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**2**

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**Summary**

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### Contents

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## Regulations and other Acts

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Gouvernement du Québec

### **O.C. 502-2011, 18 May 2011**

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

Approval of Éco Entreprises Québec's 2009 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes

WHEREAS sections 53.31.1 to 53.31.20 of the Environment Quality Act (R.S.Q., c. Q-2) establish a regime intended to compensate municipalities for part of the net costs of the services they provide for the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Act, Éco Entreprises Québec, as a certified body for the "containers and packaging" and "printed matter" classes, may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

WHEREAS, under section 53.31.14 of the Act, the contributions payable are to be established on the basis of a schedule of contributions to be approved by the Government, which may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, in accordance with the requirements of that section, Éco Entreprises Québec conducted a special consultation of the persons concerned before determining such a schedule and submitting it to the Government for approval;

WHEREAS, under section 53.31.15 of the Act, RECYC-QUÉBEC is to give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC as regards the 2009 schedule of contributions established by Éco Entreprises Québec;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, the Regulations Act (R.S.Q., c. R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the schedule of contributions established by Éco Entreprises Québec, entitled 2009 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **2009 Schedule of Contributions for “Containers and Packaging” and “Printed Matter” Classes**

**Rules governing the Fees and Contributions table**

**January 21, 2011**

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## PREAMBLE

The *Environment Quality Act*, R.S.Q. c. Q-2 provides for provisions with respect to the compensation to municipalities for the services that the latter offer to ensure the recovery and reclaim of residual materials designated in the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q. c. Q-2, r.2.3. This regulation specifies the basic principles and main orientations regarding the contribution of the enterprises to the financing of recycling services.

Pursuant to section 53.31.5 of the act, a body certified by the Société québécoise de récupération et de recyclage is in charge of determining, by way of agreement with the municipal groupings, the total amounts of the net costs of the municipal services subject to compensation. The certified body shall remit to the Société québécoise de récupération et de recyclage the amount of the compensation owed to municipalities. In order to fulfill this obligation, the certified body may collect, from its members and from persons who or which, without being members, carry on similar activities to those carried on by the members in relation to the designated materials or classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

From this approach, the certified body also has the responsibility to prepare and propose a schedule of contributions in conformity with the objectives of the act: the proposed rules of contributions must be approved by the Government, and are afterwards published in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was certified, on June 9, 2005, to represent enterprises that market "containers and packaging" and "printed matter" classes of materials, and collect from the latter monetary compensations that will be remitted to municipalities.

The act dictates a number of requirements guiding ÉEQ's actions in the preparation of the schedule of contributions, of the enterprises, which are:

- The contributions payable must be established on the basis of a schedule of contributions incorporating governing rules and a contribution table that has been the subject of a special consultation of the "targeted persons";
- The criteria taken into account to determine the schedule of contributions must evolve over the years in order to foster the accountability of the various classes of persons as regards the environmental consequences of the products they manufacture, market, distribute or commercialize or the materials they otherwise generate, having regard to the content of recycled materials, the nature of materials used, the volume of residual materials produced and their potential for recovery, recycling and other forms of reclamation.

As for the regulation, it specifies various aspects of the act: more particularly, it specifies the minimal framework applicable to the schedule of contributions namely by establishing certain exemptions to the benefit of certain persons in respect of certain materials or, conversely, by targeting persons that alone may be required to pay contributions in respect of certain materials.

Section 53.31.14 of the act states that the schedule of contributions may provide for exemptions and exclusions and may specify the terms according to which the contributions are to be paid to ÉEQ.



The schedule of contributions prepared and proposed by ÉEQ has been drafted in such a way as to include all the elements enabling a person to determine its liability, to understand the scope of his obligations, to determine the amount of the payable contribution. In order to reach all those clarity and conciseness goals in a sole document, ÉEQ has reproduced certain provisions of the act and the regulation and also proposes a section inherent to the definitions of the wording used.

In the same concern for clarity, ÉEQ proposes explanatory guidelines to targeted persons that are available on its website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca).

ÉEQ favours alternative modes of dispute resolution, particularly arbitration, with respect to the quantity or type of materials that must be taken into account in the report to be submitted. In this context, the procedural rules favoured by ÉEQ are those found in the administrative guide entitled *Mediation and Arbitration Procedures*.

During the time where ÉEQ is in possession of information that has been transmitted in the scope of the compensation regime, ÉEQ shall see that all agreed upon means are put in place to ensure the safety and confidentiality, and ensure the respect of all other obligations provided for by the act pertaining to the retention of this information.

The document hereunder constitutes the 2009 schedule of contributions for "Containers and Packaging" and "Printed Matter" Classes proposed by ÉEQ for approval by the government.

## 1. DEFINITIONS

### 1.1 DEFINITIONS

In the Schedule of Contributions, unless the context indicates otherwise, the following words and expressions mean or refer to:

- a) "Classes of Materials": two (2) of the three (3) classes of materials targeted by the Compensation Regime, i.e. "containers and packaging" and "printed matter" that are marketed and distributed in Québec and for which, for the purposes of the contribution, exclusions are prescribed under chapter 3 of the Schedule of Contributions;
- b) "Materials": types of containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, column 3;
- c) "Act": the *Environment Quality Act*, R.S.Q., c. Q-2, as amended from time to time;
- d) "Targeted Person": a person obligated by the Compensation Regime and subject, for the purposes of the contribution, to exemptions and other terms prescribed under chapter 2 of the Schedule of Contributions;
- e) "First Supplier": means a person who has a domicile or establishment in Québec and is the first to take title, or possession, or control, in Québec, of printed matter described in the Schedule of Contributions or a Product whose container or packaging is also described in the Schedule of Contributions;
- f) "Product": good or service intended for consumers, whether sold or provided otherwise;
- g) "Compensation Regime": the compensation regime prescribed by Chapter 1, Division VII, subdivision 4.1 of the Act and by the *Regulation*, as amended from time to time;
- h) "Regulation": *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q. c. Q-2, r.2.3, as amended from time to time;
- i) "Retailer": means a person which principal activity consists in the operation of one or several retail outlet(s);
- j) "Brand": means a mark that is used by a person for the purpose of distinguishing or so as to distinguish Products or services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the *Trade-marks Act*, R.S.C. 1985, c. T-13;
- k) "Distinguishing Guise": means the shaping of containers or packaging, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish Products manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others;

- l) "Name": means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual;
- m) "Written Media": one of the three (3) classes of material also stipulated in the *Regulation*, but not targeted by the Schedule of Contributions, and represented by RecycleMédias.

## 2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

### 2.1 TARGETED PERSONS

- 2.1.1 The persons referred to in sections 3 and 6 of the Regulation, that is the owners of a Brand, a Name or a Distinguishing Guise are the only ones who may be required to pay a contribution for:
  - 1° Containers and packaging used for commercializing or marketing in Québec a Product or service under that Brand, Name or Distinguishing Guise;
  - 2° Containers and packaging identified by that Brand, Name or Distinguishing Guise;
  - 3° Materials included in the printed matter class identified by that Brand, Name or Distinguishing Guise.
- 2.1.2 However, if the owner has no domicile or establishment in Québec, the First Supplier in Québec of the Products, or the containers and packaging, or of the printed matter, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer.
- 2.1.3 The following special rules apply in respect of containers or packaging added at retail outlets, whether or not the containers or packaging are subject to section 2.1.1, paragraphs 1 and 2, and section 2.1.2 of the Schedule of Contributions:
  - 1° The payment of a contribution may not be required from the manufacturer of those containers and packaging or of a person having added containers or packaging at a retail outlet, subject to paragraph 2; and
  - 2° Where a retail outlet is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the retail outlet is payable by the franchisor, owner of the chain, banner or group, as the case may be, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.

2.1.4 The Targeted Person who has a right of ownership in the Brand, Name or Distinguishing Guise and who sells, transfers or otherwise assigns to another person said right, remains, with the other person, fully and solidarily liable for the entire contribution amount.

2.1.5 In the event of a total or partial sale, transfer or assignment of an enterprise implicating a Targeted Person who may notably be a franchisor, an owner of a chain, banner or group, or a First Supplier to another person, the parties involved remain fully and solidarily liable for the entire contribution amount.

## **2.2 EXEMPTIONS**

2.2.1 As provided for in section 5 of the Regulation, the following are exempt from paying a contribution in respect of the containers and packaging in relation to which they are already required to take recovery or reclamation measures:

1° Persons who are already required under a regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim containers or packaging;

2° Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-refillable containers;

3° Persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing on November 24<sup>th</sup>, 2004.

