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Part 2

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Summary

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(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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(6) rules of practice made by judicial courts and quasi-judicial tribunals;

(7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Coming into force of Acts

Gouvernement du Québec

O.C. 1149-2015, 16 December 2015

An Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 (2013, chapter 16) — Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012

WHEREAS the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 (2013, chapter 16) was assented to on 14 June 2013;

WHEREAS paragraph 6 of section 216 of the Act provides that the Act will come into force on 14 June 2013 except for section 53, to the extent that it enacts subparagraph 6 of the first paragraph of section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), section 54, to the extent that it inserts a reference to section 17.12.20 of that Act, section 55, to the extent that it enacts section 17.12.20 of that Act, section 58, to the extent that it applies to the mining activity management component of the Natural Resources Fund, and sections 158 to 166, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 January 2016 as the date of coming into force of the following provisions of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012:

— section 53, to the extent that it enacts subparagraph 6 of the first paragraph of section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune, except as concerns the financing of activities relating to the application of the Mining Tax Act (chapter I-0.4) and the regulations;

— section 54, to the extent that it inserts a reference to section 17.12.20 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

— section 55, to the extent that it enacts section 17.12.20, except for paragraph 1, of the Act respecting the Ministère des Ressources naturelles et de la Faune; and

— section 58, to the extent that it applies to the mining activity management component of the Natural Resources Fund;

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

THAT 1 January 2016 be set as the date of coming into force of the following provisions of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 (2013, chapter 16):

— section 53, to the extent that it enacts subparagraph 6 of the first paragraph of section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), except as concerns the financing of activities relating to the application of the Mining Tax Act (chapter I-0.4) and the regulations;

— section 54, to the extent that it inserts a reference to section 17.12.20 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

— section 55, to the extent that it enacts section 17.12.20, except for paragraph 1, of the Act respecting the Ministère des Ressources naturelles et de la Faune; and

— section 58, to the extent that it applies to the mining activity management component of the Natural Resources Fund.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1165-2015, 16 December 2015

An Act respecting end-of-life care (2014, chapter 2) — Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act respecting end-of-life care

WHEREAS the Act respecting end-of-life care (2014, chapter 2) was assented to on 10 June 2014;

WHEREAS, under section 78 of the Act, except for the second paragraph of section 52, section 57, section 58 to the extent that it concerns the advance medical directives register and sections 63 and 64, which come into force on the date or dates to be set by the Government, the provisions of the Act come into force on 10 December 2015, or any earlier date set by the Government;

WHEREAS it is expedient to set the date of coming into force of sections 63 and 64;

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

THAT 16 December 2015 be set as the date of coming into force of sections 63 and 64 of the Act respecting end-of-life care (2014, chapter 2).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1181-2015, 16 December 2015

An Act to amend various legislative provisions mainly concerning shared transportation (2015, chapter 16)
— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend various legislative provisions mainly concerning shared transportation

WHEREAS the Act to amend various legislative provisions mainly concerning shared transportation (2015, chapter 16) was assented to on 12 June 2015;

WHEREAS, under section 30 of that Act, it came into force on 12 June 2015, except sections 2 and 5, paragraph 2 of section 9, section 10, and sections 20 to 29, which come into force on 1 April 2016 or on any earlier date or dates set by the Government;

WHEREAS it is expedient to set 1 January 2016 as the date of coming into force of sections 2 and 5, paragraph 2 of section 9, section 10, and sections 20 to 29 of that Act;

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

That 1 January 2016 be set as the date of coming into force of sections 2 and 5, paragraph 2 of section 9, section 10, and sections 20 to 29 of the Act to amend various legislative provisions mainly concerning shared transportation.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 1137-2015, 16 December 2015

Environment Quality Act
(chapter Q-2)

Environmental impact assessment and review — Modification

Regulation to amend the Regulation respecting environmental impact assessment and review

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Environment Quality Act (chapter Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft Regulation to amend the Regulation respecting environmental impact assessment and review was published in Part 2 of the *Gazette officielle du Québec* of 22 July 2015 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting environmental impact assessment and review, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting environmental impact assessment and review

Environment Quality Act
(chapter Q-2, s. 31)

1. The Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23) is amended in the first paragraph of section 2 by replacing subparagraph *j* by the following:

"(*j*) the construction of installations for natural gas regasification or liquefaction, except an installation whose total rated capacity of regasification equipment is less than or equal to 4,000 m^3 per day of liquefied natural gas;

(*j*.1) the construction :

— of more than 2 km of oil pipeline in a new right of way, except mains for transporting petroleum products under a municipal street;

— of more than 2 km of gas pipeline except the gas pipeline installed in an existing right of way used for the same purposes, or the installation of gas mains less than 30 cm in diameter designed for a pressure of less than 4,000 kPa;"

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

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Gouvernement du Québec

O.C. 1138-2015, 16 December 2015

Environment Quality Act
(chapter Q-2)

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

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

WHEREAS, under sections 53.31.2 to 53.31.6, 53.31.12, 53.31.12.1 and 53.31.17 of the Environment Quality Act (chapter Q-2), the Government may make regulations on the matters set forth therein;

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

WHEREAS, in accordance with sections 10 and 12 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 4 November 2015 with a notice that it could be made on the expiry of 30 days following that publication;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the same section, the reasons justifying the coming into force of a regulation on the date of its publication must be published with the regulation;

WHEREAS, in the opinion of the Government, the coming into force of the Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials is warranted by the urgency due to the following circumstances:

—the need to follow up on 2 recent studies, one on the composition of municipal recyclable materials sent to sorting centres, and the other on the costs of selective collection per material and per class of materials in Québec;

—the importance that the compensation regime takes into account, as of 2015, the results of those studies;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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

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

1. The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 7 by adding the following at the end of the second paragraph:

"For the year 2015 and for subsequent years, the amount to be subtracted is equivalent to 6.6% of the result obtained. For the year 2015, that amount is subtracted by the Société québécoise de récupération et de recyclage from the net cost declared by the municipalities pursuant to section 8.6.".

2. The following is inserted after section 8.4:

"**8.4.1.** For the compensation owed for the year 2015, the "cost" variable referred to in section 8.2 represents the net cost declared by a municipality less an amount equivalent to 6.6% of that cost.

The "kg" and "tonnes" variables referred to in sections 8.2 and 8.4 represent the quantity of materials declared by a municipality less a quantity equivalent to 6.6% of that quantity.".

3. Section 8.6 is amended by adding the following at the end of the second paragraph:

"For the compensation owed for the year 2016 and for subsequent years, the quantity of materials to be subtracted is equivalent to 6.6% of the total quantity of materials recovered.".

4. Section 8.9.1 is amended

(1) by replacing "for the year 2013 and for subsequent years" in the part preceding paragraph 1 by "for each of the years 2013 and 2014";

(2) by adding the following after paragraph 3:

"For the year 2015 and for subsequent years, the shares applicable are the following:

(1) 71.9% for containers and packaging;

(2) 19.4% for printed matter;

(3) 8.7% for newspapers.".

5. Section 8.10 is amended by adding the following after subparagraph 4 of the third paragraph:

"(5) for the year 2016: at least 50% of the amount due not later than the expiry of the 10th month following the publication of the schedule in the *Gazette officielle du Québec*, in accordance with the fourth paragraph of section 53.31.15 of the Environment Quality Act (chapter Q-2), and the balance, not later than the 13th month following that publication.

For the year 2015, the applicable conditions of payment for the amount owed are those provided for in the second paragraph.".

6. Section 8.15 is amended by adding the following after subparagraph 4 of the second paragraph:

"(5) for the year 2015: not later than the expiry of the seventh month following the publication of the schedule in the *Gazette officielle du Québec*, in accordance with the fourth paragraph of section 53.31.15 of the Environment Quality Act (chapter Q-2);

(6) for the year 2016: not later than the expiry of the 13th month following the publication of the schedule in the *Gazette officielle du Québec*, in accordance with the fourth paragraph of section 53.31.15 of the Environment Quality Act.".

7. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1161-2015, 16 December 2015

Professional Code
(chapter C-26)

Podiatry
—Practice of podiatry within a partnership or a joint-stock company

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

WHEREAS, under paragraph *p* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, authorize the members of the order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Code, the board of directors of a professional order must, by regulation, impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession, and fix the conditions and procedure applicable to a declaration to the order;

WHEREAS the board of directors of the Ordre des podiatres du Québec made, on 29 November 2014, the Regulation respecting the practice of podiatry within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

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

WHEREAS, pursuant to the first paragraph of section 95.2 of the Code, a regulation made by the board of directors of a professional order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment;

WHEREAS the first regulation made by the board of directors of a professional order under paragraph *p* of section 94 of the Code is subject to the approval of the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the practice of the profession of occupational therapist within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office, on 8 July 2015, pursuant to the first paragraph of section 95.2 of the Code, has approved the Regulation, except section 1, paragraphs 3, 4, 5 and 6 of section 2 and sections 5 to 8 and 11 to 13, which are subject to the approval of the Government;

WHEREAS, on 8 July 2015, the Office has examined section 1, paragraphs 3, 4, 5 and 6 of section 2 and sections 5 to 8 and 11 to 13 of the Regulation and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve section 1, paragraphs 3, 4, 5 and 6 of section 2 and sections 5 to 8 and 11 to 13 of the Regulation with amendments;

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

THAT section 1, paragraphs 3, 4, 5 and 6 of section 2 and sections 5 to 8 and 11 to 13 of the Regulation respecting the practice of podiatry within a partnership or a joint-stock company, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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

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

DIVISION I
TERMS AND CONDITIONS

1. A podiatrist may carry on professional activities within a partnership or joint-stock company referred to in Chapter VI.3 of the Professional Code (chapter C-26) if the following conditions are met:

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held by the following persons or a combination thereof:

(a) a podiatrist;

(b) a joint-stock company where 100% of the voting rights attached to the shares are held by a podiatrist;

(c) a trust where all trustees are podiatrists;

(2) any other voting rights attached to the shares or units of the partnership or joint-stock company are held by the following persons or a combination thereof;

(a) a member of a professional order governed by the Professional Code;

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

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

(3) in the case of a joint-stock company, all of the non-voting shares are held by the following persons or a combination thereof;

(a) a podiatrist;

(b) a member of a professional order governed by the Professional Code;

(c) a relative, either by direct or indirect line of descent, of a podiatrist referred to in subparagraph *a*;

(d) the spouse of a podiatrist holding shares referred to in paragraph 1;

(e) a partnership, joint-stock company or trust whose units, shares or participation or other rights are held entirely by a person referred to in subparagraph *a*, *b*, *c* or *d*;

(4) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the managers appointed by the partners of the limited liability partnership are podiatrists;

(5) 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 podiatrists;

(6) the conditions set forth in this section are listed in the articles of the joint-stock company or in the contract of the partnership and that those documents also provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities;

(7) the articles of the company or the contract of the partnership must include the conditions to transfer company shares or partnership units in the event of the death, disability, striking off, or bankruptcy of one of a podiatrist.

2. In order to carry on professional activities within a partnership or jointstock company, a podiatrist must provide the secretary of the Ordre des podiatres du Québec with

(1) the declaration provided for in section 3 accompanied by the payable 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 is covered by security in compliance with Division III;

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

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

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

(6) an irrevocable written authorization from the partnership or joint-stock company within which the podiatrist carries on professional activities, allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require from any person a document or a copy of a document referred to in section 11.

3. To carry on professional activities within a partnership or joint-stock company, a podiatrist must provide the secretary of the Order with a sworn declaration duly completed on the form provided by the Order and containing

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the podiatrist carries on professional activities, 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 addresses of the head office of the company and establishments in Québec, the names and home addresses of all the shareholders with voting rights, the names and home addresses of the directors and officers of the company and the professional order of which they are members, if applicable;

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

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

(6) an attestation certifying that the company or partnership complies with this Regulation.

4. To retain the right to carry on professional activities within a partnership or joint-stock company, a podiatrist must

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

(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, and pay the payable fees prescribed by the board of directors of the Order.

5. Where a podiatrist becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the podiatrist must, within 15 days, make sure that the situation is rectified, failing which, the podiatrist is no longer authorized to carry on professional activities within the partnership or company.

6. A podiatrist struck off the roll for more than 3 months or whose permit is revoked may not, during the period of the striking off or revocation, act as director, officer or representative of the partnership or joint-stock company or hold, directly or indirectly, any voting share or unit in a joint-stock company or partnership.

7. The name of the partnership or joint-stock company must not be a number name or include the name of a manufacturer of podiatric orthoses.

DIVISION II
REPRESENTATIVE

8. If two or more podiatrists carry on professional activities within the same partnership or joint-stock company, a representative must be designated to act on behalf of all the podiatrists in the partnership or joint-stock company to satisfy the terms and conditions of sections 2, 3 and 4.

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

The representative is also designated by the podiatrists carrying on their professional activities within a partnership or joint-stock company to reply to requests made by the syndic, an inspector or another representative of the Order and to submit, as applicable, the documents that the podiatrists are required to submit.

The representative must be a podiatrist, carry on professional activities 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

9. To be authorized to carry on professional activities within a partnership or joint-stock company, a podiatrist must provide and maintain on behalf of the partnership or joint-stock company, by means of an insurance contract or by participating in a group insurance plan entered into by the Order, security coverage against the liability that the partnership or joint-stock company may incur as the result of a fault on the part of the podiatrist in the practice of the profession.

10. The security must contain 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 podiatrist in the carrying on of professional activities 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 podiatrist, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the podiatrist in the practice of the profession 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 podiatrists in the partnership or joint-stock company; and

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

DIVISION IV
ADDITIONAL INFORMATION

11. The documents that may be required pursuant to paragraph 6 of section 2 are the following:

(1) if the podiatrist carries on professional activities 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 shareholders;

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

(e) any shareholders' agreement and voting agreement, and amendments;

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

(g) a complete and up-to-date list of the company's principal officers and their home addresses;

(2) if the podiatrist carries on professional activities 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 of the partnership;

(d) where applicable, an up-to-date register of the managers 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

12. A podiatrist who carries on professional activities within a joint-stock company constituted before the date of coming into force of this Regulation must comply with it at the latest within 1 year following that date.

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

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Gouvernement du Québec

O.C. 1162-2015, 16 December 2015

Professional Code
(chapter C-26)

Podiatrists
— Code of ethics of podiatrists

Code of ethics of podiatrists

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

WHEREAS the board of directors of the Ordre des podiatres du Québec made, on 29 November 2014, the Code of ethics of podiatrists;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Code of ethics of podiatrists was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2015 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, on 8 July 2015, the Office has examined the Regulation and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Code of ethics of podiatrists

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

DIVISION I
GENERAL DUTIES OF PODIATRISTS

1. This Code determines, pursuant to section 87 of the Professional Code (chapter C-26), the duties and obligations that must be discharged by every member of the Ordre des podiatres du Québec.

2. Podiatrists must take reasonable measures to ensure that persons who collaborate with them and any partnership or joint-stock company in which they practise their profession comply with the Podiatry Act (chapter P-12), the Professional Code and their regulations.

3. The duties and obligations under the Podiatry Act, the Professional Code and their regulations are not modified or reduced in any manner owing to the fact that a podiatrist carries on professional activities within a partnership or joint-stock company.

4. Podiatrists must ensure that their obligations towards the partnership or company of which they are directors or officers are not incompatible with their obligations towards their patients.

DIVISION II
DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

5. Podiatrists must promote the improvement of the quality and availability of professional services in the field in which they practise.

6. In the practice of the profession, podiatrists must

(1) consider all the foreseeable consequences that their opinions, advice, research and work may have on society;

(2) promote measures of education and information in the field in which they practise and perform the necessary acts to ensure such education and information;

(3) contribute to the development of their profession by collaborating in research work, by sharing their knowledge and experience with the members of the profession and students and by contributing to the development and presentation of continuing education activities;

(4) keep their theoretical and clinical knowledge up to date in accordance with the evolution of podiatry, in particular by participating in continuing education activities.

7. Podiatrists must act with moderation and dignity and seek to protect the health and well-being of their patients.

DIVISION III
DUTIES AND OBLIGATIONS TOWARDS THE PATIENT

§1. General

8. Before accepting to provide professional services, podiatrists must take into account the limits of their proficiency, knowledge and the means at their disposal and ensure that their services are justified and opportune.

