

Gazette
officielle
DU Québec

Part

2

No. 15

9 April 2014

Laws and Regulations

Volume 146

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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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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Partie 1 “Avis juridiques”:	\$480
Partie 2 “Lois et règlements”:	\$656
Part 2 “Laws and Regulations”:	\$656

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$10.26 per copy.

3. Publication of a notice in Partie 1: \$1.65 per agate line.

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Coming into force of Acts

Gouvernement du Québec

O.C. 309-2014, 26 March 2014

**Voluntary Retirement Savings Plans Act
(2013, chapter 26)**

— **Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the
Voluntary Retirement Savings Plans Act

WHEREAS the Voluntary Retirement Savings Plans Act
(2013, chapter 26) was assented to on 4 December 2013;

WHEREAS section 146 of the Act provides that the Act
comes into force on 1 July 2014, except sections 14, 28,
29, 31, 39 to 41, Chapter X and sections 114, 115 and 143,
which may come into force on any earlier date set by the
Government;

WHEREAS it is expedient to set 16 April 2014 as the date
of coming into force of sections 14, 28, 29, 31, 39 to 41,
Chapter X and sections 114, 115 and 143 of the Voluntary
Retirement Savings Plans Act (2013, chapter 26);

IT IS ORDERED, therefore, on the recommendation of
the Minister of Finance and the Economy:

THAT 16 April 2014 be set as the date of coming into
force of sections 14, 28, 29, 31, 39 to 41, Chapter X and
sections 114, 115 and 143 of the Voluntary Retirement
Savings Plans Act (2013, chapter 26).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 281-2014, 26 March 2014

Public Infrastructure Act
(chapter I-8.3)

Transitional measures required for the carrying out of the Act

Regulation to enact transitional measures required for the carrying out of the Public Infrastructure Act

WHEREAS the Public Infrastructure Act (chapter I-8.3) was assented to on 30 October 2013;

WHEREAS the first paragraph of section 165 of the Act provides that the Government may, by a regulation made before 13 November 2014, enact any other transitional measure required for the carrying out of the Act;

WHEREAS the second paragraph of section 165 of the Act provides that a regulation made under the first paragraph of the section is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1), comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date set in the regulation, and may, if it so provides, have effect from any date not prior to 13 November 2013;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to enact transitional measures required for the carrying out of the Public Infrastructure Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to enact transitional measures required for the carrying out of the Public Infrastructure Act

Public Infrastructure Act
(chapter I-8.3, s. 165)

1. The first paragraph of section 31 of the Public Infrastructure Act (chapter I-8.3) does not apply to a major public infrastructure project listed in the Schedule.

Each public body that is the proponent of the project is deemed to be authorized in accordance with the second paragraph of section 31 of the Public Infrastructure Act to retain responsibility for and control over its project. The public body must work with the Société québécoise des infrastructures to comply with Divisions II and III of Chapter II of the Act and the resulting measures. It may also work with the Société to monitor and manage contracts arising from the public infrastructure project and for any other operation related to the project that they agree on.

2. The authorization of the Conseil du trésor provided for in the second paragraph of section 36 of the Public Infrastructure Act is not required to allow a health and social service provider to remain responsible for and retain control over a public infrastructure project where the health and social service provider has, for the project, been authorized by the Minister of Health and Social Services under the second paragraph of section 20.2 of the Act respecting the Société immobilière du Québec (chapter S-17.1).

3. This Regulation has effect from 13 November 2013.

SCHEDULE

Major public infrastructure projects for which public bodies retain responsibility and control

PUBLIC BODY	PROJECT NAME
Agence métropolitaine de transport	Train maintenance centre in Lachine
Agence métropolitaine de transport	Train maintenance centre Pointe-St-Charles
Agence métropolitaine de transport	Doubling of railway Bois-Franc and Roxboro-Pierrefonds
Agence métropolitaine de transport	Railway grade separation for the Jonction de l'Est
Agence métropolitaine de transport	Western mobility plan
Agence métropolitaine de transport	Réno-Tunnel project (Mont-Royal tunnel)
Agence métropolitaine de transport	Extension of subway (blue line)
Agence métropolitaine de transport Montréal	SRB – reserved lane Pie IX
Agence métropolitaine de transport	Light rail transit on the new bridge over the St. Lawrence River
Agence métropolitaine de transport	Eastern train
Commission de la capitale nationale du Québec	Promenade Samuel-De Champlain – stage 3
Musée national des beaux-arts du Québec	Enlargement of Musée national des beaux-arts du Québec
Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs	Repair Barrage des Quinze
Commission scolaire du Chemin-du-Roy / Université du Québec à Trois-Rivières*	Sports amphitheater in Trois-Rivières
Université de Montréal	Sciences complex in Outremont
École des Hautes Études Commerciales de Montréal	Construction of a new hall or renovation of existing hall

PUBLIC BODY	PROJECT NAME
McGill University	Wilson Hall
Régie des installations olympiques	Replacement of the roof of the olympic stadium
Société des Traversiers du Québec	Construction of 3 ferries

* Public body to be confirmed

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Gouvernement du Québec

O.C. 283-2014, 26 March 2014

Environment Quality Act
(chapter Q-2)

Approval of Éco Entreprises Québec's 2013 schedule of contributions for the "containers and packaging" and "printed matter" classes

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

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

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

WHEREAS, under section 53.31.14 of the Environment Quality Act, Éco Entreprises Québec conducted a special consultation of the persons concerned before determining such a schedule and submitting it to the Government for approval;

WHEREAS, under section 53.31.15 of the Environment Quality Act, RECYC-QUÉBEC must give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC as regards the 2013 schedule of contributions established by Éco Entreprises Québec;

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

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

THAT the schedule of contributions established by Éco Entreprises Québec, entitled 2013 schedule of contributions for the “containers and packaging” and “printed matter” classes, for 2013, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif



2013
Schedule of Contributions for
“Containers and Packaging” and “Printed
Matter” Classes

RULES GOVERNING THE FEES AND CONTRIBUTION TABLES

January 31, 2014



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PREAMBLE

The *Environment Quality Act*, Chapter Q-2 (the “**Act**”) provides for provisions with respect to the compensation to municipalities for the services that the latter offer to ensure the recovery and reclaim of residual materials designated in the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, Chapter Q-2, r.10 (the “**Regulation**”). This Regulation specifies the basic principles and main orientations regarding the contribution of the enterprises to the financing of recycling services.

Pursuant to section 53.31.12 of the Act, a body certified by the Société québécoise de récupération et de recyclage shall remit to the Société québécoise de récupération et de recyclage the amount of the monetary compensation owed to municipalities. In order to fulfill this obligation, the certified body may, pursuant to section 53.31.13 of the Act, collect from its members and from persons who or which, without being members, carry on similar activities to those carried on by the members in relation to the designated materials or classes of materials, the contributions necessary to remit a) the amount of compensation determined by the Société québécoise de récupération et de recyclage, including the interests, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify the certified body for its management costs and other expenses related to the compensation regime, as well as, c) the amount payable to the Société québécoise de récupération et de recyclage as per section 53.31.18 of the Act.

From this approach, the certified body also has the responsibility, pursuant to section 53.31.14, to prepare and propose a schedule covering up to a period of three years and in conformity with the objectives of the Act. The proposed rules in this Schedule must be approved by the Government, and are afterwards published in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was certified, on June 9, 2005, to represent persons having an obligation to compensate for the “containers and packaging” and “printed matter” classes of materials, and collect from the latter the monetary compensations that will be remitted to municipalities.

The Act dictates a number of requirements guiding Éco Entreprises Québec’s actions in the preparation of the Contribution tables of the enterprises, which are :

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

As for the Regulation, it specifies various aspects of the Act: more particularly, it specifies the minimal framework applicable to the Schedule, namely by establishing certain exemptions to the benefit of certain persons in respect of certain materials or, conversely, by targeting persons that alone may be required to pay contributions in respect of certain materials, as stipulated in the third (3rd) paragraph of section 1 of the Regulation.

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

The Schedule prepared and proposed by Éco Entreprises Québec has been drafted in a way to include all the elements enabling a person to determine its liability, to understand the scope of his obligations, to determine the amount of the payable contribution. In order to reach all those clarity and conciseness goals in a sole document, Éco Entreprises Québec has reproduced certain provisions of the Act and the Regulation and also proposes a section inherent to the definitions of the wording used.

In the same concern for clarity, Éco Entreprises Québec proposes explanations to targeted persons that are available on its website at www.ecoentreprises.qc.ca.

Éco Entreprises Québec favours alternative modes of dispute resolution, particularly arbitration, with respect to the quantity or type of materials that must be taken into account in the report to be submitted. In this context, the procedural rules favoured by Éco Entreprises Québec are those found in the administrative guide entitled *Mediation and Arbitration Rules* that are also available on its website at www.ecoentreprises.qc.ca.

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

The document hereafter constitutes the 2013 Schedule for “Containers and Packaging” and “Printed Matter” Classes proposed by Éco Entreprises Québec for approval by the government.

1. DEFINITIONS

1.1 DEFINITIONS

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

- a) "Classes of Materials": two (2) of the three (3) classes of materials targeted by the Compensation Regime, i.e. "containers and packaging" and "printed matter" that are marketed in Québec and for which, for the purposes of the contribution, exclusions are prescribed under Chapter 3 of the said Schedule;
- b) "Materials": containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, column 3 of the tables of the Schedule;
- c) "Act": the *Environment Quality Act*, R.S.Q., c. Q-2, as amended from time to time;
- d) "Targeted Person": a person obligated by the Compensation Regime and subject, for the purposes of the contribution, to exemptions and other terms prescribed under Chapter 2 of the Schedule;
- e) "First Supplier": means a person who has a domicile or establishment in Québec and is the first to take title, or possession, or control, in Québec, of printed matter described in the Schedules or a Product whose container or packaging is also described in the Schedule;
- f) "Product": good or service intended for consumers, whether sold or provided otherwise;
- g) "Compensation Regime": the compensation regime prescribed by Chapter 1, Division VII, subdivision 4.1 of the Act and by the *Regulation*, as amended from time to time;
- h) "Regulation": *The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q., c. Q-2, r.10;
- i) "Retailer": means a person whose principal activity consists in the operation of one or several retail outlet(s);
- j) "Brand": means a mark that is used by a person for the purpose of distinguishing or so as to distinguish Products or services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the *Trade-marks Act*, R.S.C. 1985, c. T-13;

- k) "Distinguishing Guise": means the shaping of containers or packaging, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish Products manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others;
- l) "Name": means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual;
- m) "Newspapers": one of the three (3) classes of material also stipulated in the *Regulation*, but not targeted by the Schedule, and represented by RecycleMédias;
- n) "Reference Year": time period from January 1 to December 31 of a calendar year for which a Targeted Person must submit the quantities of Materials for the establishment of the payable contribution related to the Obligation Year;
- o) "Obligation Year": year for which a Targeted Person is required to pay the payable contribution established on the basis of the Materials it commercialized or marketed during the Reference Year defined in the Schedule.

2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

2.1 TARGETED PERSONS

2.1.1 The persons referred to in sections 3 and 6 of the Regulation, that are the owners of a Brand, a Name or a Distinguishing Guise are the only ones who may be required to pay a contribution for:

- 1° Containers and packaging used for commercializing or marketing a Product or service in Quebec under that Brand, Name or Distinguishing Guise;
- 2° Containers and packaging identified by that Brand, Name or Distinguishing Guise;
- 3° Containers and packaging intended for a single or short-term use and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups;
- 4° Materials included in the printed matter class identified by that Brand, Name or Distinguishing Guise.

2.1.2 However, if the owner has no domicile or establishment in Québec, the First Supplier in Québec of the Products, or the containers and packaging, or of the printed matter, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer.

- 2.1.3 The following special rules apply in respect of containers or packaging added at retail outlets, whether or not the containers or packaging are subject to section 2.1.1 of the Schedule, paragraphs 1, 2 and 3, and section 2.1.2 of the Schedule:
- 1° The payment of a contribution may not be required from the manufacturer of those containers and packaging or of a person having added containers or packaging at a retail outlet, subject to paragraph 2; and
 - 2° Where a retail outlet is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the retail outlet is payable by the franchisor, owner of the chain, banner or group, as the case may be, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.
- 2.1.4 The Targeted Person who has a right of ownership in the Brand, Name or Distinguishing Guise and who sells, transfers or otherwise assigns to another person said right, during the reference year, remains, with the other person, fully and solidarily liable for the entire contribution amount up to the transfer date.
- 2.1.5 In the event of a total or partial sale, transfer or assignment of an enterprise, during the reference year, involving a Targeted Person who may notably be a franchisor, an owner of a chain, banner or group, or a First Supplier to another person, the parties involved remain fully and solidarily liable for the entire contribution amount up to the transfer date.

2.2 EXEMPTED PERSONS

- 2.2.1 Pursuant to section 5 of the Regulation, the following are exempt from paying a contribution in respect of the containers and packaging in relation to which they are already required to take recovery or reclamation measures:
- 1° Persons who are already required under a Regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim containers or packaging;
 - 2° Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-refillable containers;
 - 3° Persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing on November 24th, 2004.

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

- 1° The Targeted Persons whose gross sales, receipts, revenues or other inflows in Québec were less than or equal to \$1,000,000 or generated a total weight of less than or equal to one (1) metric ton of one or more Material or group of Materials;
- 2° The Targeted Persons who are Retailers and operate only one retail outlet and which location is not supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

2.3 VOLUNTARY CONTRIBUTOR

2.3.1 Éco Entreprises Québec may accept that a third party whose domicile or establishment is outside Québec and who is the owner of a Brand, a Name or a Distinguishing Guise becomes a voluntary contributor, notably if that third party :

- a) is not exempt from paying a contribution pursuant to section 5 of the Regulation or division 2.2 of the Schedule; and
- b) satisfies the conditions set out in the following sections.

2.3.2 Voluntary contributors may only act to fulfill obligations that, according to the Schedule, with regard to their Products, containers and packaging or printed matter, would be the responsibility of the First Supplier, but this does not have the effect of exempting a First Supplier from its obligations under the Schedule.

2.3.3 A third party may be recognized as a voluntary contributor after having concluded an agreement with Éco Entreprises Québec to this effect, which namely includes the following conditions:

- It undertakes to pay the contribution pursuant to the Schedule;
- It enters into this agreement freely;
- It undertakes to file reports pursuant to the terms described in chapter 5 according to the conditions set out in this chapter;
- It undertakes to respect the previously described responsibilities for all its First Suppliers in Québec;
- It undertakes to abide by Québec laws and agrees that lawsuits be instituted in the Province of Québec, according to Québec laws.

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

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

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

2.4 PUBLICATION OF THE NAMES OF TARGETED PERSONS

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

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

3.1 “CONTAINERS AND PACKAGING”: GENERAL DEFINITION

- 3.1.1 Pursuant to section 2 of the Regulation, the “containers and packaging” Class of Materials includes all flexible or rigid material, for example paper, carton, plastic, glass or metal, and any combination of such materials that
- a) is used to contain, protect, wrap or present products at any stage in the movement of the product from the producer to the ultimate user or consumer; or
 - b) is intended for a single or short-term use and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups.

3.2 “CONTAINERS AND PACKAGING” INCLUDED IN THE PAYABLE CONTRIBUTION

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

- a) Paperboard
 - Corrugated cardboard
 - Kraft paper bags provided at the retail outlet for the purpose of containing the purchase made there, whether these bags were sold or otherwise provided;
 - Kraft paper packaging
 - Boxboard and other paper packaging
 - Paper laminants
 - Gable-top containers
 - Aseptic containers
- b) Plastics
 - PET bottles
 - HDPE bottles
 - Plastic laminants
 - Plastic HDPE and LDPE films
 - HDPE, LDPE plastic bags provided at the retail outlet for the purpose of containing the purchase made there, whether these bags were sold or otherwise provided;
 - Expanded Polystyrene – food packaging
 - Expanded Polystyrene – cushioning packaging
 - Non expanded Polystyrene
 - PET containers

- Polylactic Acid (PLA)
- Other plastics, polymers and polyurethane
- c) Steel
 - Aerosol containers
 - Other steel containers
- d) Aluminum
 - Aluminum food and beverages containers
 - Other aluminum packaging
- e) Glass
 - Clear glass
 - Coloured glass
- f) Containers and packaging given out free of charge as Products

3.3 “CONTAINERS AND PACKAGING” EXCLUDED FROM THE PAYABLE CONTRIBUTION

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

- a) Containers and packaging whose ultimate user is an industrial, commercial or institutional establishment;
- b) Containers and packagings whose ultimate user is an agricultural establishment notably rigid containers of pesticides for agriculture use approved by the Pest Management Regulatory Agency and rigid containers of fertilizers approved by the Canadian Food Inspection Agency subject to the programs enacted by AgriRECUP/CleanFARMS and who contributes to these programs;
- c) In conformity with section 2 of the Regulation, the pallets conceived in a manner to facilitate the handling and transport of a number of sale units and bundled packages;
- d) The tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or bundled packaging, such as transport containers, in order to prevent physical handling and transport damage. However, containers and packaging likely to be used not only for such transportation but also for delivery of Products directly to ultimate consumers or recipients of the Products, including paper, carton, polystyrene protection or plastic film remain covered and must consequently be included in the establishment of the payable contribution;
- e) Containers and packaging intended for a single or short-term use and designed to contain, protect or wrap products, subject to those, covered by section 3.2.1. paragraph f) of the Schedule;
- f) Long-life containers or packaging: are considered as such containers and packaging designed to accompany, protect or store a Product throughout its life when the Product is designed to last for five (5) years or more. Examples of long-life containers and packaging include, but are not limited to, compact disc cases, tool boxes, etc;
- g) Containers and packaging accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such containers or packaging are taken into charge on that same site. As an example, but not limited to, such excluded containers and packaging are those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

3.4 “PRINTED MATTER”: GENERAL DEFINITION

3.4.1 Pursuant to section 2 of the Regulation, the “printed matter” Class of Materials includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images.

