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Laws and Regulations

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Summary

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Contents

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(1) Acts assented to, before their publication in the annual collection of statutes;

(2) proclamations of Acts;

(3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (chapter C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

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NATIONAL ASSEMBLY

FIRST SESSION FORTIETH LEGISLATURE

Bill 46
(2013, chapter 24)

An Act to amend the Act respecting the acquisition of farm land by non-residents

Introduced 11 June 2013
Passed in principle 8 October 2013
Passed 30 October 2013
Assented to 30 October 2013

Québec Official Publisher
2013

EXPLANATORY NOTES

This Act amends the Act respecting the acquisition of farm land by non-residents as regards the conditions for being considered a resident in Québec and the requirements imposed on non-residents who intend to acquire farm land and settle in Québec. It will now be required to live in Québec for 36 out of the 48 months that precede or follow, as the case may be, an acquisition of farm land and, if the person is not a Canadian citizen, to acquire Canadian citizenship within those 48 months.

It provides new criteria for examining applications for authorization to acquire farm land filed by persons who do not intend to settle in Québec.

Lastly, it limits the total area of farm land that the Commission de protection du territoire agricole du Québec may authorize to be acquired in a year by persons who do not intend to settle in Québec.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the acquisition of farm land by non-residents (chapter A-4.1).

Bill 46

AN ACT TO AMEND THE ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

1. Section 2 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1) is replaced by the following section:

"**2.** For the purposes of this Act, a natural person is resident in Québec if the person is a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27) and has lived in Québec for not less than 1,095 days during the 48 months immediately preceding the date of acquisition of farm land."

2. Section 3 of the Act is amended by replacing "three hundred and sixty-six" and "twenty-four" in the introductory clause by "1,095" and "48", respectively.

3. Sections 15 and 16 of the Act are replaced by the following sections:

"**15.** The commission, taking into consideration the biophysical conditions of the soil and of the environment, shall determine whether the farm land that is the subject of an application is suitable for the cultivation of the soil or the raising of livestock.

"**15.1.** An authorization is to be granted in all cases where the land concerned is not suitable for the cultivation of the soil or the raising of livestock.

"**15.2.** An authorization to acquire farm land suitable for the cultivation of the soil or the raising of livestock is to be granted to any natural person who intends to settle in Québec on the condition that the person live in Québec for not less than 1,095 days during the 48 months following the date of acquisition and that on the expiry of such time the person be a Canadian citizen or a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27).

"**15.3.** Except for areas of land in respect of which an authorization is granted to natural persons who intend to settle in Québec, no more than 1,000 hectares of farm land suitable for the cultivation of the soil or the raising

of livestock may be added in a year to the total of such areas that any other persons have already been authorized to acquire.

An application filed by a legal person or by a natural person who does not intend to settle in Québec that would ultimately bring the total area added in the year beyond the 1,000-hectare limit may nevertheless be examined by the commission.

"**16.** In examining an application, the commission shall take into consideration

(1) the intended use, in particular the applicant's intention to cultivate the soil or raise livestock on the farm land that is the subject of the application;

(2) the impact of the acquisition on the price of farm land in the region;

(3) the effects of the acquisition or projected use on the economic development of the region;

(4) the development of agricultural products and the development of underutilized farm land; and

(5) the impact on land occupancy.

"**16.1.** A natural person referred to in section 15.2 may prove to the commission that the prescribed conditions have been fulfilled and request a certificate attesting that the person is resident in Québec. Such a certificate confirms the acquisition for all legal purposes."

TRANSITIONAL AND FINAL PROVISIONS

4. Despite the new section 16, enacted by section 3, when examining an application that was pending on 30 October 2013, the Commission de protection du territoire agricole du Québec is to apply the criteria set out in the third paragraph of the former section 15.

5. This Act comes into force on 30 October 2013.

Regulations and other Acts

Gouvernement du Québec

O.C. 42-2014, 29 January 2014

Supplemental Pension Plans Act
(chapter R-15.1)

Gesca Ltée and La Presse, ltée
—Funding of certain pension plans

CONCERNING the Regulation respecting the funding of certain Gesca Ltée and La Presse, ltée pension plans

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or by reason of the complexity of the Act in relation to the number of members in the plan and prescribe special rules applicable to the plan;

WHEREAS, in accordance with the third paragraph of that section, such a regulation may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* in accordance with section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation respecting the funding of certain Gesca Ltée and La Presse, ltée pension plans was published, with a written notice that it could be made by the Government on the expiry of 45 days following its publication, in Part 2 of the *Gazette officielle du Québec* on 11 September 2013;

WHEREAS it is expedient to make the amended Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation respecting the funding of certain Gesca Ltée and La Presse, ltée pension plans, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the funding of certain Gesca Ltée and La Presse, ltée pension plans

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

DIVISION I
COMPONENTS OF A PENSION PLAN

1. A pension plan referred to in the appendix is composed of two components.

One of the components, called a "past component", is composed of the portion of the liabilities of the plan related to obligations arising from service completed prior to 1 January 2012, and the portion of the assets of the plan corresponding to those liabilities.

The other component, called a "current component", is composed of the remaining liabilities and the assets of the plan.

The pension fund of the plan is therefore distributed between two separate accounts.

2. For the purposes of Chapters X (Solvency and funding), X.1 (Appropriation of surplus assets), XII (Division and merger) and XIII (Rights of members and beneficiaries on winding-up) of the Supplemental Pension Plans Act (chapter R-15.1), the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the current component.

DIVISION II
EMPLOYER CONTRIBUTIONS TO THE PAST COMPONENT

3. Notwithstanding section 39 of the Act, the employer contribution that the employer must pay into the account of the past component of a pension plan for a fiscal year ending after 30 December 2012 but no later than the date determined under section 32, corresponds to the sum of the following amounts:

(1) the amortization payment related to the indexation deficiency, determined in accordance with subdivision 1;

(2) the basic amortization payment, determined in accordance with subdivision 2;

(3) the special amortization payments, determined in accordance with subdivision 3, required during the fiscal year;

(4) the amount representing yield, determined in accordance with subdivision 4, required during the fiscal year.

§1. Amortization payment for the indexation deficiency

4. The amortization payment for the indexation deficiency is determined in respect of the discounted projected indexation deficiency of the past component.

5. As at the date of an actuarial valuation of a pension plan, the discounted projected indexation deficiency of the past component corresponds to the value of the projected indexation deficiency as at 31 December 2026, discounted at a rate which must not exceed 5,5% on the date of the actuarial valuation.

A projected indexation deficiency is determined where, as at the date of the actuarial valuation, the liabilities of the past component adjusted to 31 December 2026 exceed the assets of that same component adjusted to that same date, the latter being calculated, as provided for under sections 6 and 7, such that the projected deficiency that is determined is limited to indexation. The arising from indexation as at 31 December 2026 corresponds to the amount by which the liabilities exceed the assets.

6. As at the date of an actuarial valuation of a pension plan, the projected liabilities of the past component of the pension plan as at 31 December 2026 are obtained by assuming that, between the date of the valuation and 31 December 2026, with regard to solvency liabilities for the past component as at the date of the valuation, contingencies based on actuarial assumptions as to survival, morbidity, mortality, employee turnover, eligibility for benefits or other factors will occur and by assuming that termination of the plan will occur on 31 December 2026. The actuarial assumptions and methods used shall be consistent with generally accepted actuarial principles and must be suited, in particular, to the type of plan concerned and its obligations.

Moreover, the projected liabilities of the past component as at 31 December 2026, for the part related to the benefits of the members and beneficiaries whose pension would be in payment on that date, are determined using the assumptions for hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply on the date of the actuarial valuation. For the part related to the benefits of the other members and beneficiaries, the projected liabilities are determined in accordance with the assumptions and rules referred to in section 67.4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), as they apply on the date of the actuarial valuation.

7. As at the date of the actuarial valuation, the assets of the past component adjusted to 31 December 2026 include the basic amortization payments and the special amortization payments to be paid into the past component until 31 December 2026.

Moreover, the assets of the past component adjusted to 31 December 2026 are determined on the basis of the market value of the assets of that component as at the date of the valuation and by assuming a rate of return that may not exceed 5,5%. That value is adjusted to take into consideration the benefits and other amounts to be paid until 31 December 2026 with respect to the past component, assuming the contingencies in the first paragraph of section 6 will occur.

For the purposes of the second paragraph, a letter of credit provided by the employer under the provisions of section 42.1 of the Act with regard to the past component is included in the market value of the assets of the component as at the date of the valuation. However, the amount of the letter, or the total amount of such letters, is taken into account for that purpose only up to 15% of the value of the liabilities of the component.

8. The monthly amortization payments relating to the discounted projected indexation deficiency of the past component are determined assuming a 5,5% interest rate.

9. Notwithstanding section 142 of the Act, the amortization period for the discounted projected indexation deficiency of the past component begins on the date of the actuarial valuation on which it is determined and ends on 31 December 2026.

§2. Basic amortization payment

10. Notwithstanding the first paragraph of section 1 of this regulation and subject to the provisions of the second paragraph of section 11, the provisions of the Regulation providing temporary relief measures for the funding of solvency deficiencies (chapter R-15.1, r. 3.1) apply with regard to technical actuarial deficiencies of the past component of the pension plan.

11. The basic amortization payment is the total of the amortization payments determined in respect of the technical actuarial deficiencies of the past component of the pension plan.

Notwithstanding section 123 of the Act, for the purpose of determining a technical actuarial deficiency of the past component of a pension plan as at the date of an actuarial valuation as well as for the purpose of applying the first paragraph of section 130 and the first paragraph of section 131 of the Act with respect to the basic amortization payment:

(1) the accumulated value, as at that date, of the amortization payments relating to the indexation deficiency for which payment was required up to that date is excluded from the assets of the component; that value is determined using the rate of return of the pension fund;

(2) the portion of the liabilities relating to the indexation of pensions subsequent to 31 December 2011 is excluded from the liabilities of the component.

§3. Special amortization payment

12. Notwithstanding section 132 of the Act, where, further to an amendment made after 30 December 2011 but no later than the date determined in accordance with section 32, an actuarial valuation determines the value of additional obligations of the past component, a special amortization payment is determined.

The payment corresponds to the value of the additional obligations determined on a solvency basis or their value determined on a funding basis, whichever is greater.

The special amortization payment shall be made as soon as the report on the first actuarial valuation to take the amendment into consideration is sent to the Régie. To such payment shall be added accrued interest, if any, from the date of the valuation, calculated at the rate referred to in section 48 of the Act.

For the purposes of the Act, the special amortization payment is considered the special amortization payment provided for under section 132 of the Act.

§4. Amount representing yield

13. An amount representing yield is payable in full to the account of the past component of a pension plan on the day following the date of any actuarial valuation of a pension plan after 30 December 2012. That amount is determined according to the following formula:

A x B, where

"A" represents the total, as at the date of the valuation, of the letters of credit refunded after 31 December 2011 to relieve the employer from paying an employer contribution to the past component;

"B" represents a weighted average determined by applying both the rate used for the purpose of applying the second paragraph of section 7 to the portion of such an employer contribution allocated to an amortization payment relating to the indexation deficiency, and the interest rates referred to in the second paragraph of section 6 to the other portion of such a contribution.

DIVISION III
SPECIAL MEASURES FOR THE CURRENT COMPONENT

14. With respect to the application of the temporary relief measures, the current component of a pension plan is governed by the Act as though it were a separate pension plan.

15. For the purposes of section 42.1 of the Act with regard to the current component of a pension plan, only the amortization payments determined in respect of the actuarial deficiencies of that component and the special amortization payments for that component are taken into consideration.

DIVISION IV
ACTUARIAL VALUATION REPORT

§1. Contents of the report on the actuarial valuation while section 3 applies

16. For period during which section 3 applies, the actuarial valuation report for a pension plan shall present separately the information related to the past component, provided for under section 17, and the information related to the current component.

Moreover, the report must indicate the surplus amount of any letters of credit allocated, in accordance with section 26, to the employer contribution payable into the current component.

17. With respect to the past component of a pension plan, the actuarial valuation report shall contain

(1) the information and statements of the actuary provided for in the section of the Canadian Institute of Actuaries' Standards of Practice to which section 4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) refers and the information provided for in paragraphs 1 to 5 of that section;

(2) the information provided for under section 4.1 of that regulation, the value of the component's assets and liabilities and the value of the portion of the liabilities related to the indexation of pensions, determined without reference to section 6;

(3) the information required under section 4.3 of that regulation;

(4) the information required under paragraphs 1, 2, 4 and 5 of section 4.4 of that regulation;

(5) the information required under paragraphs 1 and 3 of section 4.5 of that regulation;

(6) the information required under paragraphs 4, 5 and 6 of section 4.6 of that regulation;

(7) the amount of the discounted projected indexation deficiency, the calculations pertaining to its determination and the monthly payments related to amortization payments to be made until 31 December 2026;

(8) the amount representing yield and the calculations pertaining to its determination.

Should the actuarial valuation report be transmitted to the Régie without taking into account the information required under the first paragraph, the report shall be amended or replaced.

§2. Contents of the report on the actuarial valuation after the application period for section 3

18. After the application period for section 3, the actuarial valuation report for a pension plan shall present separately the information related to the past component and the information related to the current component.

19. The actuarial valuation report for a pension plan whose date corresponds to the one determined in accordance with section 32 shall mention that the special funding rules for the past component provided for in this Regulation cease to apply to the pension plan as of that date.

20. The actuarial valuation report for a pension plan whose date corresponds to the one determined in accordance with section 33 shall mention that the provisions of this Regulation that provide for two separate components within the plan cease to apply to the pension plan as of that date.

DIVISION V
COMMUNICATIONS

21. The second part of the statement provided for in section 108 of the Act shall mention that, for as long as the plan is composed of two components, the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the current component for the purposes of the share payable to the spouse.

22. The information that the statements provided for under sections 112 and 113 of the Act must contain is determined for the past component and the current component of the pension plan as though they were separate plans. The information relating to each component shall be presented separately on the statements.

The section of the statements relating to the past component of the pension plan shall also mention that the application period for the special funding rules for the component ends no later than 31 December 2021 and that the funding rules provided for under the Act apply thereafter, so that the solvency actuarial deficiency established at that time can be amortized over the maximum period allowable under the Act.

The statements shall also mention that for the purposes of the payment of the benefits of the members and beneficiaries of the plan – including a payment following plan termination – for as long as the plan is composed of two components, the liabilities of the past component and the corresponding account of the pension fund are considered to be separate from the liabilities and the account of the other component.

23. The Régie may require from a pension committee, from an employer party to a pension plan, from Gesca Ltée or from La Presse, ltée, on the conditions and within the time limits established by the Régie, any document, information or report that it deems necessary for ascertaining that the requirements imposed by this Regulation are met, particularly concerning the contents of an actuarial valuation report provided for under Division IV.

DIVISION VI
MISCELLANEOUS PROVISIONS

24. The fiscal year of a pension plan corresponds to the calendar year.

25. Notwithstanding the second paragraph of section 118 of the Act, any actuarial valuation provided for under the first paragraph of that section shall be complete.

26. Notwithstanding section 42.1 of the Act, the employer is relieved of paying, in whole or in part, the employer contribution payable to the current component of a pension plan for the fiscal years ending 31 December 2013, 31 December 2014 and 31 December 2015 by allocating for that purpose the surplus amount of the letters of credit, up to the portion of the employer contribution required after the effective date of this Regulation.

The surplus amount of the letters of credit corresponds to the amount by which the total of any letters of credit provided by the employer in accordance with section 42.1

of the Act prior to the effective date of this Regulation for the purpose of being relieved of paying the portion of the employer contributions required for the fiscal years of the pension plan ending 31 December 2012 and 31 December 2013 exceeds the employer contribution to the past component, determined in accordance with Division II and payable with respect to those fiscal years of the pension plan.

Notwithstanding the third paragraph of section 123 of the Act, the surplus amount of the letters of credit allocated, for the purposes of the first paragraph, to the payment of the employer contribution is considered in its entirety for the purpose of determining the solvency of the current component of the pension plan or, after the date determined in accordance with section 33, the solvency of the pension plan.

27. For the purposes of section 42.1 of the Act with regard to the past component of a pension plan, the employer contribution provided for under section 3 is deemed to be an amortization payment determined in respect of a solvency actuarial deficiency.

28. Notwithstanding section 130 of the Act, no improvement unfunded actuarial liability is determined for an amendment to the past component of a pension plan made before the date determined in accordance with section 32 with regard to the plan.

29. Notwithstanding section 196 of the Act, only the merger of all or part of the assets and liabilities of a pension plan referred to in the appendix may be authorized by the Régie.

30. The provisions of this Regulation apply to a pension plan resulting from the division of a pension plan referred to in the appendix, and whose liabilities include obligations arising from such a pension plan in respect of service completed prior to 1 January 2012.

31. The third paragraph of section 230.0.0.9 of the Act does not apply to the past component of a pension plan, in respect of the contribution to that component for the fiscal years included in the period during which section 3 applies.

DIVISION VII
END OF THE APPLICATION OF THE MEASURES

32. The provisions of Division II and sections 27 and 28 cease to apply to a pension plan on the earlier of the following dates:

(1) the date of the first actuarial valuation showing that the past component of the plan is solvent;

(2) the date that corresponds to the end date of a fiscal year of a plan that is fixed in a writing giving instructions to that effect and sent by the employer party to the plan to the pension committee and to the Régie des rentes du Québec before that date;

(3) the date fixed by the Régie as a condition for authorizing an amendment to the plan to substitute a new employer for the former employer as of that date, where the new employer is neither Gesca Ltée nor La Presse, ltée;

(4) 31 December 2021.

33. Sections 1 and 2, the provisions of Division III and sections 21, 22, 24, 25 and 29 cease to apply in respect of a pension plan on the earlier of the following dates:

(1) the date of the first actuarial valuation showing that the past component of the pension plan is solvent;

(2) five years from the first of the dates determined with regard to the pension plan pursuant to paragraph 2, 3 or 4 of section 32.

34. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*. However, it has effect from 31 December 2011.

APPENDIX
(s. 1)

Pension plans subject to this Regulation

Number under which the plan is registered with the Régie des rentes du Québec	Plan name on 31 December 2011
7023	Régime complémentaire de retraite des employés de La Presse, ltée assujettis à une convention collective de travail
24460	Régime complémentaire de retraite des gestionnaires et professionnels de La Presse, ltée
26414	Régime complémentaire de retraite des employés de la direction principale de Gesca Ltée
31687	Régime complémentaire de retraite des employés de la haute direction de Gesca Ltée

3223

Gouvernement du Québec

O.C. 45-2014, 29 January 2014

Professional Code
(chapter C-26)

Chartered administrators
— Code of ethics

Code of ethics of chartered administrators

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the clients and the profession, particularly the duty to discharge his or her professional obligations with integrity;

WHEREAS the board of directors of the Ordre des administrateurs agréés du Québec adopted the Code of ethics of chartered administrators which replaces the Code of ethics of chartered administrators (chapter C-26, r. 14);

WHEREAS, under section 95.3 of the Professional Code, a draft Code of ethics of chartered administrators was sent to every member of the Order at least 30 days before its adoption by the board of directors;

WHEREAS, pursuant to section 95 and subject to sections 95.0.1 and 95.2 of the Professional Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Code of ethics of chartered administrators was published in Part 2 of the *Gazette officielle du Québec* of 13 March 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Code of ethics of chartered administrators, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Code of ethics of chartered administrators

Professional Code
(chapter C-26, s. 87)

CHAPTER I
GENERAL

1. This Code determines the duties of chartered administrators towards the public, their clients and their profession.

2. Chartered administrators must take reasonable means to ensure that persons who collaborate with them in the practice of their profession and any partnership or joint-stock company in which they practise their profession comply with the Professional Code (chapter C-26) and its regulations, including this Code.

3. The duties and obligations under the Professional Code and its regulations are in no way modified or reduced by the fact that chartered administrators

(1) carry on their professional activities within a partnership or a joint-stock company; and

(2) use electronic means of communication, in particular social media or a virtual network.

CHAPTER II
DUTIES TOWARDS THE PUBLIC

4. No chartered administrator may, in the practice of the profession, commit acts which are contrary to law, nor advise, recommend or induce anyone to do so.

5. Chartered administrators must bear in mind all the foreseeable consequences of their work, interventions or research in respect of the public.

6. Chartered administrators must promote measures of education and information in the fields in which they practise.

Chartered administrators must also promote measures likely to encourage the consideration of ethics in decision-making processes.

CHAPTER III
DUTIES TOWARDS THE CLIENT

DIVISION I
GENERAL DUTIES

7. Chartered administrators must practise their profession in keeping with the generally accepted standards of the science and practice of administration.

To that end, chartered administrators must ensure that they update their skills and their knowledge.

8. Chartered administrators must act so as to establish and maintain a relationship of mutual trust with the client.

9. Before accepting to provide professional services, chartered administrators must take into account the limits of their proficiency, skills, knowledge, and the means available to them.

In particular, they must not offer to perform or perform professional services for which they are not sufficiently prepared or do not have the proficiency, skills, knowledge or means required without obtaining the necessary assistance.

10. Chartered administrators must at all times respect the client's right to consult another chartered administrator, a member of another professional order or any other competent person.

If the interest of the client so requires, chartered administrators must, with the client's authorization, consult another chartered administrator, a member of another professional order or any other competent intervener, or refer the client to one of those persons.

11. Chartered administrators must refrain from interfering in the personal affairs of their client in matters that are not relevant to the profession or that are not relevant to the reasons for which the client retained their services.

DIVISION II
INTEGRITY AND OBJECTIVITY

12. Chartered administrators must discharge professional duties with integrity and objectivity.

13. Chartered administrators must refrain from making any false representations as to their level of competence or the quality of their professional services, the services offered by persons who carry on their activities within the same partnership or joint-stock company, and the services generally offered by members of their profession.

14. Chartered administrators must not use any subterfuge, trick or misleading means when they propose to a person to use their professional services, whether or not that person has required their services.

Chartered administrators must not exert any undue, abusive or repeated pressure when proposing a person to use their professional services.

15. Chartered administrators must not, in any manner whatsoever, unduly influence or attempt to influence persons who may be physically or mentally vulnerable because of their age, state of health or the occurrence of a specific event.

16. Chartered administrators must inform their client on the objectives of the professional services, their extent and the conditions for carrying out the services.

Chartered administrators must ensure that the client understands and agrees with the related conditions.

17. Chartered administrators must avoid performing professional acts that are not justified by the needs of the client.

18. Chartered administrators who consider that the client's interest requires a change in the professional services agreed on must notify the client and obtain the client's written consent before amending the services.

19. Chartered administrators must inform as soon as possible their client of any event likely to have, or that has had, a significant impact on their professional services and take, where applicable, the necessary measures to remedy the situation.

20. Chartered administrators must take reasonable care of the property entrusted to them by clients and they may not lend or use it for purposes other than those for which it was entrusted to them.

21. Chartered administrators must submit to the client any offer received for the client.

DIVISION III
AVAILABILITY AND DILIGENCE

22. Chartered administrators must display reasonable availability, attention and diligence.

23. In addition to opinions and advice, chartered administrators must provide their client with any explanation necessary to the understanding and appreciation of the services provided to the client.

24. Chartered administrators must render accounts to their client when so requested by them.

25. Unless they have a serious reason for doing so, chartered administrators may not cease or refuse to act for the account of a client.

The following, in particular, constitute serious reasons:

(1) loss of trust between the chartered administrator and the client;

(2) the client's failure to cooperate;

(3) inducement by the client to perform illegal, unfair or fraudulent acts;

(4) the fact that the chartered administrator is in a situation of conflict of interest or in a situation such that the chartered administrator's professional independence could be questioned;

(5) where the chartered administrator has reasonable grounds to believe that he or she is assisting or may assist in the commission of an illegal or fraudulent act;

(6) refusal by the client to respect an obligation for the fees and expenses or, after being given reasonable notice, to pay an amount to the chartered administrator to cover such fees and expenses;

(7) the fact that the foreseeable consequences of the work, interventions or research required for the client are not in the interest of the public.

26. Before ceasing their professional activities with a client, chartered administrators must inform the client in writing within a reasonable time and take the steps necessary to avoid causing any prejudice to the client.

Despite the foregoing, chartered administrators must immediately cease to act for a client when the client induces them to perform illegal or fraudulent acts. They must inform the client of the reasons for the cessation in writing within a reasonable time.

DIVISION IV
LIABILITY

27. Chartered administrators must assume full civil liability in the practice of their professional activities. They may not evade or attempt to evade the liability, by any means whatsoever, by invoking the liability of the partnership or joint-stock company within which they carry on their activities or that of another person also carrying on activities.

DIVISION V
INDEPENDENCE AND CONFLICT OF INTEREST

28. Chartered administrators must subordinate their personal interests, those of the partnership or joint-stock company within which they carry on their professional activities or in which they have an interest and those of any other person carrying on activities within the partnership or joint-stock company, to those of the client.

29. Chartered administrators must at all times safeguard their professional independence.

30. Chartered administrators must generally only act, in the same matter, for a party representing similar interests. If their professional duties require that they act otherwise, chartered administrators must specify the nature of their duties and responsibilities and must keep all the interested parties informed that they will cease to act if the exceptional situation becomes irreconcilable with their duty to be independent.

31. Chartered administrators must avoid any situation likely to place them in a conflict of interest.

Without restricting the generality of the foregoing, chartered administrators are in a conflict of interest when

(1) the interests concerned are such that they might tend to favour certain interests over those of their client or where their judgment, objectivity, professional independence, integrity or loyalty towards the client might be unfavourably affected; or

(2) the circumstances offer them a direct or indirect, real or possible undue benefit.

32. As soon as chartered administrators become aware that they are likely to be in a situation of conflict of interest, they must enter the conflict in their record, disclose the conflict in writing to the persons involved and ask them if they allow the chartered administrators to act or continue to act. They must obtain, where applicable, written authorization from the persons involved.

33. A chartered administrator may share his or her fees only with a chartered administrator or another person, a trust or an enterprise referred to in paragraph 1 of section 4 of the Regulation respecting the practice of the profession of chartered administrator within a partnership or a joint-stock company (chapter C-26, r. 17.1).

Such sharing corresponds to a distribution of services and responsibilities.

34. Subject to the fees and costs to which they are entitled, tokens of appreciation and gifts of small value, chartered administrators must not accept or offer a benefit in relation to the practice of the profession.

35. For a given service, chartered administrators may accept fees from only one source, unless explicitly agreed otherwise by all the parties concerned. Chartered administrators may accept payment of their fees only from the client or the client's representative, unless the client gives different instructions.

