recognition.

32. To submit an application for equivalence of postdoctoral training in one of the training programs listed in schedule I the candidate must:

(1) hold a diploma in medicine or have been awarded an equivalence of the diploma in medicine by the Bureau;

(2) have completed postdoctoral training, in a non-approved university program, equivalent in duration and content to half that outlined in schedule I.

For the purposes of having this equivalence recognized, the candidate must complete a 12-month classification training period in a postdoctoral university training program determined by the committee.

Semestrial training reports signed by the deans of the faculties of medicine or their representatives must be transmitted to the committee.

The holder of a restrictive permit is dispensed from satisfying the obligations set out in the second and third paragraphs.

33. The committee examines the application for equivalence of postdoctoral training, including the training reports and makes a recommendation to the Bureau.

The committee may not recommend to the Bureau to grant the equivalence of training recognition whose total duration is less than that contemplated in schedule 1 for the discipline concerned.

§3. Standards of equivalence for examinations

34. Is exempted from sitting at the equivalent of an examination component if, for the purpose of the issue of a specialist's certificate or a certification in family medicine, the candidat has passed the examination of one of the following bodies:

(1) the College of Family Physicians of Canada;

(2) the Medical Council of Canada;

(3) the Royal College of Physicians and Surgeons of Canada, subsequent to an agreement entered into under subparagraph (7) of section 86.0.1 of the Professional Code between the Collège and the Royal College of Physicians and Surgeons of Canada on the harmonization of the examination for the specialty concerned.

Notwithstanding subparagraph (3) of the first paragraph, the candidate who passes the specialty examination before this agreement is reached is also exempted from sitting at the equivalent of an examination component upon presentation of a certificate from the Royal College of Physicians and Surgeons of Canada certifying that he has complied with the Maintenance of Certification program or the Continuing Professional Development program.

The candidate who passed the specialty examination before the agreement contemplated in subparagraph (3) of the first paragraph is reached and who does not satisfy the conditions contemplated in the second paragraph is also exempted from sitting at one or more examination components if the committee decides that the content of the examination passed was equivalent to that of the components used since the agreement contemplated in subparagraph (3) of the first paragraph, and if the candidate demonstrates that he has maintained his professional standards in this specialty.

§4. Standards of equivalence for the creation of a new specialty

35. Within 30 days after the date of the coming into force of a regulation of the Bureau creating a new specialty, the secretary of the Collège informs each physician by means of a written notice of the creation of the new specialty and, pursuant to subparagraph *e* of section 94 of the Professional Code, the date on which the regulation creating it comes into force.

36. Within six months following the delivery of that notice, a physician may, in order to obtain a specialist's certificate in the new specialty, demonstrate to the committee that his training, the training periods he has completed or his professional experience, as a whole, comply with the provisions of this Regulation as for the postdoctoral training and the examination in the specialty prescribed for obtaining a specialist's certificate in the new specialty. To that end, he must attach to his application:

(1) an attestation to the effect that he practises in the field of professional activities related to the new specialty, with a description of his professional activities;

(2) a certified true copy of any diploma or certificate as well as attestations to the effect that he has acquired the training, knowledge and professional skills related to the new specialty.

37. The committee may appoint experts to examine these applications.

DIVISION IV
EQUIVALENCES RECOGNITION PROCEDURE

38. The secretary of the committee forwards the necessary information to a candidate who wishes to have an equivalence recognized.

39. The candidate who applies for an equivalence recognition fills out the form provided by the Collège for this purpose and includes the amount set by the Bureau pursuant to subparagraph (8) of section 86.0.1 of the Professional Code.