3.5 “PRINTED MATTER” INCLUDED IN THE PAYABLE CONTRIBUTION

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

- a) Newsprint inserts and circulars;
- b) Catalogues, guides, directories, brochures, calendars of events and other publications;
- c) Magazines;
- d) Telephone book;
- e) Paper for general use such as blank printer paper, lined, cross-sectioned and blank paper, whether white or coloured, as well as notepads of all sizes;
- f) Other printed matter such as invoices, envelopes, news letters, lottery tickets for any lottery scheme, annual reports, circulars printed on glossy paper, prospectuses and reports on investments;
- g) Papers and other cellulosic fibres given out free of charge as a Product such as calendars or greeting cards.

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

3.6 “PRINTED MATTER” EXCLUDED FROM THE PAYABLE CONTRIBUTION

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

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

4. DETERMINATION OF CONTRIBUTION AMOUNTS AND PAYMENT

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

4.1.1 For the Obligation Year 2013:

- a) A Targeted Person that marketed Materials in the course of the year 2012 must pay a contribution for the year 2013;
- b) For the purpose of calculating the payable contribution for this Obligation Year 2013, the Materials that must be considered are those marketed in Québec from January 1st, 2012, to December 31st, 2012, inclusively, which year constitutes the Reference Year.

4.1.2 The contribution amount payable by a Targeted Person due for an Obligation Year is determined by multiplying, for each Material, the quantity, in kilograms, that is marketed in Québec during the Reference Year applicable to this Obligation Year by the rate applicable to that Material pursuant to the applicable table of contributions for same Obligation Year, annexed in Appendix A of the Schedule and then by adding all these amounts.

4.1.3 For the purposes of the Schedule, any Targeted Person required to pay a contribution under chapter 2 of the Schedule is deemed to have marketed Materials.

4.2 LUMP SUM PAYMENT OPTION

4.2.1 Any Targeted Person whose gross sales, receipts, revenues or other inflows in Quebec for a Reference Year are more than \$1,000,000 and who has marketed, for the same period, a total weight of more than 1 metric ton but less than or equal to 5 metric tons of one or more Material or group of Materials may choose, for the Obligation Year related to the Reference Year, either to pay the contribution established under section 4.1 of the Schedule or opt to pay the lump sum payment set out as follows:

- a) When the total weight of Materials or group of Materials is less than or equal to 2.5 metric tons, the lump sum payable contribution is established at \$335;
- b) When the total weight of Materials or group of Materials is more than 2.5 metric tons but less than or equal to 5 metric tons, the lump sum payable contribution is established at \$670.

4.3 DATES OF PAYMENT OF THE CONTRIBUTION

4.3.1 The Targeted Person must pay to Éco Entreprises Québec the amount of the 2013 payable contribution as determined pursuant to section 4.1.2 of the Schedule within the delays and according to the terms of payment indicated hereafter:

- 80% of the payable contribution must be paid at the latest by July 26, 2014;
- The balance of the contribution must be paid at the latest by September 26, 2014.

4.3.2 Where the Targeted Person chooses to pay a lump sum pursuant to section 4.2.1 of the Schedule, the Targeted Person must pay 100% of the amount owed at the latest on July 26, 2014.

4.4 INTEREST, ADMINISTRATION FEES AND PENALTIES

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

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

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

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

4.5 PLACE AND METHOD OF PAYMENT

4.5.1 Any payment made according to the Schedule must be in Canadian legal currency.

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

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

5. REGISTRATION AND REPORTING BY TARGETED PERSONS

5.1 REGISTRATION AND REPORTING BY TARGETED PERSONS

- 5.1.1 All Targeted Persons must register with Éco Entreprises Québec by submitting the information required in Appendix B of the Schedule.
- 5.1.2 Subject to section 5.1.7 of the Schedule, all Targeted Persons must also submit a report of the Materials it marketed in order to establish its payable contribution according to chapter 4 by transmitting to Éco Entreprises Québec the information required in Appendix C of the Schedule, notably:
- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report;
 - b) A description of the Materials excluded from the Materials report used to establish the Targeted Person's payable contribution;
 - c) A description of deducted Materials from the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to the type of Material;
 - d) A description of the containers, packaging and printed matters that the Targeted Person marketed and that are not mentioned in the Materials report, as well as, the quantity in kilograms of the marketed containers, packaging and printed matter;
 - e) A list of Brands, Names and Distinguishing Guises that are covered in the Targeted Person's Materials report;
 - f) A declaration as to the truthfulness of the information contained in the Targeted Person's Materials report.
- 5.1.3 A Targeted Person must register and submit its Materials report for the 2013 Obligation Year.
- 5.1.4 A Targeted Person must register and submit a Materials report, at the latest ninety (90) days following the effective date of the applicable Schedule.
- 5.1.5 Any modifications of the content of the registration and of the Materials report must be announced by way of a notice of amendment, which is to be transmitted to Éco Entreprises Québec by the Targeted Person at the latest the thirtieth (30th) day after this change.
- 5.1.6 The registration, the Materials report and the notices of amendment must be transmitted to Éco Entreprises Québec electronically, using the forms

provided to this effect at Appendix B and available on Éco Entreprises Québec's website, and according to the submission procedures described on the site.

- 5.1.7 As for the Targeted Person who opted for lump sum payments established pursuant to section 4.2.1 of the Schedule, said person can, aside from the procedure set out in section 5.1.6 of the Schedule, choose to transmit the registration on paper form. The registration shall, in this case, be personally signed by the person designated, by resolution, by the Targeted Person, and shall be submitted in one of the following manners: delivered in person to Éco Entreprises, by fax or by mail. This document shall be prepared using the form available on the Éco Entreprises Québec website at www.ecoentreprises.qc.ca, or from the head office.

5.2 BILLING, CREDITS AND REIMBURSEMENT

- 5.2.1 For the 2013 Obligation Year, upon receipt of the Materials report from the Targeted Person, Éco Entreprises Québec sends by e-mail to the Targeted Person, one (1) or two (2) invoice(s) for the payable contribution established on the basis of the information contained in the Materials report, as per the type of contribution established pursuant to sections 4.3.1 or 4.3.2 of the Schedule, as the case may be.

The present section cannot, however, be interpreted as an exoneration of the Targeted Person to pay the contribution in the delays stipulated in division 4.3 of the Schedule.

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

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

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

- 5.2.3 Éco Entreprises Québec can, within a delay of three (3) years following the date when the Targeted Person submits a Materials report, review the Materials report submitted by a Targeted Person and require that necessary

corrections then be made to said report by the Targeted Person. Éco Entreprises Québec can also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice determining the adjustment to the payable contribution is sent to the Targeted Person. This revised invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

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

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

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

- 5.2.4 Within a period of one (1) year following the deadline provided for at section 5.1.4 of the Schedule for the submission of the Materials report, the Targeted Person may present an amended Materials report to Éco Entreprises Québec for approval. All relevant documents and information allowing Éco Entreprises Québec to proceed with a complete analysis and to render an enlightened decision must be filed in support of the amended Materials report in the same delay. If Éco Entreprises Québec approves in all or in part this amended Materials report, a revised invoice of the payable contribution is then transmitted to the Targeted Person. This revised invoice is presumed valid and where it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Despite any contestation, the additional amount required to be paid for the contribution as indicated in the revised invoice must be paid by the Targeted Person to Éco Entreprises Québec within a delay of thirty (30) days following the issuance of this invoice. The amount owed will bear interest at the rate indicated in section 28 of the *Tax Administration Act*, R.S.Q., C. A-6.002, and in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount of the contribution, starting from the date the contribution must be paid, up to the payment date, at the above mentioned rate. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

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

- 5.2.5 Once the amended Materials report is approved by Éco Entreprises Québec, and it appears that the Targeted Person paid a contribution that was higher than it should have paid, the amount overpaid is credited to any contribution payable for the following Obligation Year, up to the adjusted contribution amount for the current Obligation Year. Éco Entreprises Québec reimburses the Targeted Person, without interest, any amount exceeding this credit.
- 5.2.6 A Targeted Person to whom an imposed or revised invoice has been sent may attempt to arrive at an agreement with Éco Entreprises Québec pursuant to chapter 6 of the Schedule if the dispute relates to the quantity or the qualification of Materials that should have been taken into account in the Materials report. This process does not exempt, however, the Targeted Person from their obligation to pay the amount indicated in the imposed invoice in the period indicated at section 5.2.2 of the Schedule, or the additional sum required to be paid as a contribution indicated in the revised invoice within the delay indicated at sections 5.2.3 or 5.2.4, as the case may be. In the event where an agreement is reached and results in an overage paid, section 5.2.5 of the Schedule applies with any necessary adjustments.
- 5.2.7 Following a request submitted by a Targeted Person and approved by Éco Entreprises Québec, Éco Entreprises Québec reimburses, without any interest, any contribution or any part of a contribution paid by a person whom has opted to pay a lump sum pursuant to section 4.2.1 of the Schedule and for whom it was later determined not to be a Targeted Person under the Schedule.

5.3 VERIFICATION AND CONSERVATION OF FILES

- 5.3.1 Éco Entreprises Québec reserves the right to require, from any Targeted Person, as well as, any person whom Éco Entreprises Québec has reasonable grounds to believe is a Targeted Person, the books, registries, accounting documents and any other documents deemed necessary by Éco Entreprises Québec in order to establish the payable contribution by this person.

Any Targeted Person must render this information available to be consulted and photocopied by Éco Entreprises Québec, during normal business hours, following a prior notice from Éco Entreprises Québec to that effect.

- 5.3.2 Other than the information and documents that the Targeted Person must submit pursuant to Appendix C, Éco Entreprises Québec reserves the right to require from said person that they provide any supplementary information such as notably, a complete list of containers and packaging and printed matters covered by the Schedule, whether or not this information was used in the preparation of the Materials report, the data tables, audit reports, list of declared Brands and list of Brands excluded from the Materials report and the distribution of percentages, and that were used by the Targeted Person to complete its Materials report.

- 5.3.3 Any Targeted Person must keep a record of all documents and any technological or other support used to prepare the Materials report for a period of at least five (5) years from the date that this Materials report is transmitted.

6. DISPUTE RESOLUTION

6.1 PROCEDURE

- 6.1.1 In the case of a dispute between the Targeted Person and Éco Entreprises Québec regarding the quantity or the qualification of the Materials that should have been taken into account in the Materials report following the issuance of an imposed invoice pursuant to section 5.2.2 of the Schedule, or following the issuance of a revised invoice pursuant to sections 5.2.3 or 5.2.4 of the Schedule, the Targeted Person and Éco Entreprises Québec will endeavour to resolve the dispute by way of discussions between their respective representatives in the thirty (30) days following the issuance of the invoice.
- 6.1.2 In the event that the dispute cannot be resolved during this period, and if the object of the dispute, excluding the interest, administrative fees and penalties exceeds \$70,000.00, the Targeted Person may notify Éco Entreprises Québec in writing by way of a "Notice of dispute" within sixty (60) days following the issuance of the invoice, indicating therein the grounds for contestation as well as their intention to submit the dispute either to mediation and, in the case of failure, to arbitration, or directly to arbitration. Following receipt of said notice, the parties will either proceed to mediation, and, in the case of failure, to arbitration, or directly to arbitration, as the case may be, in conformity with the procedures of mediation or arbitration adopted by Éco Entreprises Québec that are in effect at the date of the Notice of dispute. These procedures may be consulted on the website of Éco Entreprises Québec (www.ecoentreprises.qc.ca).
- 6.1.3 By invoking the mediation and/or arbitration procedures provided at section 6.1.2 of the Schedule, the parties exclude any recourse before the common law tribunals, except for provisional measures.

7. ADJUSTMENTS

7.1 ADJUSTMENTS

- 7.1.1 In the case where, for a particular class of Materials, Éco Entreprises Québec collects, following the expiry of the twenty-four (24) month period following the date where the balance for the payable contribution is due as prescribed by section 4.3.1 of the Schedule, an amount that exceeds by 5% that was necessary to pay for this class of Materials, for one (1) year where said amounts become due, a) the amount of the compensation determined by the Société québécoise de récupération et de recyclage, including the interest, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify Éco Entreprises Québec for its management costs and other expenses related to the compensation regime,

as well as, c) the amount payable to the Société québécoise de récupération et de recyclage pursuant to section 53.31.18 of the Act (this last amount being identified in the present Schedule, chapter 7, as being the "required amount"), Éco Entreprises Québec issues a credit to Targeted Persons that have paid the contribution for the Obligation Year in which the surplus has accumulated. This credit will correspond to the amount collected above the exceeding 5% and is redistributed pro rata amongst the payable contributions by sub-class of Materials within each class, and then, by pro rata amongst the contributions paid by the Targeted Persons within each sub-class.

- 7.1.2 In the case where Éco Entreprises Québec does not collect the amount necessary for a class of Materials following the expiry of the twenty-four (24) month period following the date where the balance for the payable contribution is due pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can require from Targeted Persons for this class of Materials the amount needed to satisfy the difference. This amount is distributed pro rata amongst the required contributions by a sub-class of Materials within each class and then, by pro rata amongst the required contributions for each Targeted Person within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The divisions 4.4 and 4.5 of the Schedule are applicable for this amount by making the necessary modifications.

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

8. EFFECTIVE DATE AND DURATION

8.1 EFFECTIVE DATE

The Schedule shall be effective on the day of its publication in the *Gazette officielle du Québec*, on April 9, 2014.

8.2 DURATION

The Schedule is valid for the 2013 Obligation Year.

APPENDIX A: 2013 CONTRIBUTION TABLE

Contributions for the period from January 1st through December 31st, 2012¹

Class of Materials	Sub-class of Materials	Materials	Annualized contributions ¢/kg	Credit for recycled content (Threshold to achieve ²)	
Printed matter		• Newsprint inserts and circulars	14.618	80%	
		• Catalogues and publications	22.264	50%	
		• Magazines	22.264	50%	
		• Telephone books	22.264	80%	
		• Paper for general use	22.264	80%	
		• Other printed matter			
Containers and Packaging	Paperboard	• Corrugated cardboard	24.990	n/a	
		• Kraft paper shopping bags	24.990	100 %	
		• Kraft paper packaging	24.990	100 %	
		• Boxboard and other paper packaging	16.140	n/a	
		• Gable-top containers	15.552	n/a	
		• Paper laminants	17.345	100 %	
		• Aseptic containers	27.189	n/a	
		Plastics	• PET bottles	21.265	100 %
	• HDPE bottles		20.684	100 %	
	• Plastic laminants		48.972	n/a	
	• Plastic HDPE and LDPE films		48.972	n/a	
	• HDPE, LDPE plastic shopping bags and others		48.972	n/a	
	• Expanded Polystyrene – food packaging		66.534	n/a	
	• Expanded Polystyrene – cushioning packaging		66.534	n/a	
	• Non expanded Polystyrene		66.534	n/a	
	• PET containers		25.592	100 %	
	• Polylactic acid (PLA)		66.534	n/a	
	• Other plastics, polymers and polyurethane		25.592	n/a	
	Aluminum		• Food and beverages aluminum containers	18.002	n/a
			• Other aluminum packaging		
	Steel		• Aerosol containers	10.844	n/a
			• Other steel containers		
	Glass		• Clear glass	9.770	n/a
		• Coloured glass	9.498	n/a	

¹ For the calculation of the contribution for the 2013 Obligation Year, the Targeted Persons must, without fail, for the purposes of the application of chapters 4 and 5 of the Schedule, declare the materials that were marketed in Québec for the twelve (12) months comprised between January 1st and December 31st of the 2012 Reference Year, that is prescribed in division 4.1 of the Schedule.