DIVISION VI
PROFESSIONAL SECRECY
AND CONFIDENTIALITY

36. Chartered administrators must preserve the secrecy of all confidential information that becomes known to them in the practice of their profession. They must take reasonable means to ensure that the personnel working with them and any person collaborating with them preserve professional secrecy.

37. Chartered administrators must not use confidential information to the detriment of a client or with a view to obtaining, directly or indirectly, a benefit for themselves or another person.

38. Chartered administrators may be released from their obligation of professional secrecy only with the written authorization of their client or where so ordered or expressly authorized by law.

39. Chartered administrators who, pursuant to section 60.4 of the Professional Code, communicate information that is protected by professional secrecy in order to prevent an act of violence must, as soon as possible,

(1) if the information was communicated orally, send a written confirmation to the person to whom it was communicated;

(2) enter the following information in the client's record:

(a) the date and time that the information was communicated and the name of every person to whom the information was given;

(b) the means of communication;

(c) the content of the information;

(d) the circumstances under which the information became known to the chartered administrator;

(e) the reasons supporting the decision to communicate the information, including the name of the person who caused the chartered administrator to communicate the information and the name of the person exposed to a danger;

(3) send the syndic of the Ordre des administrateurs agréés du Québec a notice regarding the communication that includes the information referred to in paragraph 2.

DIVISION VII
ACCESSIBILITY AND CORRECTION
OF RECORDS

40. Chartered administrators must respond free of charge, promptly and at the latest within 30 days to any request made by a client to consult documents that concern the client in any record made in his or her respect or to obtain a copy of the documents.

Chartered administrators, who respond to a request made under the first paragraph, may charge the client a reasonable fee not exceeding the cost of transmitting, transcribing or reproducing documents, provided that they inform the client of the approximate amount to be paid before incurring them.

41. Chartered administrators must respond promptly and at the latest within 30 days to any request made by a client with a view

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purposes for which it was collected, contained in a document concerning the client in any record established in the client's respect;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in the client's respect;

(3) to prepare written comments and file them in the record established in the client's respect.

Chartered administrators who respond to a request made under the first paragraph must, in addition to the requirements provided for in the second paragraph of article 40 of the Civil Code, give the applicant a copy free of charge of the corrected information or, as the case may be, an attestation that the information has been deleted or that comments have been filed in the record.

42. Chartered administrators must respond promptly and at the latest within 30 days to any written request made by a client, whose purpose is to take back a document entrusted to them by the client, even if their fees have not been paid.

Chartered administrators may, with respect to the request, charge the client reasonable fees not exceeding the cost of transmitting the document requested.

DIVISION VIII

DETERMINATION AND PAYMENT OF FEES AND COSTS

43. Chartered administrators must charge and accept fair and reasonable fees warranted under the circumstances, and proportional to the services provided.

To determine their fees, chartered administrators must consider the following factors:

(1) the time devoted to the performance of the professional services;

(2) the complexity and extent of the services;

(3) their experience or expertise;

(4) the importance of the responsibility assumed;

(5) the desired result;

(6) the performance of professional services that are unusual or require exceptional competence or celerity.

44. Chartered administrators must ensure that the client is aware of the approximate and foreseeable cost of the services before the services are undertaken.

45. Chartered administrators may not charge fees to a client for interviews, communications or correspondence with the syndic or assistant syndic following requests made by the assistant syndic for information or explanations about a matter concerning them.

46. Chartered administrators may only charge fees for professional services provided.

47. Chartered administrators who practise within a partnership or joint-stock company must ensure that the fees relating to the professional services provided by chartered administrators are always indicated separately on every invoice or statement of fees that is sent to the client by the partnership or joint-stock company.

48. Where chartered administrators carry on their professional activities within a joint-stock company, the fees relating to the professional services they have rendered within and on behalf of the company belong to the company, unless otherwise agreed.

49. Chartered administrators may collect interest on outstanding accounts only after notifying the client in writing. The interest thus charged must be at a reasonable rate.

50. Chartered administrators who entrust the collection of their fees to a third person must ensure that that person will act with tact and moderation.

CHAPTER IV
DUTIES TOWARDS THE PROFESSION

DIVISION I
DEROGATORY ACTS

51. In addition to the derogatory acts referred to in the Professional Code or that may be determined pursuant to subparagraph 1 of the second paragraph of section 152 of the Code, the following acts are derogatory to the dignity of the profession of chartered administrator:

(1) practising in circumstances or a state likely to compromise the quality of their services or the dignity of the profession;

(2) communicating with the plaintiff without the prior written permission of the syndic or assistant syndic once informed of an investigation into the chartered administrator's professional conduct or a complaint has been served on the chartered administrator;

(3) refusing or neglecting to fulfill the requirements of the syndic or assistant syndic;

(4) continuing to act in violation of provisions of the Professional Code or a regulation made under the Code or a resolution of the board of directors;

(5) carrying on professional activities within a partnership or joint-stock company or having interest in a partnership or joint-stock company, where a partner, shareholder, director, officer or employee of the partnership or joint-stock company has been struck off the roll for more than 3 months or has had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

(a) ceases to hold the position of director or officer within 15 days of the date on which the striking off the roll or permit revocation becomes executory;

(b) ceases, if applicable, to attend all shareholders meetings and to exercise his or her voting right within 15 days of the date on which the striking off the roll or permit revocation becomes executory;

(c) disposes of his or her company shares with voting rights or leaves them in the care of a trustee within 15 days of the date on which the striking off the roll or permit revocation becomes executory.

DIVISION II
RELATIONS WITH THE ORDER

52. Chartered administrators must ensure the accuracy and integrity of the information they provide to the Order. They must, at all times, honour their commitments to the Order in respect of the supervision of the practice of the profession.

53. Chartered administrators must promptly reply to all requests and correspondence from the secretary of the Order, a syndic, an inspector, an investigator or a member of the professional inspection committee and make themselves available for any meeting required by any of them.

54. Upon request of the Order and wherever possible, chartered administrators must participate in a council of arbitration of accounts, a disciplinary council, a review committee or a professional inspection committee. Chartered administrators may request an exemption for exceptional reasons.

DIVISION III
RELATIONS WITH CHARTERED ADMINISTRATORS AND OTHER PERSONS

55. Chartered administrators must conduct themselves with dignity, courtesy, respect and integrity in their relations with other chartered administrators, and any person who has dealings with them in the practice of their profession.

56. Chartered administrators must immediately inform the syndic or assistant syndic when they have reason to believe that a derogatory act to the Professional Code or one of its regulations has been committed by another chartered administrator.

57. Chartered administrators must, in the practice of their profession, identify themselves in relation to the client as chartered administrators. They must, in particular, sign and make known their capacity as chartered administrators on any report or document produced in the practice of their profession.

DIVISION IV
CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

58. Chartered administrators must, to the extent possible, participate in the advancement of their profession by sharing their knowledge and experience with the public, other chartered administrators and students.

CHAPTER V
ADVERTISEMENT

DIVISION I
GENERAL

59. No chartered administrator may make or allow to be made, by whatever means, false or misleading advertisement or advertisement likely to mislead or go against the honour or dignity of the profession.

60. No chartered administrator may, in the advertisement, claim to possess specific qualities or skills, in particular as to their level of competence or the scope or effectiveness of their services, unless they can substantiate such claim.

61. Chartered administrators who advertise the cost of their services must provide such explanations and information that are necessary, so that the person to whom it is addressed is as fully informed as possible of the professional services offered and their cost. The advertisement must specify:

(1) the fees not included in the cost of the services;

(2) the additional services that might be required for which additional costs can be charged.

Any offer on the cost of services must remain in force for a period of at least 45 days following its last broadcast or publication.

Advertising by chartered administrators must not give more importance to the professional fees than to the professional services offered.

62. Chartered administrators must refrain from using an endorsement or statement of gratitude in advertising for the public.

DIVISION II
GRAPHIC SYMBOLS OF THE PROFESSION

§1. Graphic symbol of the Order

63. Chartered administrators who use the graphic symbol of the Order in advertising must ensure that it complies with the graphic symbol authorized by the Order.

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

§2. Graphic symbol of management consultants

64. Chartered administrators who use the graphic symbol of the Canadian Association of Certified Management Consultants must ensure that its use complies with the licence held by the Order.

DIVISION III
NAME OF THE PARTNERSHIP OR JOINT-STOCK COMPANY FOR THE PRACTICE OF THE PROFESSION

65. No chartered administrator may practise the profession within a partnership or joint-stock company under a name that is deceptive or contrary to the honour or dignity of the profession, or that is a number name.

Only a partnership or joint-stock company in which all the services are provided by chartered administrators may use in its name the titles reserved for the profession.

CHAPTER VI
FINAL

66. This Code replaces the Code of ethics of chartered administrators (chapter C-26, r. 14).

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

3224

Gouvernement du Québec

O.C. 46-2014, 29 January 2014

Professional Code
(chapter C-26)

Specialist's certificates of professional orders — Diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (chapter C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma and the Minister of Higher Education, Research, Science and Technology;

WHEREAS the Office carried out the required consultation;

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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Government obtained the advice of the Office and that of the Ordre des pharmaciens du Québec;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended by replacing paragraph a of section 1.13 by the following:

"(*a*) Doctorat de premier cycle en pharmacie from Université Laval;».

2. Paragraph a of section 1.13, replaced by section 1 of this Regulation, remains applicable to persons who, on 27 February 2014 hold the diploma referred to in the replaced section or are registered in a program leading to that diploma.

3. This Regulation comes into force on 27 February 2014.

3225

Gouvernement du Québec

O.C. 62-2014, 29 January 2014

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail
(chapter M-15.001)

Tax Administration Act
(chapter A-6.002)

An Act respecting the Québec Pension Plan
(chapter R-9)

Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany and making of the Regulation respecting the implementation of that Agreement
— Ratification

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany and making of the Regulation respecting the implementation of that Agreement

WHEREAS Order in Council 89-2010 dated 10 February 2010 authorized the Minister of International Relations to sign alone an agreement, a protocol and an arrangement for application on social security between the Gouvernement du Québec and the Government of the Federal Republic of Germany;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany as well as the Final Protocol and the Arrangement for Application consequent thereto were signed at Québec on 20 April 2010;

WHEREAS the Agreement on Social Security aims, in particular, to guarantee the benefits of the coordination in the fields of retirement, survivorship, disability, death, industrial accidents and occupational diseases to the persons concerned;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001), in the exercise of his functions, the Minister may, in particular, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of that Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under the first paragraph of section 96 of the Tax Administration Act (chapter A-6.002), give effect to international agreements of a fiscal nature entered into under the first paragraph of section 9 of that Act;

WHEREAS, under the second paragraph of section 215 of the Act respecting the Québec Pension Plan (chapter R-9), the Government may make regulations respecting the manner in which that Act is to apply to any case affected by the agreement entered into with another country;

WHEREAS the Agreement constitutes an international agreement within the meaning of the third paragraph of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the Agreement was approved by the National Assembly on 28 October 2010;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, proposed regulations of the Government and of the Commission de la santé et de la sécurité du travail, respecting the implementation of agreements on social security signed by the Gouvernement du Québec, are excluded from the application of the Regulations Act (chapter R-18);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations, La Francophonie and External Trade, the Minister of Finance and the Economy and the Minister of Employment and Social Solidarity:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, signed at Québec on 20 April 2010 and approved by the National Assembly on 28 October 2010, whose text is attached to the implementing regulation mentioned below, be ratified;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail
(chapter M-15.001, s. 10)

Tax Administration Act
(chapter A-6.002, ss. 9 and 96)

An Act respecting the Québec Pension Plan
(chapter R-9, s. 215)

1. The Act respecting the Québec Pension Plan (chapter R-9) and the regulations made thereunder apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, signed at Québec on 20 April 2010.

2. That Act and those regulations apply in the manner prescribed by the Agreement appearing as Schedule 1 and by the Final Protocol and the Arrangement for Application consequent thereto and appearing respectively as Schedules 2 and 3.

3. This Regulation replaces the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany (chapter R-9, r. 7).

4. This Regulation comes into force on 1 April 2014.

SCHEDULE 1
(s. 2)

AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

Wishing to strengthen their relations and resolved to extend the coordination of their social security legislation

have agreed as follows:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

(1) In this Agreement, the following expressions mean:

1. "territory":

(a) as regards the Federal Republic of Germany,

its territory;

(b) as regards to Québec,

the territory of Québec;

2. "national":

(a) as regards the Federal Republic of Germany,

a German within the meaning of the Basic Law of the Federal Republic of Germany;

(b) as regards Québec,

a Canadian citizen who is or who has been subject to the legislation of Québec;

3. "legislation":

(a) as regards the Federal Republic of Germany,

the laws, regulations and other legislative acts related to the branches of social security of the Federal Republic of Germany referred to in Subparagraph 1 of Paragraph (1) of Article 2;

(b) as regards Québec,

the laws and regulations related to the branches of social security of Québec referred to in Subparagraph 2 of Paragraph 1 of Article 2;

4. "competent authority":

(a) as regards the Federal Republic of Germany,

the Federal Minister of Labour and Social Affairs;

(b) as regards Québec,

the Minister responsible for administering the legislation of Québec;

5. "institution":

(a) as regards the Federal Republic of Germany,

the agency or authority responsible for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible for administering the legislation of Québec;

6. "competent institution":

(a) as regards the Federal Republic of Germany,

the institution responsible in each individual case for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible in each individual case for administering the legislation of Québec;

7. "insurance period":

(a) as regards the Federal Republic of Germany,

any period of contribution established or recognized as an insurance period under the legislation of the Federal Republic of Germany and any other similar period in so far as it is deemed equivalent to an insurance period under that legislation;

(b) as regards Québec,

any year in respect of which contributions have been paid or for which a disability pension has been paid under the legislation concerning the Québec Pension Plan or any other year considered as equivalent;

8. "cash benefits":

a pension or any other cash benefit, including any increase.

(2) Any term not defined in Paragraph 1 has the meaning assigned to it in the applicable legislation.

ARTICLE 2
MATERIAL SCOPE

(1) Unless otherwise provided, this Agreement shall apply:

1. as regards the Federal Republic of Germany,

to the legislation concerning:

(a) the Pension Insurance (*Rentenversicherung*);

(b) the Steelworkers' Supplementary Pension Insurance (*hüttenknappschaftliche Zusatzversicherung*);

(c) the Farmers' Old Age Security (*Alterssicherung der Landwirte*);

(d) the Accident Insurance (*Unfallversicherung)*;

2. as regards Québec,

to the legislation concerning:

(a) the Québec Pension Plan;

(b) industrial accidents and occupational diseases.

(2) Unless otherwise provided, legislation within the meaning of this Agreement shall not include provisions consequent for one of the Contracting Parties upon agreements made with a third State or supranational legislation or provisions made to ensure the administration thereof.

(3) This Agreement shall also apply, subject to Subparagraph *e* of Paragraph 1 of the Final Protocol to the Agreement, to any act, regulation or other legislative instrument in so far as it amends, adds to or replaces the legislation of the Contracting Parties.

ARTICLE 3
PERSONAL SCOPE

Unless otherwise provided, this Agreement shall apply to:

1. the nationals of either Contracting Parties;

2. any refugee as defined in Article 1 of the Convention Relating to the Status of Refugees of 28 July 1951 and the Protocol thereto of 31 January 1967;

3. any stateless person as defined in Article 1 of the Convention Relating to the Status of Stateless Persons of 28 September 1954;

4. any other person in respect of rights acquired from a person referred to in Paragraphs 1 to 3 of this Article;

5. nationals of a State other than that of a Contracting Party in so far as they are not persons referred to in Paragraph 4 of this Article.

ARTICLE 4
EQUALITY OF TREATMENT

(1) Unless otherwise provided in this Agreement, persons referred to in Paragraphs 1 to 4 of Article 3 who reside in the territory of either Contracting Party shall receive, in the administration of the legislation of one Contracting Party, the same treatment as the nationals of that Contracting Party.

(2) The nationals of one Contracting Party who reside or are staying outside the territory of both Contracting Parties shall receive the benefits provided by the legislation of the other Contracting Party under the same conditions it applies to its nationals residing or staying outside the territory of both Contracting Parties.

ARTICLE 5
NON-APPLICATION OF PROVISIONS RESPECTING TERRITORIALITY

Unless otherwise provided in this Agreement, the legislation of one Contracting Party that subjects entitlement to benefits or the payment of benefits to the condition that the person in question resides or is staying in the territory

of that Contracting Party shall not be applicable to persons referred to in Paragraphs 1 to 4 of Article 3 residing or staying in the territory of the other Contracting Party.

ARTICLE 6
PRINCIPLE OF TERRITORIALITY

Subject to Articles 7 to 10, a person shall be subject only to the legislation of the Contracting Party in whose territory the person works.

ARTICLE 7
SECONDMENT

Where an salaried person employed in the territory of one Contracting Party is seconded by his or her employer under the terms of that employment to the territory of the other Contracting Party to carry out work therein for that employer, that person shall remain subject, in respect of that employment, only to the legislation of the first Contracting Party for the first 60 calendar months of employment in the territory of the second Contracting Party as if he or she were still employed in the territory of the first Contracting Party.

ARTICLE 8
SEAMEN

A person who is a member of a ship's crew and who, but for this Article, would have been subject to the legislation of both Contracting Parties, in respect of that employment, shall be subject only to German legislation, if the ship is authorized to fly the flag of the Federal Republic of Germany; in every other case, the person is subject to the legislation of Québec.

ARTICLE 9
PUBLIC SECTOR EMPLOYEES

(1) Any national of one of the Contracting Parties who is employed thereby or by another public sector employer of that Contracting Party in the territory of the other Contracting Party shall be subject, in respect of that employment and subject to Paragraph 2, only to the legislation of the first Contracting Party.

(2) A person referred to in Paragraph 1 of this Article who, before beginning employment for one Contracting Party or for another public sector employer of that Contracting Party, was and is still residing in the territory of the other Contracting Party, shall be subject to the legislation of the latter Contracting Party, in respect of that employment. The person may, within 6 months of beginning that employment, choose to be subject to the legislation of the first Contracting Party. The employer must be notified of that choice. The chosen legislation shall then apply as of the date of notification.

(3) The provisions of Paragraphs 1 and 2 shall apply by analogy to a person employed by a person referred to in Paragraph 1 of this Article.

ARTICLE 10
AGREEMENT ON EXCEPTIONS

(1) Upon joint request by the salaried person and his or her employer, or upon request by a self-employed person, the competent authorities or agencies designated by them may, by common agreement, derogate from the provisions of Articles 6 to 9, provided that the person in question is subject to the legislation of one of the Contracting Parties. In that event, the nature and terms of the employment shall be taken into consideration.

(2) The provisions of Paragraph 1 shall apply by analogy to persons who are not salaried employees.

PART II
PROVISIONS CONCERNING BENEFITS

CHAPTER 1
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 11
TAKING INTO CONSIDERATION OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

(1) If the legislation of one Contracting Party provides that, for the assessment of the rate of decrease in earning capacity or the determination of entitlement to benefits resulting from an industrial accident or occupational disease within the meaning of that legislation, other industrial accidents or occupational diseases will also be taken into consideration, that provision shall also apply to industrial accidents and occupational diseases that occurred under the legislation of the other Contracting Party as if they had occurred under the legislation of the first Contracting Party. Industrial accidents and occupational diseases to be taken into consideration include those which, under other provisions, shall be taken into consideration as accidents or as cases giving rise to remedy.

(2) The competent institution shall determine the benefit according to the rate of decrease in earning capacity resulting from the industrial accident or occupational disease that it is required to take into consideration under the legislation it administers.

ARTICLE 12
BENEFITS IN KIND IN CASE OF TRANSFER OF PLACE OF RESIDENCE OR STAY

(1) The provision concerning the equality of territories shall be applicable, as regards benefits in kind, to persons who have transferred, during a curative treatment, their place of stay or residence in the territory of the Contracting Party in which the competent institution does not have its seat only if the competent institution has first authorized the transfer.

(2) The authorization may be given later.

ARTICLE 13
COOPERATION IN MATTERS OF BENEFITS IN KIND

(1) Benefits in kind to be granted by an institution of one of the Contracting Parties to a person in the territory of the other Contracting Party are provided by the institution of the place of stay in lieu and at the expense of the competent institution,

1. in the Federal Republic of Germany:

by the German Statutory Accident Insurance, German Foreign Liaison Office (*Deutsche Gesetzliche Unfallversicherung* (DGUV), *Deutsche Verbindungsstelle Unfallversicherung – Ausland*), Berlin, or by the accident insurance institution designated by it.

2. in Québec:

by the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) The nature, scope and duration of benefits provided shall be subject to the provisions of the legislation administered by the institution of the place of stay.

(3) Persons and agencies that have entered, with the institutions referred to in Paragraph 1, into agreements for the provision of benefits in kind to persons affiliated with those institutions shall also be required to guarantee benefits in kind to persons falling under the personal scope of the Agreement in the same conditions as if these persons were affiliated to the institutions of the place of stay (Paragraph 1) and that the agreements also covered these persons.

ARTICLE 14
REIMBURSEMENT OF EXPENSES INCURRED UNDER THE COOPERATION IN MATTERS OF BENEFITS IN KIND

The competent institution shall reimburse to the institution of the place of stay the amounts actually incurred in particular cases falling under the cooperation in matters of benefits in kind, except for administrative expenses.

CHAPTER 2
PENSIONS

ARTICLE 15
TOTALIZATION OF INSURANCE PERIODS

Where admissible insurance periods are completed under the legislation of both Contracting Parties, the competent institution of each Party shall also take into account, to the extent necessary to give entitlement to a benefit under the legislation it administers, insurance periods admissible under the legislation of the other Contracting Party, in so far as they do not overlap with insurance periods admissible under the legislation that applies to it.

ARTICLE 16
PARTICULARITIES FOR QUÉBEC

(1) This Article shall apply to benefits payable under Québec legislation.

(2) Where the totalization provided in Article 15 applies, the competent institution of Québec shall proceed as follows:

1. any calendar year including at least 3 months of insurance period admissible under the legislation of the Federal Republic of Germany is recognized as a year of contribution;

2. the years recognized under Paragraph 1 are totalled with the insurance periods completed under the legislation of Québec.

(3) Where entitlement to benefits is acquired under Paragraph 2, the competent institution of Québec shall determine the amount of benefits as follows:

1. the amount of the benefit related to earnings is calculated according to the provisions of the legislation of Québec;

2. the amount of the flat rate of the benefit is established proportionately to the period in respect of which contributions have been paid under the legislation of Québec in relation to the contributory period as defined in that legislation.

(4) A person's entitlement to benefits under this Agreement may be acquired only if the person's contributory period, as defined in the legislation of Québec, is at least equal to the minimum contributory period that establishes entitlement to benefits under that legislation.

ARTICLE 17
PARTICULARITIES FOR THE FEDERAL REPUBLIC OF GERMANY

(1) Where the conditions of establishing entitlement to a pension are met only by applying the provisions of Article 15, the insurance periods mentioned therein shall be assigned to the insurance plan for which the institution is responsible for determining benefits under the legislation of the Federal Republic of Germany only. If, in that event, the miners' pension plan institution is the competent institution, the insurance periods completed under Québec legislation shall be taken into consideration by the miners' pension plan only if they were completed in the service of a mining enterprise in underground operations.

(2) For the purposes of the totalization provided in Article 15, a period of residence in Québec that is recognized under the Old Age Security Act that applies in the territory of Québec shall be deemed to be an admissible insurance period by the competent institution of the Federal Republic of Germany.

(3) For the purposes of establishing entitlement to benefits under the legislation of the Federal Republic of Germany, under Article 15:

1. a month that ends on or before 31 December 1965 and that is recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany;

2. an insurance period completed under Québec legislation shall be deemed to be 12 months of contribution under the legislation of the Federal Republic of Germany;

3. a month beginning on or after 1 January 1966 and recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence and for which no contribution has been paid to the Québec Pension Plan shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany.

(4) For the purposes of calculating pensions, remuneration points shall be determined on the basis of the sole insurance periods completed under German legislation.

(5) If, under German legislation, eligibility to a benefit is conditional on the payment of a given number of compulsory contributions during a given time period (reference period) and if the said legislation provides that the periods during which a person received benefits or has raised children extend the said period, the periods during which a person received an old age pension or unemployment benefits under the laws and regulations of Canada that apply in Québec, or retirement or disability pension, or sickness or industrial accident benefits (except pensions) under Québec legislation and the periods during which a person has raised children in Québec shall also extend the said reference period.

(6) Where the right of a self-employed craftsman to be exempt from the obligation to be insured is conditional on the payment of a minimum number of contributions, the insurance periods completed under the legislation of Québec shall also be taken into consideration for that purpose.

PART III
MISCELLANEOUS PROVISIONS

ARTICLE 18
IMPLEMENTATION ARRANGEMENT

(1) Both Contracting Parties or the authorities they designate shall enter into an Arrangement that sets out the terms and conditions for implementing this Agreement (Implementation arrangement), including administrative procedures.

(2) The liaison agencies of both Contracting Parties shall be designated in that Arrangement.

ARTICLE 19
ADMINISTRATIVE ASSISTANCE

(1) In accordance with the legislation they administer, the authorities, institutions and associations of institutions of the Contracting Parties shall provide mutual assistance to each other for the administering of this Agreement and the legislation of the Contracting Parties. Such assistance shall be provided free of charge, except where it involves amounts disbursed as cash payments.

(2) The competent authorities of the Contracting Parties shall forward to one another any information respecting amendments made to their respective legislation in so far as such amendments affect the administration of this Agreement.

ARTICLE 20
PROTECTION OF INFORMATION

(1) The agencies of one Contracting Party specified in Paragraph 1 of Article 19, in accordance with

1. the legislation of that Contracting Party, and

2. this Agreement and any arrangement concluded in accordance with Article 18 for the purposes of the implementation of this Agreement,

shall send to the competent agencies of the other Contracting Party all the information in their possession necessary for the purposes of the administration of this Agreement or the legislation to which this Agreement applies.

(2) Any information of a personal nature sent under Paragraph 1 shall be protected in accordance with the legislation of the other Contracting Party and the following provisions:

1. The sending agency and the receiving agency of information shall treat that information confidentially and protect it effectively against unauthorized access, unauthorized alterations and unauthorized disclosure in accordance with the respective laws of the Contracting Parties.

2. The information may be sent to the competent agencies located in the territory of the other Contracting Party, for the purposes of this Agreement and the related legislation. The receiving agency may use the information only for those purposes. Disclosure of the information to other agencies within the receiving Contracting Party or its use for other purposes, within the legal framework of the receiving Contracting Party shall be allowed, if such disclosure or use is for social protection purposes, including legal proceedings in connection with social protection. The foregoing shall not prohibit the disclosure of information in cases where there is an obligation to do so under the laws or other provisions of the receiving Contracting Party to prevent and prosecute offences of a particular seriousness, in order to protect public safety against substantial hazards or for fiscal purposes.