The candidate must also provide those of the following documents necessary to support his application:

(1) a certified true copy of his degree in medicine;

(2) a certified true copy of any diploma or certificate issued outside Québec that is pertinent to the application, as well as the proof that they were issued after the examination was passed;

(3) an attestation to the effect that he has completed his postdoctoral training in medicine in whole or in part, including a description of the completed training, the completed training periods and the duration thereof as well as the proof that they were completed;

(4) the training periods reports signed by the deans of the faculties of medicine of the universities with which the training sites are affiliated;

(5) an attestation to the effect that he practises or has practised medicine competently, supported by references from the medical authorities concerned;

(6) a recent document certifying of his professional conduct signed by the person having the authority;

(7) an attestation issued, as the case may be, by the College of Family Physicians of Canada, the Royal College of Physicians and Surgeons of Canada, the Medical Council of Canada, the American Board of Family Practice or the American Board of Medical Specialties, to the effect that he has passed the examination required for the issue of a specialist's certificate or, as the case may be, a certified true copy of his certificate;

(8) the proof that examinations determined by the Bureau have been passed.

40. Documents provided in support of an application for equivalence that are written in a language other than French or English must be accompanied by a translation into French, attested by a solemn affirmation from an official certified translator or, if not from Québec, by a translator recognized by the authorities from his province or country.

41. The secretary forwards the file of a candidate applying for equivalence recognition to the committee. After examining the file, the committee provides reasons for its decision to the Bureau.

42. When the committee intends to provide reasons for its decision to the Bureau to the effect he does not intend to grant the diploma equivalence, the secretary of the committee must so notify the candidate and give him the opportunity to make written representations within 30 days of the date of receipt of the committee's notice.

43. The Bureau decides whether or not the candidate must be granted an equivalence at the meeting following receipt of the committee's recommendation.

44. The secretary of the committee informs the candidate concerned in writing of the decision of the Bureau within 30 days following the date on which it was rendered.

When the Bureau decides not to grant an equivalence, the secretary of the committee must on the same occasion inform him in writing, as the case may be, of the conditions to be met to obtain the equivalence recognition applied for.

DIVISION V
TRANSITIONAL AND FINAL PROVISIONS

45. Any application on which the committee has not made a recommendation on the date of coming into force of this Regulation continue to be examined in accordance with the provisions of this Regulation.

46. Notwithstanding section 14, a candidate who has a letter of eligibility to the examination on the date of coming into force of this Regulation must take the examination of the specialty or of family medicine before this one expires.

Once the letter of eligibility expires, a candidate must not take the examination unless he demonstrates that he has kept his knowledge up to date and maintained the required professional skills for which he completed the postdoctoral training or obtained an equivalence recognition for this training.

47. Notwithstanding section 20, a candidate who has failed two supplemental examinations on the date of coming into force of this Regulation is entitled to take one supplemental examination in the 18 months following the date of coming into force of this Regulation.

48. This Regulation replaces the Regulation respecting additional terms and conditions for the issue of permits by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions, approved by Order in Council No. 143-2000 of February 16, 2000, the Regulation respecting the standards for equivalence of diplomas for the issue of a permit or specialist's certificate by the Collège des médecins du Québec approved by Order In Council No. 142-2000 of February 16, 2000 and the Regulation respecting the specialties within the medical profession, additional terms and conditions for the issue of specialist's certificates by the Collège des médecins du Québec and fixing standards of equivalence for certain of those terms and conditions approved by Order in Council No. 144-2000 of February 16, 2000.

49. Section 2 of the Regulation respecting professional acts that may be performed by persons other than physicians and the applicable terms and conditions* is repealed.

50. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

* This Regulation respecting the professional acts that be performed by persons others than physicians and the applicable terms and conditions approved by Order in Council No. 1212-2002 of October 9, 2002 (2202, *G.O.* 2, 5571) has not been amended since its approval.

SCHEDULE I
(s. 2, 4, 25, 30 to 33)

POSTDOCTORAL TRAINING

DIVISION I
24-MONTHS POSTDOCTORAL TRAINING

1. Family medicine 24 months of training including:

a) 12 months of training in family medicine, including emergency practice;
b) 6 months of training in other specialties;
c) 6 months of training, the content of which is determined by the university program contemplated in section 4.