9. Podiatrists must practise the profession in accordance with the recognized standards of practice and the present state of knowledge in podiatry. For that purpose, they must in particular

(1) use the appropriate scientific methods and, where necessary, ask for the advice of another member of the Order;

(2) not resort to insufficiently tested examinations, investigations or treatments, unless they are part of a research project approved beforehand by an ethics committee, complying with the standards in force and carried out in a recognized scientific milieu;

(3) refrain from performing a professional act which is not suitable or proportionate to the need of their patient.

10. Podiatrists must, at all times, respect a patient's right to consult with another member of the Order or another qualified person. They must collaborate with the person so consulted.

11. Podiatrists must refrain from practising under conditions or in a state likely to impair the quality of their services.

12. Podiatrists must attempt to establish a relationship of mutual trust between themselves and their patients and refrain from practising the profession in an impersonal manner.

13. Podiatrists must refrain from interfering in the personal affairs of their patients on subjects that are not relevant to podiatry.

14. The conduct of podiatrists towards their patients and every person with whom they enter into a professional relationship, whether physical, mental or emotional, must be beyond reproach.

§2. Integrity

15. Podiatrists must carry out their professional obligations with integrity.

16. Podiatrists must avoid any misrepresentation with respect to their level of competence or to the effectiveness of their services or of those provided by the members of their profession. If the interest of the patient so requires, podiatrists must, with the patient's authorization, consult another member of the Order or another qualified person, or refer the patient to one of those persons.

Likewise, they must avoid any misrepresentation with respect to the competence or effectiveness of the services generally provided by the persons with whom they carry on professional activities within a partnership or joint-stock company.

17. Before giving any opinion or advice, podiatrists must seek full knowledge of the facts. They must refrain from expressing an opinion or advice that is contradictory or incomplete.

18. Podiatrists must reveal to their patient, in a simple, complete and objective manner, the nature and scope of a problem which, in their opinion, results from the patient's condition.

They must thereafter inform the patient of the therapeutic procedures, any recommended treatment plan and the related costs. They must obtain the patient's explicit agreement in that regard.

19. Podiatrists must inform the patient as soon as possible of any complication, incident or accident occurring while they provide a professional service to the patient.

In addition, they must make an entry of the error in the patient's record and take the appropriate measures to limit any consequences on the health of the patient.

§3. Availability and diligence

20. Podiatrists must be available to and diligent towards patients.

21. Except for just and reasonable cause, no podiatrist may cease to provide professional services to patient. The following causes, among others, are considered just and reasonable:

(1) absence or loss of the patient's trust;

(2) lack of cooperation on the part of the patient and, in particular, refusal by the patient to submit to the treatment prescribed by the podiatrist or the patient's neglect to follow the podiatrist's opinion or advice;

(3) the fact that the podiatrist is in a conflict of interest or in a context such that the podiatrist's professional independence could be called into question;

(4) incitement by the patient to perform illegal, unjust or fraudulent acts.

22. Before ceasing to provide professional services, podiatrists must so inform the patient and ensure that no prejudice is caused to the patient as a result.

§4. Liability

23. Podiatrists must assume full civil liability. They must not evade or attempt to evade professional liability or request that a patient or person renounce any recourse in a case of professional negligence on their part. Similarly, they may not invoke the liability of the partnership or joint-stock company within which they carry on professional activities or that of another person also carrying on activities within the partnership or joint-stock company as a ground for excluding or limiting their liability.

§5. Independence and impartiality

24. Podiatrists must subordinate their personal interest and the interest of the partnership or joint-stock company within which they carry on professional activities or in which they have interests to that of their patient.

25. Podiatrists must be objective when persons other than their patients ask them for information.

26. A podiatrist must provide to the patient who so requests, or to a person indicated by the patient, all the information concerning a benefit that the podiatrist could obtain.

27. Podiatrists may not enter into any verbal or written agreement having the effect of compromising the independence, impartiality, objectivity and integrity required to carry on their professional activities. No agreement may, in particular,

(1) exclude certain types or brands of podiatric orthoses from those they are authorized to manufacture, transform, alter or sell;

(2) limit their freedom to buy and sell podiatric orthoses;

(3) define or restrict the professional services they offer to their patients.

28. Podiatrists must safeguard their professional independence and ignore any intervention by a third person that could influence the performance of their professional obligations to the detriment of their patient.

29. Podiatrists must respect the right of patients to have their prescription filled at the place and by the professional of their choice.

30. Podiatrists may not practise podiatry if they are in a situation of conflict of interest. In particular, podiatrists are in a conflict of interest if they

(1) share their income, in any form whatsoever, with a person, a trust or an enterprise, except for

(*a*) a podiatrist who is a member of the Ordre des podiatres du Québec, insofar as that sharing corresponds to a distribution of services and responsibilities;

(*b*) a person or a trust referred to in the Regulation respecting the practice of the profession of podiatrist within a partnership or joint-stock company approved by Order in Council 1161-2015 dated 16 December 2015;

(*c*) a partnership or joint-stock company within which the podiatrist carries on professional activities;

(2) grant any commission, rebate, advantage or other consideration of a similar nature relating to the practice of podiatry;

(3) accept, as podiatrists or by using the title of podiatrist, any commission, rebate, advantage or other consideration of a similar nature, except for customary tokens of appreciation and gifts of small value;

Despite the first paragraph of paragraph 3, podiatrists are not in a situation of conflict of interest if they accept a volume discount from a supplier for one of the following reasons:

(a) for prompt regular payment, if the discount appears on the invoice and is in keeping with marketplace rules in similar matters; or

(b) due to the volume of products purchased other than medications, if the discount appears on the invoice or the statement of account and is in keeping with marketplace rules in similar matters;

(4) lease or use the premises, equipment or other resources of a podiatric orthosis laboratory or a manufacturer of medications, orthopedic shoes, prostheses or other products related to the practice of podiatry;

(5) practice podiatry jointly, in a partnership or for a person or within a joint-stock company, unless the partnership, person or joint-stock company is:

(a) a podiatrist;

(b) a government, governmental or municipal body, an educational institution or an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5);

(c) an enterprise retaining their services for the sole purpose of providing podiatry advice or services to its employees;

(d) a partnership or joint-stock company referred to in the Regulation respecting the practice of the profession of podiatrist within a partnership or a joint-stock company approved by Order in Council 1161-2015 dated 16 December 2015.

31. Podiatrists must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, manager, officer or employee of a partnership or joint-stock company within which they carry on professional activities or in which they have an interest, as soon as they become aware that the partner, shareholder, director, manager, officer or employee has a conflict of interest.

The following factors must be considered in assessing the effectiveness of such measures:

(1) size of the partnership or company;

(2) precautions taken to prevent access to the podiatrist's record by the person having a conflict of interest;

(3) instructions given to protect confidential information or documents related to the conflict of interest; and

(4) isolation, from the podiatrist, of the person having a conflict of interest.

§6. Professional secrecy

32. Podiatrists must preserve the secrecy of all confidential information obtained in the practice of their profession.

33. Podiatrists may be released from their obligation of professional secrecy only with the written authorization of their patient or where so ordered or expressly authorized by law.

A podiatrist may also communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the podiatrist has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the podiatrist may only communicate the information to the person or persons exposed to the danger or their representative, and to the persons who can come to that person's aid. The podiatrist may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

34. Podiatrists must avoid indiscreet conversations concerning a patient and the services rendered to the patient.

35. Podiatrists may not make use of confidential information which may be prejudicial to a patient or with a view to obtaining a direct or indirect benefit for themselves or for another person.

36. Podiatrists must ensure that any person who cooperates with them or with whom they carry on professional activities does not communicate confidential information to a third person.

37. The communication by a podiatrist of confidential information to ensure the protection of persons, pursuant to the second paragraph of section 33, must

(1) be made within a reasonable time to achieve the purpose intended by the communication; and

(2) be noted in the patient's record, along with the name and contact information of any person to whom the information was communicated, the information concerned, the reasons for the decision to communicate the information and the method of communication used.

§7. Accessibility and correction of records and release of documents

38. Podiatrists must respond promptly, at the latest within 10 days of its receipt, to any request made by patients whose purpose is to consult documents or to obtain a copy of the documents that concern them in any record made in their respect.