3. The receiving agency shall inform the sending agency, upon request by the latter, of the use of the information sent and of the goals thus pursued.

4. The person concerned must be informed, if that person so requests, of the information sent concerning him or her and of the use that will be made of it. The right of the person concerned to have access to the information existing in his or her respect shall comply nonetheless to the internal law of the Contracting Party from which the agency that is the subject of that request originates.

6. The sending agency must ensure the accuracy of the information that is to be transmitted and the necessity and proportionality of its transmission in relation to the objective pursued. In that process, the applicable transmission prohibitions provided for in internal legislation must be obeyed. Information shall not be transmitted if the sending agency has grounds to assume that it would, in doing so, go against the purpose of an internal law or that it would impair the legitimate interests of the person concerned. If it appears that was transmitted inaccurate information or information that must not have been transmitted under the legislation of the Contracting Party that transmitted it, the receiving agency must be immediately informed. That agency shall then be required to immediately rectify or delete the information in question.

6. The agency of a Contracting Party to which personal information is transmitted shall delete the said information as soon as it is no longer required for the purposes for which it was transmitted and if there is no reason to assume that such deletion would jeopardize the legitimate interests of the person concerned in the field of social protection.

7. The sending agency and the receiving agency must keep a trace of the sending and receiving of personal information.

(3) Paragraphs 1 and 2 shall apply by analogy to industrial and business secrets.

ARTICLE 21
CURRENCY AND EXCHANGE RATE

Cash benefits shall be validly payable by the institution of one Contracting Party to any person residing in the territory of the other Contracting Party in the currency of either Contracting Party. If payment is made in the currency of the other Contracting Party, the exchange rate used shall be that in effect on the day the bank transfer is made.

ARTICLE 22
FEES OR EXEMPTION FROM AUTHENTICATION

(1) Any exemption or reduction of administrative fees provided in the legislation of one Contracting Party with respect to the issuing of a certificate or document to be produced under that legislation shall be extended to certificates and documents to be produced under the legislation of the other Contracting Party.

(2) Any deed or document to be produced for the purposes of the legislation of both Contracting Parties shall be exempted from authentication by diplomatic or consular authorities and from any similar form of procedure.

ARTICLE 23
SUBMISSION OF DOCUMENTS

(1) If a claim for benefits payable under the legislation of one Contracting Party was submitted to an agency in the territory of the other Contracting Party which, under the latter's legislation, is authorized to receive a claim for similar benefits, that claim shall be deemed to have been submitted on the same date to the competent institution of the first Contracting Party. This provision shall apply by analogy to other claims, notices or appeals.

(2) Claims, notices and appeals received by an agency of one Contracting Party shall be forwarded immediately by that agency to the competent agency of the other Contracting Party.

(3) For the purposes of Chapter 2 of Part II, a claim for benefits payable under the legislation of one Contracting Party shall be deemed to also be a claim for similar benefits payable under the legislation of the other Contracting Party provided that the claimant, on the date the claim is made:

1. requires that it be considered as a claim made under the legislation of the other Contracting Party; or

2. provides information establishing that insurance periods were completed under the legislation of the other Contracting Party.

However, the foregoing shall not apply if the claimant explicitly requests that determination of the rights acquired under the legislation of the other Contracting Party be deferred in the case where, under the legislation of that Contracting Party, the claimant may choose the date to be used to determine when the requirements for being entitled to the benefit are fulfilled.

ARTICLE 24
MEDICAL EXAMINATIONS

(1) The medical examinations provided in the legislation of one Contracting Party shall, to the extent possible, be carried out at the request of the competent institution in the territory of the other Contracting Party by the institution of the place of stay or residence of the claimant. The institution requesting the medical examination shall reimburse the institution carrying them out for the cost of such examinations and for reasonable travel and living expenses related thereto. The requesting institution shall reimburse the person who undergoes a medical examination for other expenses in accordance with the legislation it administers.

(2) The medical examinations carried out under Paragraph 1 may not be refused on the sole ground that they were made in the territory of the other Contracting Party.

(3) The institution of one Contracting Party shall provide free of charge to the institution of the other Contracting Party, upon request and to the extent permitted by its legislation, including laws and regulations respecting the protection of personal information, all data and medical documents in its possession related to the decrease in earning capacity suffered by the claimant or beneficiary.

ARTICLE 25
OFFICIAL LANGUAGES AND COMMUNICATIONS

For the purposes of the legislation of the Contracting Parties and of this Agreement, the agencies referred to in Paragraph 1 of Article 19 may communicate directly with one another and with the persons concerned or their representatives in the official language of each Contracting Party. A decision of a tribunal or an institution of one Contracting Party may be communicated directly to a person residing or staying in the territory of the other Contracting Party. The second sentence shall apply as well to court decisions and notifications issued in connection with the implementation of the German law Governing War Victims's Assistance (*Gesetz über die Versorgung der Opfer des Krieges*) and the laws declaring that the abovementioned law must be applied by analogy.

ARTICLE 26
SETTLEMENT OF DISPUTES

(1) Disputes between the two Contracting Parties with respect to the interpretation or administration of this Agreement must, in so far as possible, be resolved by the competent authorities.

(2) If a dispute cannot be resolved in that manner, it shall be submitted, at the request of one Contracting Party, to an arbitration tribunal.

(3) The arbitration tribunal shall be an *ad hoc* body. Each Contracting Party shall appoint one member, and both members shall agree to select as chairperson a national of a third State who shall be appointed by the Governments of both Contracting Parties. The members shall be appointed within 2 months and the chairperson within 3 months after one of the Contracting Parties has informed the other that it wishes to submit the dispute to the arbitration tribunal.

(4) If the periods provided in Paragraph 3 are not respected and in the absence of another arrangement, each Contracting Party may ask the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or if the President is impeded for another reason, the Vice-President shall make the appointments. If the Vice-President is also a national of one of the Contracting Parties, or if the Vice-President likewise is impeded, the member of the Court immediately following in the hierarchy and who is not a national of one Contracting Party shall make the appointments.

(5) The arbitration tribunal shall make its decisions on the basis of existing treaties between the States and general international law, by majority vote. Its decisions are binding.

(6) Each Contracting Party shall bear the expenses incurred by the activity of its own member, and the costs of the member's representation in proceedings before the arbitration tribunal. The expenses of the chairperson and other costs shall be borne equally by both Contracting Parties. The arbitration tribunal may lay down other methods for the payment of expenses. In respect of other matters, the arbitration tribunal shall determine its own procedures.

PART IV
TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 27
ENTITLEMENT TO BENEFITS UNDER THE AGREEMENT

(1) This Agreement shall not establish entitlement to the payment of benefits for any period prior to the date of its entry into force. Rights acquired pursuant to the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany are not affected.

(2) For the implementation of this Agreement, account shall be taken of relevant facts that occurred under the legislation of the Contracting Parties before the entry into force of this Agreement.

(3) The legal validity of decisions made before the entry into force of this Agreement shall not obstruct the administration of the provisions of this Agreement.

(4) Benefits granted before the date of entry into force of this Agreement shall be reviewed upon request of the person concerned. They may also be reviewed *ex officio.* Notwithstanding the provisions of Paragraph 3, if that review results in there being no benefit or a benefit lower than that last paid for any period preceding the entry into force of this Agreement, the benefit shall be maintained at the amount of the benefit previously paid.

ARTICLE 28
FINAL PROTOCOL

The Final Protocol is part of this Agreement.

ARTICLE 29
ENTRY INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force on the first day of the second month following the month in which both Contracting Parties inform each other that the internal procedures necessary for the entry into force of this Agreement have been completed. The day of receipt of the last notification shall attest to such completion.

(2) From the entry into force of this Agreement, the following shall be revoked:

— the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany;

— the Implementation arrangement of 14 May 1987 of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany.

ARTICLE 30
TERM

(1) This Agreement shall be entered into for an indeterminate period. It may be terminated by one of the Contracting Parties by notification to the other Contracting Party. This Agreement shall end on 31 December of the year following the date of notification.

(2) In the event of termination of this Agreement, its provisions with respect to rights acquired up to the date of suspension of this Agreement shall be maintained and negotiations shall be undertaken to decide on the rights in the process of being acquired under this Agreement.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec	*For the Government of the Federal Republic of Germany*
PIERRE ARCAND	GEORG WITSCHEL

SCHEDULE 2
(s. 2)

FINAL PROTOCOL TO THE AGREEMENT OF 20 APRIL 2010 ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

At the signing of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, the plenipotentiaries of both Contracting Parties have agreed to the following provisions:

1. With reference to Article 2 of the Agreement:

(a) Chapter 2 of Part II of the Agreement shall not apply to the Steelworkers' Supplementary Pension Insurance or to the Farmers' Old Age Security of the Federal Republic of Germany.

(b) If, under the legislation of the Federal Republic of Germany, both the conditions for applying the Agreement and the conditions for applying any other convention or supranational regulation are met, the German institution shall not take that other convention or supranational regulation into account in administering the Agreement.

(c) Notwithstanding Paragraph 2 of Article 2 of the Agreement or Subparagraph *(b)* above, for the purposes of the Agreement, the German institutions shall consider the insurance periods completed under the Canada Pension Plan as equivalent to insurance periods completed under the Québec Pension Plan.

(d) Paragraph 2 of Article 2 of the Agreement as well as Subparagraph *(b)* above do not apply if the social security legislation resulting for the Federal Republic of Germany from international treaties or supranational statutes or used in their implementation contains provisions respecting the apportionment of insurance burdens.

(e) The Agreement shall apply to Québec acts and regulations extending existing legislation to new categories of beneficiaries or to new benefits only if there is not, in that respect, opposition from Québec notified to the Federal Republic of Germany within 3 months from the official publication of those instruments.

2. With reference to Article 3 of the Agreement:

For the purposes of the administration of the German legislation, the nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable must be included within the scope of Paragraph 1 of Article 3 of the Agreement.

3. With reference to Article 4 and Article 5 of the Agreement, and Subparagraph (c) of Paragraph 4 of the Final Protocol:

For the purposes of the administration of the legislation of the Federal Republic of Germany, the persons referred to in Paragraphs 1 to 4 of Article 3 of the Agreement, who reside outside Québec in Canada shall be considered as Québec nationals.

4. With reference to Article 4 of the Agreement:

(a) The provisions respecting the apportionment of insurance burdens included in international treaties are not affected.

(b) The legislation of the Federal Republic of Germany that guarantees the participation of insured persons and employers in self-governing agencies of institutions and their associations as well as judicial decisions regarding social security shall not affected.

(c) The persons referred to in Paragraphs 1 to 3 of Article 3 of the Agreement, except for German nationals, who reside in the territory of Québec shall be eligible for voluntary insurance under the German Pension Insurance only if they have paid valid contributions to that plan for at least 60 calendar months, or if they were eligible for voluntary insurance under the transitional legislation in force before 19 October 1972. Such persons, except for those referred to in Paragraph 3 of Article 3 of the Agreement, shall also be eligible for voluntary insurance under the German Pension Insurance if they have paid a voluntary contribution to the German Pension Insurance not later than the day preceding the entry into force of the Agreement.

(d) The persons residing in Québec and nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable shall be eligible for voluntary insurance under the German Pension Insurance only to the extent of the application of those regulations.

5. With reference to Article 5 of the Agreement:

(a) The legislation of the Federal Republic of Germany respecting cash benefits based on insurance periods completed under laws other than the federal law shall not be affected.

(b) The legislation of the Federal Republic of Germany respecting participation benefits (*Leistungen zur Teilhabe*) paid by the institutions of the Pension Insurance and the Farmers' Old Age Security shall not be affected.

(c) Article 5 of the Agreement shall not apply to a person residing in Québec in respect of a pension under the legislation of the Federal Republic of Germany that governs a reduction in the paid work capacity if that reduction is not caused solely by the state of health of that person.

6. With reference to Articles 6 to 10 of the Agreement:

(a) If the legislation of the Federal Republic of Germany applies to a person under the provisions of the Agreement, the provisions of the Federal Republic of Germany respecting compulsory coverage resulting from employment promotion legislation shall also apply in the same manner to that person and the person's employer with regard to that professional activity.

(b) The employers of salaried workers employed temporarily in the territory of the other Contracting Party shall be bound to cooperate in the protection against industrial accidents and occupational diseases and in accident prevention, with the competent institutions and organizations of that Contracting Party. Internal regulations with a broader scope shall not be affected.

7. With reference to Articles 6 to 8 of the Agreement:

Articles 6 to 8 of the Agreement shall be applicable by analogy to persons who, without being salaried workers, are however subject to the legislation referred to in Paragraph 1 of Article 2 of the Agreement.

8. With reference to Articles 6 to 8 and 10 of the Agreement:

The legislation of the Federal Republic of Germany regarding the insurance coverage for assistance benefits and other independent activities of employment on foreign soil shall not be affected.

9. With reference to Article 7 of the Agreement:

(a) There shall not be secondment in the territory of the other Contracting Party when, in particular,

— the activity of the seconded salaried person does not fall within the field of activities of the employer in the territory of the original Contracting Party;

— the employer of the seconded salaried person does not carry on notable professional activities on a regular basis in the territory of the original Contracting Party;

— the person recruited for the secondment was not residing, on that date, in the territory of the original Contracting Party;

— the leasing of temporary workers constitutes an offence against the legislation of a Contracting Party or both Contracting Parties; or

— the salaried person was employed for less than 6 months in the territory of the original Contracting Party since the end of the preceding period of secondment.

(b) The period of 60 calendar months provided for in Article 7 begins from the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany for a person who was already seconded on that date.

(c) For a person seconded on the date of entry into force of this Agreement, the secondment period completed before that date is taken into account in computing the period of 60 calendar months.

10. With reference to Articles 7 to 10 of the Agreement:

For Québec, Articles 7 to 10 of the Agreement shall not be applicable to persons usually residing outside the territory of Québec.

11. With reference to Article 9 of the Agreement:

(a) For the Federal Republic of Germany, any person who does not work in its territory shall be deemed to work at the location of his or her preceding employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) For a person referred to in Paragraph 2 of Article 9 of the Agreement who was already in office on the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Federal Republic of Germany, the 6-month period shall begin on that date.

12. With reference to Article 10 of the Agreement:

(a) For the Federal Republic of Germany, any person not working in its territory shall be deemed to work in the location of the person's previous employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) Article 10 of the Agreement shall apply in particular to any salaried person of an enterprise having its head office in the territory of one Contracting Party who is called upon to be employed provisionally by a joint venture company of the said enterprise in the territory of the other Contracting Party and to receive a salary from the joint venture company in the territory of the other Contracting Party during that period.

13. With reference to Article 15 of the Agreement:

(a) To the extent that the establishment of entitlement to benefits under the legislation of a Contracting Party requires that insurance periods have been completed within a certain period preceding the event establishing entitlement to benefits, the competent institution shall take into consideration only admissible insurance periods completed during that period; it shall also take into consideration admissible insurance periods completed solely under the legislation of the other Contracting Party.

(b) For the establishment of entitlement to benefits under the legislation of Québec, the competent institution of Québec shall consider as an insurance period any period during which a person received benefits consequent upon a reduction in the person's earning capacity under the legislation of the Federal Republic of Germany.

(c) Where it is impossible to determine exactly which calendar year corresponds to an admissible insurance period completed under the legislation of one Contracting Party, that period shall be presumed not to overlap with an admissible insurance period completed under the legislation of the other Contracting Party.

(d) Article 15 of the Agreement shall apply by analogy to benefits granted at the discretion of an institution under the legislation of the Federal Republic of Germany.

(e) Compulsory contributions to the Québec Pension Plan in regard to employment or self-employment shall be equivalent to compulsory contributions in regard to employment or self-employment, required under the legislation of the Federal Republic of Germany in order to be entitled to an old age pension before the prescribed legal age or to a pension consequent upon a reduction in earning capacity.

14. With reference to Article 17 of the Agreement:

Mining enterprises within the meaning of Paragraph 1 of Article 17 of the Agreement shall be enterprises that mine minerals or similar substances according to miners' rules or rock and earth mainly in underground operations.

15. With reference to Articles 19 and 24 of the Agreement:

The amounts disbursed as cash by virtue of Paragraph 1 of Article 19 of the Agreement and the expenses provided in Paragraph 1 of Article 24 of the Agreement shall not include minor communication expenses or the cost of regular staff or customary administrative expenses.

16. With reference to Article 20 of the Agreement:

(a) For Québec, "legitimate interests" means the rights and freedoms guaranteed by the Québec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms.

(b) For Québec, "legislation" also includes the statutes and regulations respecting the protection of personal information.

17. For the purposes of the Agreement, the legislation of the Federal Republic of Germany shall not be affected in so far as it includes more beneficial provisions for persons who have suffered by reason of their political opinions or for racial, religious or ideological reasons.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec	*For the Government of the Federal Republic of Germany*
PIERRE ARCAND	GEORG WITSCHEL

SCHEDULE 3
(s. 2)

IMPLEMENTATION ARRANGEMENT OF THE AGREEMENT OF 20 APRIL 2010

ON SOCIAL SECURITY

BETWEEN THE GOUVERNEMENT DU QUÉBEC

AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

(IMPLEMENTATION ARRANGEMENT)

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

In accordance with Paragraph 1 of Article 18 of the Agreement on Social Security of 20 April 2010 Between the Gouvernement du Québec and the Government of the Federal Republic of Germany, hereinafter called the "Agreement",

Have agreed to the following provisions:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

The terms used in this Arrangement have the same meaning as in the Agreement.

ARTICLE 2
LIAISON AGENCIES

(1) The following are designated liaison agencies within the meaning of Paragraph 2 of Article 18 of the Agreement:

1. As regards the Federal Republic of Germany:

(a) for Pension Insurance,

— the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck,

— The German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin,

— the German Federal Pension Insurance Institution for Miners, Railway Workers and Seamen (*Deutsche Rentenversicherung Knappschaft-Bahn-See*), Bochum;

(b) for the Steelworkers' Supplementary Pension Insurance,

the German Pension Insurance Institution Sarre (*Deutsche Rentenversicherung Saarland*), Sarrebruck;

(c) for the Farmer's Old Age Security,

the Farmers' Central Social Security Association (*Spitzenverband der landwirtschaftlichen Sozialversicherung*), Kassel;

(d) for the Accident Insurance,

the German Statutory Accident Insurance, Foreign Liaison Agency for Accident Insurance (*Deutsche Gesetzliche Unfallversicherung* (DGUV), *Deutsche Verbindungsstelle Unfallversicherung - Ausland*), Berlin;

(e) to the extent that the health insurance institutions are concerned in the administration of the Agreement,

the Federal Central Association of sickness funds – GKV central association, German Foreign Liaison Agency for Health Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV -Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung - Ausland DVKA*), Bonn.

2. As regards Québec:

(a) for the pension plan,

the Bureau des ententes de sécurité sociale (BESS), Montréal, or any other agency subsequently designated by the competent authority of Québec;

(b) for industrial accidents and occupational diseases,

the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) For the purposes of the Agreement, as regards the German Pension Insurance Institution, it is the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck, that is responsible for all proceedings including the determination and attribution of benefits, where:

1. insurance periods have been completed or are admissible under the legislations of the Federal Republic of Germany and of Québec; or

2. a person resides in Québec; or

3. a person is a Canadian citizen who is or has been subject to the legislation of Québec and who resides outside the territories of both Contracting Parties; and

4. as regards the German Pension Insurance Institution, a regional institution has jurisdiction.

Those provisions apply to participation benefits (*Leistungen zur Teilhabe*) solely in the course of an ongoing pension procedure.

(3) The jurisdiction of the German Federal Pension Insurance Institution and the German Federal Pension Insurance Institution for Miners, Railway Workers and Mariners is not affected by Paragraph 2. The jurisdiction of liaison agencies within the German Pension Insurance Institution is governed by German legislation.

ARTICLE 3
INFORMATION

The liaison agencies are responsible, within the scope of their respective competence, for informing the persons concerned, in a general manner, of their rights and obligations under the Agreement.

ARTICLE 4
OPERATIONAL AGREEMENTS

An operational agreement (*Verwaltungsvereinbarung*) laying down the necessary and useful administrative measures for administering the Agreement will be entered into, with the participation of the competent authorities, between the liaison agencies.

ARTICLE 5
INFORMATION

The agencies referred to in Paragraph 1 of Article 19 of the Agreement, within the scope of their respective competence and to the extent possible, will communicate to one another any information and forward to one another any document required to maintaining the rights and meeting the obligations of the persons concerned consequent upon the legislation specified in Paragraph 1 of Article 2 of the Agreement and consequent upon the Agreement.

ARTICLE 6
CERTIFICATE OF COVERAGE

(1) In the cases referred to in Articles 7, 9 and 10 of the Agreement, the competent agencies of the Contracting Party whose legislation applies will issue upon request a certificate attesting, as regards the work in question, that the salaried person and that person's employer or the self-employed person are subject to that legislation. In the cases referred to in Articles 7 and 10 of the Agreement, the certificate must indicate a fixed period of validity. In the cases referred to in Article 7 of the Agreement, the period of validity may not exceed 60 calendar months.

(2) Where the legislation of the Federal Republic of Germany applies, the certificate will be issued by the health insurance institution to which contributions regarding pensions are paid and, in every other case, by the German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin. In the cases referred to in Article 10 of the Agreement, the certificate is issued by the Federal Central Sickness Funds Association, central association GKV, German Foreign Liaison Agency for Sickness Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV-Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung – Ausland DVKA*), Bonn.

(3) Where Québec legislation applies, the certificate is issued by the Bureau des ententes de sécurité sociale (BESS), Montréal.

PART II
SPECIAL PROVISIONS

CHAPTER 1
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 7
WORK DISABILITY CERTIFICATE

The insured person sends the work disability certificate without delay to the competent institution.

ARTICLE 8
CERTIFICATE OF ENTITLEMENT TO BENEFITS IN KIND

(1) In order to receive benefits in kind under the Agreement, the insured person must provide the institution of the place of stay or residence with a certificate issued by the competent institution. If the insured person cannot provide that certificate, the institution of the place of stay or residence requests it from the competent institution.

(2) The competent institution may revoke, with effect for the future, the certificate referred to in Paragraph 1. The revocation takes effect on the date on which it is received by the cooperating institution.

ARTICLE 9
DECLARATION OF THE INDUSTRIAL ACCIDENT

The declaration of the industrial accident or occupational disease is made in accordance with the legislation of the Contracting Party to which the insured person is subject. The declaration is submitted to the competent institution.

CHAPTER 2
PENSIONS

ARTICLE 10
CLAIM FOR BENEFITS

(1) A claim for benefits under the Agreement may be submitted to the competent institutions of both Contracting Parties, to a liaison agency or to any agency authorized under the legislation of either Contracting Party to receive claims for benefits.

(2) If a claim for benefits under the Agreement is submitted in Québec, the liaison agency may send it to any German liaison agency.

CHAPTER 3
MISCELLANEOUS

ARTICLE 11
STATISTICS

The liaison agencies or other agencies designated by the Contracting Parties will compile statistics regarding benefits paid in the territory of the other Contracting Party, for each calendar year. The statistics will indicate, to the extent possible, the number of beneficiaries and the total amount of benefits for each category of benefit. These statistics will be exchanged.

TITLE III
FINAL PROVISIONS

ARTICLE 12
COMING INTO FORCE AND DURATION OF THE ARRANGEMENT

Both governments will notify one another when the internal conditions required for the coming into force of the Implementation Arrangement have been achieved. The Implementation Arrangement for Application will come into force on the same date as the Agreement and for the same duration.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec	*For the Government of the Federal Republic of Germany*
PIERRE ARCAND	GEORG WITSCHEL

3226

Gouvernement du Québec

O.C. 65-2014, 29 January 2014

Health Insurance Act
(chapter A-29)

Regulation
— Amendment

CONCERNING the Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *(d)* of the first paragraph of section 69 of the Health Insurance Act (chapter A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the services that dentists render and that must be considered insured services for the purposes of the second paragraph of section 3 of that Act with regard to each category of insured persons concerned;

WHEREAS the Government has made the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) and it is expedient to amend that Regulation;

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 application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* on 4 September 2013, with notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted with respect to the amendments;

WHEREAS the 45-day deadline has expired;

WHEREAS it is expedient to make this Regulation without any amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 69, 1st par., subpar. *(d)*)

1. The Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended, in subparagraph (F) of section 35 and in subparagraph (F) of section 36, by inserting after the words "Pulpotomy on deciduous tooth" the following: "Pulpotomy on permanent tooth under general anaesthesia".

2. Schedule E of that Regulation is amended by adding, at the end, the following:

"**13.** Hôpital de Montréal pour enfants

14. TCentre hospitalier universitaire Sainte-Justine.".

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

3228

Gouvernement du Québec

O.C. 66-2014, 29 January 2014

An Act respecting occupational health and safety (chapter S-2.1)

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

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

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany and the Final Protocol and the Arrangement for Application consequent thereto were signed in Québec on 20 April 2010;

WHEREAS the National Assembly approved the agreement on 28 October 2010;

WHEREAS the Commission de la santé et de la sécurité du travail must, by regulation, to make effective the provisions of the agreement relating to industrial accidents and occupational diseases, take the measures necessary for their application, in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1);

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, the draft regulations of the Commission de la santé et de la sécurité du travail respecting the implementation of agreements on social security signed by the Gouvernement du Québec are excluded from the application of the Regulations Act (chapter R-18.1);

WHEREAS the Commission de la santé et de la sécurité du travail adopted the draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany at its sitting of 21 November 2013;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the Regulation must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

An Act respecting occupational health and safety
(chapter S-2.1, ss. 170 and 223)

1. Benefits under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the regulations thereunder are extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, signed on 20 April 2010 and appearing as Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, made by Order in Council 62-2014 dated 29 January 2014.

2. The Act and those regulations apply in the manner prescribed by the Agreement appearing in Schedule I and by the Final Protocol and the Arrangement for Application consequent thereto and appearing respectively in Schedules 2 and 3.

3. This Regulation comes into force on 1 April 2014.

SCHEDULE 1
(s. 2)

AGREEMENT ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

Wishing to strengthen their relations and resolved to extend the coordination of their social security legislation

have agreed as follows:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

(1) In this Agreement, the following expressions mean:

1. "territory":

(a) as regards the Federal Republic of Germany,

its territory;

(b) as regards to Québec,

the territory of Québec;

2. "national":

(a) as regards the Federal Republic of Germany,

a German within the meaning of the Basic Law of the Federal Republic of Germany;

(b) as regards Québec,

a Canadian citizen who is or who has been subject to the legislation of Québec;

3. "legislation":

(a) as regards the Federal Republic of Germany,

the laws, regulations and other legislative acts related to the branches of social security of the Federal Republic of Germany referred to in Subparagraph 1 of Paragraph (1) of Article 2;

(b) as regards Québec,

the laws and regulations related to the branches of social security of Québec referred to in Subparagraph 2 of Paragraph 1 of Article 2;

4. "competent authority":

(a) as regards the Federal Republic of Germany,

the Federal Minister of Labour and Social Affairs;

(b) as regards Québec,

the Minister responsible for administering the legislation of Québec;

5. "institution":

(a) as regards the Federal Republic of Germany,

the agency or authority responsible for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible for administering the legislation of Québec;

6. "competent institution":

(a) as regards the Federal Republic of Germany,

the institution responsible in each individual case for administering the legislation of the Federal Republic of Germany;

(b) as regards Québec,

the department or agency responsible in each individual case for administering the legislation of Québec;

7. "insurance period":

(a) as regards the Federal Republic of Germany,

any period of contribution established or recognized as an insurance period under the legislation of the Federal Republic of Germany and any other similar period in so far as it is deemed equivalent to an insurance period under that legislation;

(b) as regards Québec,

any year in respect of which contributions have been paid or for which a disability pension has been paid under the legislation concerning the Québec Pension Plan or any other year considered as equivalent;

8. "cash benefits":

a pension or any other cash benefit, including any increase.

(2) Any term not defined in Paragraph 1 has the meaning assigned to it in the applicable legislation.

ARTICLE 2
MATERIAL SCOPE

(1) Unless otherwise provided, this Agreement shall apply:

1. as regards the Federal Republic of Germany,

to the legislation concerning:

(a) the Pension Insurance (*Rentenversicherung*);

(b) the Steelworkers' Supplementary Pension Insurance (*hüttenknappschaftliche Zusatzversicherung*);

(c) the Farmers' Old Age Security (*Alterssicherung der Landwirte*);

(d) the Accident Insurance (*Unfallversicherung)*;

2. as regards Québec,

to the legislation concerning:

(a) the Québec Pension Plan;

(b) industrial accidents and occupational diseases.

(2) Unless otherwise provided, legislation within the meaning of this Agreement shall not include provisions consequent for one of the Contracting Parties upon agreements made with a third State or supranational legislation or provisions made to ensure the administration thereof.

(3) This Agreement shall also apply, subject to Subparagraph *e* of Paragraph 1 of the Final Protocol to the Agreement, to any act, regulation or other legislative instrument in so far as it amends, adds to or replaces the legislation of the Contracting Parties.

ARTICLE 3
PERSONAL SCOPE

Unless otherwise provided, this Agreement shall apply to:

1. the nationals of either Contracting Parties;

2. any refugee as defined in Article 1 of the Convention Relating to the Status of Refugees of 28 July 1951 and the Protocol thereto of 31 January 1967;

3. any stateless person as defined in Article 1 of the Convention Relating to the Status of Stateless Persons of 28 September 1954;

4. any other person in respect of rights acquired from a person referred to in Paragraphs 1 to 3 of this Article;

5. nationals of a State other than that of a Contracting Party in so far as they are not persons referred to in Paragraph 4 of this Article.

ARTICLE 4
EQUALITY OF TREATMENT

(1) Unless otherwise provided in this Agreement, persons referred to in Paragraphs 1 to 4 of Article 3 who reside in the territory of either Contracting Party shall receive, in the administration of the legislation of one Contracting Party, the same treatment as the nationals of that Contracting Party.

(2) The nationals of one Contracting Party who reside or are staying outside the territory of both Contracting Parties shall receive the benefits provided by the legislation of the other Contracting Party under the same conditions it applies to its nationals residing or staying outside the territory of both Contracting Parties.

ARTICLE 5
NON-APPLICATION OF PROVISIONS RESPECTING TERRITORIALITY

Unless otherwise provided in this Agreement, the legislation of one Contracting Party that subjects entitlement to benefits or the payment of benefits to the condition that the person in question resides or is staying in the territory of that Contracting Party shall not be applicable to persons referred to in Paragraphs 1 to 4 of Article 3 residing or staying in the territory of the other Contracting Party.

ARTICLE 6
PRINCIPLE OF TERRITORIALITY

Subject to Articles 7 to 10, a person shall be subject only to the legislation of the Contracting Party in whose territory the person works.

ARTICLE 7
SECONDMENT

Where an salaried person employed in the territory of one Contracting Party is seconded by his or her employer under the terms of that employment to the territory of the other Contracting Party to carry out work therein for that employer, that person shall remain subject, in respect of that employment, only to the legislation of the first Contracting Party for the first 60 calendar months of employment in the territory of the second Contracting Party as if he or she were still employed in the territory of the first Contracting Party.

ARTICLE 8
SEAMEN

A person who is a member of a ship's crew and who, but for this Article, would have been subject to the legislation of both Contracting Parties, in respect of that employment, shall be subject only to German legislation, if the ship is authorized to fly the flag of the Federal Republic of Germany; in every other case, the person is subject to the legislation of Québec.

ARTICLE 9
PUBLIC SECTOR EMPLOYEES

(1) Any national of one of the Contracting Parties who is employed thereby or by another public sector employer of that Contracting Party in the territory of the other Contracting Party shall be subject, in respect of that employment and subject to Paragraph 2, only to the legislation of the first Contracting Party.

(2) A person referred to in Paragraph 1 of this Article who, before beginning employment for one Contracting Party or for another public sector employer of that Contracting Party, was and is still residing in the territory of the other Contracting Party, shall be subject to the legislation of the latter Contracting Party, in respect of that employment. The person may, within 6 months of beginning that employment, choose to be subject to the legislation of the first Contracting Party. The employer must be notified of that choice. The chosen legislation shall then apply as of the date of notification.

(3) The provisions of Paragraphs 1 and 2 shall apply by analogy to a person employed by a person referred to in Paragraph 1 of this Article.

ARTICLE 10
AGREEMENT ON EXCEPTIONS

(1) Upon joint request by the salaried person and his or her employer, or upon request by a self-employed person, the competent authorities or agencies designated by them may, by common agreement, derogate from the provisions of Articles 6 to 9, provided that the person in question is subject to the legislation of one of the Contracting Parties. In that event, the nature and terms of the employment shall be taken into consideration.

(2) The provisions of Paragraph 1 shall apply by analogy to persons who are not salaried employees.

PART II
PROVISIONS CONCERNING BENEFITS

CHAPTER 1
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 11
TAKING INTO CONSIDERATION OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

(1) If the legislation of one Contracting Party provides that, for the assessment of the rate of decrease in earning capacity or the determination of entitlement to benefits resulting from an industrial accident or occupational disease within the meaning of that legislation, other industrial accidents or occupational diseases will also be taken into consideration, that provision shall also apply to industrial accidents and occupational diseases that occurred under the legislation of the other Contracting Party as if they had occurred under the legislation of the first Contracting Party. Industrial accidents and occupational diseases to be taken into consideration include those which, under other provisions, shall be taken into consideration as accidents or as cases giving rise to remedy.

(2) The competent institution shall determine the benefit according to the rate of decrease in earning capacity resulting from the industrial accident or occupational disease that it is required to take into consideration under the legislation it administers.

ARTICLE 12
BENEFITS IN KIND IN CASE OF TRANSFER OF PLACE OF RESIDENCE OR STAY

(1) The provision concerning the equality of territories shall be applicable, as regards benefits in kind, to persons who have transferred, during a curative treatment, their place of stay or residence in the territory of the Contracting Party in which the competent institution does not have its seat only if the competent institution has first authorized the transfer.

(2) The authorization may be given later.

ARTICLE 13
COOPERATION IN MATTERS OF BENEFITS IN KIND

(1) Benefits in kind to be granted by an institution of one of the Contracting Parties to a person in the territory of the other Contracting Party are provided by the institution of the place of stay in lieu and at the expense of the competent institution,

1. in the Federal Republic of Germany:

by the German Statutory Accident Insurance, German Foreign Liaison Office (*Deutsche Gesetzliche Unfallversicherung* (DGUV), *Deutsche Verbindungsstelle Unfallversicherung – Ausland*), Berlin, or by the accident insurance institution designated by it.

2. in Québec:

by the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) The nature, scope and duration of benefits provided shall be subject to the provisions of the legislation administered by the institution of the place of stay.

(3) Persons and agencies that have entered, with the institutions referred to in Paragraph 1, into agreements for the provision of benefits in kind to persons affiliated with those institutions shall also be required to guarantee benefits in kind to persons falling under the personal scope of the Agreement in the same conditions as if these persons were affiliated to the institutions of the place of stay (Paragraph 1) and that the agreements also covered these persons.

ARTICLE 14
REIMBURSEMENT OF EXPENSES INCURRED UNDER THE COOPERATION IN MATTERS OF BENEFITS IN KIND

The competent institution shall reimburse to the institution of the place of stay the amounts actually incurred in particular cases falling under the cooperation in matters of benefits in kind, except for administrative expenses.

CHAPTER 2
PENSIONS

ARTICLE 15
TOTALIZATION OF INSURANCE PERIODS

Where admissible insurance periods are completed under the legislation of both Contracting Parties, the competent institution of each Party shall also take into account, to the extent necessary to give entitlement to a benefit under the legislation it administers, insurance periods admissible under the legislation of the other Contracting Party, in so far as they do not overlap with insurance periods admissible under the legislation that applies to it.

ARTICLE 16
PARTICULARITIES FOR QUÉBEC

(1) This Article shall apply to benefits payable under Québec legislation.

(2) Where the totalization provided in Article 15 applies, the competent institution of Québec shall proceed as follows:

1. any calendar year including at least 3 months of insurance period admissible under the legislation of the Federal Republic of Germany is recognized as a year of contribution;

2. the years recognized under Paragraph 1 are totalled with the insurance periods completed under the legislation of Québec.

(3) Where entitlement to benefits is acquired under Paragraph 2, the competent institution of Québec shall determine the amount of benefits as follows:

1. the amount of the benefit related to earnings is calculated according to the provisions of the legislation of Québec;

2. the amount of the flat rate of the benefit is established proportionately to the period in respect of which contributions have been paid under the legislation of Québec in relation to the contributory period as defined in that legislation.

(4) A person's entitlement to benefits under this Agreement may be acquired only if the person's contributory period, as defined in the legislation of Québec, is at least equal to the minimum contributory period that establishes entitlement to benefits under that legislation.

ARTICLE 17
PARTICULARITIES FOR THE FEDERAL REPUBLIC OF GERMANY

(1) Where the conditions of establishing entitlement to a pension are met only by applying the provisions of Article 15, the insurance periods mentioned therein shall be assigned to the insurance plan for which the institution is responsible for determining benefits under the legislation of the Federal Republic of Germany only. If, in that event, the miners' pension plan institution is the competent institution, the insurance periods completed under Québec legislation shall be taken into consideration by the miners' pension plan only if they were completed in the service of a mining enterprise in underground operations.

(2) For the purposes of the totalization provided in Article 15, a period of residence in Québec that is recognized under the Old Age Security Act that applies in the territory of Québec shall be deemed to be an admissible insurance period by the competent institution of the Federal Republic of Germany.

(3) For the purposes of establishing entitlement to benefits under the legislation of the Federal Republic of Germany, under Article 15:

1. a month that ends on or before 31 December 1965 and that is recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany;

2. an insurance period completed under Québec legislation shall be deemed to be 12 months of contribution under the legislation of the Federal Republic of Germany;

3. a month beginning on or after 1 January 1966 and recognized under the Old Age Security Act that applies in the territory of Québec as a month of residence and for which no contribution has been paid to the Québec Pension Plan shall be deemed to be a month of contribution under the legislation of the Federal Republic of Germany.

(4) For the purposes of calculating pensions, remuneration points shall be determined on the basis of the sole insurance periods completed under German legislation.

(5) If, under German legislation, eligibility to a benefit is conditional on the payment of a given number of compulsory contributions during a given time period (reference period) and if the said legislation provides that the periods during which a person received benefits or has raised children extend the said period, the periods during which a person received an old age pension or unemployment benefits under the laws and regulations of Canada that apply in Québec, or retirement or disability pension, or sickness or industrial accident benefits (except pensions) under Québec legislation and the periods during which a person has raised children in Québec shall also extend the said reference period.

(6) Where the right of a self-employed craftsman to be exempt from the obligation to be insured is conditional on the payment of a minimum number of contributions, the insurance periods completed under the legislation of Québec shall also be taken into consideration for that purpose.

PART III
MISCELLANEOUS PROVISIONS

ARTICLE 18
IMPLEMENTATION ARRANGEMENT

(1) Both Contracting Parties or the authorities they designate shall enter into an Arrangement that sets out the terms and conditions for implementing this Agreement (Implementation arrangement), including administrative procedures.

(2) The liaison agencies of both Contracting Parties shall be designated in that Arrangement.

ARTICLE 19
ADMINISTRATIVE ASSISTANCE

(1) In accordance with the legislation they administer, the authorities, institutions and associations of institutions of the Contracting Parties shall provide mutual assistance to each other for the administering of this Agreement and the legislation of the Contracting Parties. Such assistance shall be provided free of charge, except where it involves amounts disbursed as cash payments.

(2) The competent authorities of the Contracting Parties shall forward to one another any information respecting amendments made to their respective legislation in so far as such amendments affect the administration of this Agreement.

ARTICLE 20
PROTECTION OF INFORMATION

(1) The agencies of one Contracting Party specified in Paragraph 1 of Article 19, in accordance with

1. the legislation of that Contracting Party, and

2. this Agreement and any arrangement concluded in accordance with Article 18 for the purposes of the implementation of this Agreement,

shall send to the competent agencies of the other Contracting Party all the information in their possession necessary for the purposes of the administration of this Agreement or the legislation to which this Agreement applies.

(2) Any information of a personal nature sent under Paragraph 1 shall be protected in accordance with the legislation of the other Contracting Party and the following provisions:

1. The sending agency and the receiving agency of information shall treat that information confidentially and protect it effectively against unauthorized access, unauthorized alterations and unauthorized disclosure in accordance with the respective laws of the Contracting Parties.

2. The information may be sent to the competent agencies located in the territory of the other Contracting Party, for the purposes of this Agreement and the related legislation. The receiving agency may use the information only for those purposes. Disclosure of the information to other agencies within the receiving Contracting Party or its use for other purposes, within the legal framework of the receiving Contracting Party shall be allowed, if such disclosure or use is for social protection purposes, including legal proceedings in connection with social protection. The foregoing shall not prohibit the disclosure of information in cases where there is an obligation to do so under the laws or other provisions of the receiving Contracting Party to prevent and prosecute offences of a particular seriousness, in order to protect public safety against substantial hazards or for fiscal purposes.

3. The receiving agency shall inform the sending agency, upon request by the latter, of the use of the information sent and of the goals thus pursued.

4. The person concerned must be informed, if that person so requests, of the information sent concerning him or her and of the use that will be made of it. The right of the person concerned to have access to the information

existing in his or her respect shall comply nonetheless to the internal law of the Contracting Party from which the agency that is the subject of that request originates.

6. The sending agency must ensure the accuracy of the information that is to be transmitted and the necessity and proportionality of its transmission in relation to the objective pursued. In that process, the applicable transmission prohibitions provided for in internal legislation must be obeyed. Information shall not be transmitted if the sending agency has grounds to assume that it would, in doing so, go against the purpose of an internal law or that it would impair the legitimate interests of the person concerned. If it appears that was transmitted inaccurate information or information that must not have been transmitted under the legislation of the Contracting Party that transmitted it, the receiving agency must be immediately informed. That agency shall then be required to immediately rectify or delete the information in question.

6. The agency of a Contracting Party to which personal information is transmitted shall delete the said information as soon as it is no longer required for the purposes for which it was transmitted and if there is no reason to assume that such deletion would jeopardize the legitimate interests of the person concerned in the field of social protection.

7. The sending agency and the receiving agency must keep a trace of the sending and receiving of personal information.

(3) Paragraphs 1 and 2 shall apply by analogy to industrial and business secrets.

ARTICLE 21
CURRENCY AND EXCHANGE RATE

Cash benefits shall be validly payable by the institution of one Contracting Party to any person residing in the territory of the other Contracting Party in the currency of either Contracting Party. If payment is made in the currency of the other Contracting Party, the exchange rate used shall be that in effect on the day the bank transfer is made.

ARTICLE 22
FEES OR EXEMPTION FROM AUTHENTICATION

(1) Any exemption or reduction of administrative fees provided in the legislation of one Contracting Party with respect to the issuing of a certificate or document to be produced under that legislation shall be extended to certificates and documents to be produced under the legislation of the other Contracting Party.

(2) Any deed or document to be produced for the purposes of the legislation of both Contracting Parties shall be exempted from authentication by diplomatic or consular authorities and from any similar form of procedure.

ARTICLE 23
SUBMISSION OF DOCUMENTS

(1) If a claim for benefits payable under the legislation of one Contracting Party was submitted to an agency in the territory of the other Contracting Party which, under the latter's legislation, is authorized to receive a claim for similar benefits, that claim shall be deemed to have been submitted on the same date to the competent institution of the first Contracting Party. This provision shall apply by analogy to other claims, notices or appeals.

(2) Claims, notices and appeals received by an agency of one Contracting Party shall be forwarded immediately by that agency to the competent agency of the other Contracting Party.

(3) For the purposes of Chapter 2 of Part II, a claim for benefits payable under the legislation of one Contracting Party shall be deemed to also be a claim for similar benefits payable under the legislation of the other Contracting Party provided that the claimant, on the date the claim is made:

1. requires that it be considered as a claim made under the legislation of the other Contracting Party; or

2. provides information establishing that insurance periods were completed under the legislation of the other Contracting Party.

However, the foregoing shall not apply if the claimant explicitly requests that determination of the rights acquired under the legislation of the other Contracting Party be deferred in the case where, under the legislation of that Contracting Party, the claimant may choose the date to be used to determine when the requirements for being entitled to the benefit are fulfilled.

ARTICLE 24
MEDICAL EXAMINATIONS

(1) The medical examinations provided in the legislation of one Contracting Party shall, to the extent possible, be carried out at the request of the competent institution in the territory of the other Contracting Party by the institution of the place of stay or residence of the claimant. The institution requesting the medical examination shall reimburse the institution carrying them out for the cost of such examinations and for reasonable travel and living

expenses related thereto. The requesting institution shall reimburse the person who undergoes a medical examination for other expenses in accordance with the legislation it administers.

(2) The medical examinations carried out under Paragraph 1 may not be refused on the sole ground that they were made in the territory of the other Contracting Party.

(3) The institution of one Contracting Party shall provide free of charge to the institution of the other Contracting Party, upon request and to the extent permitted by its legislation, including laws and regulations respecting the protection of personal information, all data and medical documents in its possession related to the decrease in earning capacity suffered by the claimant or beneficiary.

ARTICLE 25
OFFICIAL LANGUAGES AND COMMUNICATIONS

For the purposes of the legislation of the Contracting Parties and of this Agreement, the agencies referred to in Paragraph 1 of Article 19 may communicate directly with one another and with the persons concerned or their representatives in the official language of each Contracting Party. A decision of a tribunal or an institution of one Contracting Party may be communicated directly to a person residing or staying in the territory of the other Contracting Party. The second sentence shall apply as well to court decisions and notifications issued in connection with the implementation of the German law Governing War Victims's Assistance (*Gesetz über die Versorgung der Opfer des Krieges*) and the laws declaring that the abovementioned law must be applied by analogy.

ARTICLE 26
SETTLEMENT OF DISPUTES

(1) Disputes between the two Contracting Parties with respect to the interpretation or administration of this Agreement must, in so far as possible, be resolved by the competent authorities.

(2) If a dispute cannot be resolved in that manner, it shall be submitted, at the request of one Contracting Party, to an arbitration tribunal.

(3) The arbitration tribunal shall be an *ad hoc* body. Each Contracting Party shall appoint one member, and both members shall agree to select as chairperson a national of a third State who shall be appointed by the Governments of both Contracting Parties. The members shall be appointed within 2 months and the chairperson within 3 months after one of the Contracting Parties has informed the other that it wishes to submit the dispute to the arbitration tribunal.

(4) If the periods provided in Paragraph 3 are not respected and in the absence of another arrangement, each Contracting Party may ask the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or if the President is impeded for another reason, the Vice-President shall make the appointments. If the Vice-President is also a national of one of the Contracting Parties, or if the Vice-President likewise is impeded, the member of the Court immediately following in the hierarchy and who is not a national of one Contracting Party shall make the appointments.

(5) The arbitration tribunal shall make its decisions on the basis of existing treaties between the States and general international law, by majority vote. Its decisions are binding.

(6) Each Contracting Party shall bear the expenses incurred by the activity of its own member, and the costs of the member's representation in proceedings before the arbitration tribunal. The expenses of the chairperson and other costs shall be borne equally by both Contracting Parties. The arbitration tribunal may lay down other methods for the payment of expenses. In respect of other matters, the arbitration tribunal shall determine its own procedures.

PART IV
TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 27
ENTITLEMENT TO BENEFITS UNDER THE AGREEMENT

(1) This Agreement shall not establish entitlement to the payment of benefits for any period prior to the date of its entry into force. Rights acquired pursuant to the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany are not affected.

(2) For the implementation of this Agreement, account shall be taken of relevant facts that occurred under the legislation of the Contracting Parties before the entry into force of this Agreement.

(3) The legal validity of decisions made before the entry into force of this Agreement shall not obstruct the administration of the provisions of this Agreement.

(4) Benefits granted before the date of entry into force of this Agreement shall be reviewed upon request of the person concerned. They may also be reviewed *ex officio.* Notwithstanding the provisions of Paragraph 3, if that review results in there being no benefit or a benefit lower than that last paid for any period preceding the entry into force of this Agreement, the benefit shall be maintained at the amount of the benefit previously paid.

ARTICLE 28
FINAL PROTOCOL

The Final Protocol is part of this Agreement.

ARTICLE 29
ENTRY INTO FORCE AND TERMINATION

(1) This Agreement shall enter into force on the first day of the second month following the month in which both Contracting Parties inform each other that the internal procedures necessary for the entry into force of this Agreement have been completed. The day of receipt of the last notification shall attest to such completion.

(2) From the entry into force of this Agreement, the following shall be revoked:

— the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany;

— the Implementation arrangement of 14 May 1987 of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany.

ARTICLE 30
TERM

(1) This Agreement shall be entered into for an indeterminate period. It may be terminated by one of the Contracting Parties by notification to the other Contracting Party. This Agreement shall end on 31 December of the year following the date of notification.

(2) In the event of termination of this Agreement, its provisions with respect to rights acquired up to the date of suspension of this Agreement shall be maintained and negotiations shall be undertaken to decide on the rights in the process of being acquired under this Agreement.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec	*For the Government of the Federal Republic of Germany*
PIERRE ARCAND	GEORG WITSCHEL

SCHEDULE 2
(S. 2)

FINAL PROTOCOL TO THE AGREEMENT OF 20 APRIL 2010 ON SOCIAL SECURITY

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

At the signing of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Federal Republic of Germany, the plenipotentiaries of both Contracting Parties have agreed to the following provisions:

1. With reference to Article 2 of the Agreement:

(a) Chapter 2 of Part II of the Agreement shall not apply to the Steelworkers' Supplementary Pension Insurance or to the Farmers' Old Age Security of the Federal Republic of Germany.

(b) If, under the legislation of the Federal Republic of Germany, both the conditions for applying the Agreement and the conditions for applying any other convention or supranational regulation are met, the German institution shall not take that other convention or supranational regulation into account in administering the Agreement.

(c) Notwithstanding Paragraph 2 of Article 2 of the Agreement or Subparagraph (*b)* above, for the purposes of the Agreement, the German institutions shall consider the insurance periods completed under the Canada Pension Plan as equivalent to insurance periods completed under the Québec Pension Plan.

(d) Paragraph 2 of Article 2 of the Agreement as well as Subparagraph (*b)* above do not apply if the social security legislation resulting for the Federal Republic of Germany from international treaties or supranational statutes or used in their implementation contains provisions respecting the apportionment of insurance burdens.

(e) The Agreement shall apply to Québec acts and regulations extending existing legislation to new categories of beneficiaries or to new benefits only if there is not, in that respect, opposition from Québec notified to the Federal Republic of Germany within 3 months from the official publication of those instruments.

2. With reference to Article 3 of the Agreement:

For the purposes of the administration of the German legislation, the nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable must be included within the scope of Paragraph 1 of Article 3 of the Agreement.

3. With reference to Article 4 and Article 5 of the Agreement, and Subparagraph (c) of Paragraph 4 of the Final Protocol:

For the purposes of the administration of the legislation of the Federal Republic of Germany, the persons referred to in Paragraphs 1 to 4 of Article 3 of the Agreement, who reside outside Québec in Canada shall be considered as Québec nationals.

4. With reference to Article 4 of the Agreement:

(a) The provisions respecting the apportionment of insurance burdens included in international treaties are not affected.

(b) The legislation of the Federal Republic of Germany that guarantees the participation of insured persons and employers in self-governing agencies of institutions and their associations as well as judicial decisions regarding social security shall not affected.

(c) The persons referred to in Paragraphs 1 to 3 of Article 3 of the Agreement, except for German nationals, who reside in the territory of Québec shall be eligible for voluntary insurance under the German Pension Insurance only if they have paid valid contributions to that plan for at least 60 calendar months, or if they were eligible for voluntary insurance under the transitional legislation in force before 19 October 1972. Such persons, except for those referred to in Paragraph 3 of Article 3 of the Agreement, shall also be eligible for voluntary insurance under the German Pension Insurance if they have paid a voluntary contribution to the German Pension Insurance not later than the day preceding the entry into force of the Agreement.

(d) The persons residing in Québec and nationals of a State within whose jurisdiction the regulation (EEC) No. 1408/71 or the regulation (EC) No. 883/2004 is applicable shall be eligible for voluntary insurance under the German Pension Insurance only to the extent of the application of those regulations.

5. With reference to Article 5 of the Agreement:

(a) The legislation of the Federal Republic of Germany respecting cash benefits based on insurance periods completed under laws other than the federal law shall not be affected.

(b) The legislation of the Federal Republic of Germany respecting participation benefits (*Leistungen zur Teilhabe*) paid by the institutions of the Pension Insurance and the Farmers' Old Age Security shall not be affected.

(c) Article 5 of the Agreement shall not apply to a person residing in Québec in respect of a pension under the legislation of the Federal Republic of Germany that governs a reduction in the paid work capacity if that reduction is not caused solely by the state of health of that person.

6. With reference to Articles 6 to 10 of the Agreement:

(a) If the legislation of the Federal Republic of Germany applies to a person under the provisions of the Agreement, the provisions of the Federal Republic of Germany respecting compulsory coverage resulting from employment promotion legislation shall also apply in the same manner to that person and the person's employer with regard to that professional activity.

(b) The employers of salaried workers employed temporarily in the territory of the other Contracting Party shall be bound to cooperate in the protection against industrial accidents and occupational diseases and in accident prevention, with the competent institutions and organizations of that Contracting Party. Internal regulations with a broader scope shall not be affected.

7. With reference to Articles 6 to 8 of the Agreement:

Articles 6 to 8 of the Agreement shall be applicable by analogy to persons who, without being salaried workers, are however subject to the legislation referred to in Paragraph 1 of Article 2 of the Agreement.

8. With reference to Articles 6 to 8 and 10 of the Agreement:

The legislation of the Federal Republic of Germany regarding the insurance coverage for assistance benefits and other independent activities of employment on foreign soil shall not be affected.

9. With reference to Article 7 of the Agreement:

(a) There shall not be secondment in the territory of the other Contracting Party when, in particular,

— the activity of the seconded salaried person does not fall within the field of activities of the employer in the territory of the original Contracting Party;

— the employer of the seconded salaried person does not carry on notable professional activities on a regular basis in the territory of the original Contracting Party;

— the person recruited for the secondment was not residing, on that date, in the territory of the original Contracting Party;

— the leasing of temporary workers constitutes an offence against the legislation of a Contracting Party or both Contracting Parties; or

— the salaried person was employed for less than 6 months in the territory of the original Contracting Party since the end of the preceding period of secondment.

(b) The period of 60 calendar months provided for in Article 7 begins from the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Government of the Federal Republic of Germany for a person who was already seconded on that date.

(c) For a person seconded on the date of entry into force of this Agreement, the secondment period completed before that date is taken into account in computing the period of 60 calendar months.

10. With reference to Articles 7 to 10 of the Agreement:

For Québec, Articles 7 to 10 of the Agreement shall not be applicable to persons usually residing outside the territory of Québec.

11. With reference to Article 9 of the Agreement:

(a) For the Federal Republic of Germany, any person who does not work in its territory shall be deemed to work at the location of his or her preceding employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) For a person referred to in Paragraph 2 of Article 9 of the Agreement who was already in office on the date of entry into force of the Agreement on Social Security of 14 May 1987 between the Gouvernement du Québec and the Federal Republic of Germany, the 6-month period shall begin on that date.

12. With reference to Article 10 of the Agreement:

(a) For the Federal Republic of Germany, any person not working in its territory shall be deemed to work in the location of the person's previous employment. If the person was not previously working in the territory of the Federal Republic of Germany, the person shall be deemed to work in the location where the seat of the competent German authority is located.

(b) Article 10 of the Agreement shall apply in particular to any salaried person of an enterprise having its head office in the territory of one Contracting Party who is called upon to be employed provisionally by a joint venture company of the said enterprise in the territory of the other Contracting Party and to receive a salary from the joint venture company in the territory of the other Contracting Party during that period.

13. With reference to Article 15 of the Agreement:

(a) To the extent that the establishment of entitlement to benefits under the legislation of a Contracting Party requires that insurance periods have been completed within a certain period preceding the event establishing entitlement to benefits, the competent institution shall take into consideration only admissible insurance periods completed during that period; it shall also take into consideration admissible insurance periods completed solely under the legislation of the other Contracting Party.

(b) For the establishment of entitlement to benefits under the legislation of Québec, the competent institution of Québec shall consider as an insurance period any period during which a person received benefits consequent upon a reduction in the person's earning capacity under the legislation of the Federal Republic of Germany.

(c) Where it is impossible to determine exactly which calendar year corresponds to an admissible insurance period completed under the legislation of one Contracting Party, that period shall be presumed not to overlap with an admissible insurance period completed under the legislation of the other Contracting Party.

(d) Article 15 of the Agreement shall apply by analogy to benefits granted at the discretion of an institution under the legislation of the Federal Republic of Germany.

(e) Compulsory contributions to the Québec Pension Plan in regard to employment or self-employment shall be equivalent to compulsory contributions in regard to employment or self-employment, required under the legislation of the Federal Republic of Germany in order to be entitled to an old age pension before the prescribed legal age or to a pension consequent upon a reduction in earning capacity.

14. With reference to Article 17 of the Agreement:

Mining enterprises within the meaning of Paragraph 1 of Article 17 of the Agreement shall be enterprises that mine minerals or similar substances according to miners' rules or rock and earth mainly in underground operations.

15. With reference to Articles 19 and 24 of the Agreement:

The amounts disbursed as cash by virtue of Paragraph 1 of Article 19 of the Agreement and the expenses provided in Paragraph 1 of Article 24 of the Agreement shall not include minor communication expenses or the cost of regular staff or customary administrative expenses.

16. With reference to Article 20 of the Agreement:

(a) For Québec, "legitimate interests" means the rights and freedoms guaranteed by the Québec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms.

(b) For Québec, "legislation" also includes the statutes and regulations respecting the protection of personal information.

17. For the purposes of the Agreement, the legislation of the Federal Republic of Germany shall not be affected in so far as it includes more beneficial provisions for persons who have suffered by reason of their political opinions or for racial, religious or ideological reasons.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec
PIERRE ARCAND

For the Government of the Federal Republic of Germany
GEORG WITSCHEL

SCHEDULE 3
(s. 2)

IMPLEMENTATION ARRANGEMENT OF THE AGREEMENT OF 20 APRIL 2010 ON SOCIAL SECURITY

BETWEEN THE GOUVERNEMENT DU QUÉBEC

AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

(IMPLEMENTATION ARRANGEMENT)

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

In accordance with Paragraph 1 of Article 18 of the Agreement on Social Security of 20 April 2010 Between the Gouvernement du Québec and the Government of the Federal Republic of Germany, hereinafter called the "Agreement",

Have agreed to the following provisions:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

The terms used in this Arrangement have the same meaning as in the Agreement.

ARTICLE 2
LIAISON AGENCIES

(1) The following are designated liaison agencies within the meaning of Paragraph 2 of Article 18 of the Agreement:

1. As regards the Federal Republic of Germany:

(a) for Pension Insurance,

— the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck,

— The German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin,

—the German Federal Pension Insurance Institution for Miners, Railway Workers and Seamen (*Deutsche Rentenversicherung Knappschaft-Bahn-See*), Bochum;

(b) for the Steelworkers' Supplementary Pension Insurance,

the German Pension Insurance Institution Sarre (*Deutsche Rentenversicherung Saarland*), Sarrebruck;

(c) for the Farmer's Old Age Security,

the Farmers' Central Social Security Association (*Spitzenverband der landwirtschaftlichen Sozialversicherung*), Kassel;

(d) for the Accident Insurance,

the German Statutory Accident Insurance, Foreign Liaison Agency for Accident Insurance (*Deutsche Gesetzliche Unfallversicherung* (DGUV), *Deutsche Verbindungsstelle Unfallversicherung - Ausland*), Berlin;

(e) to the extent that the health insurance institutions are concerned in the administration of the Agreement,

the Federal Central Association of sickness funds – GKV central association, German Foreign Liaison Agency for Health Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV -Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung - Ausland* DVKA), Bonn.

2. As regards Québec:

(a) for the pension plan,

the Bureau des ententes de sécurité sociale (BESS), Montréal, or any other agency subsequently designated by the competent authority of Québec;

(b) for industrial accidents and occupational diseases,

the Commission de la santé et de la sécurité du travail (CSST), Montréal.

(2) For the purposes of the Agreement, as regards the German Pension Insurance Institution, it is the German Pension Insurance Institution North (*Deutsche Rentenversicherung Nord*), Lübeck, that is responsible for all proceedings including the determination and attribution of benefits, where:

1. insurance periods have been completed or are admissible under the legislations of the Federal Republic of Germany and of Québec; or

2. a person resides in Québec; or

3. a person is a Canadian citizen who is or has been subject to the legislation of Québec and who resides outside the territories of both Contracting Parties; and

4. as regards the German Pension Insurance Institution, a regional institution has jurisdiction.

Those provisions apply to participation benefits (*Leistungen zur Teilhabe*) solely in the course of an ongoing pension procedure.

(3) The jurisdiction of the German Federal Pension Insurance Institution and the German Federal Pension Insurance Institution for Miners, Railway Workers and Mariners is not affected by Paragraph 2. The jurisdiction of liaison agencies within the German Pension Insurance Institution is governed by German legislation.

ARTICLE 3
INFORMATION

The liaison agencies are responsible, within the scope of their respective competence, for informing the persons concerned, in a general manner, of their rights and obligations under the Agreement.

ARTICLE 4
OPERATIONAL AGREEMENTS

An operational agreement (*Verwaltungsvereinbarung*) laying down the necessary and useful administrative measures for administering the Agreement will be entered into, with the participation of the competent authorities, between the liaison agencies.

ARTICLE 5
INFORMATION

The agencies referred to in Paragraph 1 of Article 19 of the Agreement, within the scope of their respective competence and to the extent possible, will communicate to one another any information and forward to one another any document required to maintaining the rights and meeting the obligations of the persons concerned consequent upon the legislation specified in Paragraph 1 of Article 2 of the Agreement and consequent upon the Agreement.

ARTICLE 6
CERTIFICATE OF COVERAGE

(1) In the cases referred to in Articles 7, 9 and 10 of the Agreement, the competent agencies of the Contracting Party whose legislation applies will issue upon request

a certificate attesting, as regards the work in question, that the salaried person and that person's employer or the self-employed person are subject to that legislation. In the cases referred to in Articles 7 and 10 of the Agreement, the certificate must indicate a fixed period of validity. In the cases referred to in Article 7 of the Agreement, the period of validity may not exceed 60 calendar months.

(2) Where the legislation of the Federal Republic of Germany applies, the certificate will be issued by the health insurance institution to which contributions regarding pensions are paid and, in every other case, by the German Federal Pension Insurance Institution (*Deutsche Rentenversicherung Bund*), Berlin. In the cases referred to in Article 10 of the Agreement, the certificate is issued by the Federal Central Sickness Funds Association, central association GKV, German Foreign Liaison Agency for Sickness Insurance DVKA (*Spitzenverband Bund der Krankenkassen – GKV-Spitzenverband, Deutsche Verbindungsstelle Krankenversicherung – Ausland DVKA*), Bonn.

(3) Where Québec legislation applies, the certificate is issued by the Bureau des ententes de sécurité sociale (BESS), Montréal.

PART II
SPECIAL PROVISIONS

CHAPTER 1
INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

ARTICLE 7
WORK DISABILITY CERTIFICATE

The insured person sends the work disability certificate without delay to the competent institution.

ARTICLE 8
CERTIFICATE OF ENTITLEMENT TO BENEFITS IN KIND

(1) In order to receive benefits in kind under the Agreement, the insured person must provide the institution of the place of stay or residence with a certificate issued by the competent institution. If the insured person cannot provide that certificate, the institution of the place of stay or residence requests it from the competent institution.

(2) The competent institution may revoke, with effect for the future, the certificate referred to in Paragraph 1. The revocation takes effect on the date on which it is received by the cooperating institution.

ARTICLE 9
DECLARATION OF THE INDUSTRIAL ACCIDENT

The declaration of the industrial accident or occupational disease is made in accordance with the legislation of the Contracting Party to which the insured person is subject. The declaration is submitted to the competent institution.

CHAPTER 2
PENSIONS

ARTICLE 10
CLAIM FOR BENEFITS

(1) A claim for benefits under the Agreement may be submitted to the competent institutions of both Contracting Parties, to a liaison agency or to any agency authorized under the legislation of either Contracting Party to receive claims for benefits.

(2) If a claim for benefits under the Agreement is submitted in Québec, the liaison agency may send it to any German liaison agency.

CHAPTER 3
MISCELLANEOUS

ARTICLE 11
STATISTICS

The liaison agencies or other agencies designated by the Contracting Parties will compile statistics regarding benefits paid in the territory of the other Contracting Party, for each calendar year. The statistics will indicate, to the extent possible, the number of beneficiaries and the total amount of benefits for each category of benefit. These statistics will be exchanged.

TITLE III
FINAL PROVISIONS

ARTICLE 12
COMING INTO FORCE AND DURATION OF THE ARRANGEMENT

Both governments will notify one another when the internal conditions required for the coming into force of the Implementation Arrangement have been achieved. The Implementation Arrangement for Application will come into force on the same date as the Agreement and for the same duration.

Done at Québec on 20 April 2010, in duplicate, in French and in German, both texts being equally authentic.

For the Gouvernement du Québec
PIERRE ARCAND

For the Government of the Federal Republic of Germany
GEORG WITSCHEL

3227

Gouvernement du Québec

O.C. 85-2014, 6 February 2014

An Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Bingo Rules
— Amendment

Rules to amend the Bingo Rules

WHEREAS, under subparagraph *i*.3 of the first paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), the Régie des alcools, des courses et des jeux may make rules respecting the determination of the maximum percentage of net profits and the maximum percentage of gross revenues of a bingo that may be collected by the holder of a bingo hall manager's licence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Rules to amend the Bingo Rules was published in Part 2 of the *Gazette officielle du Québec* of 11 December 2013 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the fourth paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines, the Secrétariat du bingo was consulted;

WHEREAS the board made, with amendments to take into account the comments received following the publication, the Rules to amend the Bingo Rules at the plenary session of 27 January 2014;

WHEREAS it is expedient to approve the Rules with amendments;

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

THAT the Rules to amend the Bingo Rules, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Rules to amend the Bingo Rules

An Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 20, 1st par., subpar. *i*.3)

1. The Bingo Rules (chapter L-6, r. 5) are amended by replacing the second paragraph of section 135 by the following:

«The sum is shared in the following proportions:

(1) 75% to the holder of the bingo hall manager's licence and 25% to the mandators on the first $25,000 of monthly revenue;

(2) 55% to the holder of the bingo hall manager's licence and 45% to the mandators on the monthly revenue above $25,000 and up to $60,000;

(3) 45% to the holder of the bingo hall manager's licence and 55% to the mandators on the monthly revenue exceeding $60,000.".

2. Section 145 is amended by adding the following after the first paragraph:

«The monthly statements must be sent to the board together with the annual report within the time prescribed in section 148.».

3. These Rules come into force on 1 March 2014.

3230

Draft Regulations

Draft Regulation

An Act respecting contracting by public bodies
(chapter C-65.1)

Service contracts of public bodies
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting service contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation allows the entering into by mutual agreement of service contracts to ensure the continuity of health services or social services provided to vulnerable persons so as to keep them or integrate them in their natural environment. The contracts covered are:

— contracts whose object is to provide employability development services and social assistance and support services intended exclusively for a clientele benefiting from government employment assistance measures;

— contracts whose object is to provide accommodation and long-term care services to persons with decreasing autonomy;

— contracts whose object is to provide accommodation services to persons with adjustment problems, addictions, health problems or an impairment, including either support and assistance services, or health care services;

— contracts whose object is to provide accommodation services or specialized services to support the social reintegration of offenders;

— contracts whose object is the administration of a compensatory work program for persons who are unable to pay a fine;

— contracts whose object is to provide reception and integration services to immigrants, with or without francization services.

The draft Regulation requires the authorization of the chief executive officer of the public body if the expected term of the contract is greater than 5 years, including any renewal.

Lastly, the draft Regulation has no negative impact on the public and it should not have a negative impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Robert Villeneuve, Director, Direction de la réglementation et des politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bur. 2.339, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4938; fax: 418 528-6877; email: robert.villeneuve@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, 4e étage, secteur 100, Québec (Québec) G1R 5R8.

STÉPHANE BÉDARD,
Minister responsible for Government Administration and Chair of the Conseil du trésor

Regulation to amend the Regulation respecting service contracts of public bodies

An Act respecting contracting by public bodies
(chapter C-65.1, s. 23, pars. 1, 5 and 7)

1. The Regulation respecting service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting the following after section 42.1:

"**42.2.** The following contracts may be entered into by mutual agreement when they are intended to ensure the continuity of health services or social services already offered to vulnerable persons so as to keep them or integrate them in their natural environment:

(1) contracts whose object is to provide employability development services and social assistance and support services intended exclusively for persons benefiting from government employment assistance measures;

(2) contracts whose object is to provide accommodation and long-term care services to persons with decreasing autonomy;

(3) contracts whose object is to provide accommodation services, including support services, to persons with adjustment problems, addictions, health problems or an impairment;

(4) contracts whose object is to provide accommodation services or specialized services to support the social reintegration of offenders;

(5) contracts whose object is the administration of a compensatory work program for persons who are unable to pay a fine;

(6) contracts whose object is to provide reception and integration services to immigrants, with or without francization services.".

2. Section 46 is amended by inserting "or, in the case of a contract referred to in section 42.2, greater than 5 years" after "3 years" in the first paragraph.

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

3217

Draft Regulations

Environment Quality Act
(chapter Q-2)

Waste water disposal systems for isolated dwellings — Amendment

Groundwater Catchment — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the following Regulations, appearing below, may be made on the expiry of 60 days following this publication:

— Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

— Regulation to amend the Groundwater Catchment Regulation (chapter Q-2, r. 6).

The first draft Regulation brings into compliance the works for purification by seepage through the soil installed before 12 August 1981 where the depth of soil is not sufficient to allow waste water treatment. The works are a source of contamination of underground water. The draft Regulation concerns in particular works located in delimited zones to ensure the protection of works for the withdrawal of surface water or groundwater for more than 20 persons for mainly residential or exclusively institutional purposes and works located near lakes.

In addition, the draft Regulation requires owners of a residence existing on 12 August 1981 to replace any watertight treatment system, tank or component that shows signs of leaking.

The draft Regulation also introduces stricter requirements at the design and installation stages of a project. The holder of a permit issued after the coming into force of the draft Regulation will be required to appoint a member of a professional order having competence in the matter to inspect the work and certify its compliance. The draft Regulation requires that plans submitted pursuant to section 4.1 for single-family or multi-family dwellings be prepared by a member of a professional order having competence in the matter.

The draft Regulation introduces provisions to correct the problems caused by the discharge of residual water from drinking water treatment systems and the problems associated with the discharge of effluent into ditches and watercourses when a well is situated in the vicinity.

The draft Regulation will have few negative impacts on enterprises, including small and medium-sized businesses. The measures introduced by the draft Regulation may, however, generate major costs for some individuals required to upgrade their facilities.

The second draft Regulation also amends in the Groundwater Catchment Regulation the distances to be met in the case of a non-watertight waste water treatment system or outlet pipe when installing a groundwater catchment work.

Further information on the draft Regulations may be obtained by contacting Carole Jutras, Head, Service des eaux municipales, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 8e étage, boîte 42, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4032; fax: 418 644-2003; email: carole.jutras@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 60-day period to Carole Jutras, at the same address.

YVES-FRANÇOIS BLANCHET,
Minister of Sustainable Development, Environment, Wildlife and Parks

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *c*, *e*, *f* and *k*, s. 46, pars. *g* and *i*, and s. 87, pars. *c* and *d*)

1. The Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) is amended by replacing the words "waste water" wherever they appear in the title and in sections 1.3, 2 to 3.1, 4, 4.1 and 6, the heading of Division III, sections 7, 8, 11.1, 15, 16.1, 87.7, 87.13, 88 to 90.1 and 95 by "domestic waste water".

2. Section 1 is amended

(1) by striking out the paragraph lettering system and placing the definitions in alphabetical order;

(2) by replacing the definition of "waste water" by the following:

""waste water" means the other types of waste water discharged, in addition to domestic waste water, by another building, except storm water;";

(3) by replacing the definition of "isolated dwelling" by the following:

""isolated dwelling" means a single or multi-family dwelling containing 6 bedrooms or fewer which is not connected to a sewer system authorized under section 32 of the Act; the following are considered to be isolated dwellings:

(1) any other building discharging domestic waste water only and whose total daily flow is no more than 3,240 litres;

(2) any other building whose plumbing system allows waste water to be separated, ensuring that only domestic waste water is carried to the system for the discharge, collection or disposal of domestic waste water; the total daily flow of domestic waste water of the building must not be more than 3,240 litres;";

(4) by replacing "waste water" in the definitions of "septic tank", "aerated waste treatment plant" and "disposal site" by "domestic waste water";

(5) by inserting

(a) the following definition between the definitions of "standard sand-filter bed" and "waste water":

""toilet" means an apparatus designed to receive urine or feces;";

(b) the following definition between the definitions of "disposal site" and "grey water":

""domestic waste water" means toilet effluents combined to grey water;";

(c) the following definition between the definitions of "$CBOD_5$"and "chemical toilet":

""cesspool" means a well dug in the soil, whose walls may be maintained by a structure and intended for receiving domestic waste water for their seepage through the disposal site";

(6) by adding the following at the end:

"Where an activity must be carried out by a member of a professional order governed by the Professional Code (chapter C-26), it may also be carried out by any other person legally authorized to carry out in Québec such an activity reserved for the members of that order.".

3. Section 2 is amended

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

"It also applies to isolated dwellings built before 12 August 1981 whose depth of unsaturated soil available below the works for purification by seepage through the soil is lower than the value indicated in the table appearing in Schedule 1.1 and where

(1) the works for purification by seepage through the soil are situated in the virological protection area of a groundwater catchment work for more than 20 persons for mainly residential or exclusively institutional purposes within the meaning of the Groundwater Catchment Regulation (chapter Q-2, r. 6);

(2) the works for purification by seepage through the soil are situated in a protection area of works for the withdrawal of surface water for more than 20 persons for mainly residential or exclusively institutional purposes and that correspond to a strip of land of 120 metres measured from the high-water mark and at the following distances, according to the location of the withdrawal site:

(a) 500 metres upstream from the withdrawal site and 10 metres downstream from the site if the site is situated in a watercourse with a regular flow;

(b) 1 kilometre upstream from the withdrawal site and 20 metres downstream from the site if it is situated in the St. Lawrence river or, where the river is under the reversibility of the current due to the tide, 1 kilometre upstream and downstream from the withdrawal site; or

(3) the works for purification by seepage through the soil are situated less than 120 metres from the high-water mark of a lake.";

(2) by inserting the following after the third paragraph:

"This Regulation does not apply to non domestic waste water from another building. That water must be carried to a system for the discharge, collection or disposal of waste water in accordance with the Act.

This Regulation does not apply to the holder of a depollution attestation that installs a domestic waste water treatment system in an industrial establishment for which the attestation was issued under Division IV.2 of the Act.";

(3) by inserting "Despite the exception provided for in the second paragraph, sections 3.2 and 5 apply to every owner or user of a system for the discharge, collection or disposal of waste water from an isolated dwelling." at the beginning of the fourth paragraph.

4. Section 3 is amended by replacing the third paragraph by the following:

"The first two paragraphs do not apply where

(1) the water is first disposed of or discharged into the environment in accordance with the provisions of any of Divisions III to XI, XV.2 to XV.5 and section 90.1;

(2) the water is first purified by another treatment system authorized under section 32 of the Act;

(3) the residual water from the drinking water treatment system supplying an isolated dwelling is first treated or discharged into the environment according to the provisions provided for in section 7.0.1.".

5. Section 3.2 is replaced by the following:

"**3.2. Maintenance of a discharge, collection or disposal system**: The owner or user of a domestic waste water discharge, collection or disposal system must see to its maintenance. The owner or user must ensure that all parts, components and equipment of a system that has become non functional is changed and have replaced any watertight treatment system, tank or component that shows signs of leaking. The owner of a treatment system referred to in sections 11.1, 16.1, 87.7, 87.13, 93 and 95 must ensure to have every part, component or equipment replaced according to the manufacturer's recommendations.".

6. Section 4.1 is amended

(1) by replacing the part preceding subparagraph *a* of subparagraph 5 of the first paragraph by the following:

"(5) a plan to scale dated and signed by a person who is a member of a professional order having competence in the matter, showing";

(2) by inserting ", except for the characterization study provided for in subparagraph 4 of the first paragraph, which may also be prepared and signed by a geologist who is a member of the Ordre des géologues du Québec" after "Québec" in the third paragraph.

7. The following is inserted after section 4.1:

"**4.2. Inspection of the work and attestation of conformity**: The holder of a permit issued pursuant to section 4 after (*insert the date of coming into force of this section*) must appoint a person who is a member of a professional order having competence in the matter to conduct the inspections necessary to the preparation of an attestation of conformity of the work.

The professional appointed by the owner must send to the municipality, within 30 days after the completion of the work, an attestation that the work has been completed in accordance with the plans submitted to the municipality with the application for a permit.

The first and second paragraphs do not apply if the municipality carries out the inspection of conformity itself. In that case, the municipality must designate or appoint a member of a professional order having competence in the matter to inspect the work and prepare the attestation of conformity required under the second paragraph. The municipality sends a copy of the attestation to the owner within 30 days after the completion of the work.".

8. Section 7 is amended by inserting "marsh," after "swamp," in the second paragraph.

9. The following is inserted after section 7:

"**7.0.1. Drinking water treatment system**: Residual water from a drinking water treatment system supplying an isolated dwelling must be carried towards the discharge, collection or disposal system for domestic waste water or grey water serving the isolated dwelling.

Despite section 7 and the first paragraph of this section, the residual water may also be carried towards

(1) a soil absorption system, standard sand-filter bed, absorption field or leaching field in accordance with Divisions VI to X, XII, XIII and XV.4; or

(2) a discharge, collection or disposal system for residual water designed by an engineer who is a member of the Ordre des ingénieurs du Québec and located in accordance with section 7.1 for a watertight system or section 7.2 for a non-watertight system. Divisions V to X, XII, XIII and XV.2 to XV.5 of this Regulation do not apply.

Where a permit is required under section 4 for an isolated dwelling equipped with a drinking water treatment system that produces residual water, the application must include, in addition to the requirements of section 4.1, the following documents and information:

(1) an assessment of the total daily flow of residual water from the drinking water treatment system;

(2) an attestation that the system will be able to treat or discharge the residual water, based on its flow and characteristics;

(3) an attestation that the system will not create a nuisance or a source of contamination;

(4) the plans for the system, for the systems referred to in subparagraph 2 of the second paragraph.

The documents and information referred to in the third paragraph must be prepared and signed by an engineer who is a member of the Ordre des ingénieurs du Québec.

The owner of an existing isolated dwelling who plans to install a drinking water treatment system producing residual water must notify the municipality within 30 days before installing the system. The notification must include the documents and information required under subparagraphs 1 to 4 of the third paragraph, and be prepared and signed in accordance with the fourth paragraph.".

10. Section 7.1 is amended by inserting ", marsh" after "swamp" in the fourth line of the table in subparagraph *d*.

11. Section 7.2 is amended by replacing subparagraph *d* of the first paragraph and the second paragraph by the following:

"(d) that complies with the distances prescribed in the following table:

Reference point	Minimum distance (metres)
Tube well having a depth of 5 m or more and installed in accordance with the prescriptions in subparagraphs 1 to 3 of the second paragraph of section 10 of the Groundwater Catchment Regulation (chapter Q-2, r. 6)	15
Other well or spring used as water supply	30
Lake, watercourse, swamp, marsh or pond	15
Residence, underground drainage line, ditch or infiltration ditch	5
Top of an embankment	3
Property line, drinking water pipe or tree	2

The distances provided for in subparagraph *d* of the first paragraph are measured from the end of the treatment system. When the works are partly or completely above ground, the distances are measured from the end of the permeable earth backfill around them.".

12. Section 39 is amended

(1) by replacing "embankments, trees and shrubs" in the first paragraph by "embankments or trees";

(2) by striking out the second paragraph.

13. Section 39.2 is amended by replacing "litres/square metre/day" in the table in paragraph *f* by "litres/metre^{2}day".

14. Section 56 is amended by adding "and must comply with paragraphs *a*, *b* and *c* of section 7.1, paragraph *o* of section 10 and subparagraph *b* of the first paragraph of this section" at the end of the second paragraph.

15. Section 59 is amended by inserting "or domestic waste water" after "effluents".

16. Section 61 is amended

(1) by replacing the part preceding subparagraph *a* of the first paragraph by the following:

"**61. Absorption field**: An absorption field referred to in section 54 and built with a gravity feed system must comply with the standards provided for in subparagraphs *a*, *d* to *g*.3, *h* and *h*.1 of the first paragraph of section 21, subparagraphs *a* and *c* of the first paragraph of section 27 and subparagraph *b* of the first paragraph of section 37, and with the following standards:";

(2) by inserting "du premier alinéa" before "de l'article 37" in the French text of the second paragraph.

17. Section 87.22 is amended

(1) by replacing "in section 25" in subparagraph *a* of the first paragraph by "in sections 24 and 25";

(2) by replacing "in section 25" in subparagraph *b* of the first paragraph by "in sections 24 and 25".

18. Section 87.24 is amended

(1) by replacing "in section 25" in subparagraph *a* of the first paragraph by "in sections 24 and 25";

(2) by replacing "in section 25" in subparagraph *b* of the first paragraph by "in sections 24 and 25";

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

"The first paragraph does not apply if the seepage bed is situated immediately under an advanced secondary treatment system or a tertiary treatment system which uniformly distributes the effluent on the leaching field. The seepage bed must not exceed the base of the systems by more than 2.6 metres. If the bed exceeds the base of the system, a layer of gravel or crushed stones at least 15 cm thick and complying with subparagraph *f* of the first paragraph of section 21 must be spread over all the seepage surface.".

19. Section 87.25.1 is amended by striking out "a standard sand-filter bed," in the part preceding paragraph 1.

20. Section 87.26 is replaced by the following:

"**87.26. Outlet pipe**: The discharge site at the outlet pipe must comply with the location standards specified in the table in subparagraph *d* of the first paragraph of section 7.2 concerning the distance from wells or springs used as water supply.

The pipe of an outlet flowing by gravity must be watertight and at least 7.5 cm in diameter.".

21. Section 87.29 is amended

(1) by inserting ", marsh" after "swamp" in paragraph 2;

(2) by inserting ", marsh, swamp or pond" after "lake" in paragraph 3.

22. Section 87.30 is amended by inserting ", marsh" after "swamp" in paragraph 1.

23. The following is inserted after section 87.30.1:

"**87.30.2. Special conditions for discharge into a ditch**: When the part of the ditch where the discharge occurs does not belong to the owner of the domestic waste water disposal system, discharge into the ditch is only permitted if a servitude is established for that purpose.".

24. Section 90.1 is amended

(1) by replacing "existing subdivisions " in subparagraph 2 of the third paragraph by "the cadastral designation of the lots covered by the depollution plan";

(2) by replacing "on the territory to which it applies" in subparagraph 3 of the third paragraph by "for each of the sectors concerned";

(3) by replacing subparagraph 5 of the third paragraph by the following:

"(5) delimit one or more sectors of the municipality where it is impossible to install treatment systems complying with Divisions III to X;";

(4) by replacing "delimit the sectors" in subparagraph 6 of the third paragraph by "delimit, from the sectors delimited under subparagraph 5, the sectors";

(5) by replacing subparagraph 7 of the third paragraph by the following:

"for sectors where systems complying with Divisions III to X or installations grouping more than 1 residence may not be installed, indicate for each residence the systems for the disposal, collection and treatment of waste water and the layout, follow-up and recommendations related to such equipment so that the discharged water is not harmful to the health and safety of persons and in a manner to prevent or, failing that, limit environmental damages;";

(6) by replacing the last paragraph by the following:

"A group of residences covered by a project provided for in the depollution plan whose total daily flow is less than 10,000 litres per day is considered an isolated dwelling.

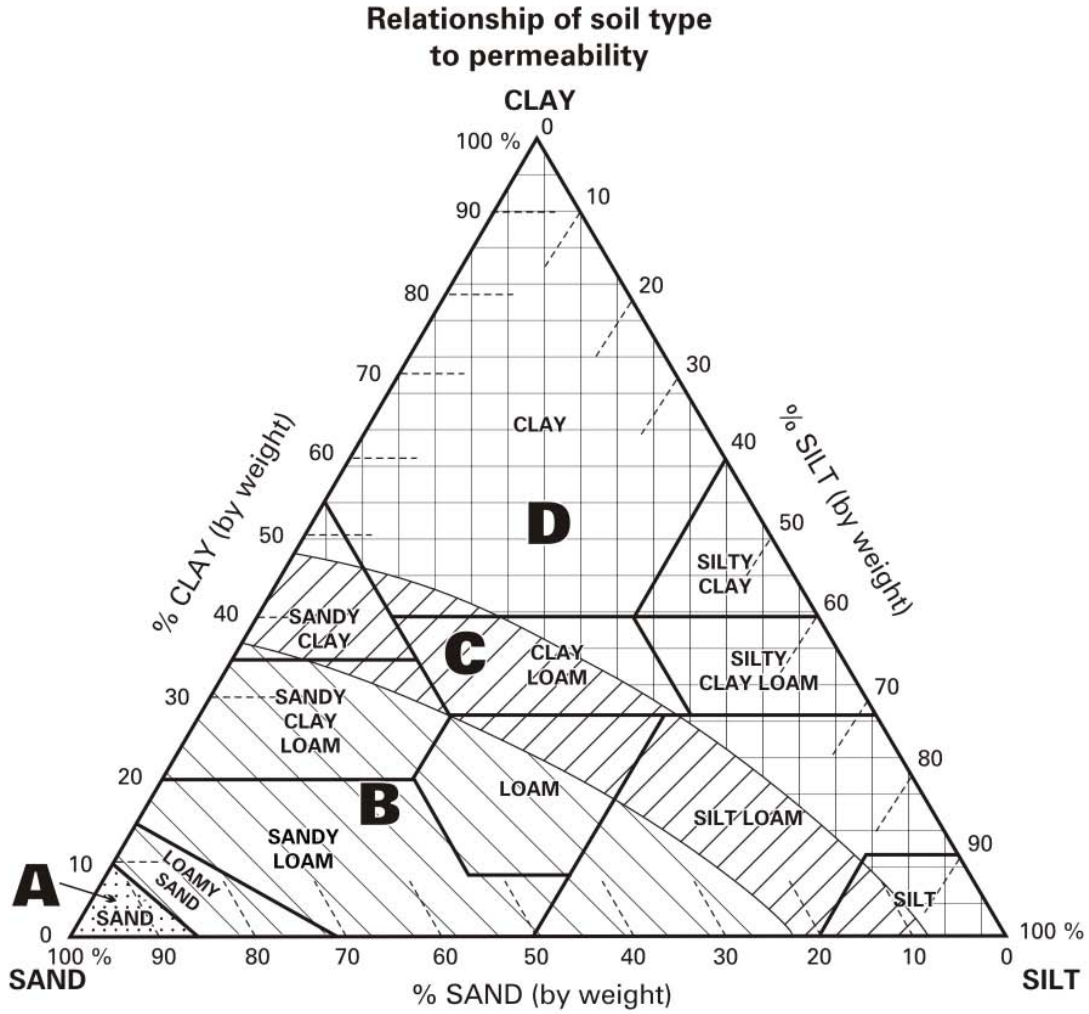
Section 22 of the Act does not apply to the systems for the disposal, collection and treatment of waste water that are part of the depollution plan approved by the Minister.".

25. The following is inserted after section 96:

"**97. Transitional**: The compliance requirement referred to in the third paragraph of section 2, as introduced by section 3 of this Regulation, comes into force 2 years after (*insert the date of coming into force of this Regulation*).".

26. Schedule 1 is replaced by the following:

"**SCHEDULE 1**



A : High permeability zone

B : Permeable zone

C : Low permeability zone

D : Impermeable zone

SAND : A soil separate consisting of particles between 0.05 mm and 2 mm in diameter

SILT : A soil separate consisting of particles between 0.05 mm and 0.002 mm in diameter

CLAY : A soil separate consisting of particles smaller than 0.002 mm in diameter

SCHEDULE 1.1

DEPTH OF UNSATURATED SOIL TO DETERMINE THE WORKS FOR PURIFICATION BY SEEPAGE THROUGH THE SOIL CONCERNED FOR THE APPLICATION OF SECTION 2

The depth of unsaturated soil available is the depth of the layer of natural soil found between the base of the works and the bedrock, the groundwater and the various limiting soil layers, as shown in the following table.

Works for purification by seepage through the soil	Type of water carried to the system	Permeability of the limiting soil layer	Minimum depth of unsaturated soil available (cm)
Cesspool	Waste water	Impermeable Low permeability	30
Soil absorption field and seepage bed	Clarified water	Impermeable Low permeability	30
Above-ground sand-filter bed	Clarified water	Impermeable Low permeability[2]	30[1]
Seepage pit	Clarified water	Impermeable Low permeability Permeable	30
Absorption field	Clarified grey water	Impermeable	10

1- In the case of an above-ground sand-filter bed, the depth includes the layer of filtering sand.

2- If the level of permeability of the disposal site is highly permeable or permeable.".

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

Regulation to amend the Groundwater Catchment Regulation

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *c* and *e*, s. 46, pars. *g* and *i*, and s. 87, par. *c*)

1. The Groundwater Catchment Regulation (chapter Q-2, r. 6) is amended in section 5

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

"(1) 30 m from any non-watertight wastewater system or the outlet of an outlet pipe discharging wastewater. However, where that distance cannot be complied with, a tube well that complies with the standards provided for in subparagraphs 1 to 3 of the second paragraph of section 10 may be installed at a distance of at least 15 m from a non-watertight wastewater system or the outlet of an outlet pipe discharging wastewater;";

(2) by inserting "or a watertight tank for storing wastewater" after "wastewater system" in paragraph 2;

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

"The distances are measured from the end of the treatment system. Where the wastewater treatment systems are partly or completely above ground, the distances are measured from the end of the permeable earth backfill around them.".

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

3218

Draft Regulation

General and Vocational Colleges Act
(chapter C-29)

College education
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the College Education Regulations, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation introduces in the component of general education that is common to programs of pre-university or technical studies a new component: History of Québec, 2 credits.

The introduction of the component in the training that is common to all programs does not add credits to the total credits or hours to the total hours of instruction for the student as the draft Regulation proposes to reduce by 2 credits the component of general education that is complementary to the components of a program.

It is expected that the component will be implemented in 2014-2015 for new enrolled students.

Under section 7 of the Regulation, the objectives and standards for a component of general education that is common to all programs are determined by the Minister. The Minister may also determine all or part of the learning activities required to attain those objectives and standards.

Further information may be obtained by contacting Joanne Munn, Director, Direction de l'enseignement collégial, Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie, 1035, rue De La Chevrotière, 12e étage, Québec (Québec) G1R 5A5; telephone: 418 644-8976, extension 2578.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Higher Education, Research, Science and Technology, 1035, rue De La Chevrotière, 12e étage, Québec (Québec) G1R 5A5.

PIERRE DUCHESNE,
Minister of Higher Education,
Research, Science and Technology

Regulation to amend the College Education Regulations

General and Vocational Colleges Act
(chapter C-29, s. 18)

1. The College Education Regulations (chapter C-29, r. 4) are amended by adding the following after subparagraph 4 of the first paragraph of section 7:

"(5) History of Québec, 2 credits.".

2. Section 9 is amended by replacing "4" in the third paragraph by "2".

3. The amendments made by sections 1 and 2 apply from 1 July 2014. However, they do not apply to a student whose program of pre-university or technical studies is underway on that date.

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

3216

Draft Regulation

An Act respecting the Barreau du Québec
(chapter B-1)

Professional Code
(chapter C-26)

Advocates
— Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Code of Professional Conduct of Lawyers, adopted by the board of directors of the Barreau du Québec and appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation is designed to replace the Code of ethics of advocates (chapter B-1, r. 3) to strengthen the general and special duties of advocates towards the public, clients and the profession.

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

Further information may be obtained by contacting Chantal Perreault, advocate, Service de recherche et de législation, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 3163 or 1 800 361-8495; fax: 514 954-3463; email: cperreault@barreau.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Order and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

Code of Professional Conduct of Lawyers

An Act respecting the Barreau du Québec
(chapter B-1, s. 4)

Professional Code
(chapter C-26, ss. 87 and 89)

PREAMBLE

WHEREAS a lawyer is a servant of justice;

WHEREAS the practice of the profession of lawyer is based on the following values and principles which a lawyer must take into consideration in all circumstances:

(1) compliance with legal provisions and preservation of the rule of law;

(2) access to justice;

(3) respect for individuals and protection of their fundamental rights, including the right to be free from discrimination and harassment;

(4) integrity, independence and competence;

(5) loyalty to clients as well as protection of their legitimate interests and the confidentiality of information concerning them;

(6) collaboration in the sound administration of justice and support for the authority of the courts;

(7) respect for the honour and dignity of the profession;

(8) respect for members of the profession as well as all other persons with whom the lawyer collaborates when engaging in his professional activities; and

(9) consideration for the social context within which the law evolves.

TITLE I
PRELIMINARY PROVISIONS

1. This code sets out general and specific duties a lawyer owes to the public, to clients, to the administration of justice and to the profession.

2. This code applies to every lawyer, regardless of the manner in which he engages in his professional activities. This code also applies, with the necessary modifications, to every lawyer acting in respect of a recourse or dispute that concerns him personally.

It applies in addition to any other rule of professional conduct related to the exercise, by the lawyer, of any other activity, in particular, a job, a function, an office or the operation of an enterprise.

This code does not apply to acts performed by a lawyer who is a member of an administrative tribunal while exercising an adjudicative function conferred by statute.

3. In this code:

(1) "client" includes any person or organization, as the case may be, to whom the lawyer renders or undertakes to render professional services; where the context allows, this term also means a representative of the client and a person who has reasonable grounds to believe that a lawyer-client relationship exists;

(2) "firm" includes any person who engages in his professional activities or any group of persons comprised of several lawyers or of at least one lawyer and one other professional referred to in Schedule A of the Regulation respecting the practice of the profession of advocate within a limited liability partnership or joint-stock company and in multidisciplinarity (chapter B-1, r. 9) who engage in their professional activities together or represent themselves as doing so;

(3) "mandate" includes any contract pursuant to which a lawyer acts on behalf of a client;

(4) "tribunal" includes a court of justice as well as any person or other body that exercises an adjudicative function.

TITLE II
RULES OF PROFESSIONAL CONDUCT

CHAPTER 1
GENERAL DUTIES

DIVISION I
GENERAL RULES

4. A lawyer must act with honour, dignity, integrity, respect, moderation and courtesy.

5. A lawyer must take reasonable measures to ensure that every person who works or collaborates with him when he engages in his professional activities and, where applicable, every firm within which he engages in such activities, complies with the Act respecting the Barreau du Québec (chapter B-1), the Professional Code (chapter C-26) and the regulations adopted thereunder.

6. A lawyer who exercises authority over another lawyer must ensure that the framework within which such other lawyer engages in his professional activities allows him to comply with his professional obligations.

7. A lawyer must avoid all methods and attitudes likely to give a profit-seeking character to his profession, namely, greedily seeking a profit or abusing his status as a member of the Barreau in order to enrich himself.

8. A lawyer who offers his professional services cannot, by any means whatsoever, make or allow to be made a representation that is false or misleading, that amounts to coercion, duress, or harassment or that seeks to take advantage of a vulnerable person.

9. A lawyer must not, directly or indirectly, insistently or repeatedly urge anyone to retain his professional services.

10. A lawyer must not claim specific qualities or skills relating, in particular, to his competence or to the extent or efficiency of his professional services, unless he can substantiate those claims.

Moreover, he must not claim specific qualities or skills relating to the competence or to the extent or efficiency of the services provided by other members of the Barreau or by persons with whom he engages in his professional activities within a firm, unless he can substantiate those claims.

11. When a lawyer engages in activities which do not relate to the profession of lawyer, in particular in connection with a job, a function, an office or the operation of an enterprise:

(1) he must ensure that those activities do not compromise his compliance with this code; and

(2) he must avoid creating or allowing any ambiguity to persist as to the capacity in which he is acting.

12. A lawyer must support respect for the rule of law. However, he may, for good reason and by legitimate means, criticize a legal provision, contest the interpretation or application thereof, or seek to have it repealed, amended or replaced.

DIVISION II
INTEGRITY AND PROFESSIONAL INDEPENDENCE

13. A lawyer must protect his integrity and safeguard his professional independence regardless of the manner in which he engages in his professional activities or the circumstances in which he does so.

He must not let his professional judgment be subject to pressure exerted on him by another person or use his position of authority over another lawyer in order to cause him to contravene this rule.

14. A lawyer must not help or, through encouragement or advice, facilitate conduct by a client that the lawyer knows or should know is unlawful or fraudulent.

15. A lawyer must not conceal or knowingly omit to disclose what the law obliges him to disclose or help anyone conceal or omit to disclose what the law obliges that person to disclose.

16. A lawyer must not provoke a dispute in order to obtain a mandate or reap a benefit therefrom for himself or for any other person.

DIVISION III
PUBLIC COMMUNICATIONS

17. Provided he complies with this code, a lawyer may communicate information to the media, make public appearances or make public communications, including on a website, blog or online social network, by means of statements, photographs, images or videos.

18. A lawyer must not make public statements or communicate information to the media about a matter pending before a tribunal if the lawyer knows or should know that the information or statements could adversely affect a tribunal's authority or prejudice a party's right to a fair trial or hearing.

19. A lawyer must not, directly or indirectly, publish, broadcast, communicate or send writings or comments which are false or which he should know are false or assist anyone in doing so.

CHAPTER II
DUTIES TO THE CLIENT

DIVISION I
GENERAL RULES

20. A lawyer owes his client duties of integrity, competence, loyalty, confidentiality, independence, impartiality, diligence and prudence.

21. A lawyer must engage in his professional activities with competence. To this end, he must develop his knowledge and skills and keep them up to date.

22. A lawyer must provide quality services.

He must not engage in his professional activities in a state or under conditions likely to compromise the quality of his services.

23. A lawyer must act at all times in the best interests of the client, in compliance with the rules of law and in such a manner as to establish and maintain a relationship of mutual trust.

24. A lawyer must respect the right of a client or prospective client to choose his lawyer.

25. A lawyer must at all times acknowledge a client's right to consult another lawyer, a member of another professional order or any other competent person. He must cooperate with the person the client has consulted.

26. A lawyer must communicate with his client in such a manner as to be understood by the client.

DIVISION II
DUTIES PERTAINING TO MANDATES

§1. Acceptance of mandate

27. A lawyer must act pursuant to a mandate given to him by a client or when he has been designated to act for a client by a competent authority.

He may also act within the scope of a mandate given to him by another lawyer on behalf of a client, in which case the other lawyer's client is also considered to be his client for purposes of this code.

28. A lawyer must determine together with the client the terms, conditions and scope of the mandate given to him. In particular, he must set out in an objective manner the nature and scope of the problems as he sees them on the basis of the facts brought to his attention and the risks inherent in the measures recommended.

A lawyer must obtain the client's consent to the mandate, paying particular attention and care when the client is vulnerable due, in particular, to his age or his physical or psychological condition.

29. Before accepting or pursuing a mandate, a lawyer must bear in mind any limits to his skills in light of the area of law involved or the nature of the professional activities required, the time available for carrying out the mandate and the possibility of collaborating with another person.

If he believes such limits will jeopardize the quality of his services or the proper protection of the client's interests, he must so notify the client and advise him about the conditions for the performance of the mandate so the client can make an informed decision.

A lawyer who, with the consent of the client, undertakes or pursues a mandate notwithstanding the limits identified, must take reasonable means to obtain the necessary assistance for its performance.

30. When a lawyer foresees that certain services relating to the performance of a mandate will be carried out in their essential aspects by another person, he must so inform the client.

31. A lawyer who accepts a limited scope mandate must inform the client of the professional services that will be rendered to him and the fact that they will be rendered on the basis of these limits.

The acceptance of a limited scope mandate does not exempt a lawyer from his other duties.

32. A lawyer may agree to act for a client no matter what his opinion may be on the client's guilt or liability.

33. A lawyer may refuse to act for a client, subject to his obligations of professional conduct.

34. A lawyer must inform his client without delay when he believes the client qualifies for legal aid.

§2. Performance of mandate

35. A lawyer must provide professional services that are appropriate to the nature of his mandate and avoid performing or multiplying professional acts without sufficient reason.

He is responsible for the mandate and must adequately supervise work performed by others who are working with him in the performance of the mandate.

36. Although a lawyer may receive instructions from a representative of the client with respect to the performance of the mandate, the lawyer must act for the client and serve and protect the client's interests.

37. A lawyer must be honest and candid when advising clients.

38. A lawyer must provide his client with any explanation necessary for the understanding and evaluation of his professional services.

39. A lawyer must be reasonably available and diligent with respect to the performance of the various professional tasks related to a mandate.

40. A lawyer must report to the client, periodically or at the client's request, about the progress of his file.

41. A lawyer must try to dissuade a client from exercising a recourse or filing proceedings that the lawyer considers abusive and must inform the client of the possible consequences.

If the client persists, the lawyer must refuse to act for him in such recourse or proceedings.

42. Throughout the course of a mandate, the lawyer must inform and advise the client about all available means for settling his dispute, including dispute prevention and resolution methods.

43. A lawyer must submit to the client every settlement offer he receives with respect to the mandate and advise him in his assessment of the offer.

44. A lawyer must fulfil all undertakings given by him in the course of performing a mandate, unless it is not reasonably possible to do so.

45. A lawyer must notify the client of any fact learned by him in the performance of his professional services which, in the lawyer's opinion, may be a breach of the law by the client.

If the client is not a natural person, the lawyer must give such notification to the representative of the client with whom the lawyer deals when providing his professional services. If the lawyer later becomes aware that the client has not remedied the unlawful situation, he must notify the appropriate hierarchical authority.

46. A lawyer must not elude or attempt to elude his civil liability with respect to the performance of a mandate nor the civil liability of any person who is collaborating with him for such purpose or, where applicable, the civil liability of the firm within which he practises his profession.

47. A lawyer must notify his insurer or any other guarantor of any fact or circumstance which may give rise to a claim.

§3. Termination of mandate

48. Unless it is at an inopportune time, a lawyer may, for serious reasons, cease acting for a client.

The following, in particular, constitute serious reasons:

(1) when there is a loss of confidence between the lawyer and the client;

(2) when the client has deceived the lawyer, failed to cooperate with the lawyer or acted without taking the lawyer's advice into account;

(3) when the client, after reasonable notice, refuses to pay disbursements and fees to the lawyer or a provision therefor; or

(4) when the lawyer is in a situation of conflict of interest or in a context in which his professional independence could be called into question.

49. A lawyer must cease to act for a client, except where a tribunal orders otherwise:

(1) if the client revokes his mandate;

(2) if, notwithstanding the lawyer's advice, the client or a representative of the client persists in contravening a legal provision or in inciting the lawyer to do so;

(3) if the lawyer determines that he does not have the competence required to continue to perform the mandate; or

(4) if the client persists in exercising a recourse or filing proceedings that the lawyer considers abusive.

50. A lawyer must not threaten to cease acting for a client by imposing unreasonable conditions upon him.

51. Before ceasing to act for a client, the lawyer must notify the client as soon as possible and, where applicable, the other party and the tribunal in a timely manner. The lawyer must inform the client of the reasons he intends to cease acting for him and give him a reasonable period of time within which to retain a new lawyer.

52. A lawyer who ceases to act for a client must take the necessary conservatory measures to spare the client serious and foreseeable prejudice. He must, in particular:

(1) promptly deliver to the client all documents and property to which the client is entitled;

(2) give the client all the information he has with respect to the mandate;

(3) account for all funds he held or holds in trust, including the refund of any advance;

(4) promptly inform the client about his unpaid fees and disbursements; and

(5) make all reasonable efforts to facilitate the transfer of the file to the lawyer succeeding him and cooperate with the successor lawyer for that purpose.

§4. Access to file and rectification

53. A lawyer must diligently respond to all requests from a client to examine or obtain copies of documents concerning the client in any record established by the lawyer with respect to the client.

54. A lawyer who consents to a request referred to in section 53 must give the client access to the documents at no cost, in the presence of the lawyer or a person authorized by the lawyer.

With respect to a request referred to in section 53, a lawyer may charge the client reasonable costs that do not exceed the costs for transmitting, transcribing or reproducing the documents in question.

A lawyer who charges such costs must, before incurring them, notify the client of the approximate amount to be paid.

55. A lawyer must respond with diligence, and not later than 30 days after the date of receipt, to any request from a client:

(1) to cause to be corrected, in a record concerning the client, any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record; or

(3) to file the client's written comments in the record.

56. For purposes of applying section 60.6 of the Professional Code (chapter C-26), a lawyer who responds to a request under section 55 must, in addition to complying with the obligations set forth in the second paragraph of article 40 of the Civil Code, provide to the applicant, at no cost, a copy of the corrected information or, if applicable, an attestation that the information has been deleted or the comments have been filed in the record.

57. A lawyer must respond with diligence to any written request from a client to take back a document or exhibit the client entrusted to him.

With respect to the request, the lawyer may charge the client reasonable costs that do not exceed the costs for transmitting the document or exhibit in question.

58. A lawyer who refuses a request referred to in section 60.5 or 60.6 of the Professional Code (chapter C-26) must, within 30 days following the request, provide reasons for the refusal, notify the client thereof in writing and inform him of the recourses available at law.

59. A lawyer who has a document or information that is the subject of a request referred to in section 60.5 or 60.6 of the Professional Code (chapter C-26) must, if he refuses the request, retain the document or information for as long as is necessary to allow the client to exhaust his recourses.

DIVISION III
DUTY OF CONFIDENTIALITY

60. A lawyer must ensure the confidentiality of all information concerning the affairs and activities of a client of which the lawyer becomes aware in the course of the professional relationship.

61. A lawyer must take reasonable measures to ensure that every person who collaborates with him when he engages in his professional activities and, where applicable, the firm within which he engages in such activities, protects confidential information.

Similarly, when the lawyer engages in his professional activities within an organization, he must take reasonable measures to ensure that the organization provides him with the necessary means to protect confidential information.

62. A lawyer who retains the services of a person who worked with another professional must take reasonable measures so that such person does not disclose to him confidential information of the clients of the other professional.

63. A lawyer must not use confidential information with a view to obtaining a benefit for himself or for another person.

64. A lawyer must not accept a mandate if he has reason to believe that doing so entails or is likely to entail the communication or use of confidential information concerning another client.

65. A lawyer may communicate confidential information in the following situations:

(1) with the express or implied authorization of the client;

(2) if an express legal provision orders or authorizes him to do so;

(3) in order to collect his unpaid fees before a tribunal, but only to the extent necessary for that purpose;

(4) in order to defend himself in the event of proceedings, complaints or allegations calling his professional competence or conduct into question, but only to the extent necessary for that purpose; or

(5) in order to prevent an act of violence, including a suicide, where the lawyer has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

66. A lawyer who communicates confidential information with a view to preventing an act of violence may only communicate the information to the person or group of persons exposed to the danger, to their representative or to the persons who can come to their aid.

67. When a lawyer communicates confidential information with a view to preventing an act of violence, pursuant to the third paragraph of section 60.4 of the Professional Code, subsection 3 of section 131 of the Act respecting the Barreau du Québec or subsection 5 of section 65 of this code, he must, at the time of such communication, mention the following:

(1) his name and the fact that he is a member of the Barreau du Québec;

(2) that the information he will communicate is protected by his obligation of confidentiality;

(3) that he is communicating the information in order to prevent an act of violence, because he has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons;

(4) the act of violence he is trying to prevent; and

(5) the identity and, if possible, the contact information of the person or group of persons exposed to the danger, when he communicates the confidential information to their representative or to the persons who can come to their aid.

He may also, if it is necessary to achieve the purposes of the communication, disclose the identity and contact information of the person who provided him with the information concerning the apprehended act of violence.

68. In all cases in which a lawyer communicates confidential information in order to prevent an act of violence, he must prepare a written note as soon as possible containing the following:

(1) the date and time of the communication;

(2) the grounds in support of his decision to communicate the information, including the act of violence he is trying to prevent, the identity of the person who provided him with the information that prompted him to make the communication as well as the identity of the person or group of persons exposed to the danger;

(3) the content of the communication, the method of communication used and the identity of the person to whom the communication was made; and

(4) where applicable, the name of the person consulted at the office of the syndic of the Barreau, the opinion provided by this person as well as the date and time of said communication.

69. In all cases in which a lawyer communicates confidential information, he may only communicate such information as is necessary to achieve the purposes of the communication.

70. Where circumstances permit, a lawyer may consult the office of the syndic of the Barreau in order to obtain assistance to assess the appropriate course of action before communicating confidential information.

DIVISION IV
CONFLICTS OF INTEREST

§1. General rules

71. A lawyer must avoid any situation of conflict of interest.

72. A lawyer is in a conflict of interest where, in particular:

(1) he acts for clients with conflicting interests;

(2) he acts for clients whose interests are such that he might tend to favour certain among them or that his judgment and loyalty may be unfavourably affected; or

(3) there is a substantial risk that the lawyer's own interests or his duties to another client, a former client, or another person would adversely interfere with his duties to the client.

When the lawyer engages in his professional activities within a firm, conflict of interest situations must be assessed with regard to all the firm's clients.

73. A lawyer who notices or anticipates that the interests of a representative of the client and those of the client may differ must inform the representative of his duty of loyalty towards the client.

74. To decide any question concerning a conflict of interest, consideration must be given to the higher interests of justice, the explicit or implicit consent of the parties, the extent of prejudice for each of the parties, the time elapsed since the situation arose that could give rise to the conflict, as well as the good faith of the parties.

75. Where a lawyer who engages in his professional activities within a firm is in a conflict of interest, every other lawyer in the firm must take reasonable measures to ensure that confidential information in the file involving the conflict of interest is not disclosed to him. Moreover, the lawyer who is in a conflict of interest and every other lawyer in the firm must see to it that such measures apply to the other persons with whom they collaborate when engaging in their professional activities.

In assessing the effectiveness of these measures, the following, in particular, must be taken into consideration:

(1) the size of the firm;

(2) the precautions taken to prevent access to the file by the lawyer who is in a conflict of interest;

(3) the instructions given as to the protection of confidential information involved in the conflict of interest; and

(4) the isolation of the lawyer in a conflict of interest with respect to every person in the firm who has access to the file.

§2. Lawyer as witness

76. A lawyer must not personally act in a dispute if he knows or should know that he will be called upon as a witness.

However, he may act:

(1) if the fact of not acting is of a nature to cause serious prejudice to the client; or

(2) if his testimony only refers to:

(*a*) an uncontested matter;

(*b*) a question of form and there is no reason to believe that serious proof will be offered to contradict such testimony; or

(*c*) the nature or value of the professional services rendered by him to the client or, as the case may be, by another professional who engages in his activities within the same firm.

§3. Potentially litigious property

77. A lawyer must not directly or indirectly acquire a right in property that is or may be the subject of a dispute related to a mandate given to him, nor may he allow a person practising within the same firm to do so.

§4. Lawyer occupying a public office

78. A lawyer who occupies a public office must avoid placing himself in a situation of conflict between his personal interests and the obligations of his office. Thus, he must not, in particular:

(1) take advantage of his office in order to obtain or attempt to obtain an advantage for himself or for a client;

(2) use his office to influence or attempt to influence a judge or a member of a tribunal in order that they may act in his favour or in favour of the firm within which he engages in his professional activities, another person in the firm or a client; or

(3) accept an advantage from any person when he knows or should know that the advantage has been granted to him for the purpose of influencing his decision as the holder of a public office.

§5. Relationship with tribunal or public organization

79. A lawyer must not engage in his professional activities with respect to a matter in which:

(1) he or another person within the same firm who has an interest therein is carrying out or has carried out functions as a judge or member of a tribunal; or

(2) he has been engaged as a member or representative of a public organization, such as the Government of Canada or of a province, a municipality or a school board, unless he represents such organization.

80. In the following cases, a lawyer must not appear or plead before a judge or a person who exercises an adjudicative function, unless all the parties consent and it is in the interests of justice that the lawyer do so:

(1) the judge or person has an interest in the firm within which the lawyer engages in his professional activities;

(2) the part-time judge or the person engages in his professional activities within the same firm; or

(3) the judge or person is related to, or allied with the lawyer within the meaning of the rules concerning recusation in the Code of Civil Procedure (chapter C-25).

§6. Lawyer for trustee in bankruptcy or liquidator

81. A lawyer must not act as lawyer for a trustee in bankruptcy or a liquidator in the following cases:

(1) he represents the debtor, legal person, partnership or association without legal personality that is under liquidation, a secured creditor or a creditor whose claim is contested; or

(2) he rendered professional services to one of the persons, to the partnership or to the association referred to in subsection (1) in the two preceding years, unless he discloses the fact in writing to the creditors or the inspectors.

§7. Audit or review engagement

82. A lawyer must not act for a client respecting a matter or issue which could have a significant effect on the financial statements of the client for a given fiscal year when, for the same period, he or a person from the same firm is responsible for an audit or review engagement within the meaning of the Handbook of the Canadian Institute of Chartered Accountants.

However, in the case of a review engagement, the lawyer may act for a client in the following cases:

(1) the client is a partnership or legal person that has not made a public distribution of its securities; or

(2) the client knowingly waived the benefit of the rule set forth in the first paragraph or, where the client is a legal person or partnership, its shareholders or members unanimously waived such rule.

§8. Joint mandate

83. Except as otherwise provided in this subdivision, a lawyer must not act for clients in a joint mandate if they have conflicting interests.

84. Before acting for more than one client in a joint mandate, the lawyer must obtain their consent after having informed them that:

(1) he will act for more than one client in the same matter;

(2) no information received from one client regarding the matter will be confidential with respect to the other client; and

(3) if a dispute arises between them, he may have to cease acting for them in the matter.

85. If a dispute arises between clients in a joint mandate, the lawyer must inform them that, if they consent, he can advise them with respect to the dispute or refer them to another lawyer.

The lawyer must stop acting for his clients in the joint mandate if the dispute is not settled within a reasonable time.

86. A lawyer who acts regularly for a client must, before agreeing to act in a joint mandate for that client and another client, inform the other client of this fact and recommend that the other client obtain independent legal advice before giving him the joint mandate.

§9. Acting against former clients

87. A lawyer must not act against a former client in the same matter, in a related matter or in any other matter if, when acting for the former client, the lawyer obtained confidential information that may result in prejudice to that client or if knowledge of personal facts regarding the former client or his affairs would provide the new client with an undue advantage, unless the lawyer obtains the consent of his former client.

88. A lawyer must not act in a matter against a former client of another lawyer in the same firm if, when the other lawyer acted for the former client, he obtained confidential information relevant to this matter and the disclosure thereof could prejudice the former client in this matter.

However, a lawyer from the same firm may act in this matter for the client if the former client consents and if doing so is in the interests of justice, having regard to the following factors, in particular:

(1) the measures taken to ensure that no confidential information obtained by the former lawyer will be disclosed to him;

(2) the extent of the prejudice caused to one of the parties;

(3) the good faith of the parties;

(4) the availability of another lawyer with the requisite competence; and

(5) any other issue of public interest.

For the purpose of applying the second paragraph, the lawyers from the same firm must not, except where the former client consents, discuss the matter between themselves, and the lawyer of the former client must not participate in any manner in the performance of the other lawyer's mandate, discuss it with another person in the firm or disclose information concerning the former client.

§10. Change of firm

89. When a lawyer changes firm, his clients and former clients and those of his former firm about whom he obtained confidential information are considered to be former clients of the new firm and sections 87 and 88 apply, with the necessary modifications.

§11. Carrying on business with a client

90. A lawyer may not carry on business with his client, or with a person related to the client within the meaning of the Taxation Act (chapter I-3), except on terms and conditions that are fair and reasonable.

91. A lawyer may not borrow money from a client, or from a person related to the client within the meaning of the Taxation Act, except in the following cases:

(1) the client is a financial institution, insurance company, trust company or any similar enterprise whose business includes lending money to the public; or

(2) the client is a person with whom the lawyer does not deal at arm's length within the meaning of the Taxation Act, the client's interests are properly protected and independent legal advice regarding the matter was obtained.

§12. Suretyships and other security

92. A lawyer must not act as surety or otherwise provide security for a debt in respect of which a client is a borrower or lender.

However, a lawyer may act as surety or otherwise provide security in the following cases:

(1) the lender is a financial institution, insurance company, trust company or any similar enterprise whose business includes lending money to the public, and the lender is providing funds to the lawyer or the lawyer's spouse, parent, or child;

(2) he is doing so for the benefit of a non-profit organization of which he is a supporter or member, provided the following conditions have been met;

(a) the lawyer complies with sections 90 and 91; and

(b) the non-profit organization is represented by an independent lawyer;

(3) the lawyer holds an interest in a commercial enterprise with a client and the lender requires personal guarantees from all the partners or shareholders of the enterprise as a matter of course, provided the following conditions have been met:

(a) the lawyer complies with sections 90 and 91; and

(b) the lender and the partners or shareholders of the enterprise who are or were clients of the lawyer have independent legal representation.

93. A lawyer must not act as surety or otherwise deposit personal funds or give other valuable personal security for a person being prosecuted in a criminal or penal matter, nor act in a supervisory capacity to such person, except for family reasons.

DIVISION V
PRESERVATION OF MONIES AND OTHER PROPERTY

94. A lawyer must hold in trust the money as well as the other property that a client or other person has entrusted to him. In particular, he must not lend or use the money or property for purposes other than those for which it was entrusted to him.

95. A lawyer may not endorse a cheque made to the order of a client except if he has received the latter's written authorization to that effect and provided the endorsement is made solely for deposit in a trust account in connection with a mandate for professional services.

96. A lawyer must not retain monies or property entrusted by a client, except where permitted by law.

97. A lawyer must account promptly for monies and property entrusted to him and deliver them to the client on request or, if applicable, at the end of the mandate.

98. A lawyer who engages in his professional activities within a firm must take reasonable measures to ensure compliance with the requirements of this division when property is entrusted to the firm.

DIVISION VI
FEES AND DISBURSEMENTS

99. A lawyer must, before agreeing with the client to provide professional services, ensure that the client has all useful information regarding his financial terms and obtain his consent thereto, except if he has reason to believe that the client is already informed thereof.

During the course of the mandate, he must keep the client informed of circumstances that could entail significant changes to the anticipated cost of his professional services.

100. A lawyer must provide to his client, in a timely manner, all the explanations necessary for the client to understand the amount of the fees or the statement of fees and the terms and conditions of payment.

101. A lawyer must charge and accept fair and reasonable fees and disbursements.

The same applies to advances he asks the client to provide.

102. The fees are fair and reasonable if they are warranted by the circumstances and proportionate to the professional services rendered. In determining his fees, the lawyer must in particular take the following factors into account:

(1) experience;

(2) the time and effort required and devoted to the matter;

(3) the difficulty of the matter;

(4) the importance of the matter to the client;

(5) the responsibility assumed;

(6) the performance of unusual professional services or professional services requiring special skills or exceptional speed;

(7) the result obtained; and

(8) the fees prescribed by statute or regulation.

103. Other than legal interest, the only interest a lawyer may collect on outstanding accounts is interest agreed upon with the client in writing. The interest thus agreed upon must be at a reasonable rate.

104. A lawyer who practises in a firm must ensure that the firm uses separate accounting and billing for the fees and costs of professional services rendered by each lawyer. The invoice or statement of fees must describe the professional services rendered by each lawyer, except where a lump-sum payment has been agreed upon in writing with the client.

105. A lawyer cannot receive from a client, as payment for the lawyer's professional services, a participation or other interest in property or in an enterprise, other than a non-material interest in an enterprise listed on a recognized stock exchange referred to in the Securities Act (chapter V-1.1), except where the lawyer recommends that the client first obtain legal or accounting advice regarding the matter.

106. A lawyer must not pay, offer to pay or agree to pay to a person other than a lawyer any rebate, commission or other benefit relating to a mandate given to him by a client or in order to obtain a mandate.

107. A lawyer may share his fees only with a person who is a member of the Barreau, of another law society outside Québec, the firm within which he engages in his professional activities or another person with whom he is authorized to engage in his professional activities.

108. A lawyer must promptly inform his client if disbursements, fees, commissions, rebates, extrajudicial costs or other benefits are or will be paid to him by a third party with respect to the mandate the client gave him.

109. In any matter in which a lawyer collects extrajudicial fees, he must inform the client that judicial fees may be granted by a tribunal.

He must also enter into an agreement with the client specifying the manner in which these judicial fees will be taken into consideration when establishing the cost of the professional services.

110. If the syndic or other representative of the Barreau requests explanations or information from a lawyer regarding a mandate, the lawyer must not claim fees from the client in connection with this request.

CHAPTER III
DUTIES TO THE ADMINISTRATION OF JUSTICE

DIVISION I
GENERAL RULES

111. A lawyer is a servant of justice and must support the authority of the courts. He must not act in a manner which is detrimental to the administration of justice.

He must foster a relationship of trust between the public and the administration of justice.

112. A lawyer must act for a client resolutely and honourably, in compliance with the law, while treating the tribunal and all other participants in the justice system with candour, courtesy and respect.

When acting as prosecutor in a criminal or penal matter, the lawyer must act in the public interest and in the interest of the administration of justice and the fairness of the judicial process.

113. A lawyer must cooperate with all participants in the justice system so as to ensure the sound administration of justice.

He must act in accordance with the requirements of good faith and avoid all purely dilatory procedures, including resorting to a procedure with the sole purpose of harming another person.

DIVISION II
DUTIES TO THE TRIBUNAL

114. When a lawyer's presence is required, he must attend or be represented before the tribunal, unless he is prevented from doing so for reasons beyond his control. In such a case, he must give the earliest possible notice thereof to his client, the court and the parties concerned.

115. A lawyer must not encourage a client, witness or other person to do or say anything which he could not do or say himself in respect of a judge, tribunal, member of a tribunal or any other participant in the justice system.

116. A lawyer must not mislead or attempt to mislead the tribunal.

117. A lawyer must not suppress evidence which he or the client is obliged to preserve, disclose or produce, or participate in the fabrication of evidence he should know is false.

Moreover, he must not directly or indirectly unduly retain, steal, conceal, falsify, mutilate or destroy an exhibit from the record of a tribunal or an item of evidence.

DIVISION III
DUTIES TO A PARTY OR THE PARTY'S LAWYER

118. A lawyer must not act in such a manner as to mislead a party or the party's lawyer, or in such a manner as to abuse their good faith.

119. A lawyer must not communicate in a matter with a person whom he knows to be represented by a lawyer, except in the presence or with the consent of that lawyer or unless he is authorized to do so by law. In the event of an unsolicited or accidental communication, the lawyer must promptly inform the person's lawyer of the circumstances and content of the communication.

Subject to the first paragraph, a lawyer may seek information from any potential witness, but he must disclose the interests of the person for whom he is acting.

120. When a lawyer acts in a case pending before a tribunal, he must not communicate directly as regards the case, outside the tribunal, with the judge or a member of the tribunal, except:

(1) in writing, if he promptly gives a copy to the opposite party who has appeared or to his lawyer; or

(2) orally, after having given reasonable notice to the opposite party who has appeared or to his lawyer.

DIVISION IV
DUTIES REGARDING WITNESSES

121. A lawyer must not, directly or indirectly, act in such a manner that allows a person to avoid a tribunal's order to appear.

Moreover, he must not knowingly permit a witness or party to present himself in a false or misleading manner or to impersonate another person.

122. A lawyer must not, directly or indirectly, pay or offer to pay compensation to a witness or offer the witness any other benefit which is conditional upon the content of his testimony or the outcome of the matter.

However, a lawyer may agree to pay:

(1) reasonable expenses incurred by a witness to appear or testify;

(2) reasonable compensation to a witness for loss of time in appearing or testifying; or

(3) reasonable fees for the professional services of an expert witness.

DIVISION V
DUTIES REGARDING MEMBERS OF A JURY PANEL OR JURORS

123. A lawyer who acts in a criminal matter must not, before the trial, communicate with or cause another person to communicate with anyone that the lawyer knows to be on the jury panel for that trial.

124. The lawyer must promptly disclose to the judge or the lawyer of the other party any information to the effect that a juror or a person on a jury panel:

(1) has or may have an interest in the outcome of the case;

(2) knows or is connected in any manner with the presiding judge, any of the lawyers or any of the parties; or

(3) knows or is connected in any manner with any person who has appeared or is expected to appear as a witness.

125. A lawyer must promptly disclose to the tribunal any information that the lawyer believes reveals misconduct by a member of a jury panel or by a juror.

126. Except as permitted by law, a lawyer who acts in a matter must not communicate with or cause another person to communicate with any member of the jury during the trial.

127. A lawyer must not have any discussion after trial with a member of the jury about its deliberations**.**

CHAPTER IV
DUTIES TO THE PROFESSION

DIVISION I
GENERAL RULES

128. A lawyer must contribute to preserving the honour, dignity and reputation of his profession and to maintaining the public's confidence in the profession.

129. A lawyer must, to the extent it is possible for him, contribute to the development of education and information for the public relating to the field in which he practises.

130. A lawyer must, to the extent it is possible for him, assist in the development of his profession through the exchange of his knowledge and experience with other lawyers, students and articling students and through his participation in courses and professional training periods.

131. A lawyer must collaborate with other lawyers in the interests of clients and the sound administration of justice.

He must therefore avoid any unfair practice or any conduct towards another lawyer which could abuse the other lawyer's good faith or trust or criticize, in an unrestrained or unfounded manner, his competence or conduct, the quality of his services or his fees.

132. A lawyer must immediately inform the executive director of the Barreau when he knows of any impediment to the admission of a candidate to the practice of the profession of lawyer.

133. Subject to the lawyer's duty of confidentiality to a client, the lawyer must inform the syndic of the Barreau about the occurrence of any of the following situations:

(1) the unlawful custody or use of monies or other property held in trust;

(2) the termination of the practice of the profession;

(3) the inability to practise the profession;

(4) participation in an unlawful act when practising the profession;

(5) a health condition that could materially prejudice a client;

(6) conduct that raises a doubt as to another lawyer's honesty, loyalty or competence; or

(7) the performance of any act whose nature or seriousness is such that it could adversely affect the honour, dignity or reputation of the profession or the public's confidence in the profession.

134. A lawyer must personally and diligently answer all communications from a member of the office of the syndic of the Barreau as well as from any of the persons referred to in section 192 of the Professional Code. The lawyer must respond using the means of communication chosen by that person or go to the person's office if the person so requests.

He must also fulfil all undertakings given by him to these persons.

135. A lawyer who has been informed of an inquiry or a complaint regarding him must not communicate, directly or indirectly, with the person who is the source of the inquiry or who filed the complaint, unless he has the prior written permission of a syndic of the Barreau.

Moreover, he must not intimidate a person or retaliate or threaten to retaliate against the person because the person participated or cooperated or intends to participate or cooperate in such an inquiry or complaint or has reported or intends to report conduct contrary to this code, or because the person availed himself of a right or recourse set forth in a regulation adopted under the Professional Code or the Act respecting the Barreau du Québec.

136. A lawyer who engages in his professional activities within a partnership or joint-stock company within the meaning of the Regulation respecting the practice of the profession of advocate within a limited liability partnership or joint-stock company and in multidisciplinarity (chapter B-1, r. 9) must cease to engage in his professional activities within the partnership or joint-stock company:

(1) if the representative of the partnership or joint-stock company or a director, an officer or an employee thereof is still performing his duties therein more than ten days after an executory decision ordering him to be struck off a roll for more than three months or revoking his permit; or

(2) if a shareholder or partner of the partnership or joint-stock company who has been struck off a roll for more than three months or had his permit revoked is still directly or indirectly exercising a voting right within such partnership or joint-stock company more than ten days after the effective date of the striking off or revocation, or has not entered into an agreement to place his shares or partnership units in escrow within 30 days following the aforementioned effective date.

137. A lawyer who is asked by the Barreau to sit on the professional inspection committee, the disciplinary council, the review committee constituted under section 123.3 of the Professional Code or a council of arbitration of accounts established pursuant to the Regulation respecting the conciliation and arbitration procedure for the accounts of advocates (chapter B-1, r. 17) cannot refuse the position unless he has reasonable grounds to do so.

DIVISION II
INCOMPATIBLE FUNCTIONS

138. The following are incompatible with the practice of the profession of lawyer:

(1) the office of judge under the Courts of Justice Act (chapter T-16) and the office of municipal judge on a permanent or full-time basis;

(2) the office of legal stenographer; and

(3) the office of collection agent.

139. A lawyer may not engage in professional activities with respect to a matter in which he or a person who engages in his professional activities within the same firm acts as bailiff.

140. A lawyer who is also a police officer may act as a lawyer only for the police force to which he is attached. Moreover, he may not act as a prosecutor in criminal or penal matters.

141. A lawyer who has ceased to hold the office of judge must not, within 36 months of this cessation, plead in a matter brought before the tribunal of which he was a member.

A lawyer who has ceased to exercise an adjudicative function must not, within 12 months of this cessation, plead in a matter brought before the adjudicative body of which he was a member.

DIVISION III
NAME OF FIRM, ADVERTISING AND USE OF THE GRAPHIC SYMBOL OF THE BARREAU

§1. Name of firm

142. A lawyer must not practise his profession under a name or designation that is not distinctive or nominative, that is misleading, deceptive or contrary to the honour, dignity or reputation of his profession or that is a numerical designation.

143. A lawyer who engages in his professional activities within a firm must take reasonable measures to ensure that every document produced within the practice of the profession of lawyer and originating from the firm is identified with the name of a lawyer.

§2. Advertising

144. In his advertising, a lawyer may not use or allow to be used an endorsement or statement of gratitude concerning him.

145. A lawyer may advertise fees charged for his services provided the following conditions are met:

(1) the advertising is sufficiently precise as to the nature and extent of the services offered for each fee quoted; and

(2) the advertising states whether other amounts, such as disbursements and taxes, will be charged in addition to the fee quoted.

146. A lawyer advertising lump-sum fees must:

(1) establish fixed prices;

(2) specify the nature and extent of the professional services included in the fees and, where applicable, any other services included therein;

(3) indicate whether disbursements and taxes are included in the fees; and

(4) indicate whether other professional services might be required which are not included in the fees.

The details and indications must be of such a nature as to adequately inform persons who have no particular knowledge of the field of law.

147. A lawyer must abide by the fees announced for a minimum period of 90 days after they are last advertised or published. However, during this time, he may agree with a client on a lower price than that announced.

148. A lawyer must retain a complete copy of any advertisement in its original form, for a period of 12 months after the date on which it is advertised or published for the last time.

149. A lawyer who knows or should know that the advertising of the firm within which he engages in his professional activities violates the rules set out in this division must take the necessary measures to put an end to such violation.

§3. Graphic symbol of the Barreau

150. A lawyer who reproduces the graphic symbol of the Barreau for advertising purposes must ensure that the symbol conforms to the original held by the executive director of the Barreau.

151. Where applicable, a lawyer must ensure that the firm within which he engages in his professional activities uses the symbol of the Barreau only if all the services offered by the firm are professional services rendered by lawyers or, if the firm also offers other professional services, provided the graphic symbol identifying each of the professional orders or organizations to which such persons belong is also used.

However, the graphic symbol of the Barreau may always be used in connection with the name of a lawyer.

152. Where a lawyer uses the graphic symbol of the Barreau, he must not suggest that such advertising emanates from the Barreau.

TITLE III
FINAL PROVISIONS

153. This code replaces the Code of ethics of advocates (chapter B-1, r. 3).

154. This code shall come into force on the (*to be determined*) day following its publication in the *Gazette officielle du Québec*. (*or on a date to be determined by the Government*)

3231

Draft Regulation

Professional Code
(chapter C-26)

Chartered administrators
— Diplomas giving access to permits
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.27 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, which lists diplomas giving access to the permit of the Ordre des administrateurs agréés du Québec and institutions that issue them to add 3 diplomas to the list.

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

The draft Regulation will be submitted to the Office des professions du Québec and to the Ordre des administrateurs agréés du Québec for their opinion. The Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions concerned.

Further information may be obtained by contacting Nicolas Handfield, Director and Assistant Secretary, Direction des affaires juridiques, Ordre des administrateurs agréés du Québec, 910, rue Sherbrooke Ouest, bureau 100, Montréal (Québec) H3A 1G3; telephone: 514 499-0880, extension 235 or 1 800 465-0880; fax: 514 499-0892; email: nhandfield@adma.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, Jean Paul Dutrisac, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Order and to interested persons, departments and bodies.

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders

Professional Code
(chapter C-26, s. 184)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders (chapter C-26, r. 2) is amended in section 1.27

(1) by inserting ", Master in Management (M.M.)" after "Master of Business Administration (M.B.A.)" in paragraph *i*;

(2) by inserting ", Maîtrise en management (M.M.)" after "Maîtrise en administration des affaires (M.B.A.)" in paragraph *k*;

(3) by adding the following at the end:

"(*o*) Baccalauréat en administration des affaires (B.A.A.) from Télé-université.».

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

3221

Draft regulation

Professional Code
(chapter C-26)

Physicians
— Code of ethics
— Amendment

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) that the "Regulation amending the Code of ethics of physicians", made by the board of directors of the Collège des médecins du Québec, appearing below, may be submitted to the Government for approval with or without amendment on the expiry of 45 days following this publication.

According to the Collège des médecins du Québec, this draft regulation is an update of the Code of ethics of physicians (chapter M-9, r. 17). The main modifications brought by this update are the following:

— Modification concerning the social accountability of the physician with respect to the offer of services required by the population;

— Additions concerning the protection of professional secrecy:

– when the physician is using social media or other information technologies;

– when the physician is practicing the profession with a couple or a family;

– when the physician is communicating an assessment report;

— Precision concerning the obligation of medical management:

– when a patient is transferred to another physician;

– when a physician is signing a collective prescription or a prescription intended to adjust a medication;

— Addition to reinforce the physician's independence:

– by specifying that a physician must ensure that priority of access to medical care is given to a patient strictly according to criteria of medical necessity;

– by prohibiting physicians from obtaining a financial benefit from the prescription of apparatus, medications or other products, except for his fees;

— Addition with regard to access and communication of the patient's record, to harmonize the provisions of the Code of ethics with the provisions of An Act respecting health services and social services;

— Addition prohibiting the holding back of documents when a patient hasn't paid the reproduction fees for copies of records;

— Addition forcing a physician claiming fees to a patient to separately identify the cost of his fees, the price of medical supplies and the price of other services;

— Modifications concerning the collaboration between physicians and between physicians and other health professionals.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses, except with respect to the offer of care services by physicians, which will have to be done in accordance with the new obligations set out in the Code of ethics.

Further information may be obtained by contacting, M[e] Linda Bélanger, assistant director in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone: 1 888 633-3246 or 514 933-4441, extension 5362, fax: 514 933-3276, e-mail: lbelanger@cmq.org

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, Place D'Youville, 10[e] étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

Regulation amending the Code of ethics of physicians

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of physicians (chapter M-9, r. 17) is amended by the insertion, after section 3, of the following:

"**3.1** A physician must collaborate with his colleagues in maintaining and improving the availability and quality of the medical services to which a clientele or population must have access.".

2. Section 20 of this code is amended:

(1) by the insertion, in subsection (2) and after "participating", of ", including in social media,";

(2) by the replacement, in subsection (5), of "or the law authorizes him to do so" with "authorizes him or the law authorizes or orders him to do so";

(3) by the addition, at the end, of the following subsections:

"(7) must, when practicing the profession with a couple or a family, maintain the right to professional secrecy for each member of the couple or the family;

(8) must take reasonable measures to maintain professional secrecy when he or the people who collaborate with him use information technologies;

(9) must document in the patient's record any communication made to a third party, with or without the consent of the patient, of information protected by professional secrecy.".

3. Section 21 of this code is amended by the insertion, in the first paragraph and after "protected by professional secrecy", of "in order to prevent an act of violence including a suicide".

4. Section 22 of this code is amended by the addition, at the end, of the following paragraph:

"The duration of the professional relationship is determined taking account of the nature of the problem and the duration of the professional services rendered, the vulnerability of the person and the probability of having to again provide professional services to that person.".

5. Section 23 of this code is amended:

(1) by the replacement of "the patient's deficiency or illness" with "a deficiency or illness or the context in which this deficiency or illness presented by this patient has appeared";

(2) by the deletion of "he may, however, refer the patient to another physician if he considers it to be in the patient's medical interest".

6. Section 32 of this code is amended:

(1) by the replacement of "a colleague or other competent professional" with "another physician, another professional or another qualified person";

(2) by the addition, at the end, of the following paragraph:

"A physician who signs a collective prescription or one intended to adjust a medication or medication therapy must ensure that the prescription contains medical management or medical follow-up measures, when required.".

7. Section 33 of this code is amended by the replacement of "wishes to refer" and "the new" with, respectively, "refers" and "that other".

8. Section 34 of this code is deleted.

9. Section 41 of this code is deleted.

10. Section 56 of this code is amended by the replacement of "any incident, accident or" with "an accident or of a".

11. This code is amended by the insertion, after section 63, of the following:

"**63.1** A physician must ensure that priority of access to medical care is given to a patient strictly according to criteria of medical necessity.

63.2 A physician must not sign any agreement or accept any benefit that might influence his professional practice with respect to the quality or availability of care or of the freedom of choice of the patient.".

12. Section 67 of this code is amended:

(1) by the insertion, in subsection (1) of the French version and after "soumise à l'évaluation", of "ou à l'expertise";

(2) by the insertion, in subsection (1) of the French version and after "objets de l'évaluation", of "ou de l'expertise";

(3) by the insertion, in subsection (1) of the French version and after "rapport", of "d'évaluation ou";

(4) by the insertion, in subsection (2) of the French version and after "objet de l'évaluation", of "ou de l'expertise";

(5) by the replacement of subsection (3) with the following:

"(3) communicate to the third party only the information, interpretations or comments necessary to answer the questions raised by the requested assessment;";

(6) by the insertion, in subsection (5) of the French version and after "demandé l'évaluation", of "ou l'expertise".

13. Section 73 of this code is amended:

(1) by the replacement of subsection (1) with the following:

"(1) from seeking or obtaining a financial benefit from the prescription of apparatus, examinations, medications or treatments, except for his fees, directly, indirectly or by way of an enterprise that he controls or in which he participates;"

(2) by the addition, at the end, of the following paragraph:

"Subsection (1) of the first paragraph notwithstanding, a physician may obtain a profit from the sale or marketing of an apparatus, an examination or a treatment that he prescribes and that he has developed or in whose development he has participated directly, indirectly or by way of an enterprise he controls or in which he participates.".

14. Section 76 of this code is amended:

(1) by the insertion, after "refrain from", of ", directly or indirectly, leasing or selling any apparatus or";

(2) by the replacement of "those" with "any apparatus he installs or any drug and product";

(3) by the addition, at the end, of the following paragraph:

"He may not, in addition, claim disproportionate amounts in payment for medical supplies necessary for the treatments he administers.".

15. Section 77 of this code is amended:

(1) by the deletion of the first paragraph;

(2) by the replacement of the second paragraph with the following:

"A physician must respect the patient's freedom of choice by indicating to him, on request, the places where he may receive therapeutic or diagnostic services when he issues him a prescription or a referral form to that effect.".

16. Section 79 of this code is amended:

(1) by the replacement of "obtains royalties or" with "receives advantages from the enterprise offering a product having a benefit to health or therapeutic or diagnostic services in which he has interests or who";

(2) by the insertion, after "having a benefit to health", of ", therapeutic or diagnostic services";

(3) by the deletion of "the persons to whom he prescribes them and".

17. Section 92 of this code is replaced with the following:

"**92.** A physician must, in all advertising or other items of identification used to offer his professional services, clearly indicate his name and a specialist title corresponding to one of the specialties defined in the Regulation respecting medical specialties (chapter M-9, r. 26.1). He may also mention the professional services he offers.".

18. Section 94 of this code is amended:

(1) by the insertion, after "made by his patient", of "14 years of age or over";

(2) by the addition, at the end, of the following paragraphs:

"However, a physician may refuse access temporarily if it is his opinion that communication of the record or of a portion of it would likely cause serious prejudice to the health of the patient. In this case, the physician determines when the record or the portion to which access has been refused may be communicated to the patient and so informs the patient.

"The physician must obtain the consent of a minor 14 years of age or over before communicating health information related to care to which he may consent on his own to his parent or tutor.".

19. This code is amended by the insertion, after section 94, of the following:

"**94.1** A physician may not communicate information concerning a patient or contained in his record that was provided by a third party or which concerns a third party and the information of its existence or the communication would allow identifying the third party and this disclosure would be likely to cause serious harm to that third party unless that third party consents to its communication or it is an emergency that endangers the life, health or safety of the person concerned.

The first paragraph does not apply when the information was provided by a health or social services professional or by an employee of a health institution in the exercise of their duties. For the purposes of this paragraph, a trainee, including a medical resident, is considered a health or social services professional.".

20. Section 95 of this code is amended by adding the following paragraph at the end:

"He may not however hold back the documents until the patient has paid such fees.".

21. Section 100 of this code is amended by deletion of ", at the patient's written request, ".

22. Section 104 of this code is amended by the addition, at the end, of the following paragraph:

"A physician who claims fees must provide his patient with a detailed invoice of his services, of medical supplies and of apparatus, drugs and products presented as having a benefit to health whose cost he is claiming.".

23. Section 105 of this code is amended by the addition, at the end of the first paragraph, of the following sentence: "He must in particular separately identify the cost of his fees and the price of the medical supplies, apparatus, drugs and products presented as having a benefit to health.".

24. This code is amended by the insertion, after section 112, of the following:

"**112.1** A physician must collaborate with other health professionals and other qualified persons in providing health care to a patient.".

25. Section 113 of this code is amended:

(1) by the replacement of "who accepts" with "must accept";

(2) by the insertion, after "from a physician", of "and";

(3) by the insertion after "health professional" of "or another qualified person".

26. This regulation comes into force on the fifteenth day following the date of its publication in the Gazette officielle du Québec, except for sections 13 and 15, which come into force on (indicate the date that is six months after the date of coming into force of this regulation).

3215

Draft regulation

Professional Code
(chapter C-26)

Physicians
— Professional activity that may be engaged in by a medical imaging technologist

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the "Regulation respecting a professional activity that may be engaged in by a medical imaging technologist", adopted by the Board of Directors of the Collège des médecins du Québec, the text of which appears below, may be submitted to the government, which may approve it, with or without amendment, upon expiry of the 45 days that follow this publication.

The purpose of this draft Regulation is to authorize a medical imaging technologist holding a permit as a medical imaging technologist in the field of radiodiagnosis to peripherally insert, further to an individual prescription, a central venous catheter, provided that he is holding a training attestation issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec for this activity.

It is not anticipated that the amendments will have any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting, Mtre Linda Bélanger, Assistant Director of the Legal Services Division, Collège des médecins du Québec, 2170 René-Lévesque Blvd. West, Montréal (Québec) H3H 2T8; Telephone No.: 1 888 633-3246 or 514 933-4441, extension 5362; Fax No.: 514 933-3276; e-mail: lbelanger@cmq.org.

Any person having comments is asked to send them, before the expiry period indicated above, to the Chair of the Office des professions du Québec, 800 Place D'Youville, 10th floor, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the Collège des médecins du Québec, as well as to interested persons, departments and organizations.

JEAN PAUL DUTRISAC, *Chair*
Office des professions du Québec

Regulation respecting a professional activity that may be engaged in by a medical imaging technologist

Professional Code
(chapter C-26, s. 94, par. *(h)*)

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, which may be engaged in by a medical imaging technologist, holding a permit as a medical imaging technologist in the field of radiodiagnosis, as well as the terms and conditions on which such persons may engage in such an activity.

2. A medical imaging technologist in the field of radiodiagnosis holding a training attestation issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec may peripherally insert a central venous catheter, further to an individual prescription, when this procedure requires ultrasound or fluoroscopic guidance.

3. To engage in the activity described in section 2, the medical imaging technologist in the field of radiodiagnosis must have successfully completed supplementary training containing the following two modules:

(1) theoretical training lasting a total of 50 hours on:

a) The anatomy of the vascular system and the deep and superficial venous system;

b) the indications and contra-indications for peripheral insertion of a central venous catheter;

c) the alternatives to the peripherally inserted central venous catheter technique;

d) various vascular devices and their characteristics;

e) the possible immediate complications during and after peripheral insertion of a central venous catheter;

f) preventive measures;

g) respiratory distress (signs and actions called for);

h) preparation technique and catheter insertion procedure;

i) catheter anchoring techniques;

j) sterile disinfection;

k) temporary bandage;

l) indications and contra-indications for using a iodine contrast medium;

m) actions required in case of iodine allergy and other reactions by the patient;

n) patient record documentation.

(2) clinical training supervised by a physician or a medical imaging technologist in the field of radiodiagnosis holding a training attestation issued by the Ordre des technologues en imagerie médicale, en radio-oncologie et en électrophysiologie médicale du Québec for this activity and involving:

a) the observation of the peripheral insertion of 25 central venous catheters;

b) the peripheral insertion of a minimum of 25 central venous catheters.

4. Before undertaking the supplementary training contemplated by section 3, the medical imaging technologist in the field of radiodiagnosis must take 15 hours of training in ultrasound on the basic principles and technical parameters of ultrasound and surface ultrasound, in particular locating deep veins in the arm, or demonstrate equivalent experience that has allowed acquisition of the same competence in this sector of activity.

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

3214

Draft Regulation

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

Régie de l'énergie
— Annual duty payable
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the annual duty payable to the Régie de l'énergie, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting the annual duty payable to the Régie de l'énergie (chapter R-6.01, r. 7) by replacing, in the method for calculating the duty, the notion of accumulated surplus by the notion of unallocated accumulated surplus. That replacement is required by reason of an accounting change applicable for the purposes of the audited financial statements of the Régie.

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses. In fact, the amendment has a neutral effect on the calculation of the duty payable to the Régie and therefore has no impact on electric power distributors and carriers. The amendment has no impact on the public.

Further information on the draft Regulation may be obtained by contacting Alain R. Pagé, Director, Services administratifs, Régie de l'énergie, Tour de la Bourse, C.P. 001, 800, rue du Square-Victoria, 2e étage, bureau 2.55, Montréal (Québec) H4Z 1A2; telephone: 514 873-2452, extension 274; fax: 514 873-5372; email: alain.r.page@regie-energie.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Éric Leroux, Associate Deputy Minister for Energy, Ministère des Ressources naturelles, 5700, 4e Avenue Ouest, bureau A 407, Québec (Québec) G1H 6R1.

MARTINE OUELLET,
Minister of Natural Resources

Regulation to amend the Regulation respecting the annual duty payable to the Régie de l'énergie

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

1. The Regulation respecting the annual duty payable to the Régie de l'énergie (chapter R-6.01, r. 7) is amended in section 1 by inserting "unallocated" before "accumulated surplus" in the second paragraph.

2. Section 2 is amended by inserting "unallocated" before "accumulated surplus" in the third paragraph.

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

3222

Draft Regulation

An Act respecting workforce vocational training and qualification
(chapter F-5)

Workforce vocational training and qualification — Certification of qualification and apprenticeship — Electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation eases the current regulatory burden and refines certain aspects, including the revision of the definition of a competent person. The draft Regulation harmonizes the indexing methods of the duties exigible by the application of the provisions of the Financial Administration Act (chapter A-6.001).

The draft Regulation has no negative impact on enterprises and has no significant financial involvement for the Government.

Further information may be obtained by contacting Jean-Pierre Tremblay, Direction de la qualification réglementée, Ministère de l'Emploi et de la Solidarité sociale, 800, rue du Square-Victoria, 27e étage, C. P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 873-0800, extension 43998; fax: 514 873-2189; email: jean-pierre.tremblay7@mess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4e étage, Québec (Québec) G1R 4Z1.

AGNÈS MALTAIS,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

An Act respecting workforce vocational training and qualification
(chapter F-5, ss. 30, 31 and 32)

1. The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (chapter F-5, r. 1) is amended in section 1 by inserting the following definitions in alphabetical order:

""authorized person" means a person qualified for the certificate of qualification in question or a person designated by the employer who has authority over the activities of an apprentice; *(personne autorisée)*"

""qualified person" means a person holding a valid certificate of qualification or a valid certificate of qualification or competency held to be a certificate of qualification as provided for in section 5; *(personne qualifiée)*".

2. Section 10 is replaced by the following:

"**10.** An apprentice eligible for a qualification examination must register with the Minister and pay the duties exigible.".

3. Section 16 is amended by replacing the second paragraph by the following:

"The proficiency in each qualification element acquired must be assessed by a person qualified for the work involved and certified in the apprenticeship booklet by the apprentice and an authorized person."

4. Section 17 is replaced by the following:

"**17.** For as long as the apprentice has not completed the apprenticeship of a qualification element, the apprentice may carry on the work referred to in section 3 for the required certificate of qualification only under the supervision of a qualified person for the supervised work who is on the premises and near the apprentice.

After completing the apprenticeship of a qualification element and for as long as the certificate of qualification has not been issued, the apprentice may carry on that work only under the supervision of a qualified person for the supervised work.".

5. Section 26 is replaced by the following:

"**26.** A person whose certificate of qualification has lapsed for more than 6 consecutive years must, to be issued a certificate of qualification, prove to the Minister in writing and with reasons that his or her competencies have been updated or pass a new qualification examination. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship. In all cases, the person must comply with the requirements that could have been required under section 25.".

6. Section 28 is amended by striking out the third, fourth and fifth paragraphs.

7. Section 36 is amended by replacing the second paragraph by the following:

"A person applying for a certificate of qualification referred to in the first paragraph after 31 March 2009 must pass a qualification examination to be issued a certificate of qualification provided for in this Regulation. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship.".

8. The provisions of this Regulation, as they read on *(enter the date preceding the date of coming into force of this Regulation)* continue to apply to applications made pursuant to the Regulation before *(enter the date of coming into force of this Regulation).*

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

3219

Draft Regulation

An Act respecting workforce vocational training and qualification
(chapter F-5)

Workforce vocational training and qualification — Certificates of qualification and apprenticeship — Gas, stationary engines and pressure vessels — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation eases the current regulatory burden, refines certain aspects, including the revision of the definition of a competent person, and amends the conditions for the issue of a certificate in stationary engine mechanics. It also adapts some of the qualifications to the new technologies, particularly with regard to propane gas or liquid natural gas. The draft Regulation harmonizes the indexing methods of the duties exigible by the application of the provisions of the Financial Administration Act (chapter A-6.001).

The draft Regulation has no negative impact on enterprises and has no significant financial involvement for the Government.

Further information may be obtained by contacting Jean-Pierre Tremblay, Direction de la qualification réglementée, Ministère de l'Emploi et de la Solidarité sociale, 800, rue du Square-Victoria, 27e étage, C. P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 873-0800, extension 43998; fax: 514 873-2189; email: jean-pierre.tremblay7@mess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4e étage, Québec (Québec) G1R 4Z1.

AGNÈS MALTAIS,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

An Act respecting workforce vocational training and qualification
(chapter F-5, ss. 30, 31 and 32)

1. The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels (chapter F-5, r. 2) is amended in section 1 by inserting the following definitions in alphabetical order:

""authorized person" means a person qualified for the certificate of qualification in question or a person designated by the employer who has authority over the activities of an apprentice; *(personne autorisée)*".

""qualified person" means a person holding a valid certificate of qualification; *(personne qualifiée)*".

2. Section 3 is amended

(1) by replacing "any type of gas appliance" in paragraph 3 by "any type of certified gas appliance";

(2) by replacing subparagraph *c* of paragraph 4 by the following:

"*(c)* the installation and connection to a permanent installation of cylinders and tanks having a total water capacity not exceeding 5,000 US gallons (19,000 l), including their accessories, regardless of the capacity of the gas appliances supplied, excluding the accessories and devices used by refuelling stations and filling stations;";

(3) by striking out "start-up," in paragraph 6;

(4) by replacing paragraph 7 by the following:

"(7) certificate in propane receptacle installation techniques (TIRP) for the installation, initial start-up, maintenance, repair or removal of any installation of cylinders or tanks, of any refuelling station for receptacles and vehicles and any filling station, including accessories such as vaporizers, pumps, compressors, distribution devices and the piping connecting the receptacles and their accessories;

(7.1) certificate in compressed natural gas receptacle installation techniques (TIRGNC) for the installation, initial start-up, maintenance, repair or removal of any compressed natural gas refuelling station;

(7.2) certificate in liquid natural gas receptacle installation techniques (TIRGNL) for the installation, initial start-up, maintenance, repair or removal of any liquid natural gas refuelling station;";

(5) by replacing paragraph 9 by the following:

"(9) Class 1 certificate in gas carburetion techniques (TCG-1) for the installation, putting into service, inspection, maintenance, repair or removal of components, including the fuel tanks, for the supply of gas-powered internal combustion engines and for emptying the fuel tanks of liquid natural gas-powered vehicles;

(9.1) Class 2 certificate in gas carburetion techniques (TCG-2) for the installation, putting into service, inspection, maintenance, repair or removal of components, including the fuel tanks, for the supply of compressed natural gas or propane-powered internal combustion engines and for filling vehicle tanks and cylinders with propane;

(9.2) Class 3 certificate in gas carburetion techniques (TCG-3) for the installation, putting into service, inspection, maintenance, repair or removal of components, including the fuel tanks, for the supply of compressed natural gas or propane-powered internal combustion engines;";

(6) by adding "to a permanent installation" after "34 kg" in paragraph 10;

(7) by inserting the following after paragraph 10:

"(10.1) certificate in liquid natural gas handling (MGNL) for the transfer of liquid natural gas between receptacles;";

(8) by replacing paragraph 11 by the following:

«(11) certificate in propane cylinder and vehicle filling (RBVP) for the filling of propane cylinders and fuel tanks of propane-powered vehicles;

(11.1) certificate in propane vehicle filling (RVP) for the filling of fuel tanks of propane-powered vehicles;».

3. Section 6 is amended by adding "or the class augmentation of an installation of stationary engines" at the end of the first paragraph.

4. Section 8 is revoked.

5. Section 9 is replaced by the following:

"**9.** In order to be issued a certificate of qualification, an apprentice must complete the apprenticeship period and pass the qualification examination prescribed for that certificate or, in the case of a certificate of qualification in stationary engine mechanics, for the class of the category of certificate sought.

However, the following persons are exempt from the apprenticeship and qualification examination:

(1) a person who holds an attestation issued by the Association québécoise du propane inc., according to which the person successfully completed the program entitled "Approvisionnement du produit" given by the association for the issue of the certificate of qualification in propane cylinder and vehicle filling (RBVP);

(2) a person who holds an attestation issued by the Association québécoise du propane inc., according to which the person successfully completed the program entitled "Remplissage de véhicule au propane" given by the association for the issue of the certificate of qualification in propane vehicle filling (RVP);

(3) a person who has successfully completed a program of vocational or technical studies in stationary engine mechanics comprising an apprenticeship period meeting the requirements of the apprenticeship program referred to in section 18 for the Class 4 certificate of qualification in stationary engine mechanics of the energy production category or Class B of the refrigerating apparatus category, given by an educational institution recognized by the Minister of Education, Recreation and Sports;

(4) a person who has successfully completed a training program of the École de technologie gazière meeting the requirements of the apprenticeship program referred to in section 18 for certificates of qualification with respect to gas, provided that an agreement has been reached with the Minister to that effect.

A person who is exempted must, however, pay the duties exigible for the issue of the certificate of qualification.".

6. The following is inserted after section 13:

"**13.1.** At the class augmentation of an installation of stationary engines, workers qualified for the class directly under the new class may, within 180 days following the change in class, register for the examination of the new corresponding class if they prove that their experience on that installation of stationary engines is equivalent to the experience prescribed by the apprenticeship programs for the class requested.".

7. Section 14 is replaced by the following:

"**14.** An apprentice who is eligible for a qualification examination must register with the Minister and pay the duties exigible."

8. Section 20 is amended by replacing the second paragraph by the following:

"The proficiency in each qualification element acquired must be assessed by a person qualified for the work involved and be certified in the apprenticeship booklet by the apprentice and an authorized person."

9. Section 21 is amended

(1) by replacing "of a holder of such a certificate of qualification" in the first paragraph by "of a qualified person for the supervised work";

(2) by replacing "of a holder of a certificate of qualification required" in the second paragraph by "of a qualified person".

10. Section 25 is amended in paragraph 1 by adding "of classes 1, 2 and 3" after "gas carburetion techniques".

11. Section 32 is replaced by the following:

"**32.** A person whose certificate of qualification has lapsed for more than 6 consecutive years must, to be issued a certificate of qualification, prove to the Minister in writing and with reasons that his or her competencies have been updated or pass a new qualification examination. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship. In all cases, the person must comply with the requirements that could have been required under section 31.".

12. Section 34 is amended by striking out the third, fourth and fifth paragraphs.

13. Section 43 is revoked.

14. Section 48 is amended by replacing the second paragraph by the following:

"A person who applies for a certificate of qualification referred to in the first paragraph after 31 March 2009 must pass the qualification examination in order to be issued a certificate of qualification under this Regulation. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship.".

15. The following is inserted after section 48.1:

"**48.2** The certificate of qualification in receptacle installation techniques (TIR) in force on *(enter the date of coming into force of this Regulation)* is held to be a certificate of qualification in propane receptacle installation techniques (TIRP) and remains valid until its expiry date.

The certificate of qualification in gas carburetion techniques (TCG) in force on *(enter the date of coming into force of this Regulation)* is held to be a Class 2 certificate of qualification in gas carburetion techniques (TCG-2) and remains valid until its expiry date.

The certificate of qualification in cylinder and vehicle filling (RBV) in force on *(enter the date of coming into force of this Regulation)* is held to be a certification of qualification in propane cylinder and vehicle filling (RBVP) and remains valid until its expiry date.".

16. The provisions of this Regulation, as they read on *(enter the date preceding the date of coming into force of this Regulation)* continue to apply to applications made pursuant to the Regulation before *(enter the date of coming into force of this Regulation).*

17. 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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Notices

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

Parc-Languedoc Nature Reserve
— Recognition

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (Chapter C-61.01), that the Minister of Sustainable Development, Environment, Wildlife and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Tadoussac, Regional County Municipality of La Haute-Côte-Nord, known and designated as the lots numbers 4 342 781 et 4 719 850 of the Quebec Cadastre, Saguenay registry division. This property covering an area of 36,69 hectares.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec.*

PATRICK BEAUCHESNE,
Director of Ecological Heritage and Parks

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