

Gazette
officielle

^{DU}
Québec

Part

2

No. 50A

13 December 2013

Laws and Regulations

Volume 145

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Regulations and other Acts

Gouvernement du Québec

O.C. 1302-2013, 11 December 2013

Environment Quality Act
(chapter Q-2)

Recover and reclaim residual materials
— Compensation for municipal services
— Amendment

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under sections 53.31.2, 53.31.3, 53.31.4, 53.31.5, 53.31.6, 53.31.12 and 53.31.18 of the Environment Quality Act (chapter Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 9 January 2013 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, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act
(chapter Q-2, ss. 53.31.2, 53.31.3, 53.31.4, 53.31.5, 53.31.6, 53.31.12 and 53.31.18)

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 2 by replacing subparagraph 1 of the first paragraph by the following:

“(1) containers and packaging: this class includes all flexible or rigid material, for example paper, carton, plastic, glass or metal, and any combination of such materials that

(a) is used to contain, protect, wrap or present products at any stage in the movement of the product from the producer to the ultimate user or consumer; or

(b) is intended for a single or short-term use and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups.

However, this class excludes pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings, and containers and packaging that are included in other classes of materials;”.

2. The heading of Division IV is replaced by the following:

“**DIVISION IV**
METHOD OF CALCULATION, DIVISION,
PAYMENT AND DISTRIBUTION OF
COMPENSATION”.

3. Section 7 is amended

(1) by replacing “after deducting any income, rebate or” in the first paragraph by “from which is deducted, any income, rebate or”;

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

“For calculating costs eligible for compensation owed for each of the years 2013 and 2014, an amount equivalent to 7.5% of the result obtained, after deducting the incomes, rebates or other gains referred to in the first paragraph, is also subtracted to take into account materials or classes of materials that, even if not referred to in section 2, are nonetheless recovered and treated during the collection, transportation, sorting and conditioning of the classes of materials designated in section 2.”

4. Section 8.6 is replaced by the following:

“**8.6.** Every municipality is required to send to the Société québécoise de récupération et de recyclage, not later than 30 June each year, a declaration stating, for the year preceding the year for which the compensation is owed, the quantity of materials subject to compensation that was recovered and reclaimed in its territory and the net cost of the services it provided for the collection, transportation, sorting and conditioning of those materials determined pursuant to section 7.

For the compensation owed for each of the years 2013 and 2014, the quantity of materials subject to compensation is calculated by subtracting a quantity equivalent to 7.5% of the total quantity of materials recovered, during the preceding year, during the collection, transportation, sorting and conditioning of the materials subject to compensation.

The declaration must be signed by the municipality’s external auditor, who must state whether, in the external auditor’s opinion, the declaration fairly presents the information it contains.”

5. Section 8.7 is amended

(1) by replacing the third paragraph by the following:

“Despite the foregoing, no compensation is owed to a municipality that, on 30 June of the year that follows the year for which compensation is owed, did not send its declaration to the Société. For the year 2012, no compensation is owed to a municipality that did not send its declaration before 30 June 2014.”;

(2) by replacing the fifth paragraph by the following:

“Even if compensation is paid to a municipality covered by the fourth paragraph, the municipality must file its declaration with the Société as soon as possible.”

6. The following is inserted after section 8.7:

“**8.7.1.** Any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to the municipality must be received by the Société québécoise de récupération et de recyclage not later than 30 June of the following year.

The corrected declaration is subject to the conditions provided for in the third paragraph of section 8.6.

Adjustments resulting from a correction to a declaration are applied to the compensation owed to the municipality the following year.”

7. The following is inserted after section 8.9:

“**§2.1.** *Division of the annual compensation owed to municipalities*

8.9.1. The annual compensation owed to the municipalities for the year 2013 and for subsequent years is divided among the materials or classes of materials subject to compensation according to the following shares:

- (1) 69.1% for containers and packaging;
- (2) 20.5% for printed matter;
- (3) 10.4% for newspapers.”

8. Section 8.10 is amended in the third paragraph

(1) by replacing “March” in subparagraph 3 by “September”;

(2) by adding “; however, if the schedule of contributions applicable for that year is published in the *Gazette officielle du Québec* after 31 May 2014, the date of 31 October 2014 is deferred to the end of the fifth month following the publication of the schedule.” after “March 2015” in subparagraph 4.

9. The following is inserted after section 8.11:

“**8.11.1.** Any sum paid by a certified body to the Société québécoise de récupération et de recyclage in excess of the amount of the compensation owed to municipalities for a year is credited to the payment of the compensation owed for the following year.”

10. Section 8.14 is amended by replacing “by the Government under section 53.31.5 of the Environment Quality Act” in the third paragraph by “under section 8.9.1”.

11. For the purposes of sections 8.2 and 8.4 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) for the year 2013, the Société québécoise de récupération et de recyclage must deduct from the net cost of the services provided and declared by a municipality for that year, an amount equivalent to 7.5% of the net cost.

Likewise, the Société must subtract from the total quantity of materials subject to compensation declared by a municipality a quantity equivalent to 7.5% of that total quantity.

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

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Gouvernement du Québec

O.C. 1327-2013, 11 December 2013

An Act respecting the Régie de l'énergie
(chapter R-6.01)

Green Fund — Annual duty payable — Amendment

CONCERNING the Regulation to amend the Regulation respecting the annual duty payable to the Green Fund

WHEREAS, pursuant to subparagraph 9 of the first paragraph of section 114 of the Act respecting the Régie de l'énergie (chapter R-6.01), the Régie may make regulations determining the method of calculation and terms of payment of the annual duty on natural gas and fuel payable under Chapter VI.3, the rate of interest on sums due and the penalties exacted for failure to pay;

WHEREAS, pursuant to the fifth paragraph of section 114 of the said Act, the method of calculation of the annual duty may provide for the repayment of any overpayments made by a distributor;

WHEREAS, pursuant to the seventh paragraph of section 114 of the said Act, it is incumbent upon the Régie de l'énergie to determine the sums to be repaid to a distributor;

WHEREAS, pursuant to the second paragraph of section 85.36 of the said Act, the method of calculation of the annual duty payable to the Green Fund must exclude the quantity of carbon dioxide (CO₂) emissions generated by the combustion of the volumes of natural gas and fuel that a distributor states it distributed to, sold to or traded with an emitter and the quantity of carbon dioxide (CO₂) emissions generated by the combustion of the volumes of fuel that a distributor states it brought in for its consumption even though it is also an emitter referred to in subparagraph *a* of subparagraph 2 of the sixth paragraph;

WHEREAS, pursuant to section 115 of said Act, the regulations made by the Régie de l'énergie must be submitted to the Government, which may approve them with or without amendment;

WHEREAS, the government approved the Regulation respecting the annual duty payable to the Green Fund (chapter R-6.01, r. 6);

WHEREAS amendments are necessary to ensure that the method of calculation of the annual duty payable to the Green Fund is consistent with Chapter VI.3 of the Act respecting the Régie de l'énergie;

WHEREAS the Régie de l'énergie has made the Regulation to amend the Regulation respecting the annual duty payable to the Green Fund;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the annual duty payable to the Green Fund was published in Part 2 of the *Gazette officielle du Québec* of 4 September 2013, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the annual duty payable to the Green Fund, attached hereto, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the annual duty payable to the Green Fund

An Act respecting the Régie de l'énergie (chapter R-6.01, ss. 85.36 and 114, 1st par., subpar. 9, 5th par. and 7th par.)

1. The Regulation respecting the annual duty payable to the Green Fund (chapter R-6.01, r. 6) is amended, in section 1, by inserting “(the Act)” after “(chapter R-6.01)”.

2. Section 2 is amended by replacing everything following the word “is” by “the rate published in the *Gazette officielle du Québec* by the Régie de l'énergie pursuant to section 85.36.2 of the Act.

3. Section 3 is struck out.

4. Section 4 is amended

(1) by inserting “Subject to the second paragraph,” at the start of the first paragraph;

(2) by replacing the second paragraph by the following:

“The method of calculation provided for in the first paragraph must exclude the quantity of CO₂ emissions generated by the combustion of volumes of natural gas and fuel, other than gasoline or diesel, that a distributor states, pursuant to section 85.36 of the Act, it distributed to, sold to or traded with an emitter and the quantity of CO₂ emissions generated by the combustion of volumes of fuel, other than gasoline or diesel, that a distributor states, pursuant to that section, it brought in for its consumption even though it is an emitter referred to in subparagraph *a* of subparagraph 2 of the sixth paragraph of that section.”;

(3) by adding the following paragraph at the end:

“If the revision of the notice of payment referred to in the third paragraph of section 85.36 of the Act shows that a distributor has made an overpayment, the sums determined by the Régie will be repaid to the distributor.”.

5. Section 6 is amended

(1) by replacing “the annual determination of the applicable rate” by “it has sent the notice of payment referred to in section 85.38 of the Act”;

(2) by adding the following paragraph at the end:

“Notwithstanding the preceding paragraph, any variation in the volumes excluded by reason of a statement referred to in the third paragraph of section 85.36 of the

Act established by the Régie after it has sent the revised notices of payment referred to in that paragraph will be subject to a notice of payment indicating the amount of the annual duty payable to the Green Fund by the distributor pursuant to section 1. The notice of payment will be sent, at the latest, with the notice of payment for the payment payable on 31 December 2014.”

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

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

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