DIVISION II
60-MONTHS POSTDOCTORAL TRAINING

1. Anatomical pathology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 36 months of training in anatomical pathology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

2. Anesthesiology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 6 months of training in internal medicine;
c) 30 months of training in anesthesiology including:
— 3 months of training in pediatric anesthesiology; and
— 3 months of training in critical care; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

3. Medical biochemistry 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in internal medicine or in pediatrics;
c) 24 months of training in medical biochemistry including:
— 12 months of training in a centre operated by an institution within the meaning of the Act respecting health services and social services; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

4. General surgery 60 months of training including:

a) 48 months of training in surgery including:
— 6 months of training in fields related to the specialty; and
— 42 months of training in general surgery, 12 months of which may be in other surgical fields; and
b) 12 months of training the content of which is determined by the university program contemplated in section 4.

5. Orthopedic surgery 60 months of training including:

a) 12 months of training in surgery;
b) 36 months of training in orthopedic surgery including:
— 6 months of training in pediatric orthopedic surgery; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

6. Plastic surgery 60 months of training including:

a) 12 months of training in surgery;
b) 36 months of training in plastic surgery including:
— 3 months of training in pediatric plastic surgery; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

7. Dermatology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in internal medicine or in pediatrics;
c) 24 months of training in dermatology; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

8. Endocrinology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in endocrinology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

9. Gastroenterology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in adult and pediatric gastroenterology of which:
— 6 months may be replaced by 6 months of training in internal medicine or in pediatrics; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

10. Medical genetics 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in medical genetics; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

11. Geriatric medicine 60 months of training including:

a) 24 months of training in internal medicine;
b) 24 months of training in geriatric medicine including:
— 3 months of training in psychogeriatrics; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

12. Hematology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in hematology including:
— 9 months of clinical training in adult or pediatric hematology,
— 9 months of training in a hematology laboratory; and
— 6 months of training in fields related to the specialty; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

13. Clinical immunology and allergy 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in clinical immunology and allergy including:
— 3 months of training in pediatric allergy; and
— 3 months of training in adult allergy; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

14. Emergency medicine 60 months of training including:

a) 24 months of training in family medicine or in fields related to the specialty;
b) 24 months of training in emergency medicine; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

15. Internal medicine 60 months of training including:

a) 54 months of training in internal medicine including training in subspecialties for periods of not more than 3 months per subspecialty;
— 6 of those months may be replaced by 6 months of training in fields related to the specialty; and
b) 6 months of training the content of which is determined by the university program contemplated in section 4.

16. Nuclear medicine 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in internal medicine or in pediatrics;
c) 24 months of training in nuclear medicine; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

17. Medical microbiology and infectious diseases 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics; and
b) 36 months of training in medical microbiology and infectious diseases including:
— 24 months of training in a medical microbiology diagnostic laboratory; and
— 12 months of training in infectious diseases.

18. Nephrology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in nephrology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

19. Neurology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in internal medicine or in pediatrics;
c) 24 months of training in neurology;
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

20. Obstetrics and gynecology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 36 months of training in obstetrics and gynecology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

21. Medical oncology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in medical oncology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

22. Ophthalmology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 36 months of training in ophthalmology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

23. Otolaryngology 60 months of training including:

a) 12 months of training in surgery;
b) 36 months of training in otolaryngology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

24. Pediatrics 60 months of training including:

a) 48 months of training in pediatrics; and
b) 12 months of training the content of which is determined by the university program contemplated in section 4.

25. Physiatry 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in internal medicine 6 months of which may be replaced by 6 months of training in pediatrics;
c) 24 months of training in physiatry including:
— 3 months of training in a rehabilitation centre; and
— 3 months of training in pediatric rehabilitation; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

26. Pneumology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in pneumology; and
c) 2 months of training the content of which is determined by the university program contemplated in section 4.