The foregoing also applies to any written request made by a patient, for the purpose of taking back a document entrusted to the podiatrist by the patient.

39. Podiatrists may charge to the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for transmitting a copy.

Podiatrists who intend to charge such fees must, before proceeding with the copying, transcribing or transmitting of the information, inform the patient of the approximate amount to be paid.

40. Podiatrists must, at the written request of a patient and at the latest within 10 days of the date of such request, provide anyone designated by the patient with the relevant information in the record that they hold or maintain in the patient's respect.

41. A podiatrist must respond promptly, at the latest within 10 days of its receipt, to any request made by a patient to have information that is inaccurate, incomplete, ambiguous, outdated or unjustified corrected or deleted in any document concerning the patient. The podiatrist must also respect the patient's right to make written comments in the record.

Podiatrists must give the patient, free of charge, a duly dated copy of the document or part of the document filed in the record so that the patient may verify that the information has been corrected or deleted or, as applicable, give the patient an attestation stating that the patient's written comments have been filed in the record.

42. Podiatrists must forward a copy, free of charge for the patient, of the corrected information or an attestation stating that the information has been deleted or, as applicable, that the written comments have been filed in the record, to every person from whom the podiatrists received the information that was the subject of the correction, deletion or comments, and to every person to whom the information was communicated.

43. A podiatrist who denies a patient access to information contained in a record established in the patient's respect or who refuses to grant a request to correct or delete information must provide the patient with written justification explaining the refusal, enter the written justification in the record and inform the patient of his or her recourses.

§8. Determination and payment of fees

44. Podiatrists must charge fair and reasonable fees.

Fees are fair and reasonable if they are justified by the circumstances and are in proportion to the services rendered. The podiastrist must, in particular, take into account the following factors when setting the fees:

(1) the time spent carrying out the professional service;

(2) the difficulty and magnitude of the service;

(3) the performance of unusual services or services requiring exceptional competence or speed;

(4) where applicable, the cost to the podiatrist, of products or material necessary for the carrying out of his or her professional services.

45. Podiatrists may not demand the payment of fees paid for by a third person unless they are authorized by law to enter into an agreement with the patient to that effect.

46. No podiatrist may charge fees for a professional service provided but not required.

Likewise, no podiatrist may charge fees for professional services not provided or fees which do not correspond to the services actually rendered.

47. Podiatrists must provide their patients with all the explanations necessary for the patient to understand their statement of fees and the terms of payment and, on request, a detailed statement of the fees and disbursements necessary for the performance of their professional services.

48. Podiatrists may not require advance payment of their professional fees.

49. Podiatrists may charge interest on their accounts only after duly advising their patient thereof. The rate of the interest charged must be reasonable.

50. Before taking legal action, podiatrists must exhaust all the other means available to them for obtaining payment of their fees.

51. Podiatrists who quit the profession must refrain from selling their accounts, except to another member of the Order.

52. When podiatrists entrust the collection of their fees to another person, they must make sure that the latter will act with tact and moderation and respect the confidentiality of the information contained in the patient's record.

53. Where a podiatrist carries on professional activities within a joint-stock company, the income resulting from the professional services rendered within and on behalf of the partnership or company belongs to the company, unless there is a written agreement to the contrary.

The determination, billing and payment of fees are subject to the conditions set out in section 44 and podiatrists remain personally responsible for seeing to their application.

DIVISION IV
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§1. *Incompatible responsibilities and duties*

54. Engaging in personal activities or activities relating to health services likely to compromise compliance with the duties and obligations that this Code imposes on podiatrists is incompatible with the practice of the profession.

§2. *Derogatory acts*

55. In addition to the acts referred to in sections 57, 58, 59.1 and 59.1.1 of the Professional Code, the following acts are derogatory to the dignity of the profession:

(1) unduly urging someone to use their professional services;

(2) delivering, issuing or providing a false report, a false certificate or a false prescription to anyone;

(3) issuing to anyone, for any reason whatever, a prescription, certificate or attestation or any other document containing false or unchecked information;

(4) guaranteeing the effectiveness of their services;

(5) using or administering medication whose period of usage as indicated by the manufacturer has expired;

(6) lending their name to a person for the purpose of permitting the person to recommend or to promote the sale, distribution or utilization of medications or instruments used in the practice of podiatry, or with a view to permitting that person to recommend or promote a treatment;

(7) unduly seeking or making a profit on a treatment plan or on the sale of podiatric orthoses;

(8) altering or removing notes in a patient's record which are already entered, or replacing any part thereof without justification;

(9) allowing any person who assists them or is under their supervision in the practice of the profession to be insufficiently qualified or competent to perform the tasks assigned to the person;

(10) failing to inform the Order as soon as possible when a person performs professional acts reserved for podiatrists;

(11) knowingly deriving a profit from the illegal practice of podiatry by another person;

(12) resorting to legal proceedings against a patient during the 45 days following receipt of a copy of an application for the conciliation of accounts;

(13) communicating with a person who requested that an inquiry be held, without prior written permission of the syndic or the assistant syndic, where podiatrists are informed that they are the object of an inquiry into their professional conduct or competence or where a podiatrist he has been served with a complaint against him or her;

(14) resorting to legal proceedings against another member of the Order in in connection with a matter related to the practice of the profession without having first required conciliation from the syndic;

(15) charging, offering, accepting or agreeing to accept a sum of money or advantage for the purpose of having a procedure or decision of the Order adopted or rejected;

(16) providing false information to the Order;

(17) not informing the Order that they have reason to believe that a podiatrist is incompetent or does not respect professional ethics;

(18) refusing to provide their professional services to a patient for the sole reason that the patient has had or intends to have his or her prescription filled by a third person;

(19) practising podiatry without identifying themselves by their name and title;

(20) carrying on professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the profession of podiatrist, or carrying on professional activities with a person who, to the podiatrist's knowledge, performs acts that are derogatory to the dignity of the profession of podiatrist;

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

(a) ceases to hold a position of director, officer or representative within the partnership or company within 15 days of the date on which the mandatory striking off or revocation of permit has become effective;

(b) ceases, if applicable, to attend any shareholder meetings and to exercise his or her right to vote within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; or

(c) disposes of his or her voting shares or units or turns them over to a trustee within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; and

(22) intimidating, hindering or denigrating in any way whatsoever a person who has requested an inquiry or any other person identified as a witness likely to be summoned before a disciplinary body.

§3. Relations with the Order and members

56. Podiatrists whose participation on any committee of the Order is requested by the Order must accept that duty unless they have reasonable reasons for refusing it.

57. Podiatrists must reply within the allotted time to all requests from the secretary of the Order, the office of the syndic and the professional inspection committee and make themselves available for any meeting deemed relevant.

58. Podiatrists must not abuse the good faith of another member of the Order or be guilty of breach of trust or disloyal practices towards him or her. They must not, in particular, take credit for the work of another member of the Order.

59. Podiatrists may not intimidate, hinder or denigrate in any way whatsoever a representative of the Order acting in the performance of the duties conferred upon the representative by the Professional Code, the Podiatry Act or the regulations thereunder.

60. A podiatrist consulted by another member of the Order or another professional must promptly provide them with the results of the consultation and the recommendations deemed appropriate.

DIVISION V
ADVERTISING AND GRAPHIC SYMBOL

61. A podiatrist's advertising must convey only information that will help the public to make an enlightened choice and that will facilitate the public's access to useful or necessary professional services.

The information must be such that it informs persons having no particular knowledge of podiatry.

62. Podiatrists may not, by whatever means, advertise or make a representation to the public or to a person having recourse to their services or allow such to be made in their name, about them or for its benefit, that is false, misleading or incomplete, particularly as to their level of competence or the scope or effectiveness of their services, or favouring a medication, products, or method of investigation or treatment.

63. Podiatrists may not, by any means whatsoever, engage in advertising or allow advertising that is likely to unduly influence persons who may be physically or emotionally vulnerable because of their age, their state of health or personal condition.

64. A podiatrist who addresses the public must communicate factual, exact and verifiable information. The information must not contain any comparative or superlative statement belittling or disparaging a service or product dispensed by another podiatrist or another professional.