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

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

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

Primary Contact for the Enterprise:

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

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

DISCLOSURE OF THE TARGETED PERSON:**Classification of your business****Qualification questions**

Obligation year	Civil year ³	Designated materials ultimately intended for consumers? ⁴		Quantity marketed	
Gross sales, receipts, revenue in Quebec less than or equal \$1 million? ⁴		in Quebec less than or equal 5 metric tons? ⁴		Yes	No
2013	2012	Yes	No	Yes	No

³ Year considered to establish the obligation to contribute for the Obligation Year as determined in division 4.1 of the Schedule.

⁴ According to the Reference Year, from January 1st of said year to December 31st, of same year, as determined by division 4.1 of the Schedule.

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

Yes No

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

Quantity of Materials marketed in Quebec inferior or equal to 1 metric ton?

Yes No

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

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

Yes No

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

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

Yes No

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

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

Yes No

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

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

FOR THE MATERIALS MARKETED BETWEEN JANUARY 1ST AND DECEMBER 31ST, 2012

Class of Materials	Sub-class of Materials	Materials	Declaration of quantities marketed in QC - Kg
Printed matter		• Newsprint inserts and circulars	
		• Catalogues and publications	
		• Magazines	
		• Telephone books	
		• Paper for general use	
		• Other printed matter	
Containers and Packaging	Paperboard	• Corrugated cardboard	
		• Kraft paper shopping bags	
		• Kraft paper packaging	
		• Boxboard and other paper packaging	
		• Gable-top containers	
		• Paper laminants	
	Plastics	• Aseptic containers	
		• PET bottles	
		• HDPE bottles	
		• Plastic laminants	
		• Plastic HDPE and LDPE film	
		• HDPE, LDPE plastic shopping bags and others	
		• Expanded Polystyrene – food packaging	
		• Expanded Polystyrene – cushioning packaging	
		• Non expanded Polystyrene	
		• PET containers	
	Aluminum	• Other plastics, polymers and polyurethane	
		• Polylactic Acid (PLA)	
	Steel	• Food and beverages aluminum containers	
		• Other aluminum packaging	
	Glass	• Aerosol containers	
		• Other steel containers	
	Glass	• Clear glass	
		• Coloured glass	

Specific questions on the type of Materials marketed

In order to complete the 2013 Materials reports

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

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

Required supplementary documents

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

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

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

Confirmation of certain obligations

I confirm that I am the primary contact for the enterprise, which is to mean that I am the person authorized by the enterprise to represent it in the context of its obligations under the compensation regime. I confirm to have read the 2013 Schedule of Contributions for "Containers and Packaging" and "Printed Matter" Classes, as it has been approved by the Government of Quebec. I declare that all the information mentioned in the registration form as well as that in the Materials reports for the relevant class of Materials by the enterprise are accurate. I recognize that the enterprise must conserve all the documents and any technological or other data support that it used to prepare the Materials report for the relevant class of Materials and this, during a period of five (5) years commencing from the date upon which the Materials report is transmitted.

Authorization to disclose

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

Gouvernement du Québec

O.C. 284-2014, 26 mars 2014

Environment Quality Act
(chapter Q-2)

Approval of RecycleMédias' 2013 schedule of contributions for the "newspapers" class

WHEREAS sections 53.31.1 to 53.31.20 of the Environment Quality Act (chapter Q-2) establish a regime to compensate municipalities for the net costs of the services they provide to ensure the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Environment Quality Act, the certified body RecycleMédias, as a body certified for the "newspapers" class, may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to that compensation regime;

WHEREAS, under section 53.31.12.1 of the Environment Quality Act, the Government may determine on what conditions the amount of the annual compensation owed to the municipalities that is allotted to the "newspapers" class may be paid in whole or in part through a contribution in goods or services;

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

WHEREAS, under the same section, the schedule of contributions must be submitted to the Government, which may approve it with amendments;

WHEREAS, under section 8.9 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10), the amount of the annual compensation owed to the municipalities that is allotted to the "newspapers" class may not exceed \$6,460,000 for the year 2013;

WHEREAS sections 8.12 and 8.12.1 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials provide that the annual compensation allotted to the "newspapers" class may be paid, in part, through a contribution in goods or services provided the certified body proposed a schedule of contributions to RECYC-QUÉBEC, in accordance with sections 53.31.14 and 53.31.15 of the Environment Quality Act, determining the contributions payable and the manner in which payment may be made;

WHEREAS, under section 53.31.14 of the Environment Quality Act, RecycleMédias conducted a special consultation of the persons concerned before establishing such a schedule and submitting it to the Government for approval;

WHEREAS, under section 53.31.15 of the Environment Quality Act, RECYC-QUÉBEC must give its opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC with respect to the 2013 schedule of contributions established by RecycleMédias;

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

WHEREAS it is expedient to approve the schedule of contributions established by RecycleMédias for 2013, with amendments;

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

THAT the schedule of contributions established by RecycleMédias, entitled 2013 schedule of contributions for the "newspapers" class, for 2013, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

2013 Schedule of Contributions**for “Newspapers”**

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1. Definitions

1.1 Definitions

In the Schedule, unless the context indicates a different meaning, the following words and expressions mean or designate:

- a) “brand”: a mark that is used by a person for the purpose of distinguishing, or so as to distinguish, newspapers marketed by the person from newspapers marketed by others;
- b) “cash contribution”: the amount that must be paid in cash to RecycleMédias by a person prescribed under the Schedule;
- c) “class of materials”: a class of materials covered by the compensation regime, i.e. the class “newspapers” marketed in Québec;
- d) “compensation regime”: the compensation regime for municipalities established by sub-section 4.1 of Division VII of Chapter I of the Act and by the Regulation, as amended from time to time;
- e) “contribution in ad placements”: the amount that may be paid in the form of ad placements by a prescribed person under the Schedule. Such contributions in ad placements must consist of publishing, at the national, regional and local levels, messages intended to inform, educate or raise awareness about environmental matters, particularly in terms of promoting the recycling and recovery of residual materials, and may be made either in newspapers or through digital products;
- f) “costs of RecycleMédias”: the management costs and other expenses of RecycleMédias incidental to the compensation regime that may be collected by RecycleMédias under section 53.31.13 of the Act;
- g) “costs of Recyc-Québec”: the management costs and other expenses of Recyc-Québec incidental to the compensation regime and payable to Recyc-Québec by RecycleMédias under section 53.31.18 of the Act and section 8.14 of the Regulation;
- h) “digital products”: websites (including portals) and other digital products devoted primarily to current events, that are owned by the prescribed person or another member of the person’s corporate group, or through which a contribution in ad placements may be made;
- i) “distinguishing guise”: the format of a newspaper, the appearance of which is used by a person for the purpose of distinguishing, or so as to distinguish, newspapers marketed by the person from newspapers marketed by others;

- j) “first supplier”: a person who is domiciled or has an establishment in Québec and who is the first to take title, possession or control, in Québec, of a newspaper covered by the Schedule;
- k) “foreign publication”: a newspaper that markets less than 25% of its total materials in Québec;
- l) “materials”: paper and other cellulosic fibres belonging to the class of materials concerned here. Quantities of marketed materials are measured in metric tons;
- m) “name”: the name under which any business is carried on, whether or not it is the name of a legal body, a partnership or an individual;
- n) “newspapers”: as set forth in section 2 of the Regulation, this class includes paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, particularly dailies and weeklies, as well as containers and packaging used to deliver newspapers directly to the ultimate consumer or recipient;
- o) “prescribed person”: a person subject to the compensation regime, as designated in Chapter 3 of the Schedule;
- p) “RecycleMédias”: an organization accredited by Recyc-Québec that represents newspapers;
- q) “Recyc-Québec”: the Société québécoise de récupération et de recyclage, as designated in section 1 of the *Act respecting the Société québécoise de récupération et de recyclage*, R.S.Q., c. S-22.01;
- r) “the Act”: the *Environment Quality Act*, R.S.Q., c. Q-2, as amended from time to time;
- s) “the Regulation”: the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.R.Q., c. Q-2, r. 10, as amended from time to time;
- t) “the Schedule”: the present Schedule of Contributions, including appendices.

2. Interpretation
 - 2.1 Explanatory note
 - 2.1.1 RecycleMédias may publish an explanatory notice or interpretation guide on its website at www.recyclemedias.com to explain its interpretation of the Schedule and how it will be administered.
 - 2.2 Continuance of the Schedule
 - 2.2.1 If any provision of the Schedule is deemed invalid or unenforceable by a competent court or for any other reason, it shall not affect the validity of the other provisions of the Schedule, which shall be interpreted as if the invalid provision were omitted.
3. Designation of prescribed persons
 - 3.1 Prescribed persons
 - 3.1.1 Only the person who is the owner of the brand, name or distinguishing guise that identifies a material subject to contributions under the Schedule shall be required to pay a contribution with regard to that material.
 - 3.1.2 However, if the owner has neither a domicile nor an establishment in Québec, payment of contributions may be required of the first supplier in Québec, whether or not it is the importer of that material.
 - 3.2 Exempted persons
 - 3.2.1 Prescribed persons who demonstrate to RecycleMédias that the contributions prescribed in Chapters 5 and 6 of the Schedule have been paid in full, on their behalf, by a third party recognized by RecycleMédias as a voluntary contributor under section 3.3, are exempted from those contributions.
 - 3.2.2 Prescribed persons who, in 2012, marketed materials weighing no more than a total of three (3) metric tons, are also exempted from the contributions prescribed in Chapters 5 and 6 of the Schedule.
 - 3.3 Voluntary contributor
 - 3.3.1 A third party whose domicile or establishment is outside of Québec, and who is the owner of a brand, name or distinguishing guise, may be accepted by RecycleMédias as a voluntary contributor, notably if the person satisfies the conditions stipulated below.
 - 3.3.2 A voluntary contributor may only act to fulfill the obligations that, under the Schedule, would be the responsibility of the first supplier of materials identified by a brand, name or distinguishing guise that is owned by the voluntary contributor. The latter may not act to fulfill the obligations of persons prescribed under section 3.1.1.

- 3.3.3 A third party may be recognized as a voluntary contributor if it concludes an agreement to that effect with RecycleMédias, which agreement shall include the following provisions:
- that it agrees to fulfill the obligations related to contribution in ad placements under the Schedule;
 - that it agrees to pay the cash contribution under the Schedule;
 - that it agrees to produce the reports required in Chapter 7 of the Schedule, under the terms set out in that Chapter;
 - that it agrees to the foregoing with regard to all of its first suppliers in Québec;
 - that it agrees to respect the laws of Québec, and accepts that any legal proceedings will take place in Québec, under the laws of Québec.

A third party recognized as a voluntary contributor thus becomes a prescribed person with respect to both cash contribution and contribution in ad placements.

- 3.3.4 RecycleMédias may decide to conclude an agreement such as that described in section 3.3.3 with a third party whose domicile or establishment is in Canada but outside of Québec, and which, without being the owner of a brand, name or distinguishing guise, is its principal distributor in Québec. Section 3.3.2 also applies to such a third party, which for the purposes of the Schedule is considered as a voluntary contributor.

- 3.3.5 The first supplier and the voluntary contributor are solidarily liable for their obligations under the Schedule.

3.4 Publication of the names of prescribed persons

- 3.4.1 RecycleMédias will publish on its website the name of every person that has registered or been automatically registered, as set out in section 7.1 of the Schedule.
- 3.4.2 RecycleMédias may publish on its website the name of any person that meets the criteria for a prescribed person in section 3.1 and that has not registered as set out in section 7.1 of the Schedule.

4. Compensation regime

4.1 Annual compensation payable

For the year covered by the Schedule, the amount of the annual compensation payable for the class “newspapers”, under the Act and the Regulation, will be \$6,460,000. This amount will be paid through contributions in ad placements in the amount of \$3,420,000 and cash contributions in the amount of \$3,040,000.

4.2 Costs

As well, the amounts corresponding to the costs of Recyc-Québec and RecycleMédias will be paid by the prescribed persons through cash contributions.

5. Contribution in ad placements

5.1. Determination of contribution in ad placements

5.1.1 For 2013, the contribution in ad placements by a prescribed person corresponds to the quantity of materials marketed by that person in 2012 multiplied by the applicable rate, i.e. \$26.42 per metric ton.

5.2 Foreign publication

5.2.1 For newspapers qualified as foreign publications, the contribution in ad placements is converted into cash contribution that is additional to that provided in Chapter 6. This additional cash contribution is paid to Recyc-Québec as partial payment of compensation due to municipalities under the Regulation by prescribed persons in the “newspaper” class.

5.2.2 The payment rules for cash contributions set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to the additional cash contribution.

5.3 Terms and conditions

5.3.1 For each prescribed person, ad placements for a maximum value corresponding to the amount of the person’s required contribution (as determined in section 5.1.1) must be made by no later than September 30, 2014 for publication by no later than December 31, 2014 in respect of contributions in ad placements for 2013.

5.3.2 To determine the value of each ad placement and the terms and conditions under which it is provided, the customary government rate card (or national rate card) of the prescribed person (or member of the person’s corporate group, as the case may be) shall be applied.

- 5.4 Conversion into additional cash contribution
 - 5.4.1 A prescribed person who has not fulfilled the contribution in ad placements, in whole or in part, by the date set in the Schedule and after receiving the statement of contributions owing (section 7.6.1), will be liable to an additional cash contribution corresponding to the value of the unpaid contribution in ad placements.
 - 5.4.2 The payment rules for the cash contribution set out Chapter 6 also apply, with the necessary modifications, to the additional cash contribution.
- 6. Cash contribution
 - 6.1 Determination of cash contribution
 - 6.1.1 For 2013, the cash contribution by a prescribed person corresponds to the quantity of materials marketed by that person in 2012 multiplied by the applicable rate, i.e. \$27.07 per metric ton.
 - 6.1.2 Notwithstanding the above, each prescribed person must pay a minimum cash contribution of seventy-five dollars (\$75.00) for each obligation year.
 - 6.2 Date, place and form of payment
 - 6.2.1 The cash contribution must be paid to RecycleMédias within ninety (90) days after the invoice is received. Unless otherwise decided by RecycleMédias, payment must be in full.
 - 6.2.2 RecycleMédias may specify a different deadline for payment of the cash contribution.
 - 6.3 Penalties, interest and recovery
 - 6.3.1 Cash contributions that are due and unpaid to RecycleMédias bear interest as set out in section 53.31.16 of the Act, i.e. at the rate determined under the first paragraph of section 28 of the *Tax Administration Act*, R.S.Q., c. A-6.002. Such interest will be calculated daily on the unpaid amount of the cash contribution, starting from the date when the cash contribution became due and ending on the date of payment, at the rate mentioned above. Any change to that rate automatically changes the interest rate applying under the present section.
 - 6.3.2 In addition to the interest applied under section 6.3.1, a prescribed person who has not paid the cash contribution within two hundred and ten (210) days after receipt of the invoice in respect of the contribution for 2013, will be liable to a penalty equal to 10% of the cash contributions owing.
 - 6.3.3 Pursuant to section 53.31.16 of the Act, when RecycleMédias exercises a remedy to claim a sum that it is owed, a penalty equal to 20% of the amount of the cash contribution will be applied.

- 6.4 Form of payment
 - 6.4.1 Payment of cash contributions under Chapter 6 of the Schedule must be made in the legal tender of Canada.
- 7. Registration and reporting by prescribed persons
 - 7.1 Registration of prescribed persons
 - 7.1.1 Any prescribed person (including a prescribed person exempted from contributions under section 3.2.2 of the Schedule) must register with RecycleMédias by sending it the information specified in Appendix A of the Schedule.
 - 7.1.2 The prescribed person must send the information by no later than the ninetieth (90th) day following the effective date of the Schedule.
 - 7.2 Reporting of materials
 - 7.2.1 Any prescribed person (including a prescribed person exempted from contributions under section 3.2.2 of the Schedule) must produce a report on the materials marketed during the 2012 reference year as per sections 5.1.1 and 6.1.1 of the Schedule, by sending to RecycleMédias the information specified in Appendix B of the Schedule, notably:
 - a) A description of the methodology and data used to prepare the materials report;
 - b) A list of the brands, names and distinguishing guises covered by the materials report;
 - c) A list and description of any excluded materials that were omitted from the materials report;
 - d) A statement certifying that the content of the materials report is true and accurate.
 - 7.2.2 The materials report must be submitted by no later than the thirtieth (30th) day following the effective date of the Schedule.
 - 7.3 Reporting of ad placements
 - 7.3.1 Any prescribed person that is not exempted under section 3.2.2 of the Schedule must produce, within thirty (30) days after the final date indicated in section 5.3.1, an ad placement report describing the person's contribution in ad placements during the period concerned, except in the case of newspapers covered by section 5.2 of the Schedule, by sending to RecycleMédias the information specified in Appendix C of the Schedule, notably:
 - a) A description of the methodology and data used to prepare the ad placement report;

- b) A list and description of the newspapers and digital products for which the prescribed person is registered, specifying any that may be covered by section 5.2 of the Schedule (“foreign publications”);
- c) For each newspaper or digital product not covered by section 5.2 of the Schedule, a list of the ad placements made, with a description of the content, publication date and value in Canadian dollars of each ad placement;
- d) A statement certifying that the content of the ad placement report is true and accurate.