27. Psychiatry 60 months of training including:

a) 12 months of training at least 6 months of which are in fields related to the specialty;
b) 36 months of training in psychiatry including:
— 6 months of training in pedopsychiatry; and
— 6 months of training in psychiatric long-term care and in rehabilitation; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

28. Diagnostic radiology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 36 months of training in diagnostic radiology including:
— 6 months of training in ultrasonography; and
c) 12 months of training the content of which is determined by the university program contemplated in section 7.

29. Radiation oncology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 36 months of training in radiation oncology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

30. Rheumatology 60 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in rheumatology; and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

31. Community health 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 24 months of training in a community health program and a master's degree in a field relevant to community health;
c) 12 months of practical training in community health; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

32. Urology 60 months of training including:

a) 12 months of training in fields related to the specialty;
b) 12 months of training in surgery;
c) 24 months of training in urology; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

DIVISION III
72-MONTHS POSTDOCTORAL TRAINING

1. Cardiology 72 months of training including:

a) 24 months of training in internal medicine or in pediatrics;
b) 24 months of training in cardiology including:
— 1 month of training in pediatric cardiology; and
c) 24 months of training the content of which is determined by the university program contemplated in section 4.

2. Cardiac surgery 72 months of training including:

a) 24 months of training in surgery;
b) 24 months of training in cardiac surgery including:
— 6 months of training in pediatric cardiac surgery;
c) 12 months of training including:
— 6 months of training in thoracic surgery; and
— 6 months of training in general surgery or vascular surgery; and
d) 12 months of training the content of which is determined by the university program contemplated in section 4.

3. Neurosurgery 72 months of training including:

a) 24 months of training in fields related to the specialty;
b) 36 months of training in neurosurgery, and
c) 12 months of training the content of which is determined by the university program contemplated in section 4.

7584

Draft Regulations

Draft Regulation

An Act respecting the Director of Criminal and Penal Prosecutions
(2005, c. 34)

Director of Criminal and Penal Prosecutions — Criteria for the selection

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 criteria for the selection of the Director of Criminal and Penal Prosecutions, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

Section 2 of the Act respecting the Director of Criminal and Penal Prosecutions (2005, c. 34) provides that on the recommendation of the Minister of Justice, the Government appoints the Director from among advocates with at least ten years' practice. The person recommended must be chosen from a list of persons declared qualified to hold the office by the selection committee. Section 3 of the Act provides that the Minister forms the selection committee, which is made up of the Deputy Minister of Justice and four other members including an advocate recommended by the Bâtonnier of the Province of Québec, a professor of law, a representative of bodies in the municipal sector and a person active in a crime victims support organization.

The selection committee evaluates the candidates' aptitude on the basis of their knowledge, particularly in criminal and penal law, their experience and their qualifications, according to the criteria determined by regulation. The selection committee then presents to the Minister a report in which it lists the candidates it has met whom it considers qualified to hold the office of Director.

The draft Regulation determines the criteria to be used by the selection committee to evaluate the candidates' aptitude to hold the office of Director of Criminal and Penal Prosecutions.

The draft Regulation will have no financial impact on the public or enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Pierre Reid, Office of the Deputy Minister, Ministère de la Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 1M1; telephone: 418 643-4090; fax: 418 643-3877; e-mail: preid@justice.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 45-day period to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 1M1.

YVON MARCOUX,
Minister of Justice

Regulation respecting the criteria for the selection of the Director of Criminal and Penal Prosecutions

An Act respecting the Director of Criminal and Penal Prosecutions
(2005, c. 34, s. 3)

1. The selection committee formed by the Minister of Justice pursuant to section 3 of the Act respecting the Director of Criminal and Penal Prosecutions (2005, c. 34) is to evaluate the aptitude of the candidates for the office of Director of Criminal and Penal Prosecutions according to the following criteria:

(1) knowledge criteria:

— knowledge of criminal and penal law and the related procedure;
— knowledge of the field of administration of criminal and penal justice and its functioning;
— knowledge of the major social issues, phenomenon of crime and related public policies;
— management knowledge, particularly in the area of human resources management;

(2) requisite experience:

— experience as an advocate or in another capacity, and relevance of the experience to the exercise of the functions of Director;

(3) aptitudes:

— judgment and decisiveness;
— open-mindedness, perceptiveness and level-headedness;
— ability to develop a strategic vision;
— moral courage, ethics, integrity and fairness;
— notion of the function of Director;
— sensitivity to changes in social values;
— ability to communicate and quality of expression.