65. Podiatrists must, in their advertising or any other vehicle used to offer professional services, clearly indicate their name and their podiatrist title. They may also mention the professional services they offer.

66. Podiatrists may not, in their advertising, in social media or in any public intervention, use or allow the use of an unsuitable or excessive expression of support or gratitude concerning them or their professional services.

67. Every podiatrist who practises within a partnership or joint-stock company of podiatrists is responsible for the content of every advertisement made on their behalf or on behalf of the partnership or joint-stock company, unless the name of the podiatrist who is responsible for the content of the advertisement is clearly indicated in the advertisement or unless one of the podiatrists demonstrates that the advertising was done without his or her knowledge and consent and in spite of the measures taken to ensure compliance with those rules.

68. A podiatrist must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession.

69. Podiatrists who include a price in their advertising must also indicate the following information:

(1) the price of the service contemplated and, if any, the validity period;

(2) any restrictions that apply;

(3) any additional services or fees that might be charged and are not already included in the fee or price;

(4) additional fees associated with the terms of payment, if any.

A podiatrist may agree with a patient to charge a price below that published or circulated.

70. Podiatrists must retain a complete copy of any advertising for a period of 5 years following the date on which it was last published or circulated. Upon request, that copy must be submitted to the syndic.

71. A podiatrist who uses the graphic symbol of the Order for advertising purposes must ensure

(1) that the symbol complies with the original held by the secretary of the Order;

(2) that such advertising mentions that the podiatrist is a "member of the Ordre des podiatres du Québec"; and

(3) that such advertising is not interpreted as advertising for the Order, and that it does not bind the Order in any way.

DIVISION IV
FINAL

72. This Regulation replaces the Code of ethics of podiatrists (chapter P-12, r. 5) and the Regulation respecting advertising by podiatrists (chapter P-12, r. 12).

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

102450

Gouvernement du Québec

O.C. 1163-2015, 16 December 2015

An Act respecting the Ministère des Relations internationales
(chapter M-25.1.1)

Ministère des Relations internationales — Terms and conditions governing the signing of certain deeds, documents or writings — Amendment

RESPECTING amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales

WHEREAS, under section 7 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), no deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the staff of the department or by an employee of the Government, and in these last two cases, only so far as determined by the Government;

WHEREAS the Government decreed the terms and conditions governing the signing of certain deeds, documents and writings of the Ministère des Relations internationales (chapter M-25.1.1, r. 1);

WHEREAS it is necessary to amend once again these terms and conditions to address the new administrative realities of the department;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie:

THAT the amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales appended to this Order in Council be decreed;

THAT these amendments enter into force on the date of their publication in the *Gazette officielle du Québec.*

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Amendments to the terms and conditions governing the signing of certain deeds, documents or writings of the Ministère des Relations internationales

Act respecting the Ministère des Relations internationales
(chapter M-25.1.1, a. 7)

1. The terms and conditions governing the signing of certain deeds, documents and writings of the Ministère des Relations internationales (chapter M-25.1.1, a. 7) are amended by the replacement in paragraph 4 of section 2 of "agreements on the granting of subsidies according to standards approved by the Government or the Conseil du trésor" by "agreements on the granting of subsidies."

2. Sections 2 and 8 of these terms and conditions are amended by the replacement of "secretary" by "secretary general."

3. Section 3 of these terms and conditions is amended by the addition after "Financial" of "and Real Estate".

4. Section 4 of these terms and conditions is amended by the replacement of "Material" by "Financial and Real Estate."

5. Section 5 of these terms and conditions is amended by the replacement of "la gestion" by "l'organisation."

6. Sections 6 and 7 of these terms and conditions are repealed.

102451

Gouvernement du Québec

O.C. 1164-2015, 16 December 2015

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

Tax Administration Act
(chapter A-6.002)

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

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Agreement on Social Security between the Gouvernement du Québec and the Government of Romania
— Ratification and making of the Regulation respecting the implementation

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

WHEREAS Order in Council 554-2012 dated 30 May 2012 authorized the Minister of International Relations to sign alone an agreement, an administrative arrangement and a protocol on social security between the Gouvernement du Québec and the Government of Romania;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania as well as the Administrative Arrangement and the Final Protocol consequent thereto were signed at Québec City on 19 November 2013;

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

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

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

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

WHEREAS, under subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

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

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

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

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

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

WHEREAS the Agreement was approved by the National Assembly on 19 May 2015;

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

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and La Francophonie, the Minister of Finance, the Minister of Labor, Employment and Social Solidarity and the Minister of Health and Social Services:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, signed at Québec City on 19 November 2013 and approved by the National Assembly on 19 May 2015, whose text is attached to the implementing regulation mentioned below, be ratified;

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania

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

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

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

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2, s. 10)

1. The following Acts and the regulations thereunder apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, signed at Québec City on 19 November 2013 attached as Schedule 1:

(1) the Hospital Insurance Act (chapter A-28);

(2) the Health Insurance Act (chapter A-29);

(3) the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

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

(5) the Act respecting health services and social services (chapter S-4.2);

(6) the Act respecting health services and social services for Cree Native persons (chapter S-5).

2. Those Acts and regulations apply in the manner stipulated in that Agreement, in the Administrative Arrangement for the application of the Agreement attached as Schedule 2 and the Protocol to this Administrative Arrangement attached as Schedule 3, all signed at Québec City on 19 November 2013.

3. This Regulation comes into force on 1 March 2016.

SCHEDULE 1
(s. 1)

AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF ROMANIA

THE GOUVERNEMENT DU QUÉBEC
AND
THE GOVERNMENT OF ROMANIA

hereinafter referred to as "the Parties"

HAVING RESOLVED to coordinate their social security legislations;

HAVE AGREED AS FOLLOWS:

PART I
GENERAL PROVISIONS

ARTICLE 1
DEFINITIONS

In the Agreement, unless the context indicates otherwise, the following expressions mean:

(a) "competent authority": the Québec Minister or the Romanian Minister responsible for administering the legislation referred to in Article 2;

(b) "competent institution":

i. the institution from which the interested person may be entitled to benefits, or;

ii. the institution designated by the competent authority of the concerned Party or the one responsible for administering the legislation referred to in Article 2;

(c) "legislation": the laws, regulations, statutory provisions, and any other measures, existing or future, governing the social security branches and systems referred to in Article 2;

(d) "occupational injury": an industrial accident or occupational disease, including relapse;

(e) "liaison agency": institution designated by the competent authority of each Party responsible for facilitating the implementation of the Agreement;

(f) "insurance period": as regards Québec, any year for which contributions or disability pension benefits have been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent, and, as regards Romania, contribution periods and equivalent periods completed under its legislation;

(g) "benefit": any benefit in cash or in kind provided for under the legislation referred to in Article 2;

(h) "reside": to ordinarily live in Québec or Romania with the intention to establish or maintain one's domicile therein, while being legally authorized to do so;

(i) "national": a Canadian citizen who is or has been subject to the legislation referred to in subparagraph *a* paragraph 1 of Article 2 or has acquired rights under that legislation; or a Romanian citizen who is or has been subject to the legislation referred to in subparagraph *b* paragraph 1 of Article 2, or has acquired rights pursuant thereto;

(j) "stay": to be temporarily in the territory of a Party without intention of residing therein.

Any term not defined in the Agreement shall have the same meaning as in the applicable legislation.

ARTICLE 2
MATERIAL SCOPE

1. The Agreement shall apply:

(a) to the legislation of Québec concerning health insurance, hospital insurance and other health services, the Québec Pension Plan and occupational injury;

(b) to the legislation of Romania on sickness and maternity benefits, old age pensions (age limit, anticipated and partial anticipated), disability, survivor, death benefits and benefits in case of industrial accidents and occupational diseases.

2. The Agreement shall also apply to any legislation or regulation that amends, adds to, or replaces the legislation referred to in paragraph 1.

3. The Agreement shall also apply to any legislation or regulation of a Party that extends the existing systems to new categories of beneficiaries or to new benefits; however, that Party shall have three months from the date of the official publication of that legislation or regulation to notify the other Party that the Agreement shall not apply thereto.

4. The Agreement shall not apply to any legislation or regulation that covers a new branch of social security, unless the Agreement is amended to that effect.

ARTICLE 3
PERSONAL SCOPE

Unless otherwise stipulated, the Agreement shall apply to all persons who are or have been subject to the legislation of a Party or who have acquired rights under that legislation.

ARTICLE 4
EQUALITY OF TREATMENT

Unless otherwise stipulated in the Agreement, the persons designated in Article 3 shall receive, with respect to the application of the legislation of a Party, the same treatment as nationals of this Party.

ARTICLE 5
EXPORT OF BENEFITS

1. Unless otherwise stipulated in the Agreement, any cash benefits acquired under the legislation of a Party or with or without the application of the Agreement may not be reduced, modified, suspended, cancelled, or confiscated simply because the beneficiary resides or stays outside the territory of the Party where is located the competent debtor institution; these benefits shall be payable to the beneficiary wherever he or she resides.

2. The provisions of paragraph 1 of this Article shall not apply to special non-contributory cash benefits granted under Romanian legislation.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE 6
GENERAL RULE

Unless otherwise stipulated in the Agreement and subject to Articles 7, 8, 9, 10 and 11, persons who work in the territory of one Party shall, with respect to such work, be subject to the legislation of that Party.

ARTICLE 7
SELF-EMPLOYED PERSONS

Self-employed persons who reside in the territory of one Party and work in the territory of both Parties shall, with respect to such work, be subject only to the legislation of their place of residence.

ARTICLE 8
SECONDED EMPLOYEES

1. Persons subject to the legislation of one Party and temporarily seconded by their employer to perform work for a period not exceeding thirty-six months on the territory of the other Party shall, with respect to such work, be subject only to the legislation of the first Party during the period of their secondment.

2. However, if the time required to complete the work extends beyond the period originally planned and exceeds thirty-six months, the legislation of the first Party shall continue to apply for a supplementary period of twenty-four months, provided the competent institutions of both Parties give their approval.

ARTICLE 9
TRAVELING PERSONNEL EMPLOYED BY AN INTERNATIONAL CARRIER

1. Persons working in the territory of both Parties as traveling personnel for an international carrier that, on behalf of others or on its own account, transports passengers or goods by air or by sea and that has its head office in the territory of either Party shall, with respect to such work, be subject only to the legislation of the Party in whose territory the head office is located.

2. However, if the persons are employed by a branch or permanent agency that the undertaking possesses in the territory of a Party other than the territory where it has its head office, those persons shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding paragraphs 1 and 2, if the persons are employed for the most part in the territory of the Party where they reside, they shall, with respect to such work, be subject only to the legislation of that Party.

ARTICLE 10
PERSON EMPLOYED IN GOVERNMENT SERVICE OR IN PUBLIC SERVICE

1. Persons who are in government service or in public service for one of the Parties and who are assigned to a posting in the territory of the other Party shall be subject only to the legislation of the first Party for all matters related to that posting.

2. For members of diplomatic missions and consular posts, the provisions relating to social security of the Vienna Convention on Diplomatic Relations of 18 April 1961 and the Vienna Convention on Consular Relations of 24 April 1963 shall continue to apply.

ARTICLE 11
DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both Parties, or the competent institutions, may, by common agreement, derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons, or category of persons.

PART III
PROVISIONS RESPECTING BENEFITS

CHAPTER 1
HEALTH BENEFITS

ARTICLE 12
NATURE OF BENEFITS

1. This Chapter shall apply to all benefits covered in the legislation of Québec relative to health insurance, hospitalization insurance and other health benefits, on the conditions provided therein.

2. This Chapter shall also apply to all benefits covered in the legislation of Romania in case of sickness and maternity.

ARTICLE 13
PERSONS COVERED

1. This Chapter shall apply to persons insured under the legislation of Québec or Romania.

2. For the purposes of this Chapter, "insured person" means:

(a) as regards Québec, any person who immediately before arriving in Romania, was "a resident of Québec" as defined in the Health Insurance Act of Québec;

(b) as regards Romania, any person insured in the social health insurance scheme.

3. However, this Chapter shall not apply to persons referred to in Articles 9 and 10, nor to their children, spouse and dependents.

ARTICLE 14
STATUS OF SPOUSE AND DEPENDENTS

The competent institution shall determine the status of spouse and dependents under the provisions of the legislation it administers.

ARTICLE 15
ENTITLEMENT TO BENEFITS IN KIND

1. For entitlement, maintenance or recovery of rights to benefits in kind under the legislation of a Party, periods of insurance or residence completed under the legislation of the other Party shall be treated as periods of insurance completed under the legislation of the first Party.

2. For the application of the preceding paragraph, "periods of insurance" means periods of contribution, employment, professional activity or residence, as defined or accepted as periods of insurance by the legislation under which they were completed, and all other periods, recognized by this legislation as equivalent to periods of insurance.

ARTICLE 16
PASSAGE FROM THE LEGISLATION OF A PARTY TO THAT OF THE OTHER PARTY

1. The insured person of a Party, other than a person referred to in Articles 7, 8, paragraphs 1 and 2 of Article 9, 10 or 11, who leaves the territory of that Party and stays in the territory of the other Party to work, shall receive, as well as the spouse and dependent children accompanying the insured person, benefits in kind, provided by the institution of place of stay, on the conditions set forth by the legislation it applies, given the provisions of Article 15, during the entire work period on this territory, regardless of the planned duration of this activity.

2. An insured person who leaves the territory of a Party to reside in the territory of the other Party shall receive, as well as the spouse and dependent children accompanying the insured person, benefits in kind, served by the institution of place of residence, provided by the legislation it applies, considering the provisions of Article 15, as of the day of arrival in that territory, subject to the other conditions set forth by this legislation.

3. The same provisions shall apply to the spouse and dependent children accompanying or joining the insured person referred to in paragraphs 1 and 2, insofar as they have acquired, before their departure, the right to benefits in the territory of the Party they are leaving.

ARTICLE 17
PERSON REFERRED TO IN ARTICLE 7, 8 OR 11

An insured person referred to in Articles 7, 8 or 11, who is subject to the legislation of a Party while staying in the territory of the other Party to work, shall receive, as well as the spouse and dependent children accompanying the insured person, benefits in kind served on behalf of the competent institution by the competent institution of the place of stay, according to the provisions of the legislation that the latter administers, during the work period on this territory.

ARTICLE 18
STAY FOR STUDIES

1. A person insured under the legislation of a Party and staying in the territory of the other Party to study shall receive, if not entitled to benefits in the territory of stay, benefits which are provided to that person and the accompanying spouse and dependent children, on behalf of the competent institution by the institution of the place of stay, according to the provisions of the legislation the latter administers, during the study period on this territory.

2. For the purposes of paragraph 1, studying in Québec means to be enrolled full-time in a collegiate or university level educational institution recognized by the responsible Québec Minister; studying in Romania means to be enrolled full time in a post-secondary or university level education institution accredited by the responsible ministry.

3. Paragraph 1 shall apply by analogy to a person:

(a) undergoing a studies internship of the level specified in paragraph 2 and recognized by the education institution;

(b) performing university or postgraduate research;

and who is not entitled to benefits in application of Article 17.

ARTICLE 19
BURDEN OF BENEFITS IN KIND

1. For the purposes of Article 16, benefits in kind shall be served at the expense of the institution of the place of stay or residence.

2. For the purposes of Articles 17 and 18, benefits in kind shall be served at the expense of the competent institution.

ARTICLE 20
BENEFITS IN CASH

Cash benefits shall be paid directly by and at the expense of the competent institution, in accordance with the legislation it applies.

CHAPTER 2
RETIREMENT, DISABILITY AND SURVIVORS BENEFITS

ARTICLE 21
BENEFITS COVERED

1. This Chapter shall apply to all benefits referred to in the Act respecting the Québec Pension Plan.

2. This Chapter shall also apply to all benefits referred to in the Act governing the public pension system of Romania.

ARTICLE 22
PRINCIPLE OF TOTALIZATION

When persons have completed insurance periods under the legislation of both Parties and are ineligible for benefits by virtue of insurance periods completed solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for entitlement to benefits under the legislation that it administers, the insurance periods completed under the legislation of both Parties, provided they do not overlap.