7.3.2 A prescribed person whose newspapers are all covered by section 5.2 of the Schedule is exempted from the requirements of the present section.

7.4 Changes and amendments

7.4.1 Any change in the content of documents submitted by a prescribed person must be reported in a modification notice sent to RecycleMédias within thirty (30) days after the change occurs.

7.5 Transmission medium and format

7.5.1 Documents and modification notices must be transmitted to RecycleMédias using digital media. They must be submitted using the forms provided for that purpose in the Schedule’s appendixes and on the website of RecycleMédias, using the procedure described on the site.

7.6 Billing

7.6.1 RecycleMédias sends each prescribed person a statement of the contribution owing in ad placements and an invoice for the cash contribution owing (and any additional cash contribution).

7.6.2 If a person fails to register under section 7.1.1 of the Schedule, or fails to send to RecycleMédias the materials report required under section 7.2.1 of the Schedule, the amounts of the contribution in ad placements and the cash contribution and additional cash contribution (if any) will be determined and billed based on an estimate by RecycleMédias.

7.7 Verification of reports

7.7.1 Besides the information and documents that must be produced for the purposes of Appendices B and C of the Schedule, RecycleMédias reserves the right to ask for additional information, such as tables of data, audit reports, or any other information used in preparing the reports.

7.7.2 RecycleMédias may review the materials report and require that corrections be made by the prescribed person. RecycleMédias may also choose to make the necessary corrections itself, after notifying the prescribed person. Following such corrections, the prescribed person will be sent a revised statement adjusting the contribution in ad placements and a revised invoice adjusting the cash contribution and, where applicable, the additional cash contribution.

7.7.3 A prescribed person that has not followed through on an adjusted contribution in ad placements, in whole or in part, or that has not concluded an agreement with RecycleMédias within sixty (60) days after the revised statement was issued, will be liable to a penalty, payable in cash, of an amount corresponding to the value of the unpaid contributions in ad placements.

The payment rules for the cash contribution set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to such penalties. In the case of a credit, RecycleMédias will apply the value of the credit to the next statement.

7.7.4 An adjustment made to the cash contribution must be paid in full to RecycleMédias within thirty (30) days after the revised invoice is issued. In the case of a credit, RecycleMédias will apply the value of the credit to the next invoice.

The payment rules for the cash contribution set out in Chapter 6 of the Schedule also apply, with the necessary modifications, to such adjustments.

8. Conservation of files

8.1 Conservation of files

8.1.1 A prescribed person must conserve all documents and other media used in preparing reports for a period of five (5) years after the reports were transmitted. Such information must be made available for consultation and copying by RecycleMédias, during normal business hours, following prior notice to that effect by RecycleMédias.

8.2 Confidentiality

8.2.1 During the period in which RecycleMédias conserves information it has received in connection with the compensation regime, RecycleMédias is bound to take appropriate measures to ensure its

security, preserve its integrity, protect its confidentiality, and prohibit access to it by any unauthorized person. RecycleMédias must also ensure the respect of all other obligations prescribed by law with respect to the conservation of such information.

9. Dispute resolution

9.1 Procedure

9.1.1 In the event of dispute between a prescribed person and RecycleMédias concerning the materials or quantity of materials covered by contributions, or concerning the value of ad placements made by a prescribed person, both parties shall attempt to resolve the dispute through discussions between their respective representatives within thirty (30) days after a written notice of the dispute is issued, or by a common agreement, which will be consigned to writing.

9.1.2 If the dispute persists after the expiry of the period mentioned in section 9.1.1, it shall be definitely settled by arbitration other than the courts, pursuant to the provisions of the *Code of Civil Procedure*, R.S.Q., c. C-25.

9.1.3 Non-payment and failure by a prescribed person to submit a report are not subject to arbitration.

10. Adjustment

10.1 Adjustment clause

10.1.1 Amounts received as interest or penalties under the Schedule are applied to the costs of Recyc-Québec and RecycleMédias for the year after such amounts are received.

10.1.2 In the event that RecycleMédias, for 2013, collects an amount exceeding by 5% the amount necessary to pay a) the amount of the annual compensation set forth in section 4.1, including the applicable interest, administrative costs and penalties, if any, b) the costs of Recyc-Québec and c) the costs of RecycleMédias, RecycleMédias shall grant a credit to the prescribed persons who have paid their cash contributions for 2013. This credit shall correspond to the amount collected beyond the excess of 5% and shall be allocated *pro rata* to the cash contributions paid by the prescribed persons.

10.1.3 Notwithstanding the terms of section 6.1.1, in the event that RecycleMédias, for 2013, does not collect, or deems that it will not likely collect, the amount necessary to pay a) the amount of the annual compensation set forth in section 4.1, including the applicable interest, administrative costs and penalties, if any, b) the costs of Recyc-Québec and c) the costs of RecycleMédias, RecycleMédias may require from the prescribed persons the

payment of the necessary amount to make up the shortfall. This amount shall be allocated *pro rata* to the cash contributions payable by each prescribed person. In such case, the prescribed persons shall pay the said amount to RecycleMédias within thirty (30) following the submission of an invoice to them for this purpose by RecycleMédias. Chapter 6 of the Schedule shall be applicable to this amount, with the necessary adjustments.

11. Effective date and duration

11.1 Effective date

11.1.1 The Schedule shall come into force on the fifteenth (15th) day after its publication in the *Gazette officielle du Québec*.

11.2 Duration

11.2.1 The Schedule is valid for the obligation year 2013.

Appendix A
Registration of a Prescribed Person

Determination of the prescribed person
<p>Name of enterprise:</p> <p>Nature of obligation (check your situation):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Person who is the owner of the brand, name or distinguishing guise that identifies a material subject to contributions under the Schedule, and who has an establishment in Québec; <input type="checkbox"/> First supplier in Québec of a material subject to contributions under the Schedule; <input type="checkbox"/> First supplier exempted from contributions because the latter are paid to RecycleMédias by a voluntary contributor (provide the name and address of the voluntary contributor); <input type="checkbox"/> Voluntary contributor within the meaning of section 3.3 of the Schedule (provide the name and address of each first supplier); <p>Headquarters:</p> <p style="padding-left: 20px;">Address:</p> <p style="padding-left: 20px;">City:</p> <p style="padding-left: 20px;">Postal code:</p> <p style="padding-left: 20px;">Country:</p> <p style="padding-left: 20px;">Telephone:</p> <p style="padding-left: 20px;">Fax:</p> <p>If the headquarters are not in Québec, indicate domicile or establishment in Québec:</p> <p style="padding-left: 20px;">Address:</p> <p style="padding-left: 20px;">City:</p> <p style="padding-left: 20px;">Postal code:</p> <p style="padding-left: 20px;">Country:</p> <p style="padding-left: 20px;">Telephone:</p> <p style="padding-left: 20px;">Fax:</p> <p>Company website:</p>
First respondent of the enterprise
<p>The first respondent is the person authorized by the company to represent it for the purposes of its obligations under the compensation regime.</p> <p style="padding-left: 20px;">Family name:</p> <p style="padding-left: 20px;">First name:</p> <p style="padding-left: 20px;">Title:</p> <p style="padding-left: 20px;">Office telephone:</p> <p style="padding-left: 20px;">Office email</p>

Appendix B
Materials Report

Report year:

Reference year (as per sections 5.1.1 and 6.1.1 of the Schedule):

		Quantity marketed in Québec (in metric tons)	
		“Newspapers”	
		not covered by section 5.2 of the Schedule	covered by section 5.2 of the Schedule
Materials	Paper and other cellulosic fibres, and containers or packaging used for the delivery of newspapers		
	Total		
	Grand total		

Together with this report, pursuant to section 7.2.1 of the Schedule the prescribed person must also produce:

- a) A description of the methodology and data used to prepare the materials report;
- b) A list of the brands, names and distinguishing guises covered by the materials report;
- c) A list and description of any excluded materials that were omitted from the materials report;
- d) A statement certifying that the content of the materials report is true and accurate.

Notwithstanding the foregoing, as stipulated in section 7.7.1 of the Schedule RecycleMédias reserves the right to ask for any additional information that was used in preparing this report.

Appendix C
Ad Placement Report

Report year:

Summary table of the value of ad placements made in all newspapers and digital products	
Newspapers and digital products covered by contributions and not covered by section 5.2 of the Schedule	Value of advertising placement (in Canadian dollars)
Total	

Together with this report, pursuant to section 7.3.1 of the Schedule the prescribed person must also produce:

- a) A description of the methodology and data used to prepare the ad placement report;
- b) A list and description of the newspapers and digital products for which the prescribed person is registered, specifying any that are qualified as foreign publications;
- c) For each newspaper or digital product not qualified as a foreign publication, a list of the ad placements made, with a description of the content, publication date and value in Canadian dollars of each ad placement;
- d) A statement certifying that the content of the ad placement report is true and accurate.

Notwithstanding the foregoing, as stipulated in section 7.7.1 of the Schedule RecycleMédias reserves the right to ask for any additional information that was used in preparing this report.

Gouvernement du Québec

O.C. 286-2014, 26 March 2014

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

**Fishing activities
— Revocation**

Regulation to revoke the Regulation respecting fishing activities

WHEREAS, under paragraph 16 of section 162 of the Act respecting the conservation and development of wildlife (chapter C-61.1), in addition to the other regulatory powers conferred on it by this Act, the Government may make regulations prescribing norms respecting the registration of fish;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to revoke the Regulation respecting fishing activities was published in Part 2 of the *Gazette officielle du Québec* of 16 October 2013 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to revoke the Regulation respecting fishing activities, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to revoke the Regulation
respecting fishing activities**

An Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 162)

1. The Regulation respecting fishing activities (chapter C-61.1, r. 2) is revoked.

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

3310

Gouvernement du Québec

O.C. 287-2014, 26 March 2014

Environment Quality Act
(chapter Q-2)

**Operation of a residual organic materials
reclamation facility
— Financial guarantees**

Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility

WHEREAS, under subparagraph 4 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, determine the conditions applicable to the operation of any reclamation facility;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amount of the penalty;

WHEREAS, under section 115.34 of the Act, the Government may determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine and set the minimum and maximum amounts of the fine;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility was published in Part 2 of the *Gazette officielle du Québec* of 20 November 2013 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 4, and ss. 115.27 and 115.34)

CHAPTER I PRELIMINARY

1. The purpose of this Regulation is to ensure the fulfillment of the obligations which, under the Environment Quality Act (chapter Q-2) and its regulations, are incumbent upon the operators of a residual organic materials reclamation facility.

2. This Regulation applies to residual organic materials reclamation facilities whose operation requires obtaining a certificate of authorization pursuant to section 22 of the Environment Quality Act (chapter Q-2) and where one or more of the following residual organic materials are sorted, transferred, stored or treated:

- (1) food, agri-food and marine waste;
- (2) plant matter from gardening, horticulture, landscaping or land clearing, hereinafter referred to as “green residues”;
- (3) municipal wastewater sludge, industrial putrescible sludge, slaughterhouse sludge or agri-food sludge;
- (4) paper, cardboard or absorbent fibres soiled by food, human waste or “livestock waste” within the meaning of the Agricultural Operations Regulation (chapter Q-2, r. 26);
- (5) compostable waxed paper or cardboard;
- (6) farm products or livestock waste;
- (7) digestate or compost from the residual organic materials listed above.

3. Despite the provisions of section 2, this Regulation does not apply to the following facilities:

(1) a facility for the sorting, storage or treatment of residual organic materials operated as part of an industrial or commercial activity other than residual materials reclamation where both of the following conditions are met:

(a) the facility is situated on the same site as the activity involved;

(b) the operator of the facility is authorized to reclaim in the facility only materials generated by the activity or, in addition to those materials, a quantity of exogenous residual organic materials equal to or less than 2,000 tonnes per year;

(2) a facility for the sorting or biological treatment of residual organic materials where the yearly treatment capacity authorized is equal to or less than 2,000 tonnes per year;

(3) a facility for the biological treatment of farm products or livestock waste where both of the following conditions are met:

(a) the facility is operated as part of an agricultural activity;

(b) the operator of the facility is authorized to treat in the facility only farm products or livestock waste or, in addition to those materials, other residual organic materials in a proportion that does not exceed 25% of the yearly treatment capacity of the facility;

(4) a facility for the storage of farm products or livestock waste part of a “raising site” or located on a “spreading site” within the meaning of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(5) a facility for the storage of residual organic materials part of a raising site or located on a spreading site where both of the following conditions are met:

(a) the storage capacity authorized for the site concerned is equal to or less than 4,000 cubic metres;

(b) the residual organic materials stored are intended solely for agricultural spreading;

(6) a facility for the treatment of sludge by biomethanation operated as part of the operation of municipal wastewater treatment works where only the reclamation of the sludge generated by the works is authorized at the facility.

CHAPTER II SETTING UP AND USE OF FINANCIAL GUARANTEE

4. The operation of any facility referred to in this Regulation is conditional on the setting up of a financial guarantee.

The amount of the guarantee is based on the use of the facility and is calculated in accordance with the table in Schedule I.

In the case where the facility has more than one use, a guarantee must be set up for each of the uses. However, the sorting and storage incidental to another use do not require the setting up of a guarantee.

5. The guarantee may be set up by the operator of the facility or by a third person on behalf of the operator. It must be provided to the Minister at least 60 days before the facility starts operating.

6. It is incumbent upon the operator of the facility to take the measures required to maintain the guarantee provided for the whole period of operation of the facility and for an additional 12-month period beginning on the date of the cessation of operations for any reason whatsoever.

7. Except in the case of a transfer facility, the amount of the guarantee is reviewed where the certification provided for in section 22 of the Environment Quality Act (chapter Q-2) authorizing for the operation of the facility is modified or renewed.

In the case where the amount of a guarantee already provided is less than the amount calculated under the first paragraph, an additional guarantee must be provided to the Minister at least 60 days before the facility begins operating on the conditions of the new certificate.

8. The guarantee may be provided in the form of

(1) a bank draft or a certified cheque made out to the Minister of Finance and the Economy;

(2) debt securities in Canadian dollars issued or guaranteed by the Gouvernement du Québec or any other government in Canada having a market value at least 10% greater than the amount of the guarantee calculated in accordance with the table in Schedule I;

(3) a security, with a waiver of the benefits of division and discussion, issued by a legal person governed by the Act respecting insurance (chapter A-32), the Act respecting financial services cooperatives (chapter C-67.3) or the Bank Act (S.C. 1991, chapter 46); or

(4) an irrevocable letter of credit issued by a legal person referred to in the previous paragraph.

9. A guarantee in the form of a bank draft, certified cheque or debt securities must be deposited pursuant to Division I of the Deposit Act (chapter D-5).

10. A financial guarantee provided in the form of a security or an irrevocable letter of credit must have a term of not less than 12 months. A proof of its renewal or a new guarantee must be provided to the Minister not less than 60 days before the date of expiry of the guarantee.

The guarantee must contain a clause setting at not less than 12 months after its expiry or rescission the time available to the Minister to file a claim with the legal person who issued the guarantee.

The guarantee must also provide that its modification or rescission may take effect only if prior notice of at least 60 days is sent by registered or certified mail to the Minister.

11. Subject to the law applicable in Québec, a guarantee provided in the form of an irrevocable letter of credit must comply with the rules of the International Chamber of Commerce related to documentary credits or stand-by letters of credit as the rules read on the day the guarantee is issued.

12. The Minister uses the guarantee provided by the operator of a facility in all cases where the operator, despite a notice to remedy the failure, refuses or fails to execute an obligation with which the operator must comply under the Environment Quality Act (chapter Q-2) or its regulations.

The guarantee may be used to pay or reimburse expenses related to the performance of the obligation involved.

CHAPTER III ADMINISTRATIVE AND PENAL SANCTIONS

13. An administrative monetary sanction of \$500 in the case of a natural person or \$2,500 in all other cases may be imposed to the operator of a facility referred to in this Regulation that, in contravention of this Regulation, fails to

(1) provide the Minister with a financial guarantee complying with the requirements of this Regulation; or

(2) maintain such guarantee for the period provided for in section 6.