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

7586

Draft Regulation

Charter of the French language
(R.S.Q., c. C-11)

Language of commerce and business
— Amendment

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 to amend the Regulation respecting the language of commerce and business, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the language of commerce and business made by Order in Council 1756-93 dated 8 December 1993, to reflect the federal cosmetic ingredient disclosure standards which use the International Nomenclature for Cosmetic Ingredients (INCI), subject to certain modifications.

The Office québécois de la langue française has agreed to the harmonization.

Further information may be obtained by contacting Sonia Pratte, Secrétariat à la politique linguistique, 225, Grande-Allée Est, 4e étage, Québec (Québec) G1R 5A5; telephone: 418 643-4248; fax: 418 646-7832.

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 Secrétariat à la politique linguistique, 225, Grande-Allée Est, 4e étage, Québec (Québec) G1R 5A5.

LINE BEAUCHAMP,
Minister of Culture and Communications

Regulation to amend the Regulation respecting the language of commerce and business *

Charter of the French language
(R.S.Q., c. C-11, s. 54.1)

1. The Regulation respecting the language of commerce and business is amended by inserting the following after section 8:

"**8.1.** A list of the ingredients of a cosmetic may be written according to the conditions prescribed by the Cosmetic Regulations (C.R.C., c. 869), as amended.".

2. This Regulation comes into force on 16 November 2006.

7580

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

Fees payable
— Amendment

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 to amend the Regulation respecting the fees payable to the Régie de l'énergie, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the fees payable to the Régie de l'énergie mainly to provide that the fees payable to the Régie de l'énergie to examine a complaint are to be reimbursed to the complainant if the Régie considers the complaint to be founded.

The purpose of the draft Regulation is to mitigate for the consumer the effects of a failure by the carrier or distributors of electric power or natural gas to apply a rate or a condition of transmission or distribution of electric power or to apply a rate or a condition of supply, transmission, delivery or storage of natural gas. Since that failure required the consumer to file a complaint with the Régie de l'énergie, an amount was disbursed to

* The Regulation respecting the language of commerce and business was made by Order in Council 1576-93 dated 8 December 1993 (1993, *G.O.* 2, 6914) and has not been amended since.

open a file and will be reimbursed if the complaint is founded. The draft Regulation has no significant impact on the costs or disbursement of the Régie de l'énergie.

The draft Regulation has no significant financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting René Paquette, Director of the Direction du développement électrique, Ministère des Ressources naturelles et de la Faune, 5700, 4e Avenue Ouest, bureau A-416, Charlesbourg (Québec) G1H 6R1 telephone: 418 627-6386, extension 8351; fax: 418 646-1878; e-mail: rene.paquette @mrnf.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 45-day period, to Daniel Bienvenue, Associate Deputy Minister for Energy and Mines, Ministère des Ressources naturelles et de la Faune, 5700, 4e Avenue Ouest, bureau B-401, Charlesbourg (Québec) G1H 6R1; telephone: 418 627-6377; fax: 418 643-0701; e-mail: daniel.bienvenue@mrnf. gouv.qc.ca

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting the fees payable to the Régie de l'énergie*

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2 and 2nd par.)

1. The Regulation respecting the fees payable to the Régie de l'énergie is amended by adding the following sentence to section 1:

"The fees are reimbursed to the complainant by the Régie if it considers the complaint to be founded.".

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

7581

* The Regulation respecting the fees payable to the Régie de l'énergie was made by Order in Council 735-2004 dated 28 July 2004 (2004, *G.O.* 2, 2469) and has not been amended since.

Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified