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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 269-2012, 28 March 2012

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

#### Agricultural Operations — Amendment

Regulation to amend the Agricultural Operations Regulation

WHEREAS subparagraphs *c*, *d*, *e* and *h* of the first paragraph of section 31 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 21 October 2011 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Agricultural Operations Regulation

Environment Quality Act  
(R.S.Q., c. Q-2, a. 31, 1st par., subpars. *c*, *d*, *e* and *h*)

**1.** The Agricultural Operations Regulation (c. Q-2, r. 26) is amended in section 35

(1) by replacing “provided by the Minister” at the end of the fifth paragraph by “prescribed by the Minister, available on the website of the Ministère du Développement durable, de l’Environnement et des Parcs”;

(2) by inserting “and area of parcels available” in the sixth paragraph after “information on the fertilization”;

(3) by striking out the seventh and eighth paragraphs.

**2.** The following is inserted after section 35:

“**35.1.** As of 1 January 2011, every operator of a raising site or spreading site referred to in section 35 must send the yearly phosphorus report to the Minister not later than 15 May of each year.

Where, after a change in the raising site or spreading site, the operator no longer has cultivated parcels corresponding to the area required pursuant to section 20, 20.1 or 50, the operator must immediately send to the Minister the update of the phosphorus report made in accordance with section 35.

The transmission to the Minister must be done electronically using the electronic services, by an agrologist mandated for that purpose by the operator.

When the yearly phosphorus report or update is sent electronically, the agrologist certifies that

(1) the report or update was established in accordance with section 35;

(2) the operator’s signature on the report or update certifies that the information provided to the agrologist is accurate.

Once the yearly phosphorus report or update has been sent to the Minister, the Minister acknowledges its receipt and admissibility by email to the agrologist and, where applicable, to the operator if the document sent indicates the operator’s email address. The agrologist must ensure that the confirmation of receipt and admissibility of the yearly phosphorus report or update sent to the Minister is held by the operator.

**35.2.** The operator must keep a copy of the yearly phosphorus report and, as the case may be, of each subsequent update for a minimum of 5 years from the date of signature by the agrologist.

The operator must also keep for a minimum of 5 years

(1) a copy of the notice given to the agrologist pursuant to the fourth paragraph of section 35, as of the date on which the notice is sent;

(2) a copy of any document confirming the receipt and admissibility of the yearly phosphorus report or update sent to the Minister, as of the date on which it was received in accordance with the fourth paragraph of section 35.1.

The operator must provide a copy on request to the Minister within the time indicated by the Minister.”

**3.** Section 50.1 is amended

(1) by replacing “for crop cultivation” in the first paragraph by “for the crop cultivation concerned”;

(2) by striking out everything that follows “each cultivated parcel” in the first paragraph;

(3) by inserting “subparagraphs 1 and 2 of the second paragraph of” after “For the purposes of” in the second paragraph.

**4.** The following is inserted after section 50.1:

**“50.1.1.** For the purposes of subparagraph 2.1 of the second paragraph of section 50.3, the area used for the cultivation of the trees concerned may include the area of any other lot or part of a lot of a raising site or spreading site where such trees have been cultivated at least once

(a) since the 2004 growing season for such a site situated in the territory of a municipality listed in Schedule II or III;

(b) since the 2005 growing season for such a site situated in the territory of a municipality listed in Schedule V.

The owner of a raising site or spreading site must, before restoring such an area to cultivation, declare it on the form provided by the Minister of Sustainable Development, Environment and Parks. In support of the declaration, the owner must attach one of the following documents to the declaration:

— a true copy certified by the Minister of Agriculture, Fisheries and Food of an aerial photograph of the raising site or spreading site on which the Minister indicates the year of the photograph, clearly identifies the area used for the cultivation of the trees concerned and specifies the area in hectares (ha);

— a true copy certified by the Minister of Agriculture, Fisheries and Food of the part relating to areas under cultivation of a registration slip of the agricultural operation;

— a copy of the part relating to areas under cultivation of the agro-environmental fertilization plan of the agricultural operation, certified true by the agrologist who established the plan.

The declaration of the owner of the raising site or spreading site must be received by the Minister not later than April 26 2015.”

**5.** Section 50.3 is amended

(1) by adding the following sentence at the end of the first paragraph: “The prohibition does not apply to the following crop cultivation: trees, other than the types referred to in subparagraph 2.1 of the second paragraph, shrubs, blueberry, cranberry, strawberry or raspberry plants and vines.”;

(2) by inserting “to which the prohibition applies” in the introductory sentence of the second paragraph after “cultivation”;

(3) by replacing “for crop cultivation” in subparagraphs 1 and 2 of the second paragraph by “for such crop cultivation”;

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

“(2.1) in a raising site or spreading site situated in the territory of a municipality listed in Schedules II, III and V and existing on April 26 2012 over an area that does not exceed the area of that site used for crop cultivation during the 2011 growing season for the cultivation of fruit trees or conifers cultivated and used for ornamental purposes and harvested without their root systems;”

**6.** The following is inserted after section 50.3:

**“50.3.1.** Despite the first paragraph of section 50.3, crop cultivation to which the prohibition applies is permitted before the planting of land intended for crop cultivation to which the prohibition does not apply or

between 2 production cycles on a parcel used for crop cultivation to which the prohibition does not apply for a maximum period of 24 months, on the following conditions:

(a) an agrologist recommends it in writing to the person who cultivates the parcel or land;

(b) the agrologist's recommendation shows that the chosen crop will allow to solve a phytosanitary problem affecting the parcel or will improve the physicochemical and biological properties of the soil of the parcel or, before its planting, of the land concerned;

(c) the agrologist's recommendation specifies the area (ha) of the chosen crop, its duration and the designation of the parcel or land.

The recommendation must be kept by the person who cultivates the parcel or land for a minimum of 5 years from the date of signature by the agrologist or be attached to the agro-environmental fertilization plan where the person is required to establish an agro-environmental fertilization plan under section 22. The person who cultivates the parcel or land must provide a copy of that recommendation to the Minister on request within the time indicated by the Minister.”.

**7.** Section 50.4 is amended

(1) by replacing “1 or 2” by “1, 2 or 2.1”;

(2) by inserting “or planting” after “at least 30 days before seeding”;

(3) by inserting “to which the prohibition applies” after “crop cultivation”.

**8.** Section 50.5 is amended by replacing “Any document” by “Subject to section 35, any document”.

**9.** Schedules VI and VII are replaced by the Schedules attached to this Regulation.

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

**SCHEDULE VI**

(s. 28.2)

ANNUAL PHOSPHORUS (P<sub>2</sub>O<sub>5</sub>) PRODUCTION

Type of animal	Category <sup>1</sup>	Factor ((P <sub>2</sub> O <sub>5</sub> )/animal space (kg)) <sup>2</sup>
Dairy cattle	Dairy cow of a breed other than Canadienne or Jersey and its 11-day calf	62.2
	Dairy heifer of a breed other than Canadienne or Jersey (> 15 months until first lactation)	38.8
	Dairy heifer calf of a breed other than Canadienne or Jersey (from 12 days to 15 months)	16.4
	Jersey dairy cow and its 11-day calf	28.1
	Jersey dairy heifer (> 15 months until first lactation)	17.5
	Jersey dairy heifer calf (from 12 days to 15 months)	7.4
	Canadienne dairy cow and its 11-day calf	56.5
	Canadienne dairy heifer (> 15 months until first lactation)	35.3
	Canadienne dairy heifer calf (from 12 days to 15 months)	15.0
	Dairy bull	25.1
Beef cattle	Slaughter cow and its calf	32.9
	Slaughter heifer (> 15 months until first calving)	23.5
	Slaughter heifer calf (from 8 months to 15 months)	15.7
	Feeder cattle (backgrounding cattle and finishing cattle)	30.5
	Backgrounding cattle (from 268 to 400 kg)	19.1
	Finishing cattle (> 400 kg)	37.7
	Slaughter bull (≤ 12 months)	22.9
	Slaughter bull (> 12 months)	30.8
	Adult buffalo – male or female	29.9
	Grain-fed calf (nursery and finishing)	12.0
	Grain-fed calf nursery (from 64 to 95 kg)	5.46
	Finishing grain-fed calf (> 95 to 286 kg)	14.4
	Veal calf	5.56



Suidae	Sow and unweaned piglets	12.7
	Gilt	8.04
	Weanling ( $\leq 25$ kg)	1.49
	Feeder pig ( $> 25$ kg until live weight at slaughter $\leq 107$ kg)	4.60
	Feeder pig ( $> 25$ kg until live weight at slaughter $\leq 107$ kg)	5.70
	Boar	21.5
	Adult wild boar – male or female	16.6
Poultry	Broiler – male ( $\leq 3.0$ kg)	0.313
	Broiler – female ( $\leq 3.0$ kg)	0.246
	Roaster – male or female ( $> 3.0$ kg)	0.362
	Broiler turkey – male or female ( $\leq 9.9$ kg)	0.724
	Heavy turkey – male or female ( $> 9.9$ kg)	1.57
	Pullet – eggs for consumption	0.188
	Laying hen – eggs for consumption	0.456
	Pullet – hatching eggs	0.185
	Rooster – hatching eggs	0.226
	Laying hen – hatching eggs	0.710
	Quail (meat) – male or female	0.054
	Pheasant – male or female	0.214
	Guinea fowl – male or female	0.223
Peacock – male or female	0.600	
Ovine	Ewe and its milk-fed lambs	6.54
	Adult ram	7.25
	Replacement ewe lamb (final live weight $\leq 55$ kg)	1.61
	Light lamb – male or female (final live weight $\leq 30$ kg)	0.292
	Heavy lamb – male or female (final live weight $\leq 47$ kg)	0.894
Caprine	Angora goat ( $\geq 1$ year)	7.20
	Dairy goat ( $\geq 1$ year)	7.20
	Slaughter goat	7.20
	Adult billy goat	7.20
	Nanny goat or kid (from 3 days to 364 days)	2.76
Anatidae	Goose – male or female	0.708
	Duck – male or female	0.769
	Peking duck – male or female	0.595

Cervidae	Red deer – male or female	2.84
	White-tailed deer – male or female	2.84
	Elk – male or female	5.81
	Fallow deer – male or female	2.84
Equidae	Stallion	22.6
	Gelding	27.8
	Mare and its unweaned offspring	32.2
	Colt or filly	16.1
Struthionidae and ratitae	Ostrich – male or female	31.0
	Feeder ostrich – male or female	12.0
	Rhea – male or female	12.0
	Emu – male or female	10.1
	Feeder emu – male or female	3.56
Leporidae	Female rabbit and its offspring until slaughter	6.61
Fur animals	Female chinchilla and its unweaned offspring	0.132
	Female mink and its offspring until slaughter	0.983
	Adult mink – male	0.502
Other types	Llama – male or female	2.76

- (1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus ( $P_2O_5$ ) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.12
$\geq 1$ and < 5	0.6
$\geq 5$ and < 10	1.2
$\geq 10$ and < 20	2.4
$\geq 20$ and < 100	12
$\geq 100$ and < 500	30
$\geq 500$	60

- (2) Where the animals are not raised in a raising facility, the factor " $(P_2O_5)/\text{animal space (kg)}$ " is replaced by the factor " $(P_2O_5)/\text{animal (kg)}$ ".

**SCHEDULE VII**

(ss. 35 and 50.01)

ANNUAL PHOSPHORUS (P<sub>2</sub>O<sub>5</sub>) PRODUCTION

Type of animal	Category <sup>1</sup>	Factor ((P <sub>2</sub> O <sub>5</sub> )/animal space (kg)) <sup>2</sup>
Dairy cattle	Dairy cow of a breed other than Canadienne or Jersey and its 11-day calf	51.8
	Dairy heifer of a breed other than Canadienne or Jersey (> 15 months until first lactation)	32.3
	Dairy heifer calf of a breed other than Canadienne or Jersey (from 12 days to 15 months)	13.7
	Jersey dairy cow and its 11-day calf	23.4
	Jersey dairy heifer (> 15 months until first lactation)	14.6
	Jersey dairy heifer calf (from 12 days to 15 months)	6.2
	Canadienne dairy cow and its 11-day calf	47.1
	Canadienne dairy heifer (> 15 months until first lactation)	29.4
	Canadienne dairy heifer calf (from 12 days to 15 months)	12.5
	Dairy bull	20.9
Beef cattle	Slaughter cow and its calf	27.4
	Slaughter heifer (> 15 months until first calving)	19.6
	Slaughter heifer calf (from 8 months to 15 months)	13.1
	Feeder cattle (backgrounding cattle and finishing cattle)	25.4
	Backgrounding cattle (from 268 to 400 kg)	15.9
	Finishing cattle (> 400 kg)	31.4
	Slaughter bull (≤ 12 months)	19.1
	Slaughter bull (> 12 months)	25.7
	Adult buffalo – male or female	24.9
	Grain-fed calf (nursery and finishing)	10.0
	Grain-fed calf nursery (from 64 to 95 kg)	4.55
	Finishing grain-fed calf (> 95 to 286 kg)	12.0
	Veal calf	4.63

Suidae	Sow and unweaned piglets	10.6
	Gilt	6.70
	Weanling ( $\leq 25$ kg)	1.24
	Feeder pig – male or female ( $> 25$ kg until slaughter)	4.75
	Boar	17.9
	Adult wild boar – male or female	13.8
Poultry	Broiler – male ( $\leq 3.0$ kg)	0.261
	Broiler – female ( $\leq 3.0$ kg)	0.205
	Roaster – male or female ( $> 3.0$ kg)	0.302
	Broiler turkey – male or female ( $\leq 9.9$ kg)	0.603
	Heavy turkey – male or female ( $> 9.9$ kg)	1.31
	Pullet – eggs for consumption	0.157
	Laying hen – eggs for consumption	0.380
	Pullet – hatching eggs	0.154
	Rooster – hatching eggs	0.188
	Laying hen – hatching eggs	0.592
	Quail (meat) – male or female	0.045
	Pheasant – male or female	0.178
	Guinea fowl – male or female	0.186
	Peacock – male or female	0.500
Ovine	Ewe and its milk-fed lambs	5.45
	Adult ram	6.04
	Replacement ewe lamb (final live weight $\leq 55$ kg)	1.34
	Light lamb – male or female (final live weight $\leq 30$ kg)	0.243
	Heavy lamb – male or female (final live weight $\leq 47$ kg)	0.745
Caprine	Angora goat ( $\geq 1$ year)	6.00
	Dairy goat ( $\geq 1$ year)	6.00
	Slaughter goat	6.00
	Adult billy goat	6.00
	Nanny goat or kid (from 3 days to 364 days)	2.30
Anatidae	Goose – male or female	0.590
	Duck – male or female	0.641
	Peking duck – male or female	0.496
Cervidae	Red deer – male or female	2.37
	White-tailed deer – male or female	2.37
	Elk – male or female	4.84
	Fallow deer – male or female	2.37

Equidae	Stallion	18.8
	Gelding	23.2
	Mare and its unweaned offspring	26.8
	Colt or filly	13.4
Struthionidae and ratitae	Ostrich – male or female	25.8
	Feeder ostrich – male or female	10.0
	Rhea – male or female	10.0
	Emu – male or female	8.45
	Feeder emu – male or female	2.97
Leporidae	Female rabbit and its offspring until slaughter	5.51
Fur animals	Female chinchilla and its unweaned offspring	0.110
	Female mink and its offspring until slaughter	0.819
	Adult mink – male	0.418
Other types	Llama – male or female	2.30

- (1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus ( $P_2O_5$ ) production/animal space referred to in the following table based on the live weight of the animal at the end of the raising period:

Live weight of the animal at the end of the raising period (kg)	Factor $((P_2O_5)/\text{animal space (kg)})^2$
< 1	0.1
$\geq 1$ and < 5	0.5
$\geq 5$ and < 10	1
$\geq 10$ and < 20	2
$\geq 20$ and < 100	10
$\geq 100$ and < 500	25
$\geq 500$	50

- (2) Where the animals are not raised in a raising facility, the factor " $(P_2O_5)/\text{animal space (kg)}$ " is replaced by the factor " $(P_2O_5)/\text{animal (kg)}$ ".

Gouvernement du Québec

**O.C. 271-2012, 28 March 2012**

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

Approval of Éco Entreprises Québec's 2010, 2011 and 2012 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes

WHEREAS sections 53.31.1 to 53.31.20 of the establish a regime intended to compensate municipalities for the net costs of the services they provide for the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Environment Quality 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, without being members, carry on activities similar to those carried on by the members where the classes of materials are concerned, 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 must be established on the basis of a schedule of contributions to be approved by the Government, which may cover a maximum of three years, provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, under section 53.31.14 of the Environment Quality Act, 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 must 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 2010, 2011 and 2012 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 2010, 2011 and 2012 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes, attached to this Order in Council, be approved.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

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**2010, 2011 and 2012  
Schedule of Contributions for  
“Containers and Packaging” and “Printed  
Matter” Classes**

**RULES GOVERNING THE FEES AND CONTRIBUTION TABLES**

**January 20, 2012**



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## PREAMBLE

The *Environment Quality Act*, R.S.Q. c. Q-2 (the "Act") 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 (the "Regulation"). This Regulation specifies the basic principles and main orientations regarding the contribution of the enterprises to the financing of recycling services.

Pursuant to section 53.31.12 of the Act, a body certified by the Société québécoise de récupération et de recyclage shall remit to the Société québécoise de récupération et de recyclage the amount of the monetary compensation owed to municipalities. In order to fulfill this obligation, the certified body may, pursuant to section 53.31.13 of the Act, 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 a) the amount of compensation determined by the Société québécoise de récupération et de recyclage, including the interests, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify Éco Entreprises Québec for its management costs and other expenses related to the compensation regime, as well as, c) the amount payable to the Société québécoise de récupération et de recyclage as per section 53.31.18 of the Act.

From this approach, the certified body also has the responsibility, pursuant to section 53.31.14, to prepare and propose a schedule covering up to a period of three years and in conformity with the objectives of the Act. The proposed rules in this Schedule 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 persons having an obligation to compensate for the "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 Éco Entreprises Québec's actions in the preparation of the Contribution tables of the enterprises, which are :

- The contributions payable must be established on the basis of a Schedule that has been the subject of a special consultation with the "Targeted Persons";
- The criteria taken into account to determine the Schedule 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, 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, as stipulated in the third (3<sup>rd</sup>) paragraph of section 1 of the Regulation.

Section 53.31.14 of the Act states that the Schedule may provide for exemptions and exclusions and may specify the terms according to which the contributions are to be paid to Éco Entreprises Québec.

The Schedules prepared and proposed by Éco Entreprises Québec has been drafted in a way 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, Éco Entreprises Québec 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, Éco Entreprises Québec proposes explanations to targeted persons that are available on its website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca).

Éco Entreprises Québec 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 Éco Entreprises Québec are those found in the administrative guide entitled *Mediation and Arbitration Rules* that are also available on its website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca).

During the time where Éco Entreprises Québec is in possession of information that has been transmitted in the scope of the compensation regime, Éco Entreprises Québec 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 2010, 2011 and 2012 Schedule for "Containers and Packaging" and "Printed Matter" Classes proposed by Éco Entreprises Québec for approval by the government.

## 1. DEFINITIONS

### 1.1 DEFINITIONS

In the Schedule, 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 in Québec and for which, for the purposes of the contribution, exclusions are prescribed under Chapter 3 of the said Schedule;
- b) "Materials": containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, column 3 of the tables of the Schedule;
- 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;
- 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 Schedules or a Product whose container or packaging is also described in the Schedule;
- 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": *The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q., c. Q-2, r.2.3;
- i) "Retailer": means a person whose 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) "Newspapers": one of the three (3) classes of material also stipulated in the *Regulation*, but not targeted by the Schedule, 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 a Product or service in Quebec 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 of the Schedule, paragraphs 1 and 2, and section 2.1.2 of the Schedule:
  - 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 up to the transfer date.
- 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 up to the transfer date.

## **2.2 EXEMPTED PERSONS**

- 2.2.1 Pursuant to 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 one (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 Entreprises 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 Schedule, with regard to their Products, containers and packaging or printed matter, would be the responsibility of the First Supplier, but this does not have the effect of exempting a First Supplier from its obligations under the Schedule.
- 2.3.3 A third party may be recognized as a voluntary contributor after having concluded an agreement with Éco Entreprises Québec that namely includes the following conditions:
- Undertake to pay the contribution pursuant to the Schedule;
  - Enter into this agreement freely;
  - Undertake to file reports pursuant to the terms described in Chapter 5 according to the conditions set out in this chapter;
  - 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 of the Schedule 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 of the Schedule 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.

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

- 2.4.1 Éco Entreprises Québec can make a list available including the names of any person who has registered pursuant to division 5.1 of the Schedule, and has consented to said publication.

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

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

3.1.1 Pursuant to 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 or a set of Products 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;
  - Kraft paper packaging
  - Boxboard and other paper packaging
  - Paper laminants
  - Gable-top containers
  - Aseptic containers
- b) Plastics
  - PET bottles
  - HDPE bottles
  - Plastic laminants
  - Plastic HDPE and LDPE films
  - HDPE, LDPE plastic bags provided at the retail outlet for the purpose of containing the purchase made there, whether these bags were sold or otherwise provided;
  - Expanded Polystyrene
  - Non expanded Polystyrene
  - PET containers
  - Polylactic Acid (PLA)
  - Other plastics, polymers and polyurethane
- c) Steel
  - Aerosol containers
  - Other steel containers
- d) Aluminum
  - Aluminum food and beverages containers
  - Other aluminum 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) In conformity with section 2 of the Regulation, the pallets conceived in a manner to facilitate the handling and transport of a number of sale units and bundled packages;
- c) The tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or bundled packaging, such as 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;
- d) Containers and packaging sold as Products subject to those, covered by section 3.2.1. paragraph f) of the Schedule;
- e) 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;
- f) 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 are those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

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

3.4.1 Pursuant to 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 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;
- c) Magazines;
- d) Telephone book;
- e) 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;
- f) Other printed matter such as invoices, envelopes, news letters, lottery tickets for any lottery scheme, annual reports, circulars printed on glossy paper, prospectuses and reports on investments;
- g) Papers and other cellulosic fibres 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 that should be included in the establishment of the payable contribution.

### **3.6 "PRINTED MATTER" EXCLUDED FROM THE PAYABLE 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 newspapers;
- 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 c), e) and g) of the Schedule;
- 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 AND PAYMENT**

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

4.1.1 For the obligation year 2010:

- a) A Targeted Person that marketed Materials in the course of the year 2009 or in the course of the year 2010 must pay a contribution for the year 2010;

- b) For the purpose of calculating the payable contribution for this obligation year 2010, the Materials that must be considered are those marketed in Québec from January 1<sup>st</sup>, 2010, to December 31<sup>st</sup>, 2010, inclusively, which year constitutes the reference year.
- 4.1.2 For the obligation year 2011:
- a) A Targeted Person that marketed Materials in the course of the year 2010 must pay a contribution for the year 2011;
- b) For the purpose of calculating the payable contribution this obligation year 2011, the Materials that must be considered are those marketed in Québec from January 1<sup>st</sup>, 2010, to December 31<sup>st</sup>, 2010, inclusively, which period constitutes the reference year.
- 4.1.3 For the obligation year 2012:
- a) A Targeted Person that marketed Materials in the course of the year 2011 must pay a contribution for the year 2012;
- b) For the purpose of calculating the payable contribution this obligation year 2012, the Materials that must be considered are those marketed in Québec from January 1<sup>st</sup>, 2011, to December 31<sup>st</sup>, 2011, inclusively, which period constitutes the reference year.
- 4.1.4 The contribution amount payable by a Targeted Person due for an obligation year is determined by multiplying, for each Material, the quantity, in kilograms, that is marketed in Québec during the reference year applicable to this obligation year by the rate applicable to that Material pursuant to the applicable table of contributions for same obligation year, annexed in Appendix A of the Schedule and then by adding all these amounts.
- 4.1.5 For the purposes of the Schedule, any Targeted Person required to pay a contribution under Chapter 2 of the Schedule is deemed to have marketed Materials.

## **4.2 LUMP SUM PAYMENT OPTION**

- 4.2.1 Any Targeted Person whose gross sales, receipts, revenues or other inflows in Quebec for a reference year are more than \$1,000,000 and 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 choose, for the obligation year related to the reference year, either to pay the contribution established under section 4.1 of the Schedule or opt to pay the lump sum payment set out 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:
- \$280, for 2010 obligation year;
  - \$325, for 2011 obligation year;
  - \$370, for 2012 obligation year;

- 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:
- \$560, for 2010 obligation year;
  - \$630, for 2011 obligation year;
  - \$745, for 2012 obligation year;

#### **4.3 DATES OF PAYMENT OF THE CONTRIBUTION**

- 4.3.1 The Targeted Person must pay to Éco Entreprises Québec the amount of the contribution determined pursuant to section 4.1.4 of the Schedule within the delays and according to the terms of payment indicated hereafter and presented in Appendix D of the Schedule:
1. For each of the obligation years 2010 and 2011:
    - 70% of the payable contribution must be paid at the latest by September 26, 2012;
    - The balance of the contribution must be paid at the latest by January 26, 2013;
  2. For the obligation year 2012:
    - 80% of the payable contribution must be paid at the latest by January 26, 2013;
    - The balance of the contribution must be paid at the latest by September 26, 2013.
- 4.3.2 Where the Targeted Person chooses to pay a lump sum pursuant to section 4.3.1 of the Schedule, the Targeted Person must pay 100% of the amount owed on September 26, 2012 for the obligation years 2010 and 2011 and 100% of the amount owed on January 26, 2013 for the obligation year 2012.

#### **4.4 INTEREST, ADMINISTRATION FEES AND PENALTIES**

- 4.4.1 Under reserve of any additional amount required to be paid as the contribution owed as per a revised invoice, any part of the payable contribution owed by the Targeted Person that has not been paid to Éco Entreprises Québec in the period fixed under section 4.3.1 or 4.3.2 of the Schedule, and pursuant to the payment terms provided for at division 4.5 of the Schedule, will bear interest at the rate fixed by section 28 of the *Tax Administration Act*, R.S.Q., C. A-6.002, and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the amount owed from the date at which this part of the contribution must be paid until the date of payment, at the rate mentioned here above. Any change in the rate will immediately bring a change to the payable interest rate covered by the present section.

However, the daily interest calculated between the date the invoice is issued pursuant to the Schedule and the date of payment are cancelled if the amount required by this invoice is paid at the latest thirty (30) days following the date the invoice was issued.

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- 4.4.2 Under reserve of any additional amount required to be paid in the contribution owed as per a revised invoice, any Targeted Person who has not paid a part of the payable contribution in a delay of ninety (90) days following the date at which said part of the contribution is due pursuant to section 4.3.1 or 4.3.2 of the Schedule, must pay, in addition to the interest required under section 4.4.1 of the Schedule, the administrative fees equivalent to 10% of the part of the payable contribution owed in order to compensate Éco Entreprises Québec for its administrative costs incurred.
- 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.

#### **4.5 PLACE AND METHOD OF PAYMENT**

- 4.5.1 Any payment made according to the Schedule must be in Canadian legal currency.
- 4.5.2 Any payment owed according to the Schedule may be made by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is made by way of a wire transfer or by a centralized payment service, a written notice to that effect must be submitted to Éco Entreprises Québec. In the event such notice is not forwarded, it exonerates Éco Entreprises Québec from any liability if the amount of the contribution is not applied.

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

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

- 5.1.1 All Targeted Persons must register with Éco Entreprises Québec by submitting the information required in Appendix B of the Schedule.
- 5.1.2 Subject to section 5.1.8 of the Schedule, all Targeted Persons must also submit a report of the Materials it marketed in order to establish its payable contribution according to Chapter 4 by transmitting to Éco Entreprises Québec the information required in Appendix C of the Schedule, 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 the Materials excluded from the Materials report used to establish the Targeted Person's payable contribution;
  - 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 the type of Material;
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- d) A description of the containers, packaging and printed matters that the Targeted Person marketed and that are not mentioned in the Materials report, as well as, the quantity in kilograms of the marketed containers, packaging and printed matter;
  - e) A list of Brands, Names and Distinguishing Guises that are covered in the Targeted Person's Materials report;
  - f) A declaration as to the truthfulness of the information contained in the Targeted Person's Materials report.
- 5.1.3 A Targeted Person must register and submit its Materials report for each of the obligation years of 2010, 2011 and 2012.
- 5.1.4 A Targeted Person must register and submit a Materials report according to the following terms:
- For the obligation years 2010 and 2011, at the latest ninety (90) days following the effective date of the applicable Schedule;
  - For the obligation year 2012, at the latest one hundred and eighty (180) days following the effective date of the applicable Schedule.
- 5.1.5 Any modifications of the content of the registration and of the Materials Report must be announced by way of a notice of amendment, which is to be transmitted to Éco Entreprises Québec by the Targeted Person at the latest the thirtieth (30<sup>th</sup>) day after this change.
- 5.1.6 The registration, the Materials report and the notices of amendment must be transmitted to Éco Entreprises Québec electronically, using the forms provided to this effect at Appendix B and available on Éco Entreprises Québec's website, and according to the submission procedures described on the site.
- 5.1.7 As for the Targeted Person who opted for lump sum payments established pursuant to section 4.2.1 of the Schedule, said person can, aside from the procedure set out in section 5.1.6 of the Schedule, 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, CREDITS AND REIMBURSEMENT**

- 5.2.1 For each obligation year, upon receipt of the Materials report from the Targeted Person, Éco Entreprises Québec sends by e-mail to the Targeted

Person, two invoices for the payable contribution established on the basis of the information contained in the Materials report.

The present section cannot, however, be interpreted as an exoneration of the Targeted Person to pay the contribution in the delays stipulated in section 4.3.1 of the Schedule.

The present section also cannot be interpreted as denying Éco Entreprises Québec the right to review said Materials report and to send an imposed invoice or a revised invoice pursuant to sections 5.2.2, 5.2.3 and 5.2.4 of the Schedule.

- 5.2.2 Any failure to register, any failure to submit a Materials report and the submission of an incomplete, late, erroneous or fraudulent Materials report gives rise to the possibility that Éco Enterprises Québec, at any time, may impose the amount of the contribution payable by means of an estimate notably based on all elements in its possession, that is on the installation or activities of the Targeted Person, or by way of a recognized fixed-price estimate method. These elements or methods remain confidential if Éco Enterprises Québec uses personal information concerning a Targeted Person to establish the imposed invoice. In this case, Éco Enterprises Québec cannot be compelled to reveal these elements or methods. This imposed invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that the invoice is ill-founded.

This imposed invoice includes interest and the administrative fees established pursuant to sections 4.4.1 and 4.4.2 of the Schedule. Despite any contestation, any amount owed under the imposed invoice must be paid in the thirty (30) days of it being issued.

- 5.2.3 Éco Entreprises Québec can, within a delay of three (3) years following the date when the Targeted Person submits a Materials report, review the Materials report submitted by a Targeted Person and require that necessary corrections then be made to said report by the Targeted Person. Éco Entreprises Québec can 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 is sent to the Targeted Person. This revised invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Despite any contestation, the additional sum required to be paid for the contribution as indicated in the revised invoice must be paid by the Targeted Person to Éco Entreprises Québec within a delay of thirty (30) days following the issuance of this invoice.

The amount owed will bear interest at the rate fixed by section 28 of the *Tax Administration Act*, R.S.Q., C. A-6.002, and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount of the contribution, starting from the date this amount must be paid, up to the payment date, at the above mentioned rate. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

In addition to interest, any Targeted Person that has not paid the sum required within the delay of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate Éco Entreprises Québec for the administrative fees it incurred.

- 5.2.4 Within a period of one (1) year following the deadline provided for at section 5.1.5 of the Schedule for the submission of the Materials report, the Targeted Person may present an amended Materials report to Éco Entreprises Québec for approval. 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 amended Materials report in the same delay. If Éco Entreprises Québec approves in all or in part this amended Materials report, a revised invoice of the payable contribution is then transmitted to the Targeted Person. This revised invoice is presumed valid and where it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Despite any contestation, the additional amount required to be paid for the contribution as indicated in the revised invoice must be paid by the Targeted Person to Éco Entreprises Québec within a delay of thirty (30) days following the issuance of this invoice. The amount owed will bear interest at the rate indicated in section 28 of the *Tax Administration Act*, R.S.Q., C. A-6.002, and in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount of the contribution, starting from the date the contribution must be paid, up to the payment date, at the above mentioned rate. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section. In addition to interest, any Targeted Person that has not paid the sum required within the delay of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate Éco Entreprises Québec for the administrative fees it incurred.

- 5.2.5 Once the amended Materials report is approved by Éco Entreprises Québec, and it appears that the Targeted Person paid a contribution that was higher than it should have paid, the amount overpaid is credited to any contribution payable for the following obligation year, up to the adjusted contribution amount for the current obligation year. Éco Entreprises Québec reimburses the Targeted Person, without interest, any amount exceeding this credit.
- 5.2.6 A Targeted Person to whom an imposed or revised invoice has been sent may attempt to arrive at an agreement with Éco Entreprises Québec in the ninety (90) days following the issuance of this invoice, pursuant to section 6.1.1 of the Schedule if the dispute relates to the quantity or the qualification of Materials that should have been taken into account in the Materials report. This process does not exempt, however, the Targeted Person from their obligation to pay the amount indicated in the imposed invoice in the period indicated at section 5.2.2 of the Schedule, or the additional sum required to be paid as a contribution indicated in the revised invoice within the delay indicated at sections 5.2.3 or 5.2.4, as the case may be. In the event where an agreement is reached and results in an
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overage paid, section 5.2.5 of the Schedule applies with any necessary adjustments.

- 5.2.7 Following a request submitted by a Targeted Person and approved by Éco Entreprises Québec, Éco Entreprises Québec reimburses, without any interest, any contribution or any part of a contribution paid by a person whom has opted to pay a lump sum pursuant to section 4.2.1 of the Schedule and for whom it was later determined not to be a Targeted Person under the Schedule.

### **5.3 VERIFICATION AND CONSERVATION OF FILES**

- 5.3.1 Éco Entreprises Québec reserves the right to require, from any Targeted Person, as well as, any person whom Éco Entreprises Québec has reasonable grounds to believe is a Targeted Person, the books, registries, accounting documents and any other documents deemed necessary by Éco Entreprises Québec in order to establish the payable contribution by this person.
- 5.3.2 Any Targeted Person must render this information available to be consulted and photocopied by Éco Entreprises Québec, during normal business hours, following a prior notice from Éco Entreprises Québec to that effect.
- 5.3.3 Other than the information and documents that the Targeted Person must submit pursuant to Appendix C, Éco Entreprises Québec reserves the right to require from said person that they provide any supplementary information such as notably, a complete list of containers and packaging and printed matters covered by the Schedule, whether or not this information was used in the preparation of the Materials report, the data tables, audit reports, list of declared Brands and list of Brands excluded from the Materials report and the distribution of percentages, and that were used by the Targeted Person to complete its Materials report.
- 5.3.4 Any Targeted Person must keep a record of all documents and any technological or other support used to prepare the Materials report for a period of at least five (5) years from the date that this Materials report is transmitted.

## **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 quantity or the qualification of the Materials that should have been taken into account in the Materials report following the issuance of an imposed invoice pursuant to section 5.2.2 of the Schedule, or following the issuance of a revised invoice pursuant to sections 5.2.3 or 5.2.4 of the Schedule, 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 issuance of the invoice.

- 6.1.2 In the event that the dispute cannot be resolved during this period, and if the object of the dispute, excluding the interest, administrative fees and penalties exceeds \$70,000.00, the Targeted Person may notify Éco Entreprises Québec in writing by way of a "Notice of dispute" in the one sixty (60) days following the issuance of the invoice, indicating therein the grounds for contestation as well as their intention to submit the dispute either to mediation and, in the case of failure, to arbitration, or directly to arbitration. Following receipt of said notice, the parties will either proceed to mediation, and, in the case of failure, to arbitration, or directly to arbitration, as the case may be, in conformity with the procedures of mediation or arbitration adopted by Éco Entreprises Québec that are in effect at the date of the Notice of dispute. These procedures may be consulted on the website of Éco Entreprises Québec ([www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca)).
- 6.1.3 By invoking the mediation and/or arbitration procedures provided at section 6.1.2 of the Schedule, the parties exclude any recourse before the common law tribunals, except for provisional measures.

## **7. ADJUSTMENTS**

### **7.1 ADJUSTMENTS**

- 7.1.1 In the case where, for a particular class of Materials, Éco Entreprises Québec collects, following the expiry of the twenty-four (24) month period following the date where the balance for the payable contribution is due as prescribed by section 4.3.1 of the Schedule, an amount that exceeds by five percent (5%) that was necessary to pay for this class of Materials, for one (1) year where said amounts become due, a) the amount of the compensation determined by the Société québécoise de récupération et de recyclage, including the interest, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify Éco Entreprises Québec for its management costs and other expenses related to the compensation regime, as well as, c) the amount payable to the Société québécoise de récupération et de recyclage pursuant to section 53.31.18 of the Act (this last amount being identified in the present Schedule, Chapter 7, as being the "required amount"), Éco Entreprises Québec issues a credit to Targeted Persons that have paid the contribution for the obligation year in which the surplus has accumulated. This credit will correspond to the amount collected above the exceeding five percent (5%) and is redistributed pro rata amongst the payable contributions by sub-class of Materials within each class, and then, by pro rata amongst the contributions paid by the Targeted Persons within each sub-class.
- 7.1.2 In the case where Éco Entreprises Québec does not collect the amount necessary for a class of Materials following the expiry of the twenty-four (24) month period following the date where the balance for the payable

contribution is due pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can require from Targeted Persons for this class of Materials the amount needed to satisfy the difference. This amount is distributed pro rata amongst the required contributions by a sub-class of Materials within each class and then, by pro rata amongst the required contributions for each Targeted Person within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The divisions 4.4 and 4.5 of the Schedule are applicable for this amount by making the necessary modifications.

- 7.1.3 If Éco Entreprises Québec judges that it will most likely not be able to collect the amount necessary for a class of Materials, at the expiry of a twenty-four (24) month period following the date at which the balance of the payable contribution is payable pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can, at any moment, require an amount that it deems necessary to satisfy the difference. This amount is distributed pro rata amongst the required contributions by sub-class of Materials within this category, and then, by pro rata amongst the contributions paid by the Targeted Persons within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The divisions 4.4 and 4.5 of the Schedule are applicable to this amount by making the necessary modifications.

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

### **8.1 EFFECTIVE DATE**

The Schedule shall be effective on the day of its publication in the *Gazette officielle du Québec*, on April 11<sup>th</sup> 2012.

### **8.2 DURATION**

The Schedule is valid for the 2010, 2011 and 2012 obligation years.

## APPENDIX A: 2010, 2011 and 2012 CONTRIBUTION TABLES

### Contributions for the period from January 1<sup>st</sup> through December 31<sup>st</sup>, 2010<sup>1</sup>

Class of Materials	Sub-class of Materials	Materials	Annualized contributions ¢/kg	Credit for recycled content (Threshold to achieve <sup>2</sup> )
Printed matter		• Newsprint inserts and circulars	16.393	80%
		• Catalogues and publications	26.204	50%
		• Magazines	26.204	50%
		• Telephone books	26.204	80%
		• Paper for general use	26.204	80%
		• Other printed matter		
Containers and Packaging	Paperboard	• Corrugated cardboard	14.920	
		• Kraft paper shopping bags	14.920	
		• Kraft wrapping paper	14.920	
		• Boxboard and other paper packaging	11.893	
		• Gable-top containers	21.012	
		• Paper laminants	21.012	
		• Aseptic containers	21.012	
	Plastics	• PET bottles	20.793	
		• HDPE bottles	16.781	
		• Plastic laminants	34.361	
		• Plastic HDPE and LDPE films	34.361	
		• HDPE, LDPE plastic shopping bags and others	34.361	
		• Expanded Polystyrene	41.020	
		• Non expanded Polystyrene	41.020	
		• PET containers	22.218	
		• Polylactic acid (PLA)	41.020	
		• Other plastics, polymers and polyurethane	22.218	
	Aluminum	• Food and beverages aluminum containers	8.521	
		• Other aluminum packaging		
	Steel	• Aerosol containers	9.617	
		• Other steel containers		
	Glass	• Clear glass	3.740	
		• Coloured glass	3.323	

<sup>1</sup> For the calculation of the contribution for each of the obligation years 2010, 2011 or 2012, the Targeted Persons must, without fail, for the purposes of the application of Chapters 4 and 5 of the Schedule, declare the materials that were marketed in Québec for the twelve (12) months comprised between January 1<sup>st</sup> and December 31<sup>st</sup> of the reference year, that is prescribed in section 4.1 of the Schedule.

<sup>2</sup> A credit of 20% for the payable contribution is granted to Targeted Persons that generate printed matter of which the percentage (%) of recycled post-consumer content reaches or exceeds the established benchmark, when the Materials report is submitted within the prescribed delays. The credit is granted by way of a distinct invoice that is issued in the year following the limit to submit the Materials report. The **appropriate documentation** to determine the content of post-consumer recycled material **must be provided** to Éco Entreprises Québec **before the deadline to pay the contribution**. The content of the recycled material is an element which is taken into consideration when calculating the payable contribution pursuant to the 2<sup>nd</sup> paragraph of section 53.31.14 of the Act.

**Contributions for the period from  
January 1<sup>st</sup> through December 31<sup>st</sup>, 2011**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Annualized contributions ¢/kg</b>	<b>Credit for recycled content (Threshold to achieve)</b>
<b>Printed matter</b>		• Newsprint inserts and circulars	18.602	80%
		• Catalogues and publications	29.754	50%
		• Magazines	29.754	50%
		• Telephone books	29.754	80%
		• Paper for general use	29.754	80%
		• Other printed matter		
<b>Containers and Packaging</b>	Paperboard	• Corrugated cardboard	16.926	
		• Kraft paper shopping bags	16.926	
		• Kraft wrapping paper	16.926	
		• Boxboard and other paper packaging	13.485	
		• Gable-top containers	23.851	
		• Paper laminants	23.851	
		• Aseptic containers	23.851	
	Plastics	• PET bottles	23.561	
		• HDPE bottles	19.000	
		• Plastic laminants	38.983	
		• Plastic HDPE and LDPE films	38.983	
		• HDPE, LDPE plastic shopping bags and others	38.983	
		• Expanded Polystyrene	46.553	
		• Non expanded Polystyrene	46.553	
		• PET containers	25.180	
		• Polylactic acid (PLA)	46.553	
		• Other plastics, polymers and polyurethane	25.180	
	Aluminum	• Food and beverages aluminum containers	9.606	
		• Other aluminum packaging		
	Steel	• Aerosol containers	10.853	
		• Other steel containers		
	Glass	• Clear glass	4.241	
		• Coloured glass	3.768	

**Contributions for the period from  
January 1<sup>st</sup> through December 31<sup>st</sup>, 2012**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Annualized contributions ¢/kg</b>	<b>Credit for recycled content (Threshold to achieve)</b>
<b>Printed matter</b>		• Newsprint inserts and circulars	21.886	80%
		• Catalogues and publications	35.090	50%
		• Magazines	35.090	50%
		• Telephone books	35.090	80%
		• Paper for general use	35.090	80%
		• Other printed matter		
<b>Containers and Packaging</b>	Paperboard	• Corrugated cardboard	19.993	
		• Kraft paper shopping bags	19.993	
		• Kraft wrapping paper	19.993	
		• Boxboard and other paper packaging	15.922	
		• Gable-top containers	28.300	
		• Paper laminants	28.300	
		• Aseptic containers	28.300	
	Plastics	• PET bottles	27.663	
		• HDPE bottles	22.249	
		• Plastic laminants	46.386	
		• Plastic HDPE and LDPE films	46.386	
		• HDPE, LDPE plastic shopping bags and others	46.386	
		• Expanded Polystyrene	54.974	
		• Non expanded Polystyrene	54.974	
		• PET containers	29.610	
		• Polylactic acid (PLA)	54.974	
	Aluminum	• Other plastics, polymers and polyurethane	29.610	
		• Food and beverages aluminum containers	11.067	
	Steel	• Other aluminum packaging		
		• Aerosol containers	12.596	
	Glass	• Other steel containers		
		• Clear glass	4.996	
		• Coloured glass	4.434	

**APPENDIX B: TARGETED PERSON REGISTRATION FORM****REGISTRATION****Enterprise Information:**

Éco Entreprises Québec Enterprise Number  
 Name of the Enterprise  
 Address  
 City  
 Province / State / Country  
 Postal Code  
 Enterprise website  
 Telephone number  
 Fax number  
 Type of commercial activities

**Primary Contact for the Enterprise:**

The Enterprise's primary contact is the authorized person to represent the business 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 business****Qualification questions**

Obligation year	Civil year <sup>3</sup> (where applicable)	Designated materials ultimately intended for consumers? <sup>4</sup>		Gross sales, receipts, revenue in Quebec less than or equal \$1 million? <sup>4</sup>		Quantity marketed in Quebec less than or equal 5 metric tons? <sup>4</sup>	
		Yes	No	Yes	No	Yes	No
2010	2009 or 2010 as the case may be						
2011	2010						
2012	2011						

<sup>3</sup> Year considered to establish the obligation to contribute for the obligation year as determined in division 4.1 of the Schedule.

<sup>4</sup> According to the reference year, from January 1<sup>st</sup> of said year to December 31<sup>st</sup>, of same year, as determined by section 4.1.1 of the Schedule.

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

Yes  No

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

**Quantity of Materials marketed in Quebec inferior or equal to 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 of Materials marketed in Quebec superior to 1 metric ton and inferior or equal to 2.5 metric tons ?**

Yes  No

If yes, the Targeted Person is admissible to pay a lump sum fixed at \$295 for the year 2010, \$335 for the year 2011 and \$395 for the year 2012. The Targeted Person may alternatively choose to proceed to file a complete Materials report and to pay the exact amount of the contribution determined pursuant to division 4.1 of the Schedule. If no, please proceed to the next question.

**Quantity of Materials marketed in Quebec superior to 2.5 metric tons and inferior or equal to 5 metric tons ?**

Yes  No

If yes, the Targeted Person is admissible to pay the lump sum fixed at \$590 for the year 2010, \$670 for the year 2011 and \$775 for the year 2012. The Targeted Person may alternatively choose to file a complete Materials report and pay the exact amount of the contribution determined pursuant to division 4.1 of the Schedule. If no, the Targeted Person must fill out the Materials report and has access to the tools made available on demand.



**APPENDIX C: FORM FOR THE MATERIALS REPORT (IN KILOGRAMS)**

**FOR THE MATERIALS MARKETED BETWEEN JANUARY 1<sup>ST</sup> AND DECEMBER 31<sup>ST</sup>,  
2010 FOR THE OBLIGATION YEARS 2010 AND 2011**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Declaration of quantities marketed in Qc- Kg</b>
<b>Printed matter</b>		• Newsprint inserts and circulars	
		• Catalogues and publications	
		• Magazines	
		• Telephone books	
		• Paper for general use	
		• Other printed matter	
<b>Containers and Packaging</b>	Paperboard	• Corrugated cardboard	
		• Kraft paper shopping bags	
		• Kraft wrapping paper	
		• 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 plastic shopping bags and others	
		• Expanded Polystyrene	
		• Non expanded Polystyrene	
		• PET containers	
	Aluminum	• Other plastics, polymers and polyurethane	
		• Polylactic Acid (PLA)	
	Aluminum	• Food and beverages aluminum containers	
		• Other aluminum packaging	
	Steel	• Aerosol containers	
		• Other steel containers	
	Glass	• Clear glass	
		• Coloured glass	

**FOR THE MATERIALS MARKETED BETWEEN JANUARY 1<sup>ST</sup> AND DECEMBER 31<sup>ST</sup>,  
2011 FOR THE OBLIGATION YEAR 2012**

<b>Class of Materials</b>	<b>Sub-class of Materials</b>	<b>Materials</b>	<b>Declaration of quantities marketed in Qc- Kg</b>
<b>Printed matter</b>		<ul style="list-style-type: none"> <li>• Newsprint inserts and circulars</li> </ul>	
		<ul style="list-style-type: none"> <li>• Catalogues and publications</li> </ul>	
		<ul style="list-style-type: none"> <li>• Magazines</li> </ul>	
		<ul style="list-style-type: none"> <li>• Telephone books</li> </ul>	
		<ul style="list-style-type: none"> <li>• Paper for general use</li> </ul>	
		<ul style="list-style-type: none"> <li>• Other printed matter</li> </ul>	
<b>Containers and Packaging</b>	Paperboard	<ul style="list-style-type: none"> <li>• Corrugated cardboard</li> </ul>	
		<ul style="list-style-type: none"> <li>• Kraft paper shopping bags</li> </ul>	
		<ul style="list-style-type: none"> <li>• Kraft wrapping paper</li> </ul>	
		<ul style="list-style-type: none"> <li>• Boxboard and other paper packaging</li> </ul>	
		<ul style="list-style-type: none"> <li>• Gable-top containers</li> </ul>	
		<ul style="list-style-type: none"> <li>• Paper laminants</li> </ul>	
		<ul style="list-style-type: none"> <li>• Aseptic containers</li> </ul>	
	Plastics	<ul style="list-style-type: none"> <li>• PET bottles</li> </ul>	
		<ul style="list-style-type: none"> <li>• HDPE bottles</li> </ul>	
		<ul style="list-style-type: none"> <li>• Plastic laminants</li> </ul>	
		<ul style="list-style-type: none"> <li>• Plastic HDPE and LDPE film</li> </ul>	
		<ul style="list-style-type: none"> <li>• HDPE, LDPE plastic shopping bags and others</li> </ul>	
		<ul style="list-style-type: none"> <li>• Expanded Polystyrene</li> </ul>	
		<ul style="list-style-type: none"> <li>• Non expanded Polystyrene</li> </ul>	
		<ul style="list-style-type: none"> <li>• PET containers</li> </ul>	
		<ul style="list-style-type: none"> <li>• Other plastics, polymers and polyurethane</li> </ul>	
		<ul style="list-style-type: none"> <li>• Polylactic Acid (PLA)</li> </ul>	
	Aluminum	<ul style="list-style-type: none"> <li>• Food and beverages aluminum containers</li> </ul>	
		<ul style="list-style-type: none"> <li>• Other aluminum packaging</li> </ul>	
	Steel	<ul style="list-style-type: none"> <li>• Aerosol containers</li> </ul>	
		<ul style="list-style-type: none"> <li>• Other steel containers</li> </ul>	
Glass	<ul style="list-style-type: none"> <li>• Clear glass</li> </ul>		
	<ul style="list-style-type: none"> <li>• Coloured glass</li> </ul>		

**Specific questions on the type of Materials marketed in order to complete each of the 2010, 2011 and 2012 Materials reports**

<b>Post-consumer recycled materials</b>		
<p>You reported having marketed "containers and packaging" and/or "printed matter". In order to apply new environmental criteria to be included in future Schedules, as stipulated in the Act, please indicate the proportion in percentage (%) by class of Materials that can be attributable to <b>post-consumer recyclable materials content</b>, as well as the proportion of said content.</p>		
<b>Class of Materials</b>	<b>Proportion of post-consumer recycled materials out of total generated</b>	<b>Percentage of recycled content</b>
Paperboard containers and packaging	%	%
Plastic containers and packaging	%	%
Metal containers and packaging	%	%
Aluminum containers and packaging	%	%
Glass containers and packaging	%	%

<b>Emerging materials</b>	
<p>You reported having marketed paperboard or plastic "containers and packaging". In order to consider new environmental criteria to be included in future Schedules, as stipulated by the Act, please indicate the proportion in percentage (%) by class of Materials that can be attributable to <b>Emerging materials</b> by giving a precise description of the Material as well as the percentage of this Material in your declared quantities.</p>	
<b>Class 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 bio-oxodegradable	%
Compostable	%
PET opaque (black or red)	%

## **Required supplementary documents**

### **Schedule for the years 2010, 2011 and 2012**

Along with the Materials report, the Targeted Person shall provide, as per section 5.1.2 of the Schedule:

- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report;
- b) A description of the Materials excluded from the Materials report used to establish the Targeted Person's payable contribution;
- 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 the type of Material;
- d) A description of the containers, packaging and printed matters that the Targeted Person marketed and that are not mentioned in the Materials report, as well as, the quantity in kilograms of the marketed containers, packaging and printed matter;
- e) A list of Brands, Names and Distinguishing Guises that are covered in the Targeted Person's Materials report;
- f) A declaration as to the truthfulness of the information contained in the Targeted Person's Materials report.

Also, as stipulated in section 5.3.1 of the Schedule, Éco Entreprises Québec reserves the right to request from the Targeted Person any supplementary information, such as the complete list of the containers and packaging and printer matter covered by the Schedule, whether or not this information was used in the preparation of the Materials report, the data tables, audit reports, list of reported Brands and list of Brands excluded from the Materials report and the allocation of percentages that the Targeted Person used to establish its report.

### **Confirmation of certain obligations**

I confirm that I am the primary contact for the enterprise, which is to mean that I am the person authorized by the enterprise to represent it in the context of its obligations under the compensation regime. I confirm to have read the 2010, 2011 and 2012 Schedule of Contributions for "Containers and Packaging" and "Printed Matter" Classes, as it has been approved by the Government of Quebec. I declare that all the information mentioned in the registration form as well as that in the Materials reports for the relevant class of Materials by the enterprise are accurate. I recognize that the enterprise must conserve all the documents and any technological or other data support that it used to prepare the Materials report for the relevant class of Materials and this, during a period of five (5) years commencing from the date upon which the Materials report is transmitted.

### **Authorization to disclose**

The enterprise, through my participation, consents to Éco Entreprises Québec disclosing the name of the enterprise on a list which is comprised of the names of all persons who have respected the provisions of division 5.1 of the Schedule.

## APPENDIX D: DATES OF PAYMENT OF 2010, 2011 AND 2012 CONTRIBUTIONS

Pursuant to division 4.3 of the Schedule.

Payment date	Civil Year		
	2012	2013	
	September 26	January 31	September 26
<b>2010 Schedule</b>	70 %	30 %	
<b>2011 Schedule</b>	70 %	30 %	
<b>2012 Schedule</b>		80 %	20 %

1987

Gouvernement du Québec

### O.C. 305-2012, 28 March 2012

An Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2)

Approval of a Program relating to a gratuitous transfer of land in the domain of the State in favour of northern municipalities

WHEREAS, on 9 May 2011, the Gouvernement du Québec unveiled the Plan Nord, which seeks to encourage the economic, social and environmental development of the territory situated north of the 49th parallel;

WHEREAS section 17.13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2) allows the Minister, with the approval of the Government, to prepare programs for the development of lands in the domain of the State that are under the Minister's authority in order to encourage regional development or implement any other governmental policy;

WHEREAS, under the first paragraph of section 17.14 of the Act, the Minister may, for the purposes of such programs, acquire any property, transfer the ownership of, authority over or administration of any land in the domain of the State that is under the Minister's authority and of the property situated thereon, transfer such land and property gratuitously, lease them or grant any other right therein to the legal person designated by the Minister;

WHEREAS, under the first paragraph of section 17.16 of the Act respecting the Ministère des Ressources naturelles et de la Faune, the Government may, on the conditions it determines, entrust the direction and implementation of a program to the minister it designates;

WHEREAS it is expedient to have the Government approve a program relating to a gratuitous transfer of land in the domain of the State in favour of northern municipalities under the Plan Nord;

WHEREAS it is expedient to entrust the administration of the Program to the Minister of Natural Resources and Wildlife;

WHEREAS, under article 14.11 of the Municipal Code of Québec (R.S.Q., c. C-27.1) and under section 29.13 of the Cities and Towns Act (R.S.Q., c. C-19), every municipality may participate in a program prepared in accordance with Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

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

THAT the Program relating to a gratuitous transfer of land in the domain of the State in favour of northern municipalities existing in the Plan Nord territory, attached to this Order in Council, be approved;

THAT the administration of the Program be entrusted to the Minister of Natural Resources and Wildlife.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

PROGRAM RELATING TO A GRATUITOUS  
TRANSFER OF LAND IN THE DOMAIN OF THE  
STATE IN FAVOUR OF NORTHERN  
MUNICIPALITIES

1. DEFINITIONS

For the purposes of this Program, unless the context indicates otherwise,

“gratuitous transfer agreement” means an agreement by which the Minister undertakes, under certain conditions, to transfer land in the domain of the State gratuitously to a northern municipality under the Program;

“Minister” means the Minister of Natural Resources and Wildlife;

“northern municipality” means municipalities whose boundaries are located, in whole or in part, north of the 49th parallel of latitude, the St. Lawrence river and the Gulf of St. Lawrence;

“Program” means this Program prepared under Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., c. M-25.2);

“urban development” means growth associated with the municipal sector in terms of residential and commercial construction as well as in terms of establishment of municipal industrial parks supporting the economic development of the community.

2. OBJECTIVES OF THE PROGRAM

The purpose of the Program is to

— allow northern municipalities, in an urgent context of significant urban growth, to assume with authority the consolidation of their urban development to meet the needs created by the setting up of socioeconomic projects resulting from the implementation of major economic projects related to the Plan Nord;

— provide northern municipalities with a lever in matters of urbanization, for the purpose of allowing them, according to their development objectives, to plan the implementation of public utility infrastructures necessary to meet their needs (streets, sewers, waterworks, parks);

— transfer gratuitously to northern municipalities full ownership of land in the domain of the State required for the urban development in a context of sustainable development;

— allow northern municipalities to financially support, from income created by the lease or sale of land, the carrying out of public utility infrastructure work or the establishment of other services;

— support northern municipalities in the implementation of major industrial projects.

3. ELIGIBILITY FOR THE PROGRAM

Only northern municipalities are eligible for the Program.

Northern municipalities must submit a development plan of their urban area to be approved by the Minister. The Minister will consult the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire, more specifically the land use planning and development branch, in order to assess the justification of the request regarding the management of urbanization.

In addition to an appropriate cartographic representation of the development plan (current and proposed urban limits, intended use, current and proposed infrastructures, planned stages of development, vacant spaces, etc.), the plan must be accompanied by a resolution explaining the nature of the economic development project and a document justifying the project based on its growth projections regarding economic development and on needs for spaces necessary for the urban development of the northern municipality. The latter document must show in particular

— proof stating the content, scale, scope and progress of the major socioeconomic project or projects;

— an analysis of the urban development needs along with the spaces available within the urbanization perimeter or current urban core, as the case may be;

— proof showing that the land concerned is necessary for its carrying out;

— a demonstration that the development will be made in priority in line with the current built environment;

— data concerning the vacancy rate of dwellings and the employment rate;

— data concerning the number of vacant land with or without municipal services;

— proof stating the impact of potential refusal by the Government.

On the recommendation of the Ministère des Ressources naturelles et de la Faune (MRNF), a municipality could benefit from the Program. To do so, the municipality must adopt a resolution whereby the municipality complies with and accepts all the terms, conditions, commitments and obligations under the Program.

It must be noted that when the project has elements requiring a modification to the development plan, the regional county municipality concerned must obtain a notice of compliance with government policies as provided under the Act respecting land use planning and development, before the signing of the notarial deed of transfer.

#### 4. TERRITORIAL SCOPE

The Program applies to land in the domain of the State, north of the 49th parallel of latitude, the St. Lawrence river and the Gulf of St. Lawrence.

The following are excluded from the territory covered:

— the water domain, that is, the bed of lakes and watercourses to the normal high water mark, including hydraulic power;

— land in the domain of the State flooded following the construction and maintenance of a dam or any work related to the dam and required for its operation;

— any right of way of a route or highway under the management of the Minister of Transport, including its infrastructure and all the works useful for its development or management;

— any land, including buildings, improvements, equipment and movable property, necessary for the activities of the Ministère des Ressources naturelles et de la Faune or other mandatory departments or public bodies;

— land on which exclusive public utility works are planned in the short term by the Gouvernement du Québec;

— land on which the Minister or the Gouvernement du Québec granted rights in favour of the Government of Canada, or one of its departments or bodies;

— any public land situated in a natural hazard-prone area jeopardizing the safety of persons and property;

— any other land determined by the Minister for the needs of a department, body or mandatory of the Government.

#### 5. POWERS OF THE MINISTER

The Minister may transfer gratuitously to a northern municipality full ownership of land in the domain of the State required to meet its urban development needs related to urban growth provoked by the implementation of major economic projects under the Plan Nord.

The Minister may subject the gratuitous transfer to any conditional or resolutive clause required to ensure land management in compliance with government policies.

The Minister may authorize a northern municipality to pay moneys deriving from the leasing or alienation of land in the domain of the State transferred under the Program into a fund managed by a northern municipality.

The Minister may, after notification, recover areas of land transferred under the Program, free of charge and without financial compensation, for public use or interest or for any other purpose determined by order or deemed necessary by the Minister.

#### 6. TRANSFER AGREEMENT

Every northern municipality wishing to obtain land in the domain of the State, under the Program, must sign, with the Minister, a gratuitous transfer agreement. To do so, it must first send to the Minister a resolution requesting to start discussions in that direction. The writing of the gratuitous transfer agreement is under the Minister's responsibility.

In the gratuitous transfer agreement, northern municipalities must undertake to

— send a resolution whereby municipalities comply with and accept all the terms, conditions, commitments and obligations under the Program. The resolution also authorizes the representative of the northern municipality to sign with the Minister;

— send a description of the required land in the domain of the State that will be the subject of the transfer, along with, as a schedule, a cartographic representation illustrating the limits of the land and its approximate area;

— file a proposed urban development plan indicating the stages of development, uses, and preliminary layout of the infrastructures and public utilities;

— pay all costs and expenses related to land transfer: those costs and expenses include those required for the drafting of the notarial deed of gratuitous transfer, land

surveying on land in the domain of the State, cadastral registration, the publication of rights and boundary marking, if required;

— accept land as it is delimited, designated and surveyed at the time the agreement is signed, without any guarantee by the Minister as to its state and area;

— prior to signing the notarial deed of transfer, carry out the survey work according to the instructions of the Surveyor-General of Québec and Division II of the Act respecting the lands in the domain of the State;

— accept the gratuitous transfer of land in the domain of the State without compensation and free of any discharge, without any legal and environmental guarantee;

— respect fairness and transparency in the sale and granting of rights on transferred land, by requiring a fair market value in the transfer of land to a third person;

— provide the Minister with all the information or documents related to the development of the required land, claimed for the follow-up and assessment of the implementation of the transfer agreement once a year on the anniversary date of the signing of the agreement or in an application for the transfer of land for a new stage of development or for the purposes of the agreement;

— treat any other situation of illegal occupation and use, including in particular illegal dumping sites and gates, of transferred land and according to methods in keeping with the Government's position that no privileges may be granted to anyone who illegally occupies or uses land in the domain of the State.

The Minister may undertake to

— transfer gratuitously by notarial deed land in the domain of the State free of rights and described in the transfer agreement, to meet the development needs of the northern municipality;

— grant, if applicable, during the period required for surveying, a temporary right to occupy land as soon as the transfer agreement is signed;

— authorize the northern municipality to pay moneys deriving from the leasing, operation or alienation of land in the domain of the State transferred under the gratuitous transfer agreement into a fund managed by the northern municipality.

### **Signature:**

— the gratuitous transfer agreement must be signed by the Minister or the Minister's authorized representative and representatives of the northern municipality duly authorized by resolution.

### **Resolatory clauses:**

— the Minister may include in the gratuitous transfer agreement any other conditional or resolatory clause required to ensure the management of land in the domain of the State transferred in compliance with government policies;

— regarding land in the domain of the State that is the subject of claims by or negotiations with Natives or Native concerns known following consultations with the community concerned, the Minister may amend the conditions of the gratuitous transfer agreement by sending a notice to that effect. The Minister may also withdraw transferred land, after a notice given to the municipality, free of charge and without financial compensation.

### **Term and conditions of transfer:**

— the gratuitous transfer agreement must contain a term and conditions for which land in the domain of the State will be transferred according to the appropriate stages of development.

### **Fund:**

— the northern municipality must establish a fund or use a fund that already exists and pay into it the moneys deriving from the leasing or alienation of land in the domain of the State;

— the management of the fund is under the responsibility of the northern municipality. Accountability is made according to the acts governing the jurisdiction of the northern municipality.

## **7. COMPLEMENTARY TERMS AND CONDITIONS**

The alienation of land in the domain of the State whose offer for sale sent to a third party purchaser before the signing of the gratuitous transfer agreement will be completed by the Minister who will receive the total income.

Where a northern municipality sends to the Minister a resolution requesting to start discussions with a view to signing a gratuitous transfer agreement, the Minister may suspend any analysis of offer for sale, lease and



other rights, in the territory to which the request applies. The northern municipality's requests will have priority over any other request dealing with the same land in the domain of the State.

A northern municipality having already signed, in a given territory, a land management delegation agreement of land in the domain of the State with the Ministère des Ressources naturelles et de la Faune under Division I.1 of the Act respecting the lands in the domain of the State, may not use the Program in the same territory. For the northern municipality to be eligible for the Program, the northern municipality and the department must revoke the delegation agreement, without any financial compensation.

Every municipality that participates in a program or a land management delegation agreement of land in the domain of the State made under Division II.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune may, with the Minister's authorization, apply the provisions of this Regulation by adapting them for the benefit of northern municipalities on land subject to the delegation and eligible for this Program. In accordance with the Program or management delegation agreement, the delegated municipality must first obtain the Minister's authorization before proceeding with any gratuitous transfer of land in the domain of the State.

## 8. LEGAL AND REGULATORY PROVISIONS

The provisions of the Agreement concerning James Bay and Northern Québec and the Northeastern Québec Agreement, and their laws, prevail over the provisions of this Program.

Land in the domain of the State transferred under the Program is exempted from the application of the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (R.R.Q., c. T-8.1, r. 7).

1988

Gouvernement du Québec

## O.C. 320-2012, 28 March 2012

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

### Cartage industry – Québec — Amendment

Decree to amend the Decree respecting the cartage industry in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the cartage industry in the Québec region (c. D-2, r. 3);

WHEREAS the contracting parties designated in the Decree have, under section 6.1 of the Act, submitted to the Minister of Labour an application to amend 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, an amending draft Decree was published in Part 2 of the *Gazette officielle du Québec* of 23 November 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 no comments were received following that publication and 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 cartage industry in the Québec region, attached hereto, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting the cartage industry in the Québec region

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

**1.** The Decree respecting the cartage industry in the Québec region (c. D-2, r. 3) is amended in section 18.01

(1) by replacing the table of wage rates in paragraph 1 by the following:

<b>“Employment category</b>	<b>As of 11 April 2012</b>	<b>As of 11 April 2013</b>	<b>As of 11 April 2014</b>
1- Helper	\$16.51	\$17.01	\$17.35
2- Driver, class I	\$16.86	\$17.37	\$17.72
3- Driver, class II	\$17.00	\$17.51	\$17.86
4- Driver, class III	\$17.72	\$18.25	\$18.62
5- Driver, class IV	\$18.40	\$18.95	\$19.33
6- Mechanic, welder			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$17.73	\$18.26	\$18.63
7- Serviceman			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$17.00	\$17.51	\$17.86”;

(2) by replacing the table of wage rates in paragraph 2 by the following:

<b>“Employment category</b>	<b>As of 11 April 2012</b>	<b>As of 11 April 2013</b>	<b>As of 11 April 2014</b>
1- Helper	\$16.11	\$16.59	\$16.92
2- Driver, class I	\$17.60	\$18.13	\$18.49
3- Driver, class II	\$17.74	\$18.27	\$18.64
4- Driver, class III	\$17.93	\$18.47	\$18.84
5- Driver, class IV	\$18.60	\$19.16	\$19.54
6- Mechanic, welder			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$17.92	\$18.46	\$18.83

<b>“Employment category</b>	<b>As of 11 April 2012</b>	<b>As of 11 April 2013</b>	<b>As of 11 April 2014</b>
7- Serviceman			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$17.24	\$17.76	\$18.12”;

(3) by replacing the table of wage rates in paragraph 3 by the following:

<b>“Employment category</b>	<b>As of 11 April 2012</b>	<b>As of 11 April 2013</b>	<b>As of 11 April 2014</b>
1- Helper	\$18.26	\$18.81	\$19.19
2- Driver, class I	\$18.63	\$19.19	\$19.57
3- Driver, class II	\$18.80	\$19.36	\$19.75
4- Driver, class III	\$19.48	\$20.06	\$20.46
5- Driver, class IV	\$20.17	\$20.78	\$21.20
6- Mechanic, welder			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$19.14	\$19.71	\$20.10
7- Serviceman			
1st grade	\$13.06	\$13.45	\$13.72
2nd grade	\$18.79	\$19.35	\$19.74”.

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

1989

Gouvernement du Québec

**O.C. 321-2012, 28 March 2012**

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

**Automotive services industry  
— Chapais, Chibougamau, Lac-Saint-Jean and Saguenay  
— Amendment**

Decree to amend the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (c. D-2, r. 7);

WHEREAS the contracting parties designated in the Decree have, under section 6.1 of the Act, submitted to the Minister of Labour an application to amend 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, an amending draft Decree was published in Part 2 of the *Gazette officielle du Québec* of 11 May 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 one comment on the draft Decree was received following that publication and it is not expedient to take it into consideration;

WHEREAS it is expedient to make the Decree without amendment;

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

THAT the Decree to amend the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay, attached hereto, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

### **Decree to amend the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay**

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

**1.** The Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) is amended by replacing section 9.09 by the following:

“**9.09.** The ratio of apprentices to journeymen carrying on a trade with an employer must not exceed 2 apprentices per journeyman in the same trade.”.

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

Gouvernement du Québec

### **O.C. 365-2012, 4 April 2012**

An Act respecting labour standards (R.S.Q., c. N-1.1)

#### **Labour standards — Amendment**

Regulation to amend the Regulation respecting labour standards

WHEREAS, under the first paragraph of section 40, paragraph 1 of section 89 and the first paragraph of section 91 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government may, by regulation, fix labour standards respecting the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards (c. N-1.1, r. 3);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting labour standards was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting labour standards, attached to this Order in Council, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards  
(R.S.Q., c. N-1.1, s. 40, 1st par., s. 89, par. 1, s. 91,  
1st par.)

**1.** The Regulation respecting labour standards (c. N-1.1, r. 3) is amended by replacing “\$9.65” in section 3 by “\$9.90”.

**2.** Section 4 is amended by replacing “\$8.35” by “\$8.55”.

**3.** Section 4.1 is amended by replacing

(1) “\$2.84” by “\$2.91”;

(2) “\$0.75” by “\$0.77”.

**4.** The heading of Division III is replaced by the following:

“MAXIMUM AMOUNT TO BE PAID FOR MEALS AND ACCOMMODATION”.

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

“6. Where the employer, because of the employee’s working conditions, must provide meals or accommodation to the employee, or where the employer sees to it that accommodation is provided to the employee, no amount greater than the following may be charged to the employee

(1) \$2.00 per meal, up to \$26.00 per week;

(2) \$25.00 per week for a room;

(3) \$45.00 per week for a dwelling where the room accommodates 4 employees or less and \$30.00 where the room accommodates 5 employees or more.

For the purposes of this section,

(1) “room” means a room in a dwelling unit that has a bed and a chest of drawers for each employee who is accommodated and that allows access to a toilet and a shower or bath;

(2) “dwelling” means a dwelling unit that has at least 1 room and allows access to at least a washer and dryer as well as a kitchen with a refrigerator, a stove and a microwave oven.

No accommodation costs, other than the amounts provided for in the first paragraph, may be required from the employee, in particular for access to an additional room.

With each increase in the general rate of the minimum wage, the amounts provided for in section 6 are increased by the percentage corresponding to the increase in the general rate of the minimum wage, without exceeding the percentage corresponding to the Consumer Price Index.

The Consumer Price Index for a year is the yearly average computed on the basis of the monthly Consumer Price Index for Canada established by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19), for the 12 months of the calendar year preceding the increase in the general rate of the minimum wage in relation to the 12 months of the calendar year prior to that year.

If the percentage computed under the fourth paragraph includes more than 2 decimals, only the first 2 decimals are retained and the second decimal is increased by 1 unit if the third decimal is equal to or greater than 5.

The Minister publishes the result of the increase in the *Gazette officielle du Québec*.”.

**6.** This Regulation comes into force on 1 May 2012.

1978

Gouvernement du Québec

**O.C. 366-2012, 4 April 2012**

An Act respecting labour standards  
(R.S.Q., c. N-1.1)

### Clothing industry — Labour standards specific to certain sectors — Amendment

Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry

WHEREAS, under section 92.1 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government may, by regulation, after consulting with the most representative employees’ and employers’ associations in the clothing industry, in respect of all employers and employees in certain sectors of the clothing industry, fix labour standards respecting, in particular, the minimum wage;

WHEREAS the Government made the Regulation respecting labour standards specific to certain sectors of the clothing industry (c. N-1.1, r.4);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the consultations required by law have been held;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry, attached to this Order in Council, be made.

GILLES PAQUIN,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry**

An Act respecting labour standards  
(R.S.Q., c. N-1.1, s. 92.1, 1st par., subpar. 1)

**1.** The Regulation respecting labour standards specific to certain sectors of the clothing industry (c. N-1.1, r. 4) is amended by replacing “\$9.65” in section 3 by “\$9.90”.

**2.** This Regulation comes into force on 1 May 2012.

1979

**M.D., 2012-03**

**Order number I-14.01-2012-03 of the Minister for Finance, March 28, 2012**

Derivatives Act  
(R.S.Q., c. I-14.01)

CONCERNING Regulation to amend the Derivatives Regulation

WHEREAS subparagraphs 2, 3, 12, 18, 21, 21.1, 22, 22.1, 26 and 29 of section 175 of the Derivatives Act (R.S.Q., c. I-14.01), amended by section 177 of chapter 58 of the statutes of 2009 and section 61 of chapter 26 of the statutes of 2011, provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the fourth and fifth paragraphs of section 175 of the said Act provide that a draft regulation shall be published in the *Bulletin de l’Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section provide that every regulation made under section 175 must be submitted to the Minister of Finance for approval with or without amendment and comes into force on the date of its publication in the *Gazette officielle du Québec* or at any later date specified in the regulation;

WHEREAS Order in Council no. 930-2011 of September 14, 2011 concerning the Minister for Finance provides that the Minister for Finance exercises, under the supervision of the Minister of Finance, the functions for the application of the Derivatives Act;

WHEREAS the Derivatives Regulation has been approved by Ministerial Order no. 2009-01 dated January 15, 2009 (2009, *G.O.* 2, 33A);

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Derivatives Regulation was published in the *Bulletin de l’Autorité des marchés financiers*, volume 8, no. 50 of December 16, 2011;

WHEREAS the *Autorité des marchés financiers* made, on March 9, 2012, by the decision no. 2012-PDG-0041, Regulation to amend the Derivatives Regulation;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister for Finance approves without amendment Regulation to amend the Derivatives Regulation appended hereto.

28 March 2012

ALAIN PAQUET,  
*Minister for Finance*

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## Regulation to amend the Derivatives Regulation

Derivatives Act  
(R.S.Q., c. I-14.01)

**1.** The Derivatives Regulation, R.R.Q., c. I-14.01, r. 1, is amended by inserting the following after Division II.2:

### “DIVISION II.3

#### “QUALIFIED PERSONS

##### “§1. — Application for qualification and authorization to market a derivative

“**11.23.** Persons who apply for qualification under section 82 of the Act must demonstrate that they meet the obligations under sections 82.1 to 82.3 of the Act as well as the following obligations:

(1) if they do not participate in a contingency fund that protects the property entrusted to them by the counterparties to a derivative that they are marketing, they meet the obligations set out in section 11.29 or 11.30 hereof, as the case may be;

(2) they maintain the books and records necessary to ensure efficient operations and to demonstrate their compliance with the obligations applicable to them under the Act;

(3) they have developed an emergency and contingency plan to ensure business continuity.

Any document intended to demonstrate compliance with the obligations under sections 82.1 to 82.3 of the Act and subparagraphs 1 to 3 above must be provided to the Authority in the manner indicated in the form set out in Schedule B.

“**11.24.** Persons who apply for qualification must also provide to the Authority, either in writing or electronically, the form set out in Schedule B, duly completed.

The application for qualification must be accompanied by Form 33-109F4 of Regulation 33-109 respecting Registration Information (c. V-1.1, r. 12), duly completed by every permitted individual, as defined in section 1.1 of that Regulation.

The second paragraph does not apply to a permitted individual who has already provided the form required therein to the Authority prior to applying for qualification, on condition that such individual confirms that the information included in the form is current to the date of filing of the application for qualification.

“**11.25.** In order to obtain the authorization referred to in the second paragraph of section 82 or in section 83 of the Act, a person who markets a derivative must provide to the Authority, either in writing or electronically, the form set out in Schedule C, duly completed.

Any objection by the Authority must be made within 21 days after the application for authorization is submitted.

“**11.26.** Persons who apply for qualification or authorization to market a derivative under section 82 or 83 of the Act must notify the Authority without delay of any change made to the information submitted at the time of their application for qualification and in the form set out in Schedule B or Schedule C between the time when such application for qualification or authorization to market a derivative is submitted and a decision is issued by the Authority with respect thereto.

This notice of change must be submitted either in writing or electronically in the manner indicated in the form set out in Schedule B or Schedule C.

#### “§2. Obligations regarding qualified persons

“**11.27.** Qualified persons must, at all times, ensure that they comply with the obligations set out in section 11.23 hereof.

“**11.28.** Section 11.29 or 11.30, as the case may be, does not apply to qualified persons who participate in a contingency fund that protects the property entrusted to them by the counterparties to a derivative that they are marketing.

“**11.29.** The excess working capital of the qualified person who is not a member of the Investment Industry Regulatory Organization of Canada, as calculated in accordance with Form 31-103F1 Calculation of Excess Working Capital of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (c. V-1.1, r. 10), may not be less than zero for two consecutive days.

For the purpose of completing Form 31-103F1 Calculation of Excess Working Capital, the minimum capital is \$20,000,000 plus 5% of amounts due to counterparties to a derivative that the qualified person is marketing which exceed \$10,000,000.

**“11.30.** The risk adjusted capital of the qualified person who is a member of the Investment Industry Regulatory Organization of Canada, as calculated in accordance with Form 1, Joint Regulatory Financial Questionnaire and Report of the Investment Industry Regulatory Organization, may not be less than zero for two consecutive days.

Based on the calculation made in accordance with this Form, the qualified person has minimum capital of not less than \$20,000,000 plus 5% of amounts due to counterparties to a derivative that the qualified person is marketing which exceed \$10,000,000.

**“11.31.** Qualified persons must notify the Authority without delay, either in writing or electronically, of the following events:

(1) their excess working capital, as calculated in accordance with Form 31-103F1 Calculation of Excess Working Capital, or their risk adjusted capital, as calculated in accordance with Form 1, Joint Regulatory Financial Questionnaire and Report, as the case may be, is less than zero;

(2) any material failure, malfunction or delay of their systems or equipment.

**“11.32** Notwithstanding section 11.31, qualified persons must notify the Authority and the counterparties to a derivative that they are marketing, including counterparties waiting to trade such a derivative, either in writing or electronically, of any change that could affect the trading of such a derivative or the transactions under way in respect of such a derivative at least 10 days prior to the change.

**“11.33** Notwithstanding section 11.31, qualified persons must notify the Authority either in writing or electronically, of any material change in the information provided in their application for qualification or authorization to market a derivative, in the manner indicated in Schedule B or Schedule C, within seven days of the change, unless they have already notified the Authority of such change in accordance with section 11.32 hereof.

A material change in respect of a qualified person means a change in the business, operations or financial position of the person that would reasonably be expected

to be considered important by a counterparty to the derivative being marketed by the qualified person, including counterparties waiting to trade such a derivative.

A material change in respect of a derivative means a change in information that would reasonably be expected to have a significant effect on its attributes, including its value, the terms and conditions of the contract evidencing the derivative, transaction methods or the risks related to its use, excluding information that is likely to have an effect on the market price or value of its underlying interest.

**“11.34.** Qualified persons must notify the Authority, either in writing or electronically, of any change in the information provided in their application for qualification or their application for authorization to market a derivative, other than a change contemplated under sections 11.31 to 11.33 hereof, in the manner set out in Schedule B or Schedule C, within 30 days after the end of the quarter in which the change occurred.

**“11.35.** The updated information sent to the Authority within the time periods set out in sections 11.31 to 11.33 may be used in connection with a public offering of derivatives.

**“11.36.** Within 90 days after the end of its fiscal year, a qualified person must send the following information to the Authority:

(1) the audited financial statements for its latest fiscal year prepared in accordance with Canadian GAAP applicable to publicly accountable enterprises;

(2) the number of contracts entered into in Québec and their notional value for all derivatives offered to the public during the latest fiscal year;

(3) the percentage of accounts, for each of the latest four quarters, that were profitable for counterparties.

**“11.37.** Sections 82 and 83 of the Act do not apply to persons who were exempt, up to the coming into force of this Regulation, from the application of section 82 pursuant to a decision of the Authority, provided that such persons satisfy the conditions specified in the decision and that they have filed an application for qualification within 30 days after the coming into force of this Regulation.

The exemption set out in the first paragraph ends on the date on which the Authority agrees or refuses to grant qualification to the person so exempted.”.



**2.** The Regulation is amended by inserting the following after section 13:

“**13.1.** The information related to questions 1 to 6 and 29 to 31 of the form set out in Schedule B and to questions 3 to 5, 7 and 8 of the form set out in Schedule C constitutes the information that dealers must give to clients, in accordance with the second paragraph of section 70 of the Act.

“**13.2.** Qualified persons must make accessible to counterparties to a derivative that they are marketing, including counterparties waiting to trade such a derivative, the information related to questions 11, 27 and 28 of the form set out in Schedule B.”.

**3.** The Regulation is amended by inserting, after Schedule A, Schedules B and C, the texts of which are set out in Schedule 1 of this Regulation.

**4.** This Regulation comes into force on April 13, 2012.

Schedule 1  
(Section 3)

## SCHEDULE B

### APPLICATION FOR QUALIFICATION (Section 82 of the Derivatives Act)

**Type of Application:**                 \_\_\_         **INITIAL**                                     \_\_\_         **AMENDMENT**

On each of the documents appended to this form, including those provided pursuant to section 11.23 of the Derivatives Regulation, enter the name of the person applying for qualification, or the qualified person, the date of filing of the document and the date as of which the information is accurate (if different from the date of filing). Indicate any question that is not applicable.

If the person applying for qualification, or the qualified person, files an amendment to the information provided in this form and the amendment relates to a document filed with this form or a subsequent amendment, the person must, in order to comply with sections 11.23, 11.24, 11.26, 11.33 and 11.34 of the Derivatives Regulation, provide a description of the amendment and file a full amended version of the document.

1. Full name: \_\_\_\_\_
  
2. Main street address: \_\_\_\_\_  
                                       (do not use a P.O. box)
  
3. Mailing address: \_\_\_\_\_  
                                       (if different)
  
4. Head office address: \_\_\_\_\_  
                                       (if different from address in item 2)
  
5. Business telephone  
     and facsimile number: \_\_\_\_\_
  

\_\_\_\_\_
\_\_\_\_\_

(Telephone)
(Facsimile)

6. Website address: \_\_\_\_\_
7. Contact employee: \_\_\_\_\_  
 (Name and Title) (Telephone) (Facsimile) (E-mail)
8. Legal counsel: \_\_\_\_\_  
 (Firm name) (Contact name) (Telephone) (Facsimile) (E-mail)
9. Auditor: \_\_\_\_\_  
 (Firm name) (Contact name) (Telephone) (Facsimile) (E-mail)
10. Fiscal year-end: \_\_\_\_\_
11. Legal status: \_\_\_\_\_

Except where the person applying for qualification is a sole proprietorship, indicate the date and place where the person applying for qualification obtained its legal status (e.g., place of incorporation, place where partnership agreement was filed or where entity was formed):

- a) Date (YYYY/MM/DD): \_\_\_\_\_
- b) Place: \_\_\_\_\_
- c) Statute under which the person applying for qualification obtained legal status: \_\_\_\_\_

Provide a brief overview of the activities of the person applying for qualification:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Other names (previous and current) under which the person applying for qualification or any of its subsidiaries or affiliates was or is now doing business:

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13. Name of any entity with which the person applying for qualification combined, amalgamated, entered into an arrangement or reorganized its operations in the past ten years:

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14. Principal places of business of the person applying for qualification, including their relative importance, as well as the name and address of its principal officers and directors:

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15. In the past ten years, has the person applying for qualification or any of its subsidiaries or affiliates declared bankruptcy, made an assignment in bankruptcy or a proposal in bankruptcy, been the subject of a petition in bankruptcy or the equivalent?

If applicable, provide the following information for each bankruptcy or assignment in bankruptcy:

Name of entity:

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Reason for bankruptcy or assignment:

---

Date of bankruptcy, assignment or petition:

(YYYY/MM/DD)

Date discharge granted, if applicable:

(YYYY/MM/DD)

Name of trustee:

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If applicable, attach a copy of any discharge or equivalent document.

16. In the past ten years, has the person applying for qualification or any of its subsidiaries or affiliates ever entered into a settlement agreement with any financial services regulator, securities or derivatives exchange, a self-regulatory organization or similar organization?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the following information for each settlement agreement:

Name of entity: \_\_\_\_\_  
 Regulator/organization: \_\_\_\_\_  
 Date of settlement (YYYY/MM/DD): \_\_\_\_\_  
 Details of settlement: \_\_\_\_\_  
 Jurisdiction: \_\_\_\_\_

17. In the past ten years, has any financial services regulator, securities or derivatives exchange, self-regulatory organization or similar organization ever:

	Yes	No
a) determined that the person applying for qualification or any of its subsidiaries or affiliates violated any securities or derivatives regulations or any rules of a securities or derivatives exchange, self-regulatory organization or similar organization?	_____	_____
b) determined that the person applying for qualification or any of its subsidiaries or affiliates made a false statement or omission?	_____	_____
c) issued a warning to or requested an undertaking by the person applying for qualification or any of its subsidiaries or affiliates?	_____	_____
d) suspended or terminated any registration, licensing, receipt or authorization of the person applying for qualification or any of its subsidiaries or affiliates?	_____	_____
e) imposed conditions or restrictions on the registration, licensing, receipt or authorization of the person applying for qualification or any of its subsidiaries or affiliates?	_____	_____
f) conducted a proceeding or investigation involving the person applying for qualification or any of its subsidiaries or affiliates?	_____	_____
g) issued an order (other than an exemption order) or a sanction against the person applying for qualification or any of its subsidiaries or affiliates for securities or derivatives-related activity?	_____	_____

Provide the following information for each question to which you answered yes:

Name of entity: \_\_\_\_\_

Type of action: \_\_\_\_\_

Regulator/organization: \_\_\_\_\_

Date of action (YYYY/MM/DD): \_\_\_\_\_ Reason for action: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

**18.** Is the person applying for qualification aware of any ongoing investigations of which it or any of its subsidiaries or affiliates is the subject?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the following information for each investigation:

Name of entity: \_\_\_\_\_

Reason or purpose of investigation: \_\_\_\_\_

Regulator/organization: \_\_\_\_\_

Date investigation commenced (YYYY/MM/DD): \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

- 19.** In the past ten years, has the person applying for qualification or any of its subsidiaries or affiliates ever been found guilty of or pleaded guilty to a criminal or penal offence?

Yes

No

\_\_\_\_\_

\_\_\_\_\_

If yes, provide the following information for each conviction:

Name of entity:

\_\_\_\_\_

Type of offence:

\_\_\_\_\_

Case name:

Case number, if  
applicable:

\_\_\_\_\_

Date of conviction  
(YYYY/MM/DD):

\_\_\_\_\_

Jurisdiction:

\_\_\_\_\_

- 20.** Is the person applying for qualification or any of its subsidiaries or affiliates currently the subject of any outstanding criminal or penal charges?

Yes

No

\_\_\_\_\_

\_\_\_\_\_

If yes, provide the following information for each charge:

Name of entity:

\_\_\_\_\_

Type of offence:

\_\_\_\_\_

Date of charge  
(YYYY/MM/DD):

\_\_\_\_\_

Jurisdiction:

\_\_\_\_\_

21. In the past ten years, has the person applying for qualification or any of its subsidiaries or affiliates ever received a judgment from a civil court or has a judgment ever been rendered with respect to its securities or derivatives activities?

Yes

No

\_\_\_\_\_

\_\_\_\_\_

If yes, provide the following information for each conviction:

Name of entity:

\_\_\_\_\_

Type of judgment:

\_\_\_\_\_

Date of judgment  
(YYYY/MM/DD):

\_\_\_\_\_

Conclusions of judgment:

\_\_\_\_\_

Jurisdiction:

\_\_\_\_\_

### STRUCTURE OF APPLICANT

22. Provide a copy of the constituting documents, including by-laws and other similar documents, and all subsequent amendments thereto.
23. Provide the following information for each subsidiary and affiliate of the person applying for qualification:
- Name, assumed names and addresses;
  - Legal status;
  - Location, statute and date of incorporation;
  - Description of the nature and extent of affiliation or contractual or other agreement with the person applying for qualification;
  - Description of business or functions.
24. Describe the compensation programs for directors and officers and personnel of the person applying for qualification.
25. Describe the business model of the person applying for qualification.
26. Describe any outsourcing arrangement entered into by the person applying for qualification that is related to the activities that are the subject of the application for qualification.



**REGULATION AND OVERSIGHT**

27. Describe the regulatory regime applicable in Canada to the person applying for qualification, including the following information:
- a) The name of the principal securities regulator of the person applying for qualification.
  - b) The registration category of the person applying for qualification and any related condition or restriction.
  - c) The name of any self-regulatory organization of which the person applying for qualification is a member.
  - d) The name of any other regulatory body to which the person applying for qualification would be subject.
28. Describe the foreign regulatory regime applicable to the person applying for qualification, including the following information:
- a) The name of the regulatory authority overseeing the person applying for qualification.
  - b) The date of registration and the registration category of the person applying for qualification and any related condition or restriction.
  - c) A description of the foreign regulatory regime, including:
    - i. Steps taken by the foreign regulatory authority to verify legal or regulatory compliance by the person applying for qualification.
    - ii. Steps taken by the foreign regulatory authority to oversee the person applying for qualification, including with respect to its internal policies and procedures.
    - iii. Continuous disclosure filing obligations.
    - iv. The foreign regulatory authority's inspection program.
    - v. Steps taken by the foreign regulatory authority to review or approve the products offered to the public by the person applying for qualification.
  - d) Confirmation from the person applying for qualification that it complies with applicable legislation and regulations.
  - e) The name of any self-regulatory organization of which the person applying for qualification is a member.

**DISTRIBUTION**

29. Describe the product distribution methods used by the person applying for qualification.

**RULES AND PROCEDURES**

- 30.** List the information that will be sent to each client of the person applying for qualification, including the following information:
- a) A copy of all documents that will be given to the client prior to doing business with the person applying for qualification.
  - b) A copy of any other document that could be sent to the client regarding the activities of the person applying for qualification.
  - c) A description of all costs and fees that will be charged to clients, specifying how such costs and fees will be calculated and disclosed.
  - d) The manner in which risks will be disclosed to the client by the person applying for qualification, other than by delivery of the risk information document.
  - e) A description of the handling of client accounts, specifying cash and open positions held by the person applying for qualification on its own behalf or on behalf of its clients, its method of account segregation and the physical location where client accounts are held.
  - f) A description of the information confidentiality policy of the person applying for qualification.
  - g) A description of the policies of the person applying for qualification with respect to maintaining and storing client information.
  - h) The manner in which clients can obtain up-to-date information about the operations, financial performance, financial position and cash flows of the person applying for qualification, its subsidiaries and affiliates.

**SYSTEMS AND OPERATIONS**

- 31.** Describe in detail the operations of the electronic platform (or electronic system) used by the person applying for qualification.

**FINANCIAL VIABILITY**

- 32.** Submit the annual audited financial statements and related MD&A for the past three fiscal years.
- 33.** Submit the most recent interim financial report, together with the related MD&A, if applicable.
- 34.** Specify the contingency fund in which the person applying for qualification participates and the coverage offered under such fund.

CERTIFICATE OF PERSON APPLYING FOR QUALIFICATION OR QUALIFIED PERSON

The undersigned certifies that the information provided in this form is true and complete.

DATED \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_  
at \_\_\_\_\_

\_\_\_\_\_  
(Name of person applying for qualification or qualified person)

\_\_\_\_\_  
(Name of authorized director or officer – block letters)

\_\_\_\_\_  
(Title of authorized director or officer)

\_\_\_\_\_  
(Signature)

**SCHEDULE C****APPLICATION FOR AUTHORIZATION TO MARKET A DERIVATIVE  
(Sections 82 and 83 of the Derivatives Act)**

On each of the documents appended to this form, enter the name of the person applying for qualification, or the qualified person, the date of filing of the document and the date as of which the information is accurate (if different from the date of filing). Indicate any question that is not applicable.

If the person applying for qualification, or the qualified person, files an amendment to the information provided in this form and the amendment relates to a document filed with this form or a subsequent amendment, the person must, in order to comply with sections 11.25, 11.26 and 11.33 of the Derivatives Regulation, provide a description of the amendment and file a full amended version of the document.

1. Name of person applying for qualification or qualified person:

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2. Full name of contact person, if different from person indicated in the application for qualification:

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(Name and title)	(Telephone)	(Facsimile)	(E-mail)
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3. Derivative covered by authorization application:

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4. Detailed description of the derivative.
5. Full description of trading method for this derivative.
6. Description of intended clientele for the derivative.
7. Outline of risks related to the derivative which a reasonable counterparty would deem relevant.
8. Full details of all costs and fees related to the derivative and its trading.

## CERTIFICATE

The undersigned certifies that the information provided in this application for authorization to market a derivative is true and complete.

DATED \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_  
at \_\_\_\_\_

\_\_\_\_\_  
(Name of person applying for qualification or qualified person)

\_\_\_\_\_  
(Name of authorized director or officer – block letters)

\_\_\_\_\_  
(Title of authorized director or officer)

\_\_\_\_\_  
(Signature)

1977



## Draft Regulations

### Draft Regulation

Building Act  
(R.S.Q., c. B-1.1)

#### Safety Code

##### — 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 Safety Code, appearing below, may be approved by the Government with or without amendment on the expiry of 45 days following this publication.

The draft Regulation allows the owner of a petroleum equipment installation who implements a quality control program, approved by the Board, to be exempted from providing a certificate of conformity of the owner's high-risk petroleum equipment.

The draft Regulation provides for the conditions of approval by the Board of a quality control program, the validity period of the approval, the requirements that must be met by the owner and the cases in which the Board withdraws its approval.

Further information may be obtained by contacting Pierre Gauthier, Régie du bâtiment du Québec, 800, place D'Youville, 15<sup>e</sup> étage, Québec (Québec) G1R 5S3; telephone: 418 643-9896; fax: 418 646-9280.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Michel Beaudoin, President and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

LISE THÉRIAULT,  
*Minister of Labour*

### Regulation to amend the Safety Code

Building Act  
(R.S.Q., c. B-1.1, ss. 175, 176.1, 185, 1st par., subpars. 5, 5.01, 5.1, 20 and 38, and s. 192)

**1.** The Safety Code (c. B-1.1, r. 3) is amended by inserting the following after section 119:

“**119.1.** The owner of a petroleum equipment installation who implements a quality control program for high-risk petroleum equipment, approved by the Board, is exempted from providing, for that equipment, the certificate of conformity provided for in section 115.

**119.2.** The Board approves a quality control program where the following conditions are met:

(1) the program consists of a process for the verification of the conformity of high-risk petroleum equipment that provides quality and safety at least equivalent to that sought by paragraph 2 of section 117 and, according to the type of equipment, by paragraph 3, 4 or 5 of that section;

(2) the owner undertakes to implement the program as soon as it is approved, and to send to the Board each year a management report and a register of the inspections carried out to ensure that implementation;

(3) the person in charge of the program and the verification of the conformity of high-risk petroleum equipment

(a) carries on professional activities related to the inspection, monitoring or design of petroleum equipment installations;

(b) is an engineer who is a member of the Ordre des ingénieurs du Québec or a professional technologist who holds a licence issued by the Ordre des technologues professionnels du Québec;

(c) has sufficient independence to determine the problems related to quality control, and apply the required solutions;

(4) the owner holds a permit for the use of high-risk petroleum equipment covered by the program, issued by the Board;

(5) the owner pays to the Board the fee payable under section 130.1.

**119.3.** The approval by the Board of a quality control program is valid for a period of 5 years.

**119.4.** The owner applying for the approval of a quality control program or the renewal of such approval must provide the Board with the following information and documents:

- (1) a copy of the program, signed by the owner;
- (2) a description of the high-risk petroleum equipment covered by the program, and a list of permits for its use issued for such equipment;
- (3) the name of the person in charge of the program and of the person in charge of the verification of the conformity of petroleum equipment, the professional order membership number and the number of years of experience they acquired in activities related to the inspection, monitoring or design of petroleum equipment installations;
- (4) the determination of financial resources allocated to the program;
- (5) an undertaking to implement the program as soon as it is approved and to send to the Board each year the management report and the register of the inspections provided for in paragraph 2 of section 119.2.

Every application must include the fee payable under section 130.1 and an attestation that the information provided under the first paragraph of this section is true, and be signed by the owner.

Required information and documents previously provided to the Board need not be re-filed if the owner attests to their accuracy and completeness.

**119.5.** The owner whose quality control program was approved must notify the Board immediately of any change in the information or documents provided under section 119.4.

**119.6.** The owner who ceases to implement an approved quality control program must so notify the Board immediately.

**119.7.** The Board withdraws its approval of a quality control program

- (1) where the owner ceases to implement it;
- (2) where one of the conditions for the approval of the program provided for in section 119.2 is no longer met;

(3) where the owner does not fulfill his or her commitment to send to the Board each year the management report and the register of the inspections provided for in paragraph 2 of section 119.2;

(4) where the owner made false or misleading statements concerning the program or its implementation.

**119.8.** The exemption provided for in section 119.1 ends as soon as the high-risk petroleum equipment to which it applies ceases to be covered by a quality control program approved by the Board.

The owner must then provide the Board with a certificate of conformity of that equipment at the periods of verification of 2 years, 4 years or 6 years according to the type of equipment, provided for in the first paragraph of section 115, the periods starting on the date of expiry of the permit for the use of the equipment.

Where the exemption ends and at least 6 months remain before the date of expiry of the permit, the owner must also provide the Board with a certificate of conformity before that date.”

**2.** The title of subdivision 4 is amended in the French text of the Code by adding “et frais” before section 130.

**3.** The following is inserted after section 130:

“**130.1.** The fee payable for the application for approval of a quality control program or renewal of such approval is \$2,000.”

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

1984

## Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

### Safety standards and traffic rules relating to farm machines wider than 2.6 metres

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 safety standards and traffic rules relating to farm machines wider than 2.6 metres, appearing below, may be made by the Government on the expiry of 45 days following this publication.



The draft Regulation proposes to require farmers who own farm machines or a combination of farm vehicles to equip them, according to their width when more than 2.6 metres wide, with flashing amber warning lamps mounted on each side, an amber beacon or strobe light or a light bar mounted on top of the vehicle or strips of red or amber retroreflective material. It proposes to require the driver of a combination of farm vehicles or farm machine more than 5.3 m wide travelling on a public highway to be preceded by an escort vehicle equipped with an amber beacon or strobe light or a light bar mounted on top of the vehicle. If the combination of farm vehicles or the farm machine is more than 7 m wide, in addition to the escort vehicle in the front, an additional escort vehicle equipped with such a light or light bar mounted on top of the vehicle or at a minimum height of 1.5 m from the ground is required at the rear.

The draft Regulation also proposes to prohibit a person from driving a combination of farm vehicles or farm machine more than 5.3 m wide if the visibility is less than 500 m or in school zones at the times at which students are present. Other standards are established such as the requirement for the driver of an escort vehicle to be able to communicate using a radio system with the driver of the other escort vehicle and the driver of the combination of farm vehicles or farm machine being escorted.

Farmers will be required to pay approximately \$100 per vehicle manufactured before 1998 to equip the vehicle with the required lamps and retroreflective materials, to which \$100 per escort vehicle is added for a light or light bar. An hourly fee of approximately \$30 for the use of an escort vehicle will also be payable.

Further information may be obtained by contacting Alexandre Guay, engineer, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-21, C.P. 19600, Québec (Québec) G1K 8J6; telephone: (418) 528-3080.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

PIERRE MOREAU,  
Minister of Transport

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## Regulation respecting safety standards and traffic rules relating to farm machines wider than 2.6 metres

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 621, 1st par., subpars. 20.4 and 20.5)

**1.** This Regulation applies to farm machines and combinations of farm vehicles wider than 2.6 metres and that are not oversized vehicles in respect of their width under the Vehicle Load and Size Limits Regulation (c. C-24.2, r. 31).

This Regulation does not apply to farm machines or combinations of farm vehicles when they only cross a public highway.

**2.** In this Regulation,

“amber beacon or strobe light” means a 360-degree rotating amber lamp that flashes at a rate of not less than 60 and not more than 90 flashes per minute and that has a lens not less than 10 cm high or an equivalent light bar; (*feu jaune rotatif ou stroboscopique*)

“combination of farm vehicles” means a combination consisting of a farm machine or a farm motor vehicle within the meaning of the Regulation respecting road vehicle registration (c. C-24.2, r. 29) drawing a farm machine or a farm trailer; (*ensemble de véhicules agricoles*)

“escort vehicle” means a vehicle whose gross vehicle weight rating is under 4,500 kg; (*véhicule d'escorte*)

“flashing amber warning lamp” means an amber lamp whose effective projected luminous area is not less than 77.5 cm<sup>2</sup>, that flashes at a rate of not less than 60 and not more than 120 flashes per minute and is bidirectional, and that conforms to Standard J974 entitled “Flashing Warning Lamp for Agricultural Equipment”, revised in April 2011, or Standard J845 entitled “Optical Warning Devices for Authorized Emergency, Maintenance, and Service Vehicles”, revised in December 2007, but in that case, the amber lamp must be at least Class 2. The standards are published by the Society of Automotive Engineers Inc., 400 Commonwealth Dr., Warrendale, Pennsylvania, PA150096.001; (*feu jaune clignotant*)

“strip of retroreflective material” means a strip made of a material that meets the requirements of clause 3.3 of CSA Standard M669-02, published by the Canadian Standards Association, and that is at least 50 mm wide and 230 mm long. (*bande faite d'un matériau rétroréfléchissant*)

**3.** For the purposes of this Regulation, the width of a farm machine or combination of farm vehicles is measured by excluding their rear-view mirrors and lamps.

**4.** Every farm machine and combination of farm vehicles must, at night if more than 2.6 m wide without exceeding 3.1 m wide and in the day if more than 2.6 m wide without exceeding 3.7 m wide, be equipped with

(1) at least two flashing amber warning lamps that flash in unison, mounted as symmetrically as possible on the lateral extremities of the vehicle without exceeding them. If one of the lamps cannot be mounted on a lateral extremity of the vehicle, it must be mounted in all cases at less than 40 cm from the extremity. The lamps must be mounted at not less than 1 m and not more than 3.7 m from the ground so as to be visible to the driver of a road vehicle approaching from the front or rear at a distance between 300 m and 30 m; or

(2) at least one amber beacon or strobe light or an equivalent light bar mounted on or as near as practicable to the top of the vehicle. The amber beacon or strobe light or the light bar must be visible to the driver of a road vehicle approaching from the front or rear at a distance between 300 m and 30 m.

Every farmer who is the owner of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$120 to \$360. However, the fine is \$60 to \$180 if the offence is committed because of the colour, position or visibility of a lamp, amber beacon or strobe light or the light bar.

**5.** Every farm machine and combination of farm vehicles must, at night if more than 3.1 m wide and in the day if more than 3.7 m wide, be equipped with

(1) at least two flashing amber warning lamps that flash in unison, mounted as symmetrically as possible on the lateral extremities of the vehicle without exceeding them. If one of the lamps cannot be mounted on a lateral extremity of the vehicle, it must be mounted in all cases at less than 40 cm from the extremity. The lamps must be mounted at not less than 1 m and not more than 3.7 m from the ground;

(2) at least two strips of amber retroreflective material placed horizontally in the front less than 40 cm from the lateral extremities; and

(3) strips of red retroreflective material placed horizontally at the rear, as aligned and evenly spaced as practicable without exceeding 1.8 m between strips and so that the outer edges of the strips are less than 40 cm from the lateral extremities.

The flashing amber warning lamps and, at night, the strips of retroreflective material must, when directly in front of the low beams of the headlamps, be visible to the driver of a road vehicle approaching from the front or rear at a distance between 300 m and 30 m.

In the case of a combination of farm vehicles, if the towed vehicle exceeds the width of the towing vehicle on both sides, the flashing amber warning lamps may be mounted on the towing vehicle provided they are less than 6 m from the lateral extremities at the rear of the towed vehicle and the distance between the lamps is the width of the towed vehicle. If the towed vehicle exceeds the width of the towing vehicle on one side, the distance between the lamps must be the distance between the width of the towed vehicle on the wider side and the width of the towing vehicle on the other side.

A farm motor vehicle that is part of a combination of farm vehicles and a self-propelled farm machine may, in addition to the lamps prescribed in this section, be equipped with an amber beacon or strobe light or an equivalent light bar mounted on or as near as practicable to the top of the vehicle.

Every farmer who is the owner of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$120 to \$360. However, the fine is

(1) \$60 to \$180 if the offence is committed because of the colour of a retroreflective material or a lamp or of the position of a strip of retroreflective material or a lamp other than a lamp referred to in the fourth paragraph; or

(2) \$60 to \$180 if the offence is committed because of the visibility of a retroreflective material or a lamp referred to in the second paragraph.

**6.** An escort vehicle must precede a farm machine or combination of farm vehicles that is wider than 5.3 m.

Where a farm machine or combination of farm vehicles encroaches on the incoming lane, an escort vehicle must also follow the farm machine or combination of farm vehicles at night.

Every driver of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$240 to \$720. However, the fine is \$120 to \$360 if the offence is committed because of an escort vehicle missing at the rear.

**7.** An escort vehicle at the rear must accompany a farm machine or a combination of farm vehicles that is wider than 7 m.

Every driver of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$120 to \$360.

**8.** An escort vehicle that precedes a farm machine or combination of farm vehicles must be equipped with at least one amber beacon or strobe light or an equivalent light bar mounted on top of the vehicle. The amber beacon or strobe light or the light bar must be visible to the driver of a road vehicle approaching from the front at a distance between 300 m and 30 m.

Every driver of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$240 to \$720. However, the fine is \$60 to \$180 if the offence is committed because of the position or visibility of an amber beacon or strobe light or the light bar.

**9.** An escort vehicle that follows a farm machine or combination of farm vehicles must be equipped with at least one amber beacon or strobe light or an equivalent light bar mounted on top of the vehicle or at not less than 1.5 m from the ground. The amber beacon or strobe light or the light bar must be visible to the driver of a road vehicle approaching from the rear at a distance between 300 m and 30 m.

Every driver of a farm machine or combination of farm vehicles who contravenes this section is liable to a fine of \$120 to \$360. However, the fine is \$60 to \$180 if the offence is committed because of the position or visibility of an amber beacon or strobe light or the light bar.

**10.** No person may drive a farm machine or a combination of farm vehicles that is wider than 5.3 m

(1) if, due to weather conditions, the visibility is less than 500 m; or

(2) in school zones from 7:30 a.m. to 8:30 a.m., 11:30 a.m. to 1:30 p.m. and 3:00 p.m. to 4:30 p.m. on school days.

Every driver of a farm machine or combination of farm vehicles who contravenes subparagraph 1 of the first paragraph is liable to a fine of \$240 to \$720. Every driver who contravenes subparagraph 2 of the first paragraph is liable to a fine of \$120 to \$360.

**11.** The driver of an escort vehicle must

(1) maintain a distance between 100 m and 150 m from the farm machine or combination of farm vehicles being escorted;

(2) be able to communicate, using a radio system, with the driver of the farm machine or combination of farm vehicles and with the driver of the other escort vehicle, if applicable;

(3) drive with the amber beacon or strobe light or the light bar of the escort vehicle turned on;

(4) turn off the amber beacon or strobe light or the light bar when the escort vehicle is no longer required under section 6 or 7; and

(5) reduce the brightness of the light bar when used at night.

Every driver of an escort vehicle who contravenes

(1) subparagraph 1, 4 or 5 of the first paragraph is liable to a fine of \$60 to \$180; or

(2) subparagraph 2 or 3 of the first paragraph is liable to a fine of \$120 to \$360; however, if the offence is committed in relation to the amber beacon or strobe light or the light bar of the escort vehicle preceding the farm machine or the combination of farm vehicles, the driver is liable to a fine of \$240 to \$720.

**12.** The driver of a farm machine or combination of farm vehicles referred to in section 4 or 5 must drive with the lamps prescribed by those sections turned on.

Every driver who contravenes this section is liable to a fine of \$120 to \$360.

**13.** This Regulation comes into force on 1 January 2013.

1985

## Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry  
(R.S.Q., c. R-20)

### Commission de la construction du Québec — Vocational training of workforce — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the vocational training of workforce in the construction industry, made by the Commission de la construction du

Québec and the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The object of the draft Regulation is to adapt and amend the current regulation to better reflect the realities of the labour market. More specifically, it creates two new specialties as part of the trade of carpenter-joiner, namely the specialties of deep foundation installer and concrete former. It also changes the periods of apprenticeship for all the specialties of the trade, as well as the apprenticeship a person qualified in one or other of the specialties is required to complete.

The draft Regulation also introduces the specialty of operator of concrete pumps equipped with a distribution mast in the trade of crane operator, specifies the conditions relating to apprenticeships, and defines eligibility for the qualification examination prescribed for the specialty. The duration of the apprenticeship as a crane operator is increased.

Lastly, the draft Regulation merges two existing trades, ornamental iron worker and structural steel erector, to create the trade of ironworker. It defines the rules governing eligibility for the qualification examination for the new trade, and the specific training that will allow journeymen ornamental iron workers and structural steel erectors to qualify as journeymen ironworkers.

Further information may be obtained by contacting Diane Lemieux, President and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

Any person having comments to make on the matter is requested to submit written comments before the expiry of the 45-day period to Diane Lemieux, President and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

LISE THÉRIAULT,  
*Minister of Labour*

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## **Regulation to amend the Regulation respecting the vocational training of workforce in the construction industry**

An Act respecting labour relations, vocational training and workforce management in the construction industry  
(R.S.Q., c. R-20, s. 123.1, 1st par., subpars. 2, 3, 5 and 10)

**1.** The Regulation respecting the vocational training of workforce in the construction industry (c. R-20, r. 8) is amended in section 5 by adding the following after the second paragraph:

“An apprentice crane operator who has completed a period of apprenticeship related only to work pertaining to the specialty of operator of concrete pumps equipped with a distribution mast is eligible for the qualification examination prescribed for that specialty.

An apprentice crane operator who has completed a period of apprenticeship related only to work pertaining to the specialty of operator of concrete pumps equipped with a distribution mast, as well as the holder of a journeyman competency certificate corresponding to the specialty of operator of concrete pumps equipped with a distribution mast, are eligible for the qualification examination prescribed for crane operators, if they have accumulated at least 2 000 hours of apprenticeship for the trade of crane operator excluding the hours worked in the specialty of operator of concrete pumps equipped with a distribution mast.

An apprentice carpenter-joiner who has completed two periods of apprenticeship related only to work pertaining to one of the specialties of deep foundation installer, concrete former or flooring-layer-sander is eligible for the qualification examination prescribed for the corresponding specialty.

An apprentice carpenter-joiner who has completed two periods of apprenticeship related only to work pertaining to one of the specialties of deep foundation installer, concrete former or flooring-layer-sander as well as the holder of a journeyman competency certificate in one of those specialties, are eligible for the qualification examination prescribed for carpenter-joiners, if they have accumulated at least 2,000 hours of apprenticeship for the trade of carpenter-joiner excluding the hours worked in their specialty.”.

**2.** The following is inserted after section 33.7:

**33.8** A person who, in accordance with section 15.5 of the Regulation respecting the issuance of competency certificates (c. R-20, r. 5), obtained, between 1 May 2007 and (*insert the date of coming into force of this Regulation*), an exemption from the obligation to hold a competency certificate as an operator of concrete pumps equipped with a distribution mast, is exempted from the qualification examination referred to in Division IV and may obtain a journeyman competency certificate corresponding to that speciality in accordance with the provisions of section 1.2 of the Regulation respecting the issuance of competency certificates, as if that person had been exempted from that examination pursuant to section 11 of this Regulation.

**33.9** An apprentice crane operator who began a period of apprenticeship for that trade before (*insert the date of coming into force of this Regulation*) and who finishes the period of apprenticeship within 24 months of starting it is eligible for the qualification examination for the trade of crane operator.

**33.10** An apprentice structural steel erector, apprentice ornamental iron worker or apprentice ironworker is eligible for the qualification examination for the trade of ironworker, if he has accumulated at least 6 000 hours of apprenticeship relating to work pertaining to the trade of structural steel erector, ornamental iron worker or ironworker.

Beginning on (*insert the date of coming into force of this Regulation*), a person referred to in the first paragraph may only continue his apprenticeship in the trade of ironworker.

**33.11** A person who, on (*insert the date of coming into force of this Regulation*), holds a journeyman competency certificate allowing him to practise the trade of structural steel erector or ornamental iron worker, may continue to practise that trade on the conditions stipulated by this Regulation prior to that date, until (*insert the date of the fifth anniversary of the date of coming into force of this Regulation*).

**33.12** The wage rates for the holder of an apprentice competency certificate as an ironworker, issued according to the provisions of section 28.19 of the Regulation respecting the issuance of competency certificates, in relation to the wage rates for a journeyman, are the percentages prescribed for a trade with two periods of apprenticeship, as set out in section 25, with a percentage of 85% for the third period.

**33.13** The wage rates for the holder of an apprentice competency certificate as a crane operator who began a period of apprenticeship before (*insert the date of coming into force of this Regulation*), in relation to the wage rates for a journeyman, are the percentages prescribed for a trade with one period of apprenticeship, as set out in section 25, with a percentage of 85% for the second period.”.

**3.** Schedule A to the Regulation is amended

(1) by inserting the following after the definition of **Specialty in flooring-layer-sander** in section 1:

**“Specialty in deep foundation installation.** The trade of carpenter-joiner includes the specialty in deep foundation installation.

The term “deep foundation installer” means any person who performs construction, erection and repair work for the installation of deep foundations, such as the installation, hoisting and handling of: steel sheet-piling, shoring piles, wales, braces, struts, bearing piles and temporary steel or timber stays driven into the ground.

**Specialty in concrete forming:** The trade of carpenter-joiner includes the specialty in concrete forming.

The term “concrete former” means any person who performs construction, erection and repair work on concrete forms including forms for footings, walls, piers, columns, beams, slabs, stairs, roads, sidewalks and curbs at ground level and form ties.”;

(2) by inserting the following after the second paragraph of section 3:

**“Specialty of operator of concrete pumps equipped with a distribution mast:** The trade of crane operator includes the speciality of operator of concrete pumps equipped with a distribution mast.

The term “operator of concrete pumps equipped with a distribution mast” means any person who operates truck-mounted concrete pumps equipped with a distribution mast.”;

(3) by replacing the paragraph preceding section 7 by the following:

“Group III includes the trades of ironworker, boiler-maker and reinforcing steel erector.”;

(4) by striking out section 7;

(5) by replacing section 9 by the following:

**“9. Ironworker:** The term “ironworker” means any person who, with the exception of work done for the construction or maintenance of electric power transmission and distribution lines, performs:

(a) the erection and assembly of all iron and steel parts used in the construction of:

- i. buildings, including partitions, prefabricated roofs, wall sections including metal windows;
- ii. completely prefabricated buildings;
- iii. bridges, viaducts, subways and tunnels;
- iv. antennas for radio and television broadcasting stations;
- v. hoists, car dumpers, cranes, conveyors, ore unloaders;
- vi. lock gates, head gates;
- vii. hydraulic regulating equipment;
- viii. coal, stone, coke, sand and ore towers, bins and hoppers;
- ix. ash chutes and hoppers;

(b) the erection of concrete structural members (wall panels, floor or ceiling slabs) when mechanical equipment is used;

(c) the erection and construction of all sectional and otherwise assembled stacks, as well as the extension and repair of such stacks;

(d) the unloading, hoisting and setting of complete boilers, steam drums and assembled sections of tubular boilers and machinery into their approximate positions;

(e) torch-cutting, welding, riveting, rigging, scaffolding, framing, erecting and dismantling of temporary or supporting work in connection with any of the above operations;

(f) by means of equipment, tools or welding, the tracing, cutting, preparation and assembly of all metal pieces for the manufacture of items such as: inside and outside stairs, railings, fences (except wire fences), gates, windows, canopies, cellar and inspection traps, all types of wire netting, coal chutes, vault doors, fire doors, partitions, lifesaving equipment or any other similar work; and the installation and erection of the above items.

Performance of the work described in the first paragraph includes trade-related handling for the purposes of immediate and permanent installation.”.

**4.** Schedule B to the Regulation is replaced by the following:

**“SCHEDULE B**  
(ss. 5, 11, 14 and 17)

Group	Trade	Apprenticeship period(s)	Ratio of apprentice(s) per qualified worker(s)	
			Apprentice	Qualified worker(s)
I	1. Carpenter-joiner	3	1	5
	2. Interior systems installer	3	1	5
II	3. Crane operator	2	1	1
	4. Shovel operator	1	1	1
	5. Heavy equipment operator	1	1	2
	6. Heavy equipment mechanic	3	1	1

Group	Trade	Apprenticeship period(s)	Ratio of apprentice(s) per qualified worker(s)	
			Apprentice	Qualified worker(s)
III	7. (Repealed)			
	8. Boilermaker	3	1	5
	9. Ironworker	3	1	5
	10. Reinforcing steel erector	1	1	5
IV	11. Tinsmith	3	1	2
	12. Roofer	1	1	4
V	13. Painter	3	1	5
	14. Resilient flooring layer	1	1	2
	15. Insulator	3	1	5
VI	16. Plasterer	3	1	5
	17. Cement finisher	2	1	5
	18. Bricklayer-mason	3	1	5
	19. Tile setter	3	1	5
VII	20. Millwright	3	1	5
VIII	21. Electrician	4	1	2
IX	22. Pipe fitter	4	1	2
	22.1 Fire protection mechanic	4	1	1
	22.2 Refrigeration mechanic	4	1	2
X	23. Elevator mechanic	5	1	1
XI	24. Erector-mechanic (glazier)	3	1	3

**5.** Schedule C to the Regulation is replaced by the following:

**“SCHEDULE C**  
(s. 4)

ACTIVITIES OF TRADES

**1. Carpenter-joiner**

- installation of doors and windows;
- installation of prefabricated coverings;
- installation of cupboards and other workshop prepared or manufactured items;
- installation of gypsum board.

**2. Tinsmith**

- installation of gutters;
- installation of prefabricated coverings.

**3. Painter**

- pointing and filling joints (gypsum board).

**4. Plasterer**

- pointing and filling joints (gypsum board).

**5. Interior systems installer**

- installation of gypsum board.

**6. Erector-mechanic (glazier)**

- setting doors and windows;
- installing mirrors and show windows.”.

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

1982

**Draft Regulation**

An Act respecting labour relations, vocational training and workforce management in the construction industry  
(R.S.Q., c. R-20)

**Commission de la construction du Québec**  
— **Issuance of competency certificates**  
— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the issuance of competency certificates, made by the Commission de la construction du Québec and the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation sets out some of the terms and conditions for obtaining the specialty of operator of concrete pumps equipped with a distribution mast for employees already working as crane operators with an exemption. In addition, for the purpose of creating the new trade of ironworker, resulting from the merging of the trades of ornamental iron worker and structural steel erector, the draft Regulation sets out the procedure for converting the competency certificates affected by the merger.

Further information may be obtained by contacting Diane Lemieux, President and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

Any person having comments to make on the matter is requested to submit written comments before the expiry of the 45-day period to Diane Lemieux, President and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

LISE THÉRIAULT,  
*Minister of Labour*



## Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry  
(R.S.Q., c. R-20, s. 123.1, 1st par., subpars. 5, 6, 9 and 11)

**1.** The Regulation respecting the issuance of competency certificates is amended in section 7 by replacing the second paragraph by the following:

“Despite the foregoing, to obtain the renewal of his certificate, the holder of an apprentice competency certificate issued under section 2 or section 3 must also provide proof that he has registered, either in a training program pertaining to the trade corresponding to his apprentice competency certificate or in any other course pertaining to the trade recognized by the Commission on 30 June 2007 and that he took, during the period of validity of the expired certificate, at least 30 hours of training, or that he registered in such a program or course but could not pursue it because of a lack of available places.”.

**2.** The following paragraph is inserted after the eighth paragraph of section 15:

“Despite section 16, an exemption issued under paragraph 6 of section 14 to an operator of concrete pumps equipped with a distribution mast may be renewed for a period of 12 months where, according to the monthly reports filed with the Commission by a registered employer, the holder has worked at least one hour during the time the exemption was valid, and where the guarantee of employment provided by the employer in support of the initial application has been respected.”.

**3.** The following is inserted after section 28.14:

**28.15.** An operator of concrete pumps equipped with a distribution mast who, between 1 May 2007 and (*insert the date of coming into force of this Regulation*), was exempted from the obligation to hold a competency certificate pursuant to section 15.5, is not required to take the course “*Utilisation sécuritaire des grues*”.

**28.16.** No fee shall be exigible for the initial issuance of a journeyman competency certificate to an operator of concrete pumps equipped with a distribution mast who has obtained an exemption pursuant to section 33.8 of the Regulation respecting the vocational training of workforce in the construction industry where, according

to a monthly report filed with the Commission by a registered employer, the holder has worked in the construction industry during the 14 preceding months.

**28.17** The Commission shall issue, on request and with no fee, a journeyman competency certificate as an ironworker to any person who

(1) holds a journeyman competency certificate as a structural steel erector or ornamental iron worker and has accumulated prior to (*insert the date of coming into force of this Regulation*) at least 30,000 hours of work in the trade of structural steel erector or ornamental iron worker;

(2) holds a journeyman competency certificate as a structural steel erector and provides, not later than (*insert the date of the fifth anniversary of the coming into force of this Regulation*), an attestation from the Ministère de l'Éducation, du Loisir et du Sport that he has successfully completed the vocational studies program “*Montage structural et architectural*” targeting the following competencies:

- Modifier et ajuster des éléments architecturaux;
- Installer des recouvrements ornementaux;
- Installer des escaliers;
- Installer des articles de protection et de défense;

(3) holds a journeyman competency certificate as an ornamental iron worker and provides, not later than (*insert the date of the fifth anniversary of the coming into force of this Regulation*), an attestation from the Ministère de l'Éducation, du Loisir et du Sport that he has successfully completed the vocational studies program “*Montage structural et architectural*” targeting the following competencies:

- Préparer l'érection d'une structure;
- Ériger une structure;
- Mettre d'aplomb et boulonner une structure;
- Installer et démonter des poutrelles et un pontage;
- Démonter une structure; or

(4) holds a journeyman competency certificate as a structural steel erector or ornamental iron worker and passes, not later than (*insert the date of the fifth anniversary of the coming into force of this Regulation*), the qualification examination for the trade of ironworker.

**28.18** On (*insert the date of the fifth anniversary of the coming into force of this Regulation*), the Commission shall issue automatically, with no fee, an apprentice competency certificate as an ironworker to replace any journeyman competency certificate as a structural steel erector or ornamental iron worker that has become obsolete.

**28.19** On (*insert the date of coming into force of this Regulation*), the Commission shall issue automatically, with no fee, an apprentice competency certificate as an ironworker to any person who, on (*insert the date of the day preceding the date of coming into force of this Regulation*), holds an apprentice competency certificate as a structural steel erector or ornamental iron worker. The certificate shall cease to be valid not later than 12 months following the date of issuance of the certificate it replaces.”.

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

1983

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

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Approval of Éco Entreprises Québec's 2010, 2011 and 2012 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes . . . . . (Environment Quality Act, R.S.Q., c. Q-2)	1060	N
Automotive services industry – Chapais, Chibougamau, Lac-Saint-Jean and Saguenay . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	1097	M
Building Act — Safety Code . . . . . (R.S.Q., c. R-18.1)	1117	Draft
Cartage industry – Québec . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	1095	M
Clothing industry — Labour standards specific to certain sectors . . . . . (An Act respecting labour standards, R.S.Q., c. N-1.1)	1099	M
Collective agreement decrees, An Act respecting... — Automotive services industry – Chapais, Chibougamau, Lac-Saint-Jean and Saguenay . . . . . (R.S.Q., c. D-2)	1097	M
Collective agreement decrees, An Act respecting... — Cartage industry – Québec (R.S.Q., c. D-2) . . . . .	1095	M
Construction industry — Vocational training of workforce . . . . . (An Act respecting labour relations, vocational training and workforce management in the construction industry, R.S.Q., c. R-20)	1121	Draft
Derivatives Act — Derivatives Regulation . . . . . (R.S.Q., c. I-14.01)	1100	M
Derivatives Regulation . . . . . (Derivatives Act, R.S.Q., c. I-14.01)	1100	M
Environment Quality Act — Agricultural Operations . . . . . (R.S.Q., c. Q-2)	1051	M
Environment Quality Act — Approval of Éco Entreprises Québec's 2010, 2011 and 2012 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes . . . . . (R.S.Q., c. Q-2)	1060	N
Highway Safety Code — Safety standards and traffic rules relating to farm machines wider than 2.6 metres . . . . . (R.S.Q., c. C-24.2)	1118	Draft

Issuance of competency certificates . . . . . (An Act respecting labour relations, vocational training and workforce management in the construction industry, R.S.Q., c. R-20)	1126	Draft
Labour relations, vocational training and wokforce management in the construction industry, An Act respecting ... — Construction industry — Vocational training of workforce . . . . . (R.S.Q., c. R-20)	1121	Draft
Labour relations, vocational training and workforce management in the construction industry, An Act respecting ... — Issuance of competency certificates . . . . . (R.S.Q., c. R-20)	1126	Draft
Labour standards . . . . . (An Act respecting labour standards, R.S.Q., c. N-1.1)	1098	M
Labour standards, An Act respecting... — Clothing industry — Labour standards specific to certain sectors . . . . . (R.S.Q., c. N-1.1)	1099	M
Labour standards, An Act respecting... — Labour standards . . . . . (R.S.Q., c. N-1.1)	1098	M
Ministère des Ressources naturelles et de la Faune, An Act respecting the... — Approval of a Program relating to a gratuitous transfer of land in the domain of the State in favour of northern municipalities . . . . . (R.S.Q., c. M-25.2)	1091	N
Safety Code . . . . . (Building Act, R.S.Q., c. R-18.1)	1117	Draft
Safety standards and traffic rules relating to farm machines wider than 2.6 metres . . . . . (Highway Safety Code, R.S.Q., c. C-24.2)	1118	Draft