14. The operator of a reclamation facility that fails to

(1) provide the Minister with a financial guarantee complying with the requirements of this Regulation, or

(2) maintain such guarantee for the period provided for in section 6,

commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person or \$7,500 to \$1,500,000 in all other cases.

CHAPTER IV TRANSITIONAL AND FINAL

15. Every person who, on 24 April 2014, operates a facility referred to in this Regulation must provide the Minister, not later than 23 February 2017, with a financial guarantee complying with the requirements of this Regulation.

If the amount of the guarantee is greater than \$3,000,000, the amount is reduced to \$3,000,000 until 23 April 2019.

16. Every person who begins operating a facility referred to in this Regulation between 24 April 2014 and 22 June 2014, must provide the Minister with a financial guarantee complying with the requirements of this Regulation within 60 days following the beginning of the operation of the facility.

SCHEDULE I

CALCULATION OF THE FINANCIAL GUARANTEE

Use of the facility	Amount of the guarantee
Sorting, except the sorting of green residues	\$100,000 + \$100/tonne for the quantity in excess of 1,000 tonnes
Transfer	\$100,000
Storage	\$100,000 + \$100/cubic metre for the quantity in excess of 1,000 cubic metres
Green residues sorting or biological sorting and treatment where the total quantity of residual materials the operator is authorized to receive at the facility is	
— more than 2,000 tonnes without exceeding 5,000 tonnes	\$15/tonne
— more than 5,000 tonnes without exceeding 50,000 tonnes	\$75,000 + \$20/tonne for the quantity in excess of 5,000 tonnes
— more than 50,000 tonnes	\$975,000 + \$25/tonne for the quantity in excess of 50,000 tonnes
Biological treatment where the yearly treatment capacity authorized for the facility is	
— more than 2,000 tonnes without exceeding 5,000 tonnes	\$15/tonne
— more than 5,000 tonnes without exceeding 50,000 tonnes	\$75,000 + \$20/tonne for the quantity in excess of 5,000 tonnes
— more than 50,000 tonnes	\$975,000 + \$25/tonne for the quantity in excess of 50,000 tonnes

17. The operator of a facility who, contrary to this Regulation, has failed to provide the Minister with a financial guarantee in accordance with the requirements prescribed by section 15 or 16,

(1) may be imposed a monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in all other cases;

(2) commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person or \$7,500 to \$1,500,000 in all other cases.

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

Use of the facility	Amount of the guarantee
Thermal treatment	
— where the facility is operated as part of an industrial or commercial activity other than the reclamation of residual materials and the operator is authorized to receive at the facility more than 2,000 tonnes of exogenous residual organic materials per year	1% of capital costs of the facility multiplied by the percentage of exogenous residual organic materials that the operator is authorized to receive per year — minimum \$200,000 — maximum \$4,000,000
— any other cases	1% of capital costs of the reclamation facility — minimum \$200,000 — maximum \$4,000,000

1. In the case where the use of the facility is to sort, sort green residues or sort and treat biological materials, the amount of the guarantee is calculated on the basis of the yearly total capacity of residual materials that the operator is authorized to receive at the operator's facility.

2. In the case where the use of the facility is to store residual organic materials, the amount of the guarantee is calculated on the basis of the total capacity of residual organic materials that the operator is authorized to store at any time at the operator's facility.

3. In the case of a biological treatment facility operated as part of an industrial or commercial activity other than the reclamation of residual materials, the amount of the guarantee is calculated on the basis of the yearly treatment capacity authorized for the facility less the quantity of residual organic materials generated by the activity.

4. In the case of a facility for sludge treatment by bi-methanation operated as part of the operation of municipal wastewater treatment works, the amount of the guarantee is calculated on the basis of the yearly treatment capacity authorized for the facility less the quantity of sludge generated by the municipal wastewater treatment works.

5. In the case of a residual organic materials thermal treatment facility operated as part of an industrial or commercial activity other than the reclamation of residual materials, the percentage of exogenous residual organic materials that the operator is authorized to receive per year is calculated according to the following formula, where "ROM" means "residual organic materials":

$$\frac{\text{Quantity of exogenous ROM authorized (tonnes/year)} - 2,000 \text{ tonnes/year}}{\text{Total quantity of residual materials authorized for the facility (tonnes/year)}} \times 100$$

3311

Gouvernement du Québec

O.C. 299-2014, 26 March 2014

Supplemental Pension Plans Act
(chapter R-15.1)

An Act to amend the Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector (2011, chapter 8)

AbitibiBowater Inc.
— **Supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act**
— **Amendment**

CONCERNING the Regulation to amend the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act

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 and prescribe special rules applicable to the plan;

WHEREAS, under the fifth paragraph of section 2 of the Act to amend the Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector (2011, chapter 8), a regulation made pursuant to section 2 of the Supplemental Pension Plans Act with respect to a pension plan to which Chapter X of that Act applies and to which an employer in the pulp and paper sector is a party is not subject to the requirements of sections 8 and 17 of the Regulations Act (chapter R-18.1) as regards publication and the date of coming into force and may, if it so provides, have retroactive effect to a date that is prior to the date of its publication but not prior to 31 December 2008;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act, attached hereto;

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

THAT the Regulation to amend the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd par.)

Act to amend the Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector (2011, chapter 8, s. 2, 5th par.)

1. Section 5 of the Regulation respecting supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies' Creditors Arrangement Act (chapter R-15.1, r. 6.1) is amended by striking from the first paragraph “the additional amortization payment.”

2. Section 10 of the Regulation is amended by replacing in the second paragraph “that portion of \$4,166,667,” by “the portion of \$4,166,667 for each fiscal year of a pension plan ending between 30 December 2011 and 1 January 2013, and the portion of \$6,666,667 for each fiscal year of a pension plan ending between 30 December 2013 and 1 January 2021”.

3. Section 12 is amended by inserting, after the last paragraph, the following:

“However, for each fiscal year of a pension plan ending between 30 December 2013 and 1 January 2021, the amount ‘\$4,166,667’ shall be replaced by ‘\$6,666,667’ wherever it appears.”

4. Subdivision 2 of Division III of the Regulation is revoked.

5. The Regulation is amended by inserting, after section 20, the following:

“**20.1.** The overall degree of solvency at the date of the end of a fiscal year corresponds to element A in the following formula, rounded to the nearest multiple of 0,1%:

$$A = (B + C) / (D + E), \text{ where}$$

“B” corresponds to the total value of the assets of the affected components of the pension plans registered with the Régie des rentes du Québec, established regardless of the amount of the contributions under Division IV, increased by the special amortization payment provided for in section 28 but reduced in accordance with the first paragraph of section 127 of the Act;

“C” corresponds to the total of the adjusted solvency assets of the affected components of those pension plans registered with Ontario’s Superintendent of Financial Services, determined in accordance with the applicable Ontario legislation but without taking into account the special contributions required as a result of a reduction in the employer’s pulp and paper production capacity in Ontario or Quebec provided for under that legislation;

“D” corresponds to the total of the value of the liabilities of the affected components of the pension plans registered with the Régie, reduced in accordance with the first paragraph of section 127 of the Act;

“E” corresponds to the total of the solvency liabilities of the affected components of those pension plans registered with Ontario’s Superintendent of Financial Services, determined in accordance with the applicable Ontario legislation.

“**20.2.** The overall target threshold degree of solvency, which cannot exceed 100%, corresponds:

(1) at 31 December 2011 and at 31 December 2012, to the overall degree of solvency at 31 December 2010;

(2) at 31 December 2013, to the overall target threshold degree of solvency at 31 December 2012, increased by one percentage point;

(3) at 31 December 2014, to the overall target threshold degree of solvency at 31 December 2013;

(4) at 31 December 2015, to the overall target threshold degree of solvency at 31 December 2014, increased by one percentage point;

(5) at 31 December 2016, to the overall target threshold degree of solvency at 31 December 2015, increased by one percentage point;

(6) at 31 December 2017, to the overall target threshold degree of solvency at 31 December 2016, increased by 2 percentage points;

(7) at 31 December 2018, to the overall target threshold degree of solvency at 31 December 2017, increased by 3 percentage points;

(8) at 31 December 2019, to the overall target threshold degree of solvency at 31 December 2018, increased by 2 percentage points.”.

6. Section 21 of the Regulation is amended by replacing the definition of element “H” by the following:

““H” represents the total of \$80,000,000 and any amount not required set out under section 54.”.

7. Section 25 of the Regulation is amended by replacing, in the fifth paragraph, “15” by “20.2”.

8. Section 29 is replaced by the following:

“**29.** The pension committee shall notify the Régie in writing of any compensatory amount that, under the terms of an agreement signed in accordance with the Companies’ Creditors Arrangement Act (Revised Statutes of Canada, 1985, chapter C-36) and that concerns the pension plans referred to in this Regulation, must be paid to a pension plan as a contribution in the case of a production cutback.

In the case of a production cutback, a contribution is determined for each fiscal year of a pension plan during which becomes payable one of the payments determined in accordance with section 30.”.

9. Division V of the Regulation is revoked.

10. Section 44 of the Regulation is amended by striking out paragraph 4.

11. Section 45 of the Regulation is amended by striking out subparagraph c of subparagraph 5 of the first paragraph, and subparagraph 7 of the first paragraph.

12. Section 46 of the Regulation is revoked.

13. Section 46.10 of the Regulation is amended by replacing, in the first paragraph, “no later than 25 June” by “within 15 days after the date on which the notice is sent”.

14. Section 47 is amended

(1) by replacing, in paragraph 4, “an additional contribution or” by “a”;

(2) by striking out paragraphs 5 and 6.

15. Section 49 of the Regulation is revoked.

16. Section 51 of the Regulation is amended by striking out paragraphs 1 and 4.

17. Section 57 of the Regulation is amended by adding, at the end, “and, since 24 May 2012, Forestiers Résolu Inc., registered in Québec under that same number”.

18. The Regulation is amended by inserting, after section 65, the following:

“**65.1.** The actuarial valuation report for the affected component of a pension plan as at 31 December 2012 as well as the accompanying global report shall be amended or replaced and sent to the Régie no later than 60 days after 9 April 2014.

For the purposes of paragraph 1 of section 44, the actuarial valuation report as at 31 December 2012 for the affected component of a pension plan must indicate for each of the 12 monthly payments of the fiscal year ending 31 December 2013, as well as for each of the following 6 monthly payments, the amount of a monthly payment that corresponds to the portion of \$6,666,667 that the technical actuarial deficiency represents, as established on the date provided for in subparagraph 1 or subparagraph 2 of the second paragraph of section 10.

For the purposes of subparagraph 6 of the first paragraph of section 45, the global report must indicate for each of the affected components of a pension plan the amount of each of the monthly payments provided for in the second paragraph, as well as the total of the monthly payments payable.

“**65.2.** The first monthly amount payable with regard to the affected component of a pension plan after the reports provided for in section 65.1 are sent to the Régie shall be increased by the difference between the monthly amounts paid since the beginning of the 2013 fiscal year and the amounts that should have been paid according to the actuarial valuation report taking into account the amounts, plus the interest provided for in section 48 of the Act.

“**65.3.** For the purposes of section 47, the first annual statement sent out after 9 April 2014 must contain a description of the changes made with respect to the funding measures provided for in this Regulation.”.

19. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*. However

(1) section 8 has effect from 13 September 2010;

(2) section 9, section 11 where it strikes out subparagraph *c* of subparagraph 5 of the first paragraph, section 12, section 14 where it strikes out paragraphs 5 and 6, and section 16 where it strikes out paragraph 4, have effect from 31 December 2011;

(3) section 17 has effect from 24 May 2012;

(4) section 10, and section 11 where it strikes out subparagraph 7 of the first paragraph have effect from 31 December 2012;

(5) sections 1, 2, 3, 4, section 14 where it replaces in paragraph 4 “an additional contribution or”, and section 16 where it strikes out paragraph 1, have effect from 1 January 2013.

3312

Gouvernement du Québec

O.C. 310-2014, 26 March 2014

Voluntary Retirement Savings Plans Act
(2013, chapter 26)

Fees and costs payable for the issuance of an authorization under the Act

Regulation respecting fees and costs payable for the issuance of an authorization under the Voluntary Retirement Savings Plans Act

WHEREAS subparagraph *a* of paragraph 1 of section 114 of the Voluntary Retirement Savings Plans Act (2013, chapter 26) provides that the Autorité des marchés financiers may, by regulation, for the purposes of section 28, determine the fees that must accompany the application for authorization to act as administrator of a voluntary retirement savings plan;

WHEREAS the second paragraph of section 115 of the Act provides that a regulation of the Autorité des marchés financiers under subparagraph *a* of paragraph 1 of section 114 of the Act must be submitted for approval to the Government, which may approve it with or without amendment;

WHEREAS the first paragraph of section 143 of the Act provides that the first regulation made by the Autorité des marchés financiers under subparagraph *a* of paragraph 1 of section 114 may come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that regulation;

WHEREAS the Autorité des marchés financiers made, on 13 February 2014, the Regulation respecting fees and costs payable for the issuance of an authorization under the Voluntary Retirement Savings Plans Act;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance and the Economy:

THAT the Regulation respecting fees and costs payable for the issuance of an authorization under the Voluntary Retirement Savings Plans Act, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting fees and costs payable for the issuance of an authorization under the Voluntary Retirement Savings Plans Act

Voluntary Retirement Savings Plans Act
(2013, chapter 26, s. 114, par. (1), subpar. *a*)

DIVISION I FEES PAYABLE

1. The fees payable to the Autorité des marchés financiers at the time of an application for authorization to act as administrator of a voluntary retirement savings plan within the meaning of the Voluntary Retirement Savings Plans Act (2013, chapter 26) are \$8,000.

DIVISION II COSTS PAYABLE

2. The costs payable for the issuance of a certified extract from the registration of an administrator of a voluntary retirement savings plan in the register of authorized administrators are \$108.

DIVISION III FINAL PROVISIONS

3. The fees and costs payable are adjusted annually on 1 January in accordance with the rate of increase of the general consumer price index for Canada for the period ending on 30 September of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they include a fraction of a dollar lower than \$0.50 and rounded up to the nearest dollar if they include a fraction of a dollar that is equal to or greater than \$0.50.

The result of the annual indexation is published annually in the *Gazette officielle du Québec* and in the Bulletin of the Autorité des marchés financiers.

4. The fees and costs prescribed under this Regulation are not refundable, except the costs referred to in section 2 which are refundable to the legal person where its application for authorization to act as administrator has been refused by the Autorité des marchés financiers.

5. This Regulation comes into force on 16 April 2014.

3314

Gouvernement du Québec

O.C. 343-2014, 26 mars 2014

An Act respecting labour standards
(chapter N-1.1)

Labour standards — Amendment

Regulation to amend the Regulation respecting labour standards

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

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

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting labour standards was

published in Part 2 of the *Gazette officielle du Québec* of 7 February 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards (chapter N-1.1, s. 40, 1st par., s. 89, par. 1 and s. 91, 1st par.)

1. The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended by replacing “\$10.15” in section 3 by “\$10.35”.

2. Section 4 is amended by replacing “\$8.75” by “\$8.90”.

3. Section 4.1 is amended

(1) by replacing “\$2.98” in subparagraph 1 of the first paragraph by “\$3.04”;

(2) by replacing “\$0.79” in subparagraph 2 of the first paragraph by “\$0.81”;

(3) by striking out the third paragraph.

4. This Regulation comes into force on 1 May 2014, except paragraph 3 of section 3 which comes into force on 29 April 2014.

3315

Gouvernement du Québec

O.C. 344-2014, 26 mars 2014

Act respecting labour standards
(chapter N-1.1)

Clothing industry — Labour standards specific to certain sectors — Amendment

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

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

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

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting labour standards specific to certain sectors of the clothing industry was published in Part 2 of the *Gazette officielle du Québec* of 7 February 2014 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS the consultations required by the Act have been held;

WHEREAS it is expedient to make the Regulation without amendment;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

An Act respecting labour standards
(chapter N-1.1, s. 92.1, 1st par., subpar. 1)

1. The Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4) is amended by replacing “\$10.15” in section 3 by “\$10.35”.
2. This Regulation comes into force on 1 May 2014.

3316

M.O., 2014

Order number R-17.0.1-2014-02 of the Minister of Finance and the Economy dated 4 March 2014

Voluntary Retirement Savings Plans Act
(2013, chapter 26)

Regulation respecting applications for authorization and liability insurance coverage for administrators of voluntary retirement savings plans

CONSIDERING that subparagraphs *b* to *d* of paragraph 1 and paragraph 2 of section 114 of the Voluntary Retirement Savings Plans Act (2013, chapter 26) provide that the Autorité des marchés financiers may, by regulation, for the purposes of sections 28 and 31 of the Act, provide for the matters set forth in those paragraphs;

CONSIDERING that the first paragraph of section 115 of the Act provides that a regulation of the Autorité under subparagraphs *b* to *d* of paragraph 1 or paragraph 2 of section 114 must be submitted for approval to the Minister of Finance and the Economy, who may approve it with or without amendment;

CONSIDERING that the third paragraph of section 115 of the Act provides that a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft in the bulletin of the Autorité, that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation and that sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to the regulation;

CONSIDERING that the second paragraph of section 143 of the Act provides that the first regulation made by the Autorité under subparagraphs *b* to *d* of paragraph 1 or paragraph 2 of section 114 may come into force despite not being published in the bulletin of the Autorité;

CONSIDERING that the Autorité des marchés financiers made on 13 February 2014, by decision 2014-PDG-0019, the Regulation respecting applications for authorization and liability insurance coverage for administrators of voluntary retirement savings plans;

CONSIDERING that it is expedient to approve the Regulation without amendment;

THEREFORE, the Minister of Finance and the Economy approves without amendment the Regulation respecting applications for authorization and liability insurance coverage for administrators of voluntary retirement savings plans, attached to this Minister's Order.

4 March 2014

NICOLAS MARCEAU,
Minister of Finance and the Economy

Regulation respecting applications for authorization and liability insurance coverage for administrators of voluntary retirement savings plans

Voluntary Retirement Savings Plans Act
(2013, chapter 26, s. 114, par. (1), subpars. *b* to *d*, and par. (2))

DIVISION I

OTHER DOCUMENTS THAT MUST ACCOMPANY AN APPLICATION FOR AUTHORIZATION

1. An application for authorization to act as administrator must be accompanied, in addition to the documents referred to in the second paragraph of section 28 of the Voluntary Retirement Savings Plans Act (2013, chapter 26), by the following documents:

- (1) a list of the officers in charge of the voluntary retirement savings plan, together with a description of their expertise in the area of financial and retirement products;
- (2) a document specifying the licence and registration numbers for a pooled registered pension plan within the meaning of the Pooled Registered Pension Plans Act (S.C., 2012, c. 16), where applicable.

2. A legal person's excess amount of assets over liabilities which must be specified in the attestation referred to in subparagraph (2) of the second paragraph of section 28 of the Voluntary Retirement Savings Plans Act must be at least \$1,000,000.

If this amount is less than \$1,000,000, the amount of the irrevocable letter of credit or suretyship, or the sum of both, must be at least equal to the difference between the legal person's excess amount of assets over liabilities and \$1,000,000.

DIVISION II LIABILITY INSURANCE

3. The liability insurance contract which must be held by a legal person who applies for authorization to act as administrator must satisfy the following requirements:

(1) contain the clauses referred to in Appendix A of this Regulation;

(2) in respect of each clause referred to in Appendix A of this Regulation, provide an indemnity in the highest of the following amounts:

(a) \$1,000,000;

(b) the amount determined by a resolution of the board of directors of the legal person based on a risk analysis of the voluntary retirement savings plan which such person plans to administer;

(3) contain clauses that provide as follows:

(a) the insurer must notify the Autorité des marchés financiers of its intention to not renew or to cancel the contract 30 days before the non-renewal or cancellation date;

(b) the insurer must notify the Autorité des marchés financiers upon receiving notice of non-renewal or cancellation of the insurance contract; and

(c) the insurer must notify the Autorité des marchés financiers of the receipt of any claim, regardless of whether or not the insurer decides to honour the claim.

4. For purposes of section 31 of the Voluntary Retirement Savings Plans Act, the liability insurance that the plan administrator is required to maintain at all times must satisfy the following requirements:

(1) contain the clauses referred to in paragraphs (1) and (3) of section 3;

(2) in respect of each clause referred to in Appendix A of this Regulation, provide an indemnity in the highest of the following amounts:

(a) \$1,000,000;

(b) 1% of the assets of the voluntary retirement savings plan administered by the administrator, calculated using the most recent audited financial statements for the activities of the plan;

(c) the amount determined by a resolution of the board of directors of the administrator based on a risk analysis of the voluntary retirement savings plan administered by it.

DIVISION III FINAL PROVISION

5. This Regulation comes into force on 16 April 2014.

APPENDIX A INSURANCE CLAUSES (section 3)

Clause	Name of Clause	Coverage
A	Fidelity	This clause insures against any loss through dishonest or fraudulent act of employees.
B	On Premises	This clause insures against any loss of money, securities or other property through theft, burglary or other fraudulent means, mysterious disappearance, damage or destruction while within any of the insured's offices, the offices of any banking institution or clearing house or within any recognized place of safe-deposit.
C	In Transit	This clause insures against any loss of money, securities or other property through theft, burglary, misplacement, mysterious disappearance, damage or destruction, while in transit in the custody of any employee or any person acting as messenger, except while in the mail or with a carrier for hire other than an armoured motor vehicle company.
D	Forgery or Alterations	This clause insures against any loss through forgery or alteration of any cheques, drafts, promissory notes or other written orders or directions to pay sums in money, excluding securities.

Clause	Name of Clause	Coverage
E	Securities	This clause insures against any loss through having purchased or acquired, sold or delivered, or extended any credit or acted upon securities or other written instruments which prove to have been forged, counterfeited, raised or altered, or lost or stolen, or through having guaranteed in writing or witnessed any signatures upon any transfers, assignments or other documents or written instruments.

3301

M.O., 2014**Minister's Order of the Minister of Sustainable Development, Environment, Wildlife and Parks dated 26 February 2014**

An Act respecting the conservation and development of wildlife (chapter C-61.1)

Regulation to amend the Regulation respecting classes of fishing licences and their term

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING subparagraphs 1, 3 and 12 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provide that the Minister may make regulations on the matters set forth therein, in particular, determining classes of licences, their duration and the conditions for their issue and establishing the requirements that a holder of a licence must satisfy;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under subparagraphs 1, 3 and 12 of the first paragraph of section 163 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING the making of the Regulation respecting classes of fishing licences and their term (chapter C-61.1, r. 11);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting classes of fishing licences and their term, attached to this Order, is hereby made.

Québec, 26 February 2014

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

Regulation to amend the Regulation respecting classes of fishing licences and their term

An Act respecting the conservation and development of wildlife (chapter C-61.1, s. 163, 1st par., subpars. 1, 3 and 12)

1. The Regulation respecting classes of fishing licences and their term (chapter C-61.1, r. 11) is amended by replacing the title by the following:

“Regulation respecting fishing licences”.

2. The following heading is inserted before section 1:

“**DIVISION I**
FISHING LICENCES”.

3. The following is added after section 2:

“**3.** To obtain a resident fishing licence, every person must be a resident at the time of the application.

To obtain a fishing licence for a resident 65 years of age or over, the resident must be at least 65 years of age and, for a fishing licence for a resident under 65 years of age, the resident must be under 65 years of age.

4. To obtain a non-resident fishing licence, every person must be a non-resident at the time of the application.

DIVISION II
OBLIGATIONS OF THE FISHING LICENCE
HOLDER IN CERTAIN AREAS

5. To fish in the part of Area 19, the plan of which appears in Schedule CXCIX, and in parts of Area 22, the plans of which appear in Schedules CXCVI and CXCVII to the Regulation respecting hunting (chapter C-61.1, r. 12), all fishing licence holders must obtain a right of

access pass at the place designated for that purpose. They must also, at the end of each daily fishing period or their stay, report at that place on the fishing activity, declaring their daily catches, if any.

The holders referred to in the first paragraph must comply with the dates and locations specified on the right of access pass.

6. Where a right of access is required under section 5 and there is no registration officer to issue it in the place designated for that purpose, the holder must complete the form available at the reception station for the territory concerned and deposit it at the place specified for that purpose.

7. The holder of a non-resident fishing licence must use the services of an outfitter to fish in the territory north of the 52nd parallel or in the southern part of Area 19, described in Schedule XIX to the Regulation respecting fishing and hunting areas (chapter C-61.1, r. 34), to the east of Rivière Saint-Augustin.

The holder of a resident fishing licence must use the services of an outfitter to fish for lake trout in Area 23 during the period from 8 to 30 September.

8. To fish in the parts of the Area 23 rivers referred to in sections 3, 30, 33 and 46 of Schedule 6 to the Quebec Fishery Regulations (SOR/90-214) that are situated on Category III lands, the holder of a resident fishing licence must first register by indicating the planned fishing dates and places for the fishing trip at the place designated for that purpose.

9. The holder of a sport fishing licence for species other than Atlantic salmon with catch and release obligation, for a resident or a non-resident, must use the services of an outfitter to fish.

10. Every person who contravenes sections 3 to 9 commits an offence.”.

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

Draft Regulations

Draft Regulation

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

Safety Code for 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 draft Regulation to amend the Safety Code for the construction industry, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical integrity of workers on construction sites. It makes amendments, including new measures and standards, to Division IV of the Safety Code for construction work involving the handling and use of explosives on construction sites.

Study of the matter shows no significant impact on enterprises since most of the amendments proposed reflect common practices already used in the performance of those activities on construction sites.

Further information may be obtained by contacting Pierre Bouchard, expert counsellor in prevention-inspection, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, bureau 250, Québec (Québec) G1K 7E2; telephone 418 266-4699, extension 2014; email: pierre.bouchard@csst.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Claude Sicard, Vice-President for Partnership and Expert Counselling, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

MICHEL DESPRÉS,
*Chair of the board of directors and chief
executive officer of the Commission de la
santé et de la sécurité du travail*

Regulation to amend the Safety Code for the construction industry

An Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 8, 9, 14, 19, 41,
42, and 2nd and 3rd pars.)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1

(1) by replacing “emmagasinés” at the end of paragraph 13 in the French text by “entreposés”;

(2) by striking out paragraph 13.1;

(3) by inserting the following after paragraph 18:

“(18.1) “explosives” means any substance fabricated, manufactured or used to produce an explosion or a detonation, such as gunpowder, blasting powder, dynamite, an explosive in solution, aqueous gelatin, a blasting agent or a blasting accessory;”;

(4) by inserting the following after paragraph 25:

“(25.01) “dike” means a sandbag barricade, an earth mound or the equivalent located less than 50 cm from the depot and whose height is at least equal to the depot;”;

(5) by inserting the following paragraphs at the end:

“(37) “loading area” means space that includes the place where workers load the drill holes, drill holes loaded or being loaded and any space occupied by the material and equipment necessary for the loading;

“(38) “blasting area” means a place or space that presents a projection or blast hazard to a person or where a hazard exists because of the effects of the blasting.”.

2. Section 4.1.1 is amended by replacing paragraph *d* by the following:

“(d) the instructions in French for the safe storage, handling, use and destruction of the explosive.”.

3. Section 4.1.2 is amended by striking out “and accessories”.

4. Section 4.1.3 is amended by striking out “, detonators, electric blasting caps and detonating relays”.

5. Section 4.1.4 is amended

- (1) by striking out “or blasting accessories”;
- (2) by replacing “recommendations” by “instructions”.

6. Section 4.1.5 is replaced by the following:

“**4.1.5.** It is prohibited to use an explosive that has reached its freezing point, unless the manufacturer’s instructions allow such use.”.

7. Section 4.1.6 is amended by striking out “, detonator, electric blasting cap or other blasting accessory”.**8.** Section 4.1.7 is replaced by the following:

“**4.1.7.** An employer must ensure that no one smokes, brings a flame, a substance or material likely to increase the risk of explosion or fire within 8 m from any place where explosives are present”.

9. Section 4.1.8 is replaced by the following:

“**4.1.8.** An employer must ensure that

(a) explosives are handled and used in accordance with the manufacturer’s instructions;

(b) explosives that are brought on the site correspond to the quantities required to carry out the blasting for one workday;

(c) explosives not used to carry out blasting are stored in a depot designed for that purpose;

(d) explosives are not transported by hand at the same time as detonators or other blasting accessories.”.

10. Section 4.1.9 is replaced by the following:

“**4.1.9.** When there is a risk of accidental blasting by electric induction, caused notably by a radio frequency transmitter or a power line, the employer must favour a non-electrical priming method.

If the employer nonetheless carries out blasting using an electrical priming method, the employer must take all the safety measures required, including the following:

(a) inform the Commission, before the work begins, of the safety measures agreed upon with public utilities where the blasting is near a power line of 125,000 V or more;

(b) place, 300 m around the loading area, signs requiring drivers to turn off the radio transmitter of their vehicle;

(c) isolate electrical circuits and make sure that the detonator leg wires are twisted together when the detonator is inserted in the firing point;

(d) make sure that all equipment emitting radio, electric or magnetic waves

i. are turned off within 15 m around the loading area before the electric detonator is assembled with the lead wires

ii. comply with the distances recommended in the Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators, published by the Institute of Makers of Explosives (Safety Library).”.

11. The following is inserted after section 4.1.9:

“**4.1.10.** Fireworks, igniter cords, military devices and safety fuses may not be used on a construction site.

Despite section 295 of the Regulation respecting occupational health and safety, this section does not apply to an establishment as defined in section 1 of the Act respecting occupational health and safety.

4.1.11. Nothing in this Regulation exempts a person from the obligation to comply with the requirements of any applicable act or regulation, particularly with regard to the acquisition, possession, storage, transportation or delivery, handling, use and sale of explosives.

In the event of inconsistency between a provision of this Regulation and a provision of another act or regulation, the stricter standard is to apply.”.

12. Section 4.2.1 is replaced by the following:

“**4.2.1. Shot-firer:** A person who carries out blasting must hold a shot-firer’s certificate issued by the Commission or a body recognized by it.

The certificate is issued until the date of expiry of the general permit held under the Act respecting explosives (chapter E-22) by the shot-firer. The certificate is renewed upon request by its holder as long as renewal of the general permit is granted.

4.2.1.1. A shot-firer must be in possession of the original of his or her certificate during blasting operations.”.

13. Section 4.2.2 is replaced by the following:

“**4.2.2.** A shot-firer may not receive assistance from more than 2 workers who are not certificate holders.”

14. Section 4.2.3 is replaced by the following:

“**4.2.3.** In addition to holding a general permit, a candidate for a shot-firer’s certificate must

(a) be 18 years of age and older;

(b) provide a document certifying that the candidate’s character, knowledge and experience make the candidate competent to handle explosives; and

(c) pass the written examination prepared by the Commission with a mark of at least 80%.

Unless the Commission has suspended or revoked the certificate it issued to the shot-firer, a shot-firer holding a certificate issued by a competent authority in another province or a territory of Canada and recognized by the Commission as equivalent to the certificate issued under this Division is not required to undergo the examination provided for in subparagraph *c* of the first paragraph.”

15. Sections 4.2.4, 4.2.5 and 4.2.6 are revoked.

16. Section 4.2.9 is replaced by the following:

“**4.2.9.** The Commission may suspend or revoke a certificate if the shot-firer

(a) has been the subject, in his or her work, of a remedial order under section 182 of the Act respecting occupational health and safety or of an order under section 186 of that Act, by reason of his or her refusal to comply with the Act or this Regulation;

(b) is found guilty of an offence under section 236 of the Act respecting occupational health and safety in relation to this Division;

(c) no longer holds a general permit issued under the Act respecting explosives (chapter E-22).

The Commission must notify the shot-firer in writing of the suspension or revocation of the certificate.

4.2.10. The Commission must revoke a certificate if the shot-firer is found guilty of an offence under section 237 of the Act respecting occupational health and safety in relation to this Division.

The Commission must notify the shot-firer in writing of the revocation of the certificate.

4.2.11. An employer must ensure that a worker who acts as shot-firer holds a certificate.”

17. Section 4.3.1 is replaced by the following:

“**4.3.1.** An employer must make sure that a vehicle transporting explosives is in good working order and allows for the safe transportation of explosives, in particular in compliance with the following standards:

(a) the display of safety marks in accordance with the Transportation of Dangerous Goods Regulations (SOR/2001-286);

(b) the part of the vehicle containing explosives must be isolated, fireproof, in compliance with section 45 of the Regulation under the Act respecting explosives (chapter E-22, r. 1) and locked at all times except during the loading or unloading of explosives;

(c) the metal parts likely to come into contact with explosives or their wrapping during transportation must be covered with a material to prevent such contact;

(d) the installation of a tracking and communication system, for a vehicle carrying 2,000 kg or more of explosives, that makes it possible at all times to locate the vehicle and to communicate with its driver. The employer must make sure that a person is in charge of locating and communicating with the driver at all times during the transportation of explosives, as well as alerting police services in case of emergency.

The tracking and communication system provided for in subparagraph *d* must be installed not later than (*insert the date occurring 3 years after the date of coming into force of this Regulation*).

4.3.1.1. An employer must subject the vehicle referred to in section 4.3.1 to a mechanical inspection once a year and remedy without delay the failures observed during such inspection.

Inspection of a vehicle carried out by a holder of a certificate of competency issued under the Highway Safety Code, in the context provided for in the Code or its regulations or under another Act or regulation, stands in lieu of the annual inspection referred to in the first paragraph. Otherwise, the inspection must be carried out by a mechanic whose competency is equivalent to that of the holder of a certificate of competency issued under the Highway Safety Code.

The employer must keep proof that the vehicle has been inspected.

4.3.1.2. An employer must ensure that objects other than explosives are not transported with the explosives, unless they are stored, or separated from the explosives, in a way that reduces the risk of ignition to a minimum.

Despite the first paragraph, it is prohibited to transport diesel fuel, gasoline or other flammable products with explosives.”

18. Section 4.3.2 is replaced by the following:

“**4.3.2.** During loading and unloading, the employer must ensure that the driver is accompanied by a person who is responsible for watching over the explosives.”

19. Section 4.3.3 is replaced by the following:

“**4.3.3.** Where detonators are transported with explosives, the employer must make sure that they are stored separately in a compartment of the vehicle that is completely closed and does not communicate with the part of the vehicle that contains the explosives.

The compartment wall that separates the detonators from the explosives must be as high as the roof and be made of solid wood 150 mm thick or of a material that prevents the explosion of the detonators for at least 1 hour in case of fire.”

20. Section 4.3.4 is revoked.

21. Section 4.3.5 is replaced by the following:

“**4.3.5.** Every vehicle transporting explosives must be equipped with 2 portable fire extinguishers graded and classified: 4-A:40-B:C and complying with the standards in section 3.4.4.

The employer must ensure that the driver is capable of using the fire extinguishers.”

22. Section 4.3.6 is revoked.

23. Section 4.3.7 is replaced by the following:

“**4.3.7. Loading and unloading:** During the loading or unloading of explosives in a vehicle, the employer must ensure that all the safety measures required to eliminate the risk of accidental blasting are taken. The employer must make sure, in particular, that

(a) the vehicle’s engine is not running;

(b) the loading or unloading takes place without interruption and quickly, except in the case of bulk explosives.

Once the explosives are unloaded, the employer must make sure that every explosive is stored in a depot, as soon as possible, unless the vehicle constitutes a depot covered by a magazine permit within the meaning of section 38 of the Regulation under the Act respecting explosives (chapter E-22, r. 1).”

24. Section 4.3.10 is replaced by the following:

“**4.3.10. Vehicle equipped with a radio transmitter:** When detonators are not in their original packing, the employer must make sure that the radio frequency transmitter is not in use unless the detonators are not electrical or are contained in a closed metal case lined with a material not likely to produce sparks.”

25. Sections 4.3.11 and 4.3.12 are revoked.

26. The following is inserted after section 4.3.12:

“**4.3.13.** Where explosives are transported outside motor roads using a means other than a vehicle referred to in this subdivision, the employer must ensure that

(a) the quantity of explosives transported does not exceed the quantity required for the blasting;

(b) the explosives are contained in a chest that has no material inside that could produce sparks;

(c) detonators are transported separately from the explosives, either in another chest, or in the same chest if it is equipped with a safe partition;

(d) if applicable, the additional quantity of fuel necessary for the transportation is properly separated from the chests containing the detonators and explosives.”

27. Section 4.4.1 is replaced by the following:

“**4.4.1.** On a construction site, the employer must make sure that an explosive depot meets the following safety standards:

(a) be laid out so as to comply with the distances prescribed in the table in Schedule 2.3.

If it is impossible to comply with those distances, the employer may store the quantity of explosives required for a workday, without exceeding 800 kg, in a construction site chest within the meaning of section 4.4.1.1, or in a transportation truck complying with the standards in section 4.4.1.2;

(b) be used exclusively for the storage of explosives or blasting accessories;

(c) be locked;

(d) be under the employer's supervision and responsibility;

(e) be kept clean inside, be coated or covered in such a way that no iron or steel is left uncovered and no particle of rough iron, steel or any similar substance may become loose or come into contact with the explosives contained in the depot;

(f) be of the colour white, aluminum or red with the word EXPLOSIVES written on all visible sides, in contrasting colours at least 150 mm high.

4.4.1.1. A construction site chest used as an explosive depot must comply with the construction standards established in Schedule 3 to the Regulation under the Act respecting explosives (chapter E-22, r. 1) and may not contain more than 227 kg of explosives.

The chest may be kept without dike. However, it must be kept at least 15 m from any building, meeting place or road.

If there is more than one chest, each chest must be protected from the others by dikes and comply with the standards prescribed in column 3 of Schedule 2.3.

4.4.1.2. Where an employer plans to use the explosive transportation truck to temporarily store the explosives required for a workday, the following standards must be met:

(a) the quantity of explosives stored may not exceed 800 kg;

(b) the vehicle is covered by a magazine permit within the meaning of section 38 of the Regulation under the Act respecting explosives (chapter E-22, r. 1);

(c) the vehicle is equipped with an automatic fire suppression system, with dry chemicals, complying with AS 5062-2006 standard Fire Protection for Mobile and Transportable Equipment, published by Standards Australia;

(d) during blasting, the truck must be kept in a safe place, outside the blasting area, under the constant supervision of a person holding a general permit issued under the Act respecting explosives (chapter E-22).

4.4.1.3. During working hours, explosives must be stored in depots complying with the standards of the Regulation under the Act respecting explosives (chapter E-22, r. 1) or in a truck equipped for that purpose as described in section 4.4.1.2.”

28. Section 4.4.3 is replaced by the following:

“4.4.3. Dangerous substances: Any flammable substance and any product likely to cause a fire or explosion must be handled and stored in compliance with the measures prescribed in section 3.16.10, away from any explosive depot.”

29. Section 4.4.4 is replaced by the following:

“4.4.4. Every detonator must be stored in a depot separate from the explosive depot. No dike is required around that depot, which must be at least 8 m from any other explosive depot.”

30. Section 4.4.6 is revoked.

31. Section 4.4.7 is replaced by the following:

“4.4.7. In a depot, explosives and their packages must be stored safely, in particular by

(a) limiting the height of piles so as to prevent explosives from tipping over;

(b) keeping sufficient space between the explosive piles, walls, roof and ventilation openings, so as to maintain proper air circulation;

(c) not opening packages or wooden containers closed with metal ties or strips. The other types of packaging or containers may be opened, one at a time, for inspection purposes or to remove the explosives;

(d) storing only explosive packages or containers that are clean, dry and free of small abrasive materials or any contamination.”

32. Section 4.4.9 is replaced by the following:

“4.4.9. At the end of a workday, empty containers that were used to pack explosives must be destroyed according to the manufacturer's instructions or be returned to the supplier so that they may not be used for other purposes.

4.4.10. An explosive depot must be farther from an overhead electric power line than the distance between the supports of the line located near the depot. Where

the distance between the supports of the line is greater than 55 m), the depot must be placed from that line at the greater of the following distances:

- (a) 55 m; or
- (b) the vertical distance between the depot and the top of the support closest to the depot.”

33. Section 4.5.1 is replaced by the following:

“4.5.1. No drilling may be done closer than

(a) 1.5 m from a misfire or blowout. If necessary, holes may be drilled closer but not less than 600 mm on condition that drilling is performed by remote control under supervision and that all precautions are taken to ensure the safety of workers should an explosion occur at the blasting face;

(b) 8 m from any loaded blasthole or explosive loading site.

Despite the foregoing, a blasthole may be drilled closer than 8 m if adaptation to specific job-sites conditions is required, particularly for trench work or work in permafrost zones in unstable conditions. The employer must then ensure that

- i. loading and drilling are performed alternately;
- ii. the shot-firer supervises and controls the drilling operations;
- iii. only cartridge explosives are used. However, if soil degradation does not allow for the insertion of cartridge explosives in the boring hole, the shot-firer may use a blasting agent to load the hole. That method may not be used for more than 3 holes per blasting;
- iv. a carpenter’s level is used to make sure that blastholes are vertical;
- v. the minimum distance from any loaded hole is 1.5 m or 20% of the hole depth to a maximum depth of 12 m, using the greater distance between the two;
- vi. if the holes have a depth of 6 m or more, the first drilling rod must be replaced by a guide tube or another means providing equivalent precision to avoid the blasting of another loaded hole in the vicinity;
- vii. loaded holes must be marked by stakes of a distinct color or carrying a distinct ribbon.”

34. Section 4.5.3 is revoked.

35. The following is inserted after section 4.5.3:

“4.5.4. Drilling and loading of explosives may not be carried out simultaneously less than 8 m from one another, or one on top of the other.

4.5.5. Before drilling any surface of a digging where blasting was performed, all bottoms of blastholes must be marked in either of the following manners:

- (a) by a circle in paint or crayon of a colour contrasting with the soil;
- (b) by inserting a stick into the hole.

4.5.6. It is prohibited to deepen holes remaining intact after blasting.”

36. The heading of subdivision 4.6 is replaced by “**§4.6. Loading of blastholes**”.

37. Section 4.6.1 is revoked.

38. The following is inserted after section 4.6.1:

“4.6.1.1. A loading area must be delimited by means of ribbons or trestles. Only persons holding a valid general permit, issued under the Act respecting explosives (chapter E-22), may access the area.”

39. Sections 4.6.3, 4.6.4 and 4.6.5 are revoked.

40. Section 4.6.9.1 is replaced by the following:

“4.6.9.1. Conditions for untamping and repriming a blasthole or misfire: Prior to the untamping or repriming of a blasthole or misfire, the employer must prepare a written procedure that takes into account the types of explosives and the manufacturer’s instructions in that regard, as well as environmental conditions.

The employer must also make sure that

- (a) the procedure is available on the construction site;
- (b) the untamping of the collar is done by the shot-firer who loaded and fired the blasthole, unless it is impossible for him to do so;
- (c) during all untamping, repriming and firing operations, all persons except the shot-firer are outside the blasting area;

(d) the constituents of the material used for untamping the blasthole and inserted in it is made of non-ferrous materials.”.

41. Section 4.6.11 is replaced by the following:

“**4.6.11.** At the first signs of a thunderstorm, the employer must stop all loading and detonator connecting operations. The employer must evacuate the blasting area, prohibit access thereto and supervise the situation from a distance.”.

42. Section 4.6.13 is replaced by the following:

“**4.6.13.** During the final connection of lead wires and the various electric blasting caps, the entire firing circuit must be checked using a blasting ohmmeter.”.

43. Section 4.6.15 is replaced by the following:

“**4.6.15. Detonating fuse:** When the lead wires are composed of detonating fuses, the employer must ensure that the following safety measures are complied with:

(a) spliced pieces are not used in a single blasthole;

(b) after priming, the down line is cut from the reel and a sufficient length, approximately 200 mm, protrudes from the blasthole to prevent a possible settlement of the load prior to make final connections;

(c) main fuses are connected to detonating fuses at right angles;

(d) when priming a detonating fuse with a detonator, the end with the explosive charge is set in the same direction as the expected shock wave;

(e) no detonating relay is placed in a blasthole;

(f) the shot-firer has visually checked all the connections;

(g) the firing point of the detonating fuse must be located outside the surface covered by the blasting mats;

(h) the detonator used for starting the detonating fuse must be set in place only once the covering operations have been completed.”.

44. Section 4.6.17 is replaced by the following:

“**4.6.17.** When explosives in bulk are loaded, a semi-conductor loading hose must be used and the loading equipment must be grounded according to the manufacturer’s instructions.”.

45. Section 4.6.18 is amended

(1) by striking out “If necessary, blastholes and misfires must be untamped and refired as prescribed in section 4.6.9.1.” in the first paragraph;

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

“If the starting operation or refiring is impracticable, the explosives must be pulled out in accordance with a procedure prepared in writing by an engineer, taking into account the types of explosives and the manufacturer’s instructions in that regard, as well as environmental conditions.

The procedure must be available on the work site.”.

46. Section 4.6.19 is revoked.

47. Section 4.7.1 is amended by replacing

(1) “and when firing” by “. When firing”;

(2) “blasting zone” by “blasting area”;

(3) “évacué” in the French text by “évacuée”.

48. Section 4.7.2 is revoked.

49. Section 4.7.4 is amended by replacing “voltage” in paragraph *a* of the French text by “tension”.

50. Section 4.7.5 is replaced by the following:

“**4.7.5.** When blasting is done in the vicinity of a structure such as a building, railway or road, the employer must limit the quantity of explosives so that the vibrations caused by the blasting do not damage those structures.

To that end, the employer must comply with the standards provided for in any of the following documents:

(a) Schedule 2.6;

(b) specifications designed for that purpose by a public authority;

(c) blasting specifications signed and sealed by an engineer.

4.7.5.1. During blasting, projections must stay within the blasting area. To that end, the employer must take appropriate measures to reduce and control projections, in particular by using blasting mats.

When blasting mats are used, they must be deposited, not slid, onto blastholes loaded with explosives.”

51. Section 4.7.6 is replaced by the following:

“**4.7.6.** The firing procedures are as follows:

(a) before proceeding with the firing, the shot-firer must ensure with the employer that all persons have taken shelter;

(b) sound signals must be emitted with a siren of at least 120 dB:

i. immediately before blasting, 12 short horn signals at one-second intervals;

ii. 30 seconds must elapse between the last warning signal and the time of firing;

iii. after blasting, once the blasting area is safe, one continuous 15-second horn signal must announce that work may be resumed in the area;

(c) the employer must make sure that workers take shelter outside the blasting area before the first signal and that they remain there until the 15-second signal is sounded;

(d) a code of sound signals reserved for blasting operations must be written in coloured letters 150 mm high, against a contrasting background, on a board 1.2 m high by 2.4 m wide, placed at all points of access to the work site.”

52. Section 4.7.9 is revoked.

53. Section 4.7.10 is replaced by the following:

“**4.7.10. Blasting logbook:** The blasting logbook must at least contain the information provided for in Schedule 2.2 and it must be maintained and signed by the shot-firer. The employer must keep it for 3 years and make it available at all times on the work site.”

54. The heading of subdivision 4.8 is replaced by “§4.8. Work after blasting».

55. Section 4.8.1. is replaced by the following:

“**4.8.1.** After blasting, the shot-firer must be the first to enter the blasting area to make sure it is safe. For that purpose, the shot-firer must

(a) wait for the smoke to dissipate;

(b) make sure, using a device to measure the concentration of carbon monoxide, that the carbon monoxide concentration is below the exposure limit values indicated in Schedule I to the Regulation respecting occupational health and safety;

(c) examine the work site;

(d) look for possible misfires, blowouts and bootlegs;

(e) mark those found.”

56. Section 4.8.2 is replaced by the following:

“**4.8.2.** When the shot-firer considers that the blasting area is safe, the shot-firer informs the employer that the employer may

(a) sound the 15-second signal;

(b) remove the blasting mats as soon as possible after the end of blasting;

(c) excavate blasting debris.”

57. Section 4.8.3 is revoked.

58. Subdivision 4.9 is revoked.

59. Schedule 2.1 is revoked.

60. Schedule 2.2 is replaced by the following:

"SCHEDULE 2.2 Blasting logbook (s. 4.7.10.)

Name of enterprise: _____ Address (optional): _____

Location of site: _____ Client: _____

Information on blasting

- Location: _____
- Date: _____
- Hour: _____
- Chaining (option): _____

Weather conditions

- Temperature: _____ °C
- Sunny: _____
- Cloudy: _____
- Rain/snow: _____

Data on drilling

- Number of holes and drilling diameter: _____
- Burden and spacing: _____
- Height of drilling in metres: _____
- Height of collar: _____
- Height of overburden: _____

Nature of tamping (clean, crushed stone): _____

Blasting mats (type): _____

Distance from closest structures (building/bridge/road): _____

Explosives

- Type: _____
- Number of detonator: _____
- Quantity of explosives used (primers, detonators, explosives) in units, bags, cases or kg: _____

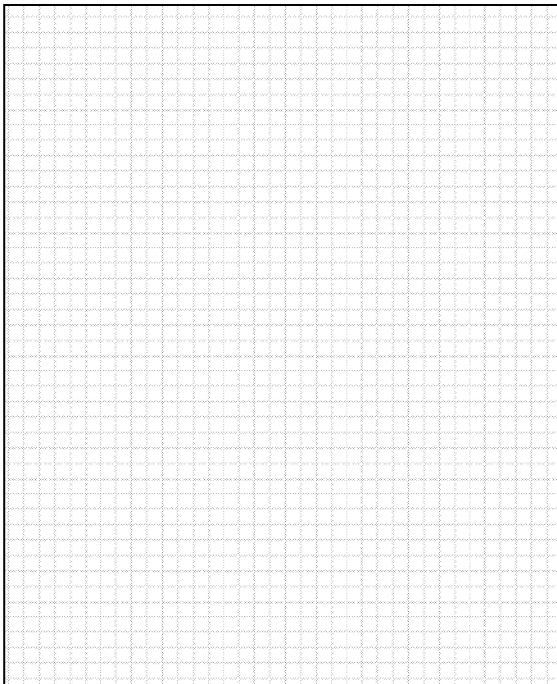
Remarks: _____

Name of shot-firer: _____

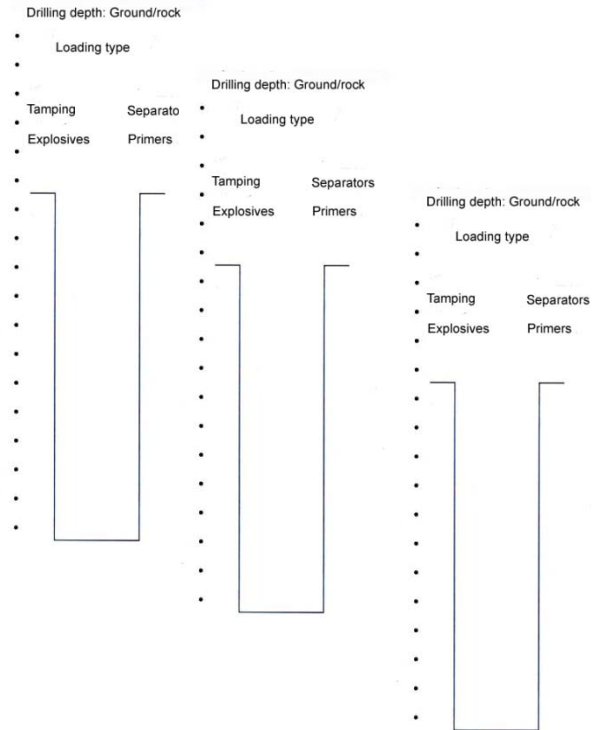
Signature: _____

Blasting pattern (*Required information*)

- Number and orientation of free faces
- Blasting direction
- Identification of the firing sequence (including delays)
- Description of explosives per hole (dimensions, number and weight)
- Disposition of blastholes
- Description of blasting agents (weight/hole in kg)
- Identification of connections/delay millisecond (hole bottom and surface)
- Positioning of closest structures (distance in meters)
- Blasting area (outline and distances in metres)



PATTERN OF 3 HOLES



61. Schedule 2.3 is amended

(1) by replacing “sandbag barricades or earth mounds or the equivalent located less than 50 cm from the depot and having at least the same height” by “dikes” in reference 3;

(2) by replacing the remark at the end by the following:

“Remark: For computing the distance,

(a) 1,300 detonators or 150 detonating relays are equal to 1 kilogram of explosives;

(b) except for the depot for detonators and detonating relays, 2 depots placed side by side may be considered as a single depot having a capacity equal to the total capacity of both depots.”.

62. The following is inserted after Schedule 2.5:

SCHEDULE 2.6

Evaluation of the maximum authorized particle speed, of the distance between blasting and buildings or of the acceptable frequency of vibrations (s. 4.7.5(a))

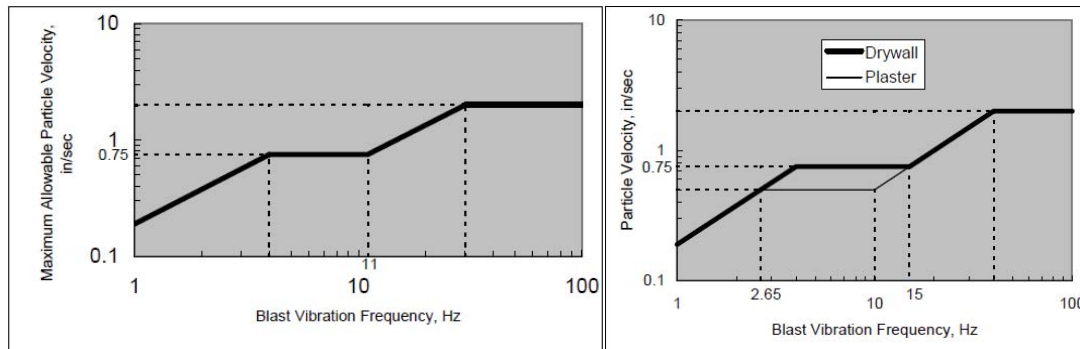
In the case provided for in subparagraph *a* of the second paragraph of section 4.7.5, the employer must comply with the prescribed limits, namely:

1. in the table below:

TABLE 2.6.1 - MAXIMUM AUTHORIZED PARTICLE SPEED ACCORDING TO THE DISTANCE OF STRUCTURES	
Distance from blasting site	Maximum speed authorized
<i>0 to 90 m (300 ft)</i>	<i>31.75 mm/s (1.25 in/s)</i>
<i>91 to 1,524 m (301 to 5,000 ft)</i>	<i>25.4 mm/s (1 in/s)</i>
<i>1.525 m and more (5,000 ft)</i>	<i>19 mm/s (0.75 in/s)</i>

2. in one of the graphs below:

GRAPHS 2.6.2 - ESTIMATE OF THE MAXIMUM AUTHORIZED PARTICLE SPEED ACCORDING TO THE FREQUENCY OF VIBRATION (IN/S)



The employer must use, according to the manufacturer's instructions, a seismograph to monitor the velocity of particles to ensure the compliance of the results with table 2.6.1 or graphs 2.6.2 as provided above. The method for monitoring vibrations and the calculation of frequency must be approved by an engineer.

3. in the proportionate distance equation shown in the table below:

TABLE 2.6.2 - COMPUTATION OF THE MINIMUM DISTANCE TO BE KEPT BETWEEN A STRUCTURE AND A BLASTING BASED ON EXPLOSIVE LOAD		
Distance from blasting site	Maximum quantity of explosives fired in less than 8 milliseconds	
	Metric Units (W in kg and D in m)	English Units (W in lb and D in ft)
Less than 92 m (300 ft)	$W = (D/22.6)^2$	$W = (D/50)^2$
92 to 1,524 m (301 to 5,000 ft)	$W = (D/24.9)^2$	$W = (D/55)^2$
More than 1,524 m (5000 ft)	$W = (D/29.4)^2$	$W = (D/65)^2$

W = Maximum weight of explosives that may detonate in less than 8 milliseconds.

D = Distance to be kept between the blasting area and the closest structure to be protected.

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

3319

Draft Regulation

Professional Code
(chapter C-26)

Physiotherapy
— 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 to amend the Code of ethics of physical therapists and physical rehabilitation therapists, made by the board of directors of the Ordre professionnel de la physiothérapie du Québec, 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 has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-France Salvas, advocate at the legal service of the Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 351-2770; toll-free number: 1 800 361-2001; fax: 514 351-2658; email: physio@oppq.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, 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 to amend the Code of ethics of physical therapists and physical rehabilitation therapists

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

1. The Code of ethics of physical therapists and physical rehabilitation therapists (chapter C-26, r. 197) is amended by adding the following at the end of section 2:

“Members must take reasonable measures to ensure that persons who collaborate with the members in the practice of the profession and any partnership within which the members practise comply with the Professional Code and its regulations, including this Code.”

2. The following is added after section 2:

“**2.1.** The duties and obligations under the Professional Code and its regulations are not modified or diminished in any manner owing to the fact that a member practises within a partnership.”

3. The following paragraph is added at the end of section 17:

“Where the physical therapist intends to proceed with cervical manipulation, the physical therapist must, in addition to meet the obligations referred to in the preceding paragraph, obtain the written consent of the client.”

4. The following sentence is added at the end of section 22:

“They may not invoke the liability of the partnership within which they practise or that of another person also practicing as a ground for excluding their professional liability.”

5. Section 24 is replaced by the following:

“**24.** Members must subordinate their personal interests and those of the partnership within which they practise or within which they have an interest to those of their clients.”

6. The following paragraph is added at the end of section 26:

“In all cases in which members practise within a partnership, situations of conflict of interest are assessed with regard to all clients and clients of persons with whom members practise within the partnership.”

7. The following is added after section 29:

“**29.1.** Members must take reasonable measures to ensure that any person who cooperates with them or practises within the same partnership maintains professional secrecy.”

8. Section 32 is amended by replacing “or for third parties” by “, for third persons or for any partnership within which members practise”.

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

3306

Draft Regulation

Professional Code
(chapter C-26)

Physiotherapy — Practice within a partnership or joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company, made by the board of directors of the Ordre professionnel de la physiothérapie du Québec, 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 has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Marie-France Salvas, advocate at the legal service of the Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone: 514 351-2770; toll-free number: 1 800 361-2001; fax: 514 351-2658; email: physio@oppq.qc.ca

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JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

Regulation respecting the practice of physiotherapy within a partnership or a joint-stock company

Professional Code
(chapter C-26, s. 93, pars. *g* and *h*, and s. 94, par. *p*)

DIVISION I TERMS AND CONDITIONS OF PRACTICE

1. A member of the Ordre professionnel de la physiothérapie du Québec may carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (chapter C-26), if

(1) more than 50% of the voting rights attached to the shares of the partnership or joint-stock company are held by

(a) a member of the Order, a professional governed by the Professional Code or a professional governed by a regulatory body part of the Canadian Alliance of Physiotherapy Regulators or the Association of Canadian Occupational Therapy Regulatory Organizations;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by at least one person referred to in subparagraph *a*; or

(c) a trust whose trustees are persons referred to in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners of the limited liability partnership are persons referred to in subparagraph *a* of paragraph 1;

(3) to constitute a quorum at a meeting of the directors of a partnership or joint-stock company, a majority of the persons present must be persons referred to in subparagraph *a* of paragraph 1;

(4) the conditions set out in this section appear in the articles of constitution of the joint-stock company or are stipulated in the contract constituting the limited liability partnership and that is also provided that the partnership or joint-stock company is constituted for the purposes of the carrying on professional activities; and

(5) the articles of constitution of the joint-stock company or the contract constituting the limited liability partnership must provide for the manner in which the shares are to be sent, in the event of the death, invalidity, striking off or bankruptcy of one of the persons referred to in subparagraph *a* of paragraph 1.

2. A member who wishes to practise within a partnership or joint-stock company must provide the secretary of the Order with:

(1) the declaration referred to in section 3 with the fees prescribed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company complies with the professional liability coverage requirements of Division III;

(3) if the member practises within a joint-stock company, a written document from a competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration from the competent authority indicating that the general partnership has been continued as a limited liability partnership;

(5) a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(6) a written document certifying that the partnership or joint-stock company maintains an establishment in Québec; and

(7) an irrevocable written authorization from the partnership or joint-stock company within which the member practises entitling a person, a committee, a disciplinary body or a tribunal referred to in section 192 of the Professional Code to require any person to produce a document mentioned in section 9, or a copy of such a document.

3. The member must also send to the secretary of the Order a sworn declaration duly made on the form provided by the Order and containing

(1) the name of the partnership or joint-stock company and any other names used in Québec by the partnership or joint-stock company within which the member practises and the business number assigned to it by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) in the case of a joint-stock company, the address of the head office of the company and establishments in Québec, the names and home addresses of the directors and officers, and the order or professional association of which they are members, if applicable;

(4) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of the partners and directors, and the order or professional association of which they are members, if applicable;

(5) the member's name, member number, status within the partnership or joint-stock company and professional activities carried on within the partnership or joint-stock company;

(6) an attestation certifying that the shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

4. Members must

(1) update the declaration referred to in section 3 and provide the declaration to the Order, accompanied by the fees prescribed by the board of directors of the Order, before 31 March of each year;

(2) inform the Order without delay of any change in the coverage under Division III or in the information provided in the declaration provided pursuant to section 3 that may affect compliance with the conditions set out in this Regulation.

5. A member immediately ceases to be authorized to practise within a partnership or joint-stock company if the member no longer complies with the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code.

The member who is struck off the roll for more than 3 months or whose permit has been revoked may not, during the period of the striking off or revocation, directly or indirectly hold any share in the partnership or joint-stock company.

The member may also not be a director, officer or representative of the partnership or joint-stock company during that period.

DIVISION II **REPRESENTATIVE**

6. If two or more members practise within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the members practising in the partnership or joint-stock company in order to comply with the terms and conditions provided in sections 3 and 4.

The representative must ensure the accuracy of the information provided to the Order.

The representative is also designated by the members practising within a partnership or joint-stock company to reply to requests made by the syndic, an inspector or any other representative of the Order and to provide, where applicable, the documents that the members are required to submit.

The representative must be a member of the Order who practises in Québec within the partnership or joint-stock company and be a partner or a director and shareholder with voting rights of the partnership or joint-stock company.

DIVISION III **PROFESSIONAL LIABILITY COVERAGE**

7. To be authorized to practise within a partnership or joint-stock company, members must furnish and maintain for that partnership or joint-stock company, by an insurance contract or by participation in group insurance contracted by the Order, security against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the members committed while practising within the partnership or joint-stock company.

8. The security must include the following minimum conditions:

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault on the part of the member committed while practising within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all costs and expenses of proceedings against the partnership or joint-stock company, including the costs of the inquiry and defence and the interest on the amount of the security;

(3) an undertaking by the insurer that the security extends to all claims submitted in the 5 years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the member while practising within the partnership or joint-stock company;

(4) an amount of security of at least \$1,000,000 per claim filed against the partnership or joint-stock company, subject to a limit of \$3,000,000 for all claims filed against the partnership or joint-stock company during a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company;

(5) an undertaking by the insurer to provide the secretary of the Order with a 30-day notice prior to any cancellation or amendment to the insurance contract if the amendment affects a condition set out in this Regulation or to any non-renewal of the contract.

DIVISION IV
ADDITIONAL INFORMATION

9. The documents that may be required pursuant to paragraph 7 of section 2 are the following:

(1) if the member practises within a joint-stock company:

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the shares of the joint-stock company;

(c) an up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration and certificate of registration of the joint-stock company and any update; and

(f) a list of the company's principal officers and their home addresses;

(2) if the member practises within a limited liability partnership:

(a) the declaration of registration of the partnership and any update;

(b) the partnership agreement and amendments;

(c) an up-to-date register of the partners;

(d) where applicable, an up-to-date register of the directors of the partnership; and

(e) a complete and up-to-date list of the partnership's principal officers and their home addresses.

DIVISION V
TRANSITIONAL AND FINAL

10. A member of the Order who practises within a joint-stock company constituted before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation at the latest within 1 year following that date.

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

3307

Notices

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

Tortue-des-Bois-de-la-Shawinigan Nature Reserve (Conservation de la nature Canada)

— 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 consisted the sectors Lessard and Marcotte, situated on the territory of the Municipality of Saint-Mathieu-du-Parc, Regional County Municipality of Maskinongé, known and designated as the lots numbers 4 659 484, 4 659 954, 4 659 962, 4 659 960 and 5 330 655 of Quebec Cadastre, Shawinigan registry division. This property covering an area of 264,16 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

3305

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

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Professional Code — Physiotherapy — Practice of physiotherapy within a partnership or a joint-stock company (chapter C-26)	837	Draft
Public Infrastructure Act — Transitional measures required for the carrying out of the Act (chapter I-8.3)	767	N
RecycleMédias — Approval of 2013 schedule of contributions for the “newspapers” class (Environment Quality Act, chapter Q-2)	795	N
Safety Code for the construction industry (An Act respecting occupational health and safety, chapter S-2.1)	825	Draft
Supplemental Pension Plans Act — AbitibiBowater Inc. — Supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies’ Creditors Arrangement Act (chapter R-15.1)	816	M
Supplemental Pension Plans Act and to provide for the possibility of opting to receive a pension paid by the Régie des rentes du Québec during the existence of certain plans in the pulp and paper sector, An Act to amend the... — AbitibiBowater Inc. — Supplemental pension plans affected by the arrangement regarding AbitibiBowater Inc. under the Companies’ Creditors Arrangement Act . . . (2011, chapter 8)	816	M
Tortue-des-Bois-de-la-Shawinigan Nature Reserve (Conservation de la nature Canada) — Recognition (Natural Heritage Conservation Act, chapter C-61.01)	841	Notice
Transitional measures required for the carrying out of the Act (Public Infrastructure Act, chapter I-8.3)	767	N
Voluntary retirement savings plans — Applications for authorization and liability insurance coverage for administrators (Voluntary Retirement Savings Plans Act, 2013, chapter 26)	821	N

Voluntary Retirement Savings Plans Act — Coming into force of certain provisions of the Act. (2013, chapter 26)	765	
Voluntary Retirement Savings Plans Act — Fees and costs payable for the issuance of an authorization under the Act (2013, chapter 26)	818	N
Voluntary Retirement Savings Plans Act — Voluntary retirement savings plans — Applications for authorization and liability insurance coverage for administrators (2013, chapter 26)	821	N