2.2.2 Are also exempt from paying a contribution in regard to containers and packaging and printed matter:

1° The Targeted Persons whose gross sales, receipts, revenues or other inflows in Québec were less than or equal to \$1,000,000 or generated a total weight of less than or equal to 1 metric ton of one or more Material or group of Materials;

2° The Targeted Persons who are Retailers and operate only one retail outlet and which location is not supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

## **2.3 VOLUNTARY CONTRIBUTOR**

2.3.1 Éco Enterprises Québec may accept that a third party whose domicile or establishment is outside Québec and who is the owner of a Brand, a Name or a Distinguishing Guise becomes a voluntary contributor, notably if that third party satisfies the conditions set out in the following sections.

2.3.2 Voluntary contributors may only act to fulfill obligations that, according to the of Contributions, with regard to their Products, containers and packaging or

printed matter, would be the responsibility of the First Supplier, and therefore may not act to fulfill the obligations of Targeted Persons pursuant to section 2.1.1.

2.3.3 A third party may be recognized as a voluntary contributor after having concluded an agreement with Éco Entreprises Québec that will namely include the following conditions:

- Undertake to pay the contribution pursuant to the Schedule of Contributions;
- Enter into this agreement freely;
- Undertake to file reports pursuant to the terms described in chapter 5;
- Undertake to shoulder the previously described responsibilities for all First Suppliers in Québec;
- Undertake to abide by the Québec laws and agree that lawsuits be instituted in the Province of Québec, according to the Québec laws.

Such a third party who is recognized as a voluntary contributor thus becomes a Targeted Person with regard to the contribution.

2.3.4 Éco Entreprises Québec may decide to conclude the agreement provided under section 2.3.3 with a third party, whose domicile or establishment is in Canada, but outside Québec, and, without being owner of a Brand, a Name or a Distinguishing Guise, is its main distributor in Québec. Section 2.3.2 also applies to this third party.

2.3.5 The First Supplier and the voluntary contributor are jointly responsible for the obligations which they are subject to pursuant to the Schedule of Contributions.

## **2.4 PUBLICATION OF THE NAMES OF TARGETED PERSONS**

2.4.1 Éco Entreprises Québec shall make available a list including the names of any person who registered pursuant to division 5.1 to those whose name appears on that list.

## **3. DESIGNATION OF CLASSES OF MATERIALS REQUIRING A CONTRIBUTION AND EXCLUSIONS**

### **3.1 "CONTAINERS AND PACKAGING": GENERAL DEFINITION**

3.1.1 As provided for in section 2 of the Regulation, the "containers and packaging" Class of Materials includes all types of flexible or rigid materials, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a Product, a set of Products or a Printed matter at any stage in the movement of the Product or set of Products from the producer to the ultimate user or consumer, especially for their presentation.

**3.2 "CONTAINERS AND PACKAGING" INCLUDED IN THE PAYABLE CONTRIBUTION**

3.2.1 The following containers and packaging must notably be included in the establishment of the payable contribution:

- a) Paperboard
  - Corrugated cardboard
  - Kraft paper bags provided at the retail outlet for the purpose of containing the purchase made there, whether these bags were sold or otherwise provided Boxboard and other paper packaging
  - Boxboard and other paper packaging
  - Paper laminants
  - Gable-top containers
  - Aseptic containers;
- b) Plastics
  - PET bottles
  - HDPE bottles
  - Plastic HDPE and LDPE film
  - HDPE, LDPE and others plastic bags provided at the retail outlet for the purpose of containing the purchase made there, whether these bags were sold or otherwise provided
  - Plastic laminants
  - Expanded Polystyrene
  - Non expanded Polystyrene
  - Polylactic Acid (PLA)
  - Other rigid plastics, polymers and polyurethane;
- c) Steel
  - Aerosol containers
  - Other steel containers
- d) Aluminum
  - Aluminum food and beverages containers
  - Other aluminum containers and packaging
- e) Glass
  - Clear glass
  - Coloured glass
- f) Containers and packaging given out free of charge as Products

**3.3 "CONTAINERS AND PACKAGING" EXCLUDED FROM THE PAYABLE CONTRIBUTION**

3.3.1 The following containers and packaging are excluded from the establishment of the payable contribution:

- a) Containers and packaging whose ultimate user is an industrial, commercial or institutional establishment;
- b) As provided for in section 2 of the Regulation, tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or grouped packaging, such as wood pallets and transport containers, in order to prevent physical handling and transport damage. However, containers and packaging likely to be used not only for such transportation but also for delivery of Products directly to ultimate consumers or recipients of the Products, including paper, carton, polystyrene protection or plastic film

remain covered and must consequently be included in the establishment of the payable contribution;

- c) Containers and packaging sold as Products subject to those, covered by section 3.2.1. paragraph f);
- d) Long-life containers or packaging: are considered as such containers and packaging designed to accompany, protect or store a Product throughout its life when the Product is designed to last for five (5) years or more. Examples of long-life containers and packaging include, but are not limited to, compact disc cases, tool boxes, etc;
- e) Containers and packaging accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such containers or packaging are taken into charge on that same site. As an example, but not limited to, such excluded containers and packaging would be those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

### **3.4 "PRINTED MATTER": GENERAL DEFINITION**

- 3.3.1 As provided for in section 2 of the Regulation, the "printed matter" Class of Materials includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images.

### **3.5 "PRINTED MATTER" INCLUDED IN THE PAYABLE CONTRIBUTION**

- 3.5.1 The following types of printed matter must notably be included in the establishment of the payable contribution :

- a) Newsprint inserts and circulars;
- b) Catalogues, guides, directories, brochures, calendars of events and other publications which principal object aims at promoting or selling a product or service including publications not included in the "Written Media";
- c) Telephone book;
- d) Paper for general use such as blank printer paper, lined, cross-sectioned and blank paper, whether white or coloured, as well as notepads of all sizes;
- e) Other printed matter such as invoices, envelopes, news letters, annual reports, circulars printed on glossy paper, prospectuses and reports on investments;
- f) Papers and other cellulosic fibers given out free of charge as a Product such as calendars or greeting cards.

Materials that can be identified by a Brand, a Name or a Distinguishing Guise are considered as a printed matter in the establishment of the payable contribution.

- 3.5.2 Without limitation, the following criteria may be referred to assist in the determination of what constitutes "publications not included in the "Written Media" " as per section 3.5.1 b). The presence of one or several of the

following criteria will determine the nature of the writing. A writing will therefore be covered by the category of printed matter included in the payable contribution if one or several of the following criteria are applicable to it:

- a) The main object of the writing is the promotion, the sale, the programming or the raising of awareness of a product, service or event;
- b) The objective of the writing is:
  - i. Promoting products, services or events or supplying any other type of information related to their promotion or marketing or
  - ii. Proposing an item that complements the offered product, service or event or
  - iii. Providing a progress report or an update on an issue;
- c) The content of the writing is:
  - i. Prepared by or for an entity whose function or principal activity is not information or
  - ii. Discretionary;
- d) Distribution of the writing is:
  - i. limited to members, individually or in association, free or for a fee or
  - ii. limited to clients, shareholders, citizens or through other forms of affiliation to a business, a commercial establishment, an institution, an association or a governmental organization;
- e) The authorship of the writing is directed by employees or members of a business, a commercial establishment, an institution, an association or a governmental organization;
- f) The financing of the writing is supported in whole or in part by a business, a commercial establishment, an institution, an association or a governmental organization.

### **3.6 "PRINTED MATTER" EXCLUDED FROM THE CONTRIBUTION**

3.6.1 The following printed matter are excluded from the payable contribution:

- a) Printed matter whose ultimate user is an industrial, commercial or institutional establishment;
- b) Books as well as materials included in the Written Media;
- c) Printed matter already included in the containers and packaging class;
- d) Papers and other cellulosic fibres sold as a Product, to the exception of those included in section 3.5.1, paragraphs d) and f);
- e) Printed matter accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such printed matter is taken into charge on that same site.



## **4. DETERMINATION OF CONTRIBUTION AMOUNTS**

### **4.1 PAYABLE CONTRIBUTION, OBLIGATION YEAR AND REFERENCE YEAR FOR THE CALCULATION OF THE CONTRIBUTION**

- 4.1.1 A Targeted Person that marketed classes of Materials in the course of the year 2008 or in the course of the year 2009 must contribute for the year 2009, which year constitutes the obligation year.
- 4.1.2 For the purpose of calculating the payable contribution for 2009, the Materials that must be considered are those marketed in Québec from January 1<sup>st</sup>, 2009, to December 31<sup>st</sup>, 2009, which year constitutes the reference year.
- 4.1.3 The contribution amount due for the 2009 obligation year is determined for each Class of Materials. That amount is calculated by multiplying the quantity, in kilograms, of each Material in a Class of Materials by the rate applicable to that Material as indicated in the table of contributions presented in Appendix A and then by adding all these amounts.

### **4.2 OPTION OF LUMP SUM PAYMENT**

- 4.2.1 Any Targeted Person whose gross sales, receipts, revenues or other inflows in Quebec, from January 1<sup>st</sup> to December 31<sup>st</sup>, 2009, were more than \$1,000,000 or who has marketed, for the same period, a total weight of more than 1 metric ton but less than or equal to 5 metric tons of one or more Material or group of Materials may either pay the contribution established under section 4.1.3 of the Schedule of Contributions or opt to pay the lump sum payment set as follows:
  - a) When the total weight of Materials or group of Materials is less than or equal to 2.5 metric tons, the lump sum payable contribution is established at \$170;
  - b) When the total weight of Materials or group of Materials is more than 2.5 metric tons but less than or equal to 5 metric tons, the lump sum payable contribution is established at \$340.

### **4.3 DATE, PLACE AND MODE OF PAYMENT OF THE CONTRIBUTION**

- 4.3.1 The payable contribution for the 2009 obligation year shall be paid to Éco Entreprises Québec by the Targeted Person within a period of 120 days following the effective date of the Schedule of Contributions. It shall be made in a single payment.

Éco Entreprises Québec shall publish on its website the deadline for the payment of the payable contribution.

- 4.3.2 All contributions paid according to the Schedule of Contributions must be in Canadian legal currency.
- 4.3.3 The payment of the contribution according to the Schedule of Contributions may be effected by various means such as by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is effected by wire transfer or through a centralized payment service, a written notice to that effect should be submitted to Éco Entreprises Québec. In the event such notice is not forwarded, Éco Entreprises Québec may not be held liable if the amount of the contribution is not applied.

#### **4.4 INTEREST, RECOVERY RATE AND PENALTIES**

4.4.1 Pursuant to section 53.31.16 of the Act, any contribution owed to Éco Entreprises Québec that has not been paid by a Targeted Person by the deadline shall be subject to interest at the rate indicated in section 28 of the *Act respecting the Ministère du Revenu*, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, as of the date on which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section.

The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice.

4.4.2 In addition to interest applicable under section 4.4.1, any Targeted Person who has not paid the contribution within 210 days following the effective date of the Schedule of Contributions shall be subject to fees equal to a recovery rate of 10% of the contributions owed, this amount corresponding to costs incurred when Éco Entreprises Québec pursues a remedy to claim a sum it is owed.

4.4.3 Pursuant to section 53.31.16 of the Act, where Éco Entreprises Québec pursues a remedy to claim a sum it is owed, a penalty equal to 20% of the contribution is applicable.

### **5. REGISTRATION AND REPORTING BY TARGETED PERSONS**

#### **5.1 REGISTRATION AND REPORTING BY TARGETED PERSONS**

5.1.1 All Targeted Persons shall register with Éco Entreprises Québec by submitting the information required in Appendix B of the Schedule of Contributions.

5.1.2 Subject to section 5.1.8, for purposes of establishing the amount of the contribution according to chapter 4, all Targeted Persons shall also submit a Materials report by transmitting to Éco Entreprises Québec the information required in Appendix C of the Schedule of Contributions, notably:

- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report;
- b) A description of excluded Materials that was not included in the Targeted Person's Materials report;

- c) A description of deducted Materials from the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials;
  - d) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report;
  - e) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.
- 5.1.3 Targeted Persons shall register and submit a Materials report for year 2009.
- 5.1.4 A Targeted Person shall register no later than the 90<sup>th</sup> day following the effective date of the Schedule of Contributions.
- 5.1.5 A Targeted Person shall submit a Materials report no later than the 90<sup>th</sup> day following the effective date of the Schedule of Contributions.
- 5.1.6 Targeted Persons shall notify Éco Entreprises Québec of any change to information contained in the registration or the Materials report in the form of a notice of amendment within thirty (30) days of such change.
- 5.1.7 The registration, Materials report and notice of amendment shall be transmitted to Éco Entreprises Québec electronically, using the forms provided to this effect in Appendix B and available on Éco Entreprises Québec's website, and according to the submission procedures described on the site.
- 5.1.8 Targeted Persons who opted for lump sum payments established pursuant to section 4.2.1 can, aside from the procedure set out in section 5.1.7, choose to transmit the registration on paper. The registration shall, in this case, be personally signed by the person designated, by resolution, by the Targeted Person, and shall be submitted in one of the following manners: delivered in person to Éco Entreprises, by fax or by mail. This document shall be prepared using the form available on the Éco Entreprises Québec website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca), or from the head office.

## **5.2 BILLING**

- 5.2.1 For each year of contributions, Éco Entreprises Québec sends Targeted Persons an invoice setting out the contribution. The invoice is sent by e-mail upon receipt of the submitted Materials report and on the basis of the information contained in it, before such Materials report has been reviewed and, in some cases, verified by Éco Entreprises Québec according to the procedure described in division 5.3.
- 5.2.2 Any failure to register, any failure to submit a Materials report or submission of an incomplete, late, erroneous or fraudulent Materials report gives rise to the possibility that Éco Entreprises Québec, at any time, compute the amount of the contribution payable by means of an estimate notably based on all elements in its possession, that is on the installations or the activities of the Targeted Person, or by way of a recognized fixed-price estimate method. These elements or methods will remain confidential if Éco Entreprises Québec uses personal information of a Targeted Person to establish the imposed invoice. In

this case, Éco Entreprises Québec cannot be compelled to reveal the elements or methods.

This imposed invoice is presumed valid and its issue date will fix the point at which it will become exigible by Éco Entreprises Québec. This imposed invoice includes the recovery fees, as well as, the accrued interest calculated retroactively from the moment where the Materials report should have been submitted as per the Schedule of Contributions. This imposed invoice is payable thirty (30) days following its issue date. In the event payment is received within the prescribed delay, the accumulated daily interest between the date the invoice was issued and the date of payment will be waived.

- 5.2.3 A Targeted Person to whom an imposed invoice is transmitted may, within 90 days from the date of this invoice, attempt to negotiate a settlement with Éco Entreprises Québec regarding the amount of the payable contribution. This attempt does not however exempt the Targeted Person from the obligation to pay the contribution in accordance with paragraphs 2 and 3 of section 5.2.2. Where the agreement reached on the payable contribution results in an over payment, the procedure dealing with the credit of contribution found at paragraph b of section 5.3.3 will then apply.
- 5.2.4 Éco Entreprises Québec reserves its rights to request any document and information it deems essential to calculate the payable contribution in accordance with section 5.2.1.

### **5.3 AUDIT OF THE MATERIALS REPORT AND RECORDS RETENTION**

- 5.3.1 Notwithstanding the information and documents that the Targeted Person must produce pursuant to Appendix C, Éco Entreprises Québec reserves the right to request the Targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the Schedule of Contributions, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report, data tables, audit reports, list of Brands reported, and list of Brands excluded from the Materials report and the allocation of percentages that were used by the Targeted Person to prepare its report.
- 5.3.2 Within a delay of three (3) years following the date upon which the Targeted Person submits the Materials report, Éco Entreprises Québec may review the Materials report submitted by a Targeted Person and may require that necessary corrections then be made to said report by the Targeted Person. Éco Entreprises Québec may also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice determining the adjustment to the payable contribution will then be sent to the Targeted Person. This revised invoice will be presumed valid and its issue date will fix the point at which it will become exigible by Éco Entreprises Québec.
- 5.3.3 The amount of the adjustment to the payable contribution indicated in the revised invoice shall be paid to Éco Entreprises Québec by the Targeted Person within thirty (30) days of the issuance of the invoice. It shall be made in a single payment.

- a) Any Targeted Person who availed itself of the lump sum payment option and was eventually found to be erroneously subject to the present Schedule of Contributions will be reimbursed upon its request for modification being approved by Éco Entreprises Québec.
  - b) Any Targeted Person who submitted an amended Materials report resulting in a credit to the contribution will benefit by the value of this credit being applied to the contribution payable for the ensuing year. Any surplus will be reimbursed.
- 5.3.4 With regard to such revised invoice, any owed or unpaid contribution, at the deadline, by a Targeted Person to Éco Entreprises Québec, may be subject to interest pursuant to terms in section 53.31.16 of the Act, at the rate indicated in section 28 of the *Act respecting the Ministère du Revenu*, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, starting from the date at which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section. The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice
- 5.3.5 In addition to interest applicable according to section 5.3.4, a Targeted Person who does not pay the contribution indicated in the revised invoice within one hundred and twenty (120) days of receipt of the invoice shall be subject to fees equal to 10% of payable contributions, this amount corresponding to costs incurred by Éco Entreprises Québec for the recovery of the sum it is owed.
- 5.3.6 Within a period of one year following the deadline for the Targeted Person to submit the Materials report provided for at section 5.1.5, the Targeted Person may present a revision request of said Materials report. All relevant documents and information allowing Éco Entreprises Québec to proceed with a complete analysis and to render an enlightened decision must be filed in support of the revision request.
- 5.3.7 Any Targeted person shall keep a record of all documents and other medium used to prepare the Materials Report for a period of at least five (5) years from the date of submission of the Materials report. Any Targeted person shall make those informations available for consulting and copying by Éco Entreprises Québec, during the normal business hours, and following a previous notice from Éco Entreprises Québec to that effect.

## **6. DISPUTE RESOLUTION**

### **6.1 PROCEDURE**

- 6.1.1 In the case of a dispute between the Targeted Person and Éco Entreprises Québec regarding the issuance of an imposed invoice or revised invoice, as provided for at sections 5.2.2 or 5.3.2, the Targeted Person and Éco Entreprises Québec will endeavour to resolve the dispute by way of discussions between their respective representatives in the thirty (30) days following the

sending of a written dispute notice, or by way of mutual consent, which must be recorded in writing.

- 6.1.2 In the event that the Targeted Person and Éco Entreprises Québec cannot resolve the dispute following discussions, and where the amount in dispute is equal to or greater than \$50,000, the parties will favour a recourse using the mediation procedure with respect to the quantity or the type of Materials that should be taken into account in the Materials report. Should that mediation procedure fail, the parties shall then resort to arbitration.

## **7. ADJUSTMENTS**

### **7.1 ADJUSTMENT PROCEDURES**

- 7.1.1 In cases where, for a particular Class of Materials, Éco Entreprises Québec collects, during the period defined in section 4.3.1., as well as during the eighteen (18) months following the expiry of the delay prescribed by said section, an amount that exceeds by five (5) % that necessary to pay the amount of the compensation required pursuant to the Compensation Regime and the amount to cover its management costs and other expenses, Éco Entreprises Québec shall grant the Targeted Persons a credit on the payable contribution for the year following the finding of this surplus. This credit, representing the amount collected that exceeds the five (5) %, shall be distributed on a prorated basis according to amounts paid by Targeted Persons for the Materials of each sub-class of Materials and that for the year during which this surplus will have been accumulated.
- 7.1.2 In cases where, for a particular Class of Materials, Éco Entreprises Québec does not collect during the period defined in section 4.3.1., as well as during the eighteen (18) months following the expiry of the delay prescribed by said section, the sufficient sum to pay the amount of the compensation required pursuant to the Compensation Regime as well as to cover its management costs and other expenses related to the Compensation Regime, Éco Entreprises Québec shall claim from the Targeted Persons an adjustment during the year following such a monetary shortfall. This adjustment shall be distributed on a prorated basis according to contributions paid for the Materials of each sub-class of Materials and that for the year of the schedule during which this deficit will have been accumulated.

## **8. EFFECTIVE DATE AND DURATION**

### **8.1 EFFECTIVE DATE**

The Schedule of Contributions shall be effective on the day of its publication in the *Gazette officielle du Québec*, on June 1<sup>st</sup>, 2011.

### **8.2 DURATION**

The Schedule of Contributions shall be valid for the 2009 obligation year.

**APPENDIX A: 2009 CONTRIBUTION TABLE****Contribution for the period from January 1<sup>st</sup> through December 31<sup>st</sup>, 2009<sup>1</sup>**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Annualized contributions ¢/kg</b>	<b>Recycle content Credit (threshold to be reached)<sup>2</sup></b>
<b>Printed matter</b>		• Newsprint inserts and circulars	6.160	80 %
		• Catalogues and publications	14.366	50 %
		• Telephone books	14.366	80 %
		• Paper for general use	14.366	80 %
		• Other printed matter		
<b>Containers and Packaging</b>	<b>Paperboard</b>	• Corrugated cardboard	7.476	
		• Kraft Paper Bag	7.476	
		• Boxboard and other paper packaging	7.476	
		• Gable-top containers	13.838	
		• Paper laminants	13.838	
		• Aseptic containers	13.838	
	<b>Plastics</b>	• PET bottles	12.329	
		• HDPE bottles	11.212	
		• Plastic laminants	26.062	
		• Plastic HDPE and LDPE film	26.062	
		• HDPE, LDPE and others Plastic Bag	26.062	
		• Expanded Polystyrene	32.632	
		• Non expanded Polystyrene	32.632	
		• Polylactic acid (PLA)	17.124	
	• Other rigid plastics, polymers and polyurethane	17.124		
	<b>Aluminum</b>	• Aluminum containers for food and beverages	5.465	
		• Other aluminum containers and packaging		
	<b>Steel</b>	• Aerosol containers	6.237	
		• Other steel containers		
	<b>Glass</b>	• Clear glass	3.765	
		• Coloured glass	3.560	

<sup>1</sup> For the calculation of the contribution for the 2009 obligation year, the Targeted Persons must, for the purpose of the application of chapters 4 and 5, declare the materials that were marketed in Québec for the 12 months comprised between January 1<sup>st</sup>, 2009 and December 31<sup>st</sup>, 2009, that is for the reference period prescribed in section 4.1.2.

<sup>2</sup> For the 2009 Schedule of Contributions, a credit shall be granted to Targeted Persons that generate printed matter with a percentage (%) of post-consumer recycled content equal to or exceeding the established threshold if the Materials Report is submitted before the deadline. The credit shall be granted on a separate invoice issued the year following the established deadline for report submission. Supporting documentation required to determine recycled content must be sent in to ÉEQ before the contribution payment deadline. According to paragraph 2 of article 53.31.14 of the Act, recycled materials content is a factor to be taken into consideration in the calculation of payable contributions.

**APPENDIX B: TARGETED PERSON REGISTRATION FORM****Registration****Company Information:**

ÉEQ Company Number  
 Name of the company  
 Address  
 Municipality  
 Province / State / Country  
 Postal Code  
 Company website  
 Telephone Number  
 Fax number

**Primary Contact for the Company:**

The company's primary contact is the person authorized to represent the company with regard to its compensation regime obligations.

Last name  
 First name  
 Title  
 Telephone number at work  
 E-mail

**DISCLOSURE OF THE TARGETED PERSON:****Classification of your company**

Submission qualification question							
Obligation year <sup>1</sup>	Civil year <sup>2</sup>	Designated materials ultimately intended to consumers? <sup>3</sup>		Gross sales, receipts, revenue less than or equal \$1 million? <sup>3</sup>		Quantity generated less than or equal 5 metric tons? <sup>3</sup>	
		Yes	No	Yes	No	Yes	No
2009	2008						

<sup>1</sup> Year of the Schedule of Contributions

<sup>2</sup> Year to consider to establish the obligation to contribute for the obligation year as determined in section 4.1.1

<sup>3</sup> For the reference year, from January 1<sup>st</sup> 2009 to December 31<sup>st</sup>, 2009, as determined by section 4.1.2



**Gross sales, receipts, revenues or other inflows of less than or equal \$1,000,000?**

- Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated of less than or equal 1 metric ton?**

- Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Retailer with only one retail outlet which is not supplied or operated as a banner or as a franchise?**

- Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated more than 1 ton and less than or equal 2.5 metric tons ?**

- Yes                       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$170. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, please proceed to the next question.

**Quantity generated more than 2.5 tons and less than or equal 5 metric tons ?**

- Yes                       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$340. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, the Targeted Person must file the « standard or formal » declaration and may do so by utilising the suggested model calculators which are available on demand..

**APPENDIX C: MATERIALS REPORT IN KILOGRAMS**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Annualized contributions ¢/kg</b>
<b>Printed matter</b>		• Newsprint inserts and circulars	
		• Catalogues and publications	
		• Telephone books	
		• Paper for general use	
		• Other printed matter	
<b>Containers and Packaging</b>	Paperboard	• Corrugated cardboard	
		• Kraft Paper Bag	
		• Boxboard and other paper packaging	
		• Gable-top containers	
		• Paper laminants	
		• Aseptic containers	
	Plastics	• PET bottles	
		• HDPE bottles	
		• Plastic laminants	
		• Plastic HDPE and LDPE film	
		• HDPE, LDPE and others Plastic Bag	
		• Expanded Polystyrene	
		• Non expanded Polystyrene	
		• Polylactic acid (PLA)	
		• Other rigid plastics, polymers and polyurethane	
	Aluminum	• Aluminum containers for food and beverages	
		• Other aluminum containers and packaging	
	Steel	• Aerosol containers	
		• Other steel containers	
	Glass	• Clear glass	
		• Coloured glass	

### Questions to clarify the type of materials generated

<b>Materials with post-consumer recycled content</b>		
<p>You reported having generated "containers and packaging" and/or "printed matter." In order to apply the environmental criteria described in the next Schedules of Contributions, as prescribed in the Act, please indicate the proportion (%) by category of Materials attributable to <b>Materials with post-consumer recycled content</b>, as well as the proportion of that content</p>		
<b>Category of Materials</b>	<b>Percentage of Materials with recycled content (out of total reported)</b>	<b>Percentage of recycled content</b>
Paperboard containers and packaging	%	%
Plastic containers and packaging	%	%
Metal containers and packaging	%	%
Aluminium containers and packaging	%	%
Glass containers and packaging	%	%

<b>Emerging materials</b>	
<p>You reported having generated paperboard or plastic "containers and packaging". In order to apply the environmental criteria described in the next Schedules of Contributions, as prescribed in the Act, please indicate the proportion (%) by category of Materials attributable to <b>Emerging materials</b>, indicating the type and percentage out of quantities reported</p>	
<b>Category of Materials</b>	<b>Percentage of emerging materials (out of category total)</b>
<b>Paperboard containers and packaging reported</b>	
Bamboo (bagasse)	%
Eucalyptus	%
<b>Plastic containers and packaging reported</b>	
Biodegradable and oxodegradable	%
Compostable	%
PET opaque (black or red)	%

Along with the registration form and Materials report, the Targeted Person shall provide:

- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report.
- b) A description of excluded Materials that were not included in the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials.
- c) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report.
- d) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.

Notwithstanding the above and as determined by section 5.3.1., Éco Entreprises Québec reserves the right to request from the Targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the of Contributions, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report as well as the data tables, audit reports, list of Brands reported, and list of Brands excluded from the Materials report and the allocation of percentages that were used by the Targeted Person to prepare its report.

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Gouvernement du Québec

## **O.C. 514-2011**, 18 May 2011

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2)

### **Installation of petroleum equipment — Amendment**

Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12), amended by Order in Council 478-2011 dated 4 May 2011;

WHEREAS the contracting parties designated in the Decree have, under section 6.1 of the Act, applied to the Minister of Labour to have amendments made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending decree was published in Part 2 of the *Gazette officielle du Québec* of 9 February 2011 and, on the same date, in a French language newspaper and in an English language newspaper with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the period has expired and the comments received have been examined;

WHEREAS it is expedient to make the draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **Decree to amend the Decree respecting the installation of petroleum equipment\***

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2, ss. 2 and 6.1)

**1.** The Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12) is amended by replacing “\$23.60” in section 11.02 by “\$33.60”.

**2.** Section 11.03 is amended by replacing “\$23.60” by “\$33.60”.

**3.** Section 11.04 is amended by replacing “\$0.59 as of 1 April 2004” in the second paragraph by “\$0.84”.

**4.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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\* The Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12) was last amended by the regulation made by Order in Council 478-2011 dated 4 May 2011 (2011, *G.O.* 2, page 1094)



## Draft Regulations

### Notice

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Automotive services industry**  
— **Various collective agreement decrees**  
— **Amendment**

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour intends to recommend that the Government amend various collective agreement decrees in the automotive services industry and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Decree to amend various collective agreement decrees concerning the implementation of arrangements on the mutual recognition of professional skills for certain trades in the automotive services industry, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Decree is to give effect to the arrangements on the mutual recognition of professional skills for certain trades in the automotive services industry, signed by the Minister of Labour on 1 February 2011, under the *Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles*. The draft Decree amends the six collective agreement decrees for the automotive services industry to provide for the conditions on which a person holding one of the training qualifications referred to in the Decree, and issued by the Ministère de l'Éducation nationale de France, may be exempted from the qualification examination to be passed prior to the issue of a qualification certificate.

The consultation period will specify the extent of the impact of the amendments applied for.

Further information may be obtained by contacting

Antoine Houde  
Direction des politiques du travail  
Ministère du Travail  
200, chemin Sainte-Foy, 5<sup>e</sup> étage  
Québec (Québec) G1R 5S1  
Telephone: 418 646-2446  
Fax: 418 643-9454  
Email: antoine.houde@travail.gouv.qc.ca

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

### Decree to amend various collective agreement decrees concerning the implementation of arrangements on the mutual recognition of professional skills for certain trades in the automotive services industry

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 6 and 8)

**1.** The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (R.R.Q., c. D-2, r. 6) is amended in section 11.12

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule II and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**2.** The following is added after Schedule I:

**“SCHEDULE II**

(s. 11.12)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of confirmed body repairer/sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

”.

**3.** The Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) is amended in section 9.10

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule II and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**4.** The following is added after Schedule I:



**“SCHEDULE II**

(s. 9.10)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/ confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of body repairer/confirmed sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

.”

**5.** The Decree respecting the automotive services industry in the Drummond and the Mauricie regions (R.R.Q., c. D-2, r. 8) is amended in section 11.03

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule I and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**6.** The following Schedule is added at the end:

**“SCHEDULE I**

(s. 11.03)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/ confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of body repairer/confirmed sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

.”.

**7.** The Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (R.R.Q., c. D-2, r. 9) is amended in section 11.03

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule II and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**8.** The following is added after Schedule I:

**“SCHEDULE II**

(s. 11.03)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/ confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of body repairer/confirmed sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

.”.

**9.** The Decree respecting the automotive services industry in the Montréal region (R.R.Q., c. D-2, r. 10) is amended in section 10.07

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule I and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**10.** The following Schedule is added at the end:

**“SCHEDULE I**

(s. 10.07)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of body repairer/confirmed sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

.”.

**11.** The Decree respecting the automotive services industry in the Québec region (R.R.Q., c. D-2, r. 11) is amended in section 12.07

(1) by inserting the following after the first paragraph:

“A person who holds one of the training qualifications referred to in Schedule II and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.”;

(2) by replacing “first paragraph” in the second paragraph by “first and second paragraphs”.

**12.** The following is added after Schedule I:

**“SCHEDULE II**

(s. 12.07)

**TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE**

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic, Class C
Baccalauréat professionnel Maintenance de véhicules automobiles, option véhicules industriels	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial vehicle mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic for heavy road vehicles, Class C
Baccalauréat professionnel Réparation des carrosseries	One year of practice of the trade of body repairer/confirmed sheet metal worker, but no less than 2,000 hours, after obtaining that diploma	Journeyman body repairer, Class C
Certificat d'aptitude professionnelle Peinture en carrosserie	Three years of practice of the trade of automobile painter/confirmed automobile painter, but no less than 6,000 hours, after obtaining that diploma	Journeyman painter, Class C

”.

**13.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

1461

**Notice**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

**Building services employees – Montréal  
— Monthly report of the Parity Committee  
— Amendments**

Notice is hereby given, in accordance with subparagraph *h* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour received from the Parity Committee for the Building Services, Montréal Region, an application for the approval of the Regulation to amend the Regulation respecting the monthly report of

the Parity Committee for the Building Services, Montréal Region, and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation appearing below may be approved by the Government on the expiry of 45 days following this publication.

In connection with the obligation to send a monthly report to the parity committee, the main purpose of the draft Regulation is to allow the use of either the paper form in Schedule 1 to the Regulation, or the form in computer format. The draft Regulation also specifies how the forms are to be sent.

The consultation period will specify the extent of the impacts of the amendments applied for. According to the 2010 annual report of the Parity Committee for the Building Services, Montréal Region, 1,151 employers and 11,108 employees are governed by the Decree respecting building service employees in the Montréal region (R.R.Q., c. D-2, r. 15).

Further information may be obtained by contacting

Patrick Bourassa  
 Direction des politiques du travail  
 Ministère du Travail  
 200, chemin Sainte-Foy, 5<sup>e</sup> étage  
 Québec (Québec) G1R 5S1  
 Telephone: 418 528-9738  
 Fax: 418 643-9454  
 Email: patrick.bourassa@travail.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

## **Regulation to amend the Regulation respecting the monthly report of the Parity Committee for the Building Services, Montréal Region\***

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, 2nd par., subpar. *h*)

**1.** The Regulation respecting the monthly report of the Parity Committee for the Building Services, Montréal Region, is amended in section 1

(1) by replacing the part preceding paragraph 1 by the following:

“**1.** A professional employer governed by the Decree respecting building service employees in the Montréal region (c. D-2, r. 15) or the employer’s authorized representative must send a monthly report to the Committee’s head office, including”;

(2) by inserting “, date of birth” in paragraph 1 after “address”.

**2.** Section 2 is amended

(1) by replacing “social du Comité” in the French version of the first paragraph by “du comité”;

(2) by adding the following after the first paragraph:

“A professional employer or the employer’s authorized representative may use either the paper form in Schedule 1, to be sent by mail, or the form in computer format, to be sent electronically according to the data structure established by the Committee.”.

**3.** The Regulation is amended by adding Schedule I attached hereto at the end.

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

\* The Regulation respecting the monthly report of the Parity Committee for the Building Services, Montréal Region, approved by Order in Council 1353-87 dated 26 August 1987 (1987, *G.O.* 2, 3387), has not been amended since it was approved.

« SCHEDULE 1 (5-2) »



Le Comité paritaire de l'entretien d'édifices publics

The Parity Committee for the Building Services
Montreal region
6455, rue Jean-Talon Est, bureau 300, Montréal (Québec) H1S 3E8

MONTHLY REPORT UNDER DECREE AND REGULATIONS

Month of: 1 2 3 4 5 6
Week ending: 1 2 3 4 5 6
Attention: If incorrect, please rectify dates
Date of receipt: \$ of cheque:
File No.:

Amended report

Form 1: Employee information and weekly breakdown (Weeks 1-6) for Class A, B, and other categories. Includes sections for Gross Salary, Other Amounts, and Vacation/Departure.

Form 2: Employee information and weekly breakdown (Weeks 1-6) for Class A, B, and other categories. Includes sections for Gross Salary, Other Amounts, and Vacation/Departure.

Form 3: Employee information and weekly breakdown (Weeks 1-6) for Class A, B, and other categories. Includes sections for Gross Salary, Other Amounts, and Vacation/Departure.

Summary section: TOTAL EARNINGS ON THIS PAGE, TOTAL EARNINGS ON THIS PAGE INCLUDING RESP AMOUNTS, TOTAL RESP ON ALL PAGES, TOTAL LEVY DUE, GRAND TOTAL.

USE THESE TWO LINES TO TOTAL ALL PAGES
TOTAL EARNINGS ON ALL PAGES INCLUDING RESP AMOUNTS x 1% (rate on new leave only) =

SIGNATURE:

DATE:

## Draft Regulation

Education Act  
(R.S.Q., c. I-13.3)

### Basic school regulation for preschool, elementary and secondary education — 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 draft Regulation to amend the Basic school regulation for preschool, elementary and secondary education, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation removes the compulsory subject “Integrative project” from the lists of subjects of Secondary V students in the general education path and applied general education path and, consequently, increases the number of credits for elective subjects of the 2 credits relating to that compulsory subject.

The draft Regulation has no negative impact on the public and small and medium-sized businesses.

Further information may be obtained by contacting Claude Moisan, Secteur de l'éducation préscolaire et de l'enseignement primaire et secondaire, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 15<sup>e</sup> étage, Québec (Québec) G1R 5A5; telephone: 418 643-3810.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Line Beauchamp, Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16<sup>e</sup> étage, Québec (Québec) G1R 5A5.

LINE BEAUCHAMP,  
*Minister of Education, Recreation and Sports*

### Regulation to amend the Basic school regulation for preschool, elementary and secondary education

Education Act  
(R.S.Q., c. I-13.3, s. 447)

**1.** The Basic school regulation for preschool, elementary and secondary education (R.R.Q., c. I-13.3, r. 8) is amended, in each of the tables following the second paragraph of section 23.1,

(1) by striking out all that concerns the subject “Integrative project”, including the number of hours and credits relating to that subject, in the portion relating to the compulsory subjects of Secondary V;

(2) by replacing “200 or 250 hours” by “250 or 300 hours” and “8 or 10 credits” by “10 or 12 credits” in the portion relating to the elective subjects of Secondary V.

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

1465

## Draft Regulation

Food Products Act  
(R.S.Q., c. P-29)

### Food — 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 food, appearing below, may be made by the Gouvernement du Québec on the expiry of 45 days following this publication.

In order to eliminate certain restrictions on workforce mobility in Canada, the draft Regulation introduces training equivalence as regards food hygiene and safety, as well as test and calibration of equipment used in dairy plants. The draft Regulation also provides specific training standards as regards food hygiene and safety for home childcare providers. Lastly, the draft Regulation amends the provisions relating to inedible meat, in particular standards regarding composting and register keeping.

Study of the matter has shown little economic impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Ninoslav Teinovic, Direction du développement et de la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11<sup>e</sup> étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3298; fax: 418 380-2169.



Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Madeleine Fortin, Assistant Deputy Minister, Direction générale de la santé animale et de l'inspection des aliments, 200, chemin Sainte-Foy, 12<sup>e</sup> étage, Québec (Québec) G1R 4X6; fax: 418 380-2171.

PIERRE CORBEIL,  
*Minister of Agriculture, Fisheries and Food*

## Regulation to amend the Regulation respecting food\*

Food Products Act  
(R.S.Q., c. P-29, s. 40, pars. a, c, f, l, n)

**1.** The Regulation respecting food is amended in section 1.3.1.2.1 by replacing the second paragraph by the following:

“The first paragraph does not apply to applicants for a permit or renewal of a permit required under subparagraph c, d, k.1, k.2 or k.3 of the first paragraph of section 9 of the Act, paragraph 4 of section 1.3.5.B.1 or 1.3.5.C.1, or section 1.3.5.J.1. The first paragraph does not apply to persons responsible for an intermediate resource referred to in section 302 of the Act respecting health services and social services (R.S.Q., c. S-4.2) or to operators of a residence for the elderly referred to in section 346.0.1 of that Act if the resource or residence does not have more than 9 residents.”

**2.** Section 1.3.1.12.1 is replaced by the following:

“**1.3.1.12.1.** In order to obtain a dismembering plant permit in the “composting” category, the applicant must be a poultry, goat, sheep or hog producer.”

**3.** Section 1.3.4.9.1 is replaced by the following:

“**1.3.4.9.1.** A dismembering plant permit in the “composting” category authorizes its holder, subject to section 7.4.9, to operate a dismembering plant for the purpose of composting inedible poultry or hog meat from dead animals in a raising site or inedible goat or sheep meat from animals from his or her livestock, in a plant complying with section 7.2.11.1.”

**4.** Section 2.1.3.1 is amended by striking out “for human consumption,” in the first paragraph.

**5.** The following is inserted after section 2.2.4.5:

“**2.2.4.5.1.** A person who holds a certificate of qualification equivalent to the certificate obtained through the training described in the first paragraph of section 2.2.4.4 or 2.2.4.5, or recognized by a department or a government body elsewhere in Canada, is deemed to hold a certificate referred to in the second paragraph of those sections.”

**6.** Section 2.2.4.8 is replaced by the following:

“**2.2.4.8.** A home childcare provider within the meaning of the Education Childcare Act (R.S.Q., c. S-4.1.1), a person responsible for an intermediate resource or a family-type resource referred to in section 302 or 310 of the Act respecting health services and social services (R.S.Q., c. S-4.2) and the operator of a residence for the elderly referred to in section 346.0.1 of that Act are exempt from the application of sections 2.2.4.1 to 2.2.4.3, if they do not provide care for more than 9 residents.

Despite the foregoing, the home childcare provider, the person responsible for an intermediate resource or a family-type resource and the operator of a residence for the elderly must assign responsibility for the control of food hygiene and safety on the operating premises to a person who has completed 3 hours and 30 minutes of training provided by an authorized person within the meaning of subparagraph f of the first paragraph of section 1 of the Food Products Act (R.S.Q., c. P-29), on the following subjects:

- (1) food storage temperatures;
- (2) work methods to prevent food contamination;
- (3) general principles of hygiene for persons in contact with food or with material or equipment in contact with food;
- (4) material and equipment cleaning, sanitizing and disinfecting procedures;
- (5) environmental sources of food contamination.

The persons must also

- (1) ensure that the person responsible for the control of food hygiene and safety or at least one member of the personnel who has completed the training described in the second paragraph is present on the operating premises while food is being prepared and the material and equipment in contact with the food is being washed or cleaned; or

\* The Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) was last amended by the regulation made by Order in Council 477-2010 dated 9 June 2010 (2010, G.O. 2, 1529). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(2) ensure that at least 10% of the personnel assigned to product preparation or to washing or cleaning material and equipment in contact with the products, including the person responsible for the control of food hygiene and safety on the operating premises, have completed the training described in the second paragraph.

The second and third paragraphs do not apply to a person responsible for an intermediate resource or a family-type resource and the operator of a residence for the elderly, if the resource or residence has fewer than 4 residents.

A person who holds an equivalent certificate of qualification issued or recognized by a department or a government body elsewhere in Canada is deemed to have completed the training provided for in the second paragraph.”

**7.** Section 6.2.4 is revoked.

**8.** Section 7.1.1 is amended

(1) by replacing “bones, fat, viscera, intestines, paunches, lungs, udders, heads or feet coming, in whole or in part, from the animals or parts thereof mentioned in paragraph A and in subparagraph *a*” in subparagraph *c* of paragraph B by “any part of an animal”;

(2) by replacing “suet, pig fat or bones coming in whole or in part, from the animals or parts thereof mentioned in paragraph A and in subparagraph *a*” in subparagraph *d* of paragraph B by “any part of an animal, or a meat product”;

(3) by replacing “coming, in whole or in part, from the” in paragraph C by “including, in whole or in part, the”;

(4) by adding “, except the oil or fat salvaged or received for purposes other than feeding animals” at the end of paragraph C.

**9.** Section 7.1.7 is amended by replacing “farmer” in the third paragraph by “producer” and “herd” by “livestock”.

**10.** Section 7.2.1 is replaced by the following:

“**7.2.1.** A dismembering plant operated under the “raw meat” category permit must be located on the lot of the operator’s mink ranch, fox ranch, kennel or zoo or on an adjoining lot.

A dismembering plant operated under the “composting” category permit by a goat or sheep producer must be located on the lot of the raising site or on an adjoining lot.”

**11.** Sections 7.3.1., 7.3.1.1 and 7.3.1.2 are replaced by the following:

“**7.3.1.** A producer must, within 48 hours after the death of an animal of the producer’s livestock, dispose of the inedible meat from the animal, using one of the following methods:

(1) incineration in a facility complying with the provisions of the Environment Quality Act;

(2) salvaging by the operator of a dismembering plant or by a salvager;

(3) in the case of inedible poultry or hog meat, delivery to a dismembering plant operated under a “composting” category permit;

(4) in the case of inedible goat or sheep meat, shipping to an elimination site or delivery to a person carrying out the removal of waste to be shipped solely to an elimination site;

(5) burial in the producer’s agricultural operation in accordance with the following requirements:

(a) the burial site is not situated within the 20-year flood zone of a watercourse or body of water;

(b) the burial site is situated not less than 75 metres from any watercourse or body of water and 150 metres from a drinking water intake on the surface or underground;

(c) the bottom of the pit is situated above groundwater level and, before inedible meat is placed in the pit, covered entirely with quicklime or an equivalent chemical;

(d) inedible meat is placed under the natural level of the ground at the edges of the pit and is immediately covered with quicklime or an equivalent chemical and with a layer of earth at least 60-centimetres thick;

(e) the ground is levelled.

Despite the first paragraph, the producer may keep the meat under refrigeration for not more than 14 days following the death of the animal or under deep freezing for not more than 240 days following that date, provided that the inedible meat is placed under refrigeration or

deep freezing at the agricultural operation where the animal died, kept in such manner that animals may not come into contact with the meat and provided that the meat is not in decomposition. The producer must immediately dispose of all inedible meat that does not comply with one of those requirements.

For the purposes of this section, “watercourse or body of water” includes ponds, marshes and swamps but excludes all intermittent streams.”

**12.** Section 7.3.5 is replaced by the following:

“**7.3.5.** Only the following persons may hold inedible meat:

- (1) a salvager;
- (2) the operator of a dismembering plant;
- (3) the operator of a storage depot referred to in section 7.6.2;
- (4) in the case of inedible goat or sheep meat, the operator of an elimination site or a person carrying out the removal of waste to be shipped solely to an elimination site;
- (5) subject to sections 6.4.1.16, 7.1.8 and 7.3.1, a producer and a person referred to in section 7.1.8.”

**13.** Section 7.3.13 is replaced by the following:

“**7.3.13.** The operator of a dismembering plant or the salvager must, as soon as he or she salvages inedible meat referred to in paragraph A or in subparagraph b of paragraph B of section 7.1.1, enter the following information in a register:

- (1) the operator’s or salvager’s name and address, permit number and the registration number of the vehicle used;
- (2) the address of the salvaging site and, if applicable, the name of the preceding holder of inedible meat and his or her address, if different from the address of the salvaging site;
- (3) the date of salvaging;
- (4) for each species, the approximate weight of the inedible meat and the number of carcasses of more than 40 kilograms;
- (5) the identification number assigned under section 22.1 of the Animal Health Protection Act (R.S.Q., c. P-42) or under the Health of Animals Act (1990, c. 21) to the animal from which the inedible meat comes;

(6) for the salvager, the name and address of the operator of the dismembering plant or of the elimination site to which the inedible meat is sold or delivered and, for each species of inedible meat sold or delivered, the approximate weight and the number of carcasses of more than 40 kilograms.

The register must be kept in the vehicle used for salvaging until complete unloading. It must be kept for 7 years at the principal establishment of the operator or salvager, as the case may be.

The operator or salvager must send to the Minister the information referred to in the first paragraph within 6 months of the salvaging.”

**14.** Section 7.4.10 is replaced by the following:

“**7.4.10.** The operator of a dismembering plant must, as soon as he or she purchases or receives inedible meat, also enter the following information in the registers provided for in section 2.2.5:

- (1) for each species, the approximate weight of the inedible meat and a description of the meat, as well as the number of carcasses of more than 40 kilograms;
- (2) the identification number assigned under section 22.1 of the Animal Health Protection Act (R.S.Q., c. P-42) or under the Health of Animals Act (1990, c. 21) to the animal from which the inedible meat comes.

The operator must send to the Minister the information referred to in the first paragraph and in section 2.2.5 within 6 months after purchasing or receiving the meat.

**7.4.10.1.** The operator of a dismembering plant holding a “composting” category permit must keep a register specifying, for each section of composting inedible meat that he or she operates, the following information:

- (1) the date on which the inedible meat is introduced into the plant;
- (2) for each species, the approximate weight of inedible meat and the number of carcasses of more than 40 kilograms;
- (3) the internal temperature at intervals not exceeding 72 hours.

The register must be kept at the operator’s principal establishment for 1 year. “

**15.** Section 7.4.11 is replaced by the following:

“7.4.11. The operator of a dismembering plant must, as soon as he or she sells or delivers processed oil or fat, also indicate in the registers provided for in section 2.2.6, the specific type of oil or fat.”.

**16.** Section 7.7 is revoked.

**17.** Section 11.7.12 is amended by inserting “or any other recognition of equivalent qualification issued or recognized by a department or government body elsewhere in Canada” in the first paragraph after “Institut de technologie agroalimentaire”.

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

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## Draft Regulation

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

### Program to purchase electric power produced by cogeneration from residual forest biomass — Maximum production capacity

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 maximum production capacity referred to in a program to purchase electric power produced by cogeneration from residual forest biomass, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the maximum production capacity for facilities used to produce electric power under a program to purchase electric power produced by cogeneration from residual forest biomass of the electric power distributor, Hydro-Québec, when carrying on electric power distribution activities, the terms and conditions of that program being approved by the Régie de l'énergie.

Through that Regulation, the Government intends to promote the development of cogeneration projects from residual forest biomass of 50MW or less and to maximize economic benefits. To ensure the optimum development of cogeneration plant projects, the Gouvernement du Québec deems it expedient that a program to purchase a block of 150 MW produced by cogeneration projects and to establish a fixed price adjusted annually be implemented by Hydro-Québec.

The draft Regulation has no direct impact on the public. Promoters who are interested in the development of cogeneration projects from residual forest biomass will be allowed to participate in the program to purchase the electric power of the electric power distributor.

Further information on the draft Regulation may be obtained by contacting Daniel Deschênes, Director of electric power production, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau A 416, Québec (Québec) G1H 6R1; telephone: 418 627-6386, extension 8001; fax: 418 646-1878; e-mail: daniel.deschenes@mrfn.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Mario Gosselin, Associate Deputy Minister for Energy, Ministère des Ressources naturelles et de la Faune, 5700, 4<sup>e</sup> Avenue Ouest, bureau B 401, Québec (Québec) G1H 6R1.

NATHALIE NORMANDEAU,  
*Minister of Natural Resources and Wildlife*

### Regulation respecting the maximum production capacity referred to in a program to purchase electric power produced by cogeneration from residual forest biomass

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01, ss. 74.3 and 112, 1st par., subpar. 2.3)

**1.** The maximum eligible capacity of a cogeneration plant from residual forest biomass of a producer participating in the distributor's program to purchase electric power must be equal to or less than 50 MW.

For the purposes of this section, “residual forest biomass” means bark, sawdust, shavings, trim ends, chips, scraps, compressed wood products, primary, secondary and de-inking sludge, cooking liquors from pulp and paper mills, as well as wood from silvicultural treatments or from forest exploitation such as trunks, limbs, tree tops, short logs, slash and cull referred to in section 94 of the Forest Act (R.S.Q., c. F-4.1) and wood intended for or originating from the landfill sites of Québec.

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

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## Decisions

### Décision 1580-2, 21 April 2011

Code of ethics and conduct of the Members of the National Assembly  
(R.S.Q., c. C-23.1)

CONCERNING the Regulation to amend the Regulation respecting contracts of the Ethics Commissioner

AS, under section 78 of the Code of ethics and conduct of the Members of the National Assembly (R.S.Q., c. C-23.1), the Ethics Commissioner may, by regulation, determine the conditions applicable to contracts of the Ethics Commissioner;

AS, in accordance with that section, that regulation comes into force on the date it is approved by the Office of the National Assembly, and is published in the *Gazette officielle du Québec*;

AS the Office, in its decision 1552-2 of 24 February 2011, approved the Regulation respecting contracts of the Ethics Commissioner;

AS section 1 of that regulation provides that it governs the sale, lease, service and enterprise contracts entered into by the Ethics Commissioner;

AS section 7 of that regulation lists the cases in which a tendering process is not required;

AS it is expedient to amend those sections to specify certain cases where a tendering process is required neither for service contracts nor for enterprise contracts;

AS the Ethics Commissioner adopted the Regulation to amend the Regulation respecting contracts of the Ethics Commissioner on 12 April 2011;

AS it is appropriate for the Office of the National Assembly to approve that regulation;

IT IS THE DECISION OF THE OFFICE

To approve the Regulation to amend the Regulation respecting contracts of the Ethics Commissioner; and

To authorize the publication of this decision and the Regulation to amend the Regulation respecting contracts of the Ethics Commissioner in the *Gazette officielle du Québec*.

JACQUES CHAGNON,  
*President of the National Assembly*

### Regulation to amend the Regulation respecting contracts of the Ethics Commissioner

Code of ethics and conduct of the Members of the National Assembly  
(R.S.Q., c. C-23.1, s. 78)

**1.** Section 1 of the Regulation respecting contracts of the Ethics Commissioner, approved by decision 1552-2 of 24 February 2011, is amended

(1) by adding “Enterprise contracts other than contracts for technical and construction work are considered to be service contracts.” at the end of the first paragraph;

(2) by replacing “It” in the second paragraph by “This regulation”.

**2.** Section 7 of the Regulation is amended by replacing paragraphs 2 and 3 by the following paragraphs:

“(2) for a service contract under \$15,000;

(3) for a service contract for professional development and training purposes under \$25,000;”.

**3.** This regulation comes into force on 21 April 2011.

Québec, 18 April 2011

JACQUES SAINT-LAURENT,  
*Ethics Commissioner*

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## Transport

Gouvernement du Québec

### **O.C. 510-2011, 18 May 2011**

An Act respecting roads  
(R.S.Q., c. V-9)

Metropolitan Boulevard Act  
(9-10 Elizabeth II, 1960-61, c. 61)

REGARDING the management and ownership of a portion of Autoroute 40 located in the Village of Senneville

WHEREAS Autoroute 40 in the Village of Senneville was built in accordance with the Metropolitan Boulevard Act (9-10 Elizabeth II, 1960-61, c. 61, amended by 10-11 Elizabeth II, 1962, c. 34, and amended by 12-13 Elizabeth II, 1964, c. 41);

WHEREAS, under section 3 of the Metropolitan Boulevard Act, Autoroute 40 is State property because it was purchased by La Corporation de Montréal Métropolitain;

WHEREAS, under section 2 of An Act respecting roads (R.S.Q., c. V-9), the government determined in order 292-93 dated 3 March 1996, amended by order 686-96 dated 5 June 1996, that Autoroute 40 in the Village of Senneville is under the management of the Minister of Transport;

WHEREAS a portion of the right-of-way of Autoroute 40 that bears the lot number 4 636 364, Québec cadastre, registration division of Montréal, provides access to a shoreline property;

WHEREAS lot 4 636 364, Québec cadastre, registration division of Montréal, which is shown as parcel 1 on plan XX-8507-154-10-0002, sheet 1/1 prepared by Josée Laurendeau, land surveyor, under point 76 in her minutes, is not required for the management of Autoroute 40, and its management should be relinquished;

WHEREAS under section 7 of An Act respecting roads, section 6 of this act does not apply to autoroutes that are State property;

WHEREAS the autoroute status of lot 4 636 364 should be removed, so that the Minister of Transport can dispose of it as a surplus immovable property, in accordance with the Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies (c. C-65.1, r. 1);

IT IS ORDERED, therefore, upon recommendation of the Minister of Transport:

THAT the management of a portion of the right-of-way of Autoroute 40, known as lot 4 636 364, Québec cadastre, registration division of Montréal, be relinquished, and the autoroute status of lot 4 636 364 be removed, so that the Minister of Transport can dispose of it as a surplus immovable property;

THAT the annexes of orders 292-93 of 3 March 1993 and 686-96 of 5 June 1996 be amended as a result;

THAT this order take effect on the date of its publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Notices

### Notice

#### Notice number 2011-01 of the Minister of Transport dated 16 May 2011

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

An Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001)

#### Contracts for the provision of road service and towing on certain roads and autoroutes and on certain bridges or other infrastructures

##### — Delegation of power

Delegation to a partner of part of the powers assigned to the Minister of Transport by the Act respecting the Ministère des Transports

CONSIDERING section 12.1.1 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28), which provides that the Government may, by regulation, prohibit the provision of road service or towing by a tow truck on all or part of a public road that it specifies among the roads, autoroutes and bridges or other infrastructures maintained by the Minister or by a partner in accordance with the Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001);

CONSIDERING the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures made by Order in Council 987-98 dated 21 July 1998 under section 12.1.1 of the Act respecting the Ministère des Transports;

CONSIDERING section 12.2 of the Act respecting the Ministère des Transports, which provides that the Minister may make a contract to allow a person to carry on an activity otherwise prohibited by regulation under section 12.1.1 of that Act;

CONSIDERING the first paragraph of section 8 of the Act respecting transport infrastructure partnerships, which provides that the Minister of Transport may, in a partnership agreement and on the conditions the Minister determines, delegate to a partner all or part of the Minister's powers under the Act respecting the Ministère des Transports and the Act respecting roads (R.S.Q., c. V-9) and regarding the operation of a road infrastructure;

CONSIDERING that the Minister of Transport entered into a contract dated 13 September 2007 with Concession A25 S.E.C. entitled "Project for the design, construction, financing, operation and maintenance of a portion of Autoroute 25 in the Montréal metropolitan area", in which

— Part 1 "Delegated Rights, Powers and Duties" of Schedule 14 provides that "In accordance with the terms of section 8 of the TIPA, the Minister delegates the following power to the Private Partner:

1.1 The power to enter into a contract under section 12.2 of the LMT to allow a person to carry on an activity related to the provision of road service or towing by a tow truck on the Infrastructure, the Site and the Adjacent Areas.";

— the item "Sub-contracting" of provision 8.2.2.1 of Part 8 of Schedule 5 provides as follows:

—"Sub-contracting

The Private Partner may award the towing services in its network to a sub-contractor. In such a case, the standard specifications of the Ministère that are in force at the time, a copy of which are posted in the Electronic Data Room, shall be used, and shall not be changed, with the following exceptions:

— An administrative or operational clarification;

— An increase in quality standards without changing the rate for Users;

— Amendments to the administrative clauses that define the relationship between a sub-contractor and the Private Partner (e.g.: penalty clause).";

CONSIDERING that, under that agreement, the Partner is in charge of the maintenance of the segment of Autoroute 25, which extends:

(1) northerly, from the U-turn located approximately 300 metres from rue Larrey, located in Ville de Montréal, to the end of the approach nose of the junction of Autoroute 25 nord (roadway bearing number 00025-01-051-000D) with Autoroute 440 est (roadway bearing number 00440-01-052-000D) and to the end of the approach nose of the junction of Autoroute 25 nord (ramp bearing number 00025-01-051-32A0) with Autoroute 440 ouest (roadway bearing number 00440-01-052-000G);

(2) southerly, from the end of the approach nose of the junction of Autoroute 25 sud (roadway bearing number 00025-01-051-000G) with Autoroute 440 ouest (roadway bearing number 00440-01-051-000G) and from the end of the approach nose of the junction of Autoroute 440 est (roadway bearing number 00440-01-152-000D) with the access ramp to Autoroute 25 sud (ramp bearing number 00025-01-051-32D0) to the U-turn located approximately 300 metres from rue Larrey, located in Ville de Montréal.

The description provided for in paragraph 1 includes the entrance and exit ramps linking Autoroute 25 nord to the northbound service road and bearing number 61245-01-010-000D, bridge P-15020 across rivière des Prairies, the entrance and exit ramps linking Autoroute 25 nord to avenue Roger-Lortie, located in Ville de Laval.

The description provided for in paragraph 2 includes the ramp reserved for public transit (ramp bearing number 00025-01-051-32E0), the entrance and exit ramps linking Autoroute 25 sud to boulevard René-Lévesque Est, located in Ville de Laval, bridge P-15020 across rivière des Prairies, the entrance and exit ramps linking Autoroute 25 sud to the southbound service road bearing number 61245-01-010-000G;

NOTICE IS GIVEN that the Minister, in accordance with section 8 of the Act respecting transport infrastructure partnerships, has delegated to Concession A25, S.E.C., by these stipulations and provided that the conditions therein are met, the power to enter into contracts to allow a person to provide road service and towing by a tow truck on all or part of a public road maintained by the partner under that agreement, even if such activity is prohibited under the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures.

SAM HAMAD,  
*Minister of Transport*

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

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