ARTICLE 23
BENEFITS UNDER THE LEGISLATION OF QUÉBEC

1. If persons have been successively or alternately subject to the legislation of both Parties meet the requirements for entitlement to benefits for themselves, their dependents, survivors, or other rightful claimants under the legislation of Québec without having recourse to the totalization principle set forth in Article 22, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation that it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall proceed as follows:

(a) it shall recognize one year of contribution if the competent institution of Romania certifies that an insurance period of at least 3 months in a single calendar year has been credited under the legislation of Romania, provided that the year in question is included in the contributory period defined under the legislation of Québec;

(b) it shall totalize, in accordance with Article 22, the years recognized under subparagraph *a* and the periods completed under the legislation of Québec.

3. When the totalization set forth in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount of benefits payable by adding together the amounts calculated in accordance with subparagraphs *a* and *b* below:

(a) the amount of that portion of the benefits related to earnings shall be calculated in accordance with the provisions of the legislation of Québec;

(b) the amount of the flat rate component of the benefits payable in accordance with the provisions of this Agreement shall be determined by multiplying:

the amount of the flat rate benefits determined in accordance with the provisions of the Québec Pension Plan

by

the fraction that represents the ratio between the periods of contribution to the Québec Pension Plan and the contributory period defined in the legislation governing that Plan.

ARTICLE 24
BENEFITS UNDER THE LEGISLATION OF ROMANIA

1. If persons have been successively or alternately subject to the legislation of both Parties, the competent institution of Romania shall determine, in accordance with the provisions of the legislation that it applies, whether these persons or their survivors are entitled to benefits, taking account, where appropriate, the provisions of Article 22.

2. If the interested person satisfies the requirements of paragraph 1 of this Article in regard to the legislation of Romania without applying the provisions of Article 22, the competent institution of Romania shall calculate benefits based solely on periods completed under the legislation it applies.

3. If the interested person satisfies the requirements of paragraph 1 of this Article in regard to the legislation of Romania solely in application of the provisions set forth in Article 22, benefits shall be determined as follows:

(a) the competent institution of Romania shall calculate the theoretical amount of benefits due as if all periods had been completed under its own legislation;

(b) the competent institution of Romania shall then calculate the actual amount of the benefit due to the person interested, based on the theoretical amount calculated pursuant to the provisions of subparagraph *a* of this paragraph, in proportion to the periods completed before the occurrence of the contingency under the legislation it applies, in relation to the total duration of the periods completed before the contingency arose under the legislation of both Parties.

4. If the amount of the benefit varies according to the number of family members, the competent institution of Romania shall also considers the family members and survivors who reside in Quebec.

5. For the purpose of determining entitlement to an old age benefit under the legislation of Romania, and pursuant to Article 22:

(a) a calendar year which is a period of insurance under the Québec Pension Plan shall be considered as 12 months eligible under the legislation of Romania;

(b) a month, which is a creditable period under the Canadian Old Age Security Act which applies in the territory of Québec and that is not part of an insurance period under the Québec Pension Plan, shall be considered an eligible month under the legislation of Romania.

6. For the purposes of determining entitlement to a disability, survivor or death benefit under the legislation of Romania and pursuant to Article 22, a calendar year, which is an insurance period under the Quebec Pension Plan, shall be considered as 12 months eligible under the legislation of Romania.

ARTICLE 25
DEATH BENEFITS AS REGARDS ROMANIA

Where a person subject to Romanian legislation dies in the territory of Quebec, the death shall be deemed to have occurred in Romania.

ARTICLE 26
MINIMUM PERIOD

1. Notwithstanding any other provision of the Agreement, if the total duration of insurance periods completed under the legislation of a Party is less than one year, and, when taking into account only those periods, entitlement to a benefit is not acquired under the legislation of that Party, the competent institution of that Party shall not be required, under the Agreement, to pay a benefit in respect of such periods. These insurance periods shall be taken into account by the competent institution of the other Party to determine eligibility for benefits of that Party through the application of this Title.

2. Periods of insurance mentioned in the preceding paragraph shall be considered by the institution of the other Party for the application of the provisions of subparagraph *a* of paragraph 3 of Article 24 as if these periods had been completed under the legislation it applies, except subparagraph *b* of paragraph 3 of Article 24.

ARTICLE 27
PERIODS COMPLETED UNDER THE LEGISLATION OF A THIRD PARTY

If persons are still not entitled to benefits after the totalization prescribed in Article 22, the insurance periods completed under the legislation of a third party bound to each of the Parties by a legal social security instrument containing provisions on the totalization of insurance periods shall be taken into consideration in determining the entitlement to benefits under the terms and conditions prescribed in this Part.

CHAPTER 3
BENEFITS IN CASE OF OCCUPATIONAL INJURY

ARTICLE 28
BENEFITS COVERED

This Chapter covers all benefits provided for, in the field of occupational injuries, in the legislation of each Party.

ARTICLE 29
WORKERS SUBJECT TO THE LEGISLATION OF ONE PARTY AND STAYING OR RESIDING IN THE TERRITORY OF THE OTHER PARTY

1. Workers who, because of an industrial accident or an occupational disease, become recipients of benefits under the legislation of a Party while staying or residing in the territory of the other Party shall be entitled to benefits on that territory.

2. Workers who, because of an occupational injury, are entitled to benefits owed by the competent institution of a Party, shall retain the advantage of those benefits while staying or residing in the territory of the other Party.

ARTICLE 30
RELAPSE

1. Workers whose industrial accident or occupational disease has been recognized by the competent institution of a Party and who suffer a relapse of their industrial accident or occupational disease while staying or residing in the territory of the other Party, shall be entitled, in that territory, to benefits arising from that relapse.

2. Entitlement to benefits is determined by taking into account the following modalities:

(a) if the worker has performed, under the legislation of the Party in the territory of which he is staying or residing, work that is likely to cause a relapse, the competent institution of that Party shall adjudicate on the relapse, according to the legislation it administers. In such case:

i. the competent institution of the other Party shall retain the burden, where applicable, of the benefits payable under its own legislation as if there had been no relapse;

ii. the competent institution of the place of stay or residence shall bear the cost of the additional benefits corresponding to the relapse. In the case of cash benefits, the amount of those additional benefits shall be determined by the legislation of the Party in whose territory the worker is staying or residing, as if the initial event had occurred in its own territory. This amount is equal to the difference between the amount of the benefit payable after the relapse and that which would have been due before this relapse. The benefits in kind for the relapse shall be provided and paid by the competent institution of the place of stay or residence according to the legislation it administers;

(b) if the worker has not performed, under the legislation of the Party in the territory of which he is staying or residing, work that is likely to cause the relapse, benefits payable as a result of this relapse shall be provided by the competent institution of the other Party according to the legislation it administers.

3. The term "relapse" includes recurrence and worsening.

ARTICLE 31
SERVICE OF BENEFITS

In cases provided for in Articles 29 and 30:

(a) benefits in kind shall be provided, on behalf and at the expense of the competent institution, by the institution of the place of stay or residence of the worker, in accordance with the legislation the latter administers, as concerns the scope and terms and conditions of the service of the benefits. The competent institution shall set forth the duration of the authorization and shall also decide on any request for an extension of benefits.

For the application of paragraph 2 of Article 29, authorization must be obtained before the worker goes to the territory of the other Party to stay or reside.

(b) cash benefits shall be provided directly by the competent institution of the worker in relation to the compensated occupational injury, in accordance with the provisions of the legislation it administers.

ARTICLE 32
GRANTING OF BENEFITS OF GREAT IMPORTANCE

In cases provided for in Articles 29 and 30, the granting of prostheses, large devices and other benefits in kind of great importance shall be subject, except in emergencies, to the authorization of the competent institution of the worker in relation to the compensated occupational injury.

ARTICLE 33
ASSESSMENT OF THE DEGREE OF DISABILITY

In assessing the degree of permanent disability resulting from an occupational injury under the legislation of a Party, occupational injuries having occurred previously under the legislation of the other Party shall be considered as if they had occurred under the legislation of the first Party.

ARTICLE 34
DOUBLE EXPOSURE TO SAME RISK

1. When a worker has performed, under the legislation of both Parties, work with exposure to the same risk and likely to cause an occupational disease, the rights of this worker or, in case of death, those of the beneficiaries, shall be examined exclusively with regard to the legislation of the Party where the worker, or his beneficiaries, file his or her claim. The competent institution of that Party shall take into account the following provisions:

(a) where, in this legislation, the granting of benefits is subject to the condition that such work has been exercised for a certain period, the periods accomplished under the legislation of the other Party in the exercise of this work shall, when necessary, be taken into account. These periods must first be confirmed by the competent institution of the latter Party;

(b) when, in this legislation, the granting of benefits is subject to the condition that the disease has been diagnosed for the first time in its territory, this condition shall be deemed satisfied when the disease has been diagnosed for the first time in the territory of the other Party;

(c) where, in this legislation, the granting of benefits is subject to the condition that the disease has been diagnosed within a specified period after the ending of the last work with exposure to the same risk and likely to cause an occupational disease, such work, exercised under the legislation of the other Party, shall, when necessary, be taken into account as if it had been exercised under the legislation it administers.

2. If the claim is accepted, the competent institution having accepted it shall pay out the cash benefits and shall ensure the service of benefits in kind, according to the rules of the legislation it administers.

3. If the request for benefits cannot be accepted under the legislation administered by the competent institution of the Party referred to in paragraph 1, the latter shall notify the worker, or in case of death the beneficiaries, and the competent institution of the other Party in order for it to determine eligibility, under the legislation it administers, and taking into account, where appropriate, of subparagraphs *a*, *b* and *c* of paragraph 1.

ARTICLE 35
TAKING INTO ACCOUNT OF DEPENDENTS

If a Party's legislation provides that the amount of cash benefits varies with the number of dependents, the competent institution of this Party shall also take into account dependents who reside in the territory of the other Party, provided that the criterion of residence is not essential, under the applicable legislation, for the determination of the status of dependent.

PART IV
MISCELLANEOUS PROVISIONS

ARTICLE 36
ADMINISTRATIVE ARRANGEMENT

1. An Administrative Arrangement, which must be agreed to by the Parties, shall set out the terms and conditions of the Agreement.

2. The liaison agency of each Party shall be designated in the Administrative Arrangement.

ARTICLE 37
CLAIM FOR BENEFITS

1. To receive benefits pursuant to the Agreement, a person must file a claim in accordance with the terms and conditions set forth in the Administrative Arrangement.

2. For the application of Chapter 2 of Part III, a claim for benefits filed under the legislation of one Party after the date of entry into force of the Agreement shall be deemed to be a claim for corresponding benefits under the legislation of the other Party in the following cases:

(a) when a person expresses the wish that the claim be considered as a claim under the legislation of the other Party;

(b) when a person indicates, at the time of the claim, that insurance periods were completed under the legislation of the other Party.

The date of receipt of such a claim shall be presumed to be the date on which that claim was received under the legislation of the first Party.

3. The presumption set out in the previous paragraph shall not impede a person from requesting that a claim for retirement or old age benefits under the legislation of the other Party be deferred.

ARTICLE 38
PAYMENT OF BENEFITS

1. All cash benefits shall be payable directly to the beneficiary in the currency of the Party making the payment or in a currency that has legal tender status in the place of residence of the beneficiary, with no deductions for administrative fees, other than bank fees where applicable, incurred for the payment of such benefits.

2. For the purposes of paragraph 1, when an exchange rate must be used, such rate shall be the one used by the financial institution, in effect on the day the payment is made.

ARTICLE 39
FILING DEADLINE FOR RECOURSE

1. Any claim for recourse that, under the legislation of one Party, must be filed within a prescribed period with the competent institution of that Party shall be accepted if filed within the same period with the corresponding competent institution of the other Party. In such case, the competent institution of the second Party shall forward the claim without delay to the competent institution of the first Party.

2. The date on which this claim is filed with the competent institution of one Party shall be considered the date of filing with the competent institution of the other Party.

ARTICLE 40
EXAMINATIONS

1. At the request of the competent institution of a Party, the institution of the other Party shall make the necessary arrangements to carry out the required examinations for persons residing or staying in the territory of the second Party.

2. The examinations referred to in paragraph 1 shall not be refused solely because they were made in the territory of the other Party.

ARTICLE 41
FEES AND EXEMPTION FROM AUTHENTICATION

1. Any exemption or reduction of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required under that Party's legislation shall be extended to the certificates and documents required under the legislation of the other Party.

2. Any document required under the Agreement shall not require authentication by the responsible authorities or any other similar formalities.

ARTICLE 42
PROTECTION OF PERSONAL INFORMATION

1. Any information concerning a natural person which allows the person to be identified is personal information. Personal information shall be confidential.

2. The agencies of both Parties may release to one another any personal information necessary for the application of the Agreement.

3. Personal information released to an agency of a Party, within the framework of the application of the Agreement, may be used only for the application of the Agreement.

A Party may however use such information for other purposes with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) its use is compatible and has a direct and relevant connection with the purposes for which the information was collected;

(b) its use is clearly for the benefit of the person to whom it relates, or;

(c) its use is necessary for the administration of an Act or regulation in Québec or in Romania.

4. Personal information released to an agency of a Party, within the framework of the application of the Agreement, may only be released to another agency of this Party for the application of the Agreement.

A Party may however release such information with the consent of the person concerned or, without the consent of the said person, only in the following cases:

(a) the information is necessary for the exercise of the rights and powers of an agency of a Party;

(b) its release is clearly for the benefit of the person to whom it relates, or;

(c) its release is necessary for the administration of an Act or regulation in Québec or in Romania.

5. The agencies of both Parties shall ensure, during the transmission of the information referred to in paragraph 2, the use of means preserving the confidentiality of such information.

6. The agency of a Party, to which information referred to in paragraph 2 is released, shall protect it against unauthorized access, alteration and release.

7. The agency of a Party, to which personal information referred to in paragraph 2 is released, shall take the necessary measures to ensure that this information is up to date, accurate and complete so as to serve the purposes for which it was collected. As need be, it shall correct the information held and shall destroy any information whose collection or storage is not authorized by an Act or regulation which applies to it. It shall also destroy, upon request, the information whose transmission is not authorized by the laws and regulations of the transmitting Party.

8. Subject to the laws and regulations of a Party, the information received by a Party, because of the application of the Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The agencies of both Parties shall use safe and final means of destruction, and shall ensure the confidentiality of the personal information awaiting destruction.

9. Upon request to an agency of a Party, the person concerned has the right to be informed of the release of personal information referred to in paragraph 2 and of its use for purposes other than the application of the Agreement. That person may also have access to the personal information concerning him or her and have the said information corrected, except as otherwise provided by the laws and regulations of the Party on whose territory the information is held.

10. The competent authorities of the Parties shall inform each other of any changes to the laws and regulations concerning the protection of personal information, particularly with regards to other grounds on which it may be used or released to other entities without the consent of the person concerned.

11. The provisions of paragraphs 2 et seq. shall apply, with the necessary adaptations, to other confidential information obtained within the framework of the application of the Agreement or by reason thereof.

ARTICLE 43
MUTUAL ADMINISTRATIVE ASSISTANCE

The competent authorities and institutions shall:

(a) communicate to each other any information required for the application of the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement;

(c) communicate to each other any information on measures adopted for the purpose of applying the Agreement or on amendments to their legislation if such amendments affect the application of the Agreement, and;

(d) notify each other of problems encountered in interpreting or applying the Agreement.

ARTICLE 44
REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of a Party shall reimburse the institution of the other Party the cost of benefits provided on its behalf, in accordance with Chapters 1 and 3 of Part III.

2. The competent institution of a Party shall reimburse the competent institution of the other Party for costs incurred for examinations carried out in accordance with Article 40. However, the release of examinations or other information already in the possession of the competent institutions shall constitute an integral part of mutual administrative assistance and shall be performed without charge.

3. The Parties shall specify in an administrative arrangement whether they waive, in whole or in part, the reimbursement of those costs.

ARTICLE 45
COMMUNICATIONS

1. The competent authorities, liaison agencies and competent institutions of both Parties may communicate with each other in their official language.

2. A decision of a tribunal or competent institution may be communicated directly to a person staying or residing in the territory of the other Party.

ARTICLE 46
SETTLEMENT OF DISPUTES

1. The competent authorities of both Parties shall settle any dispute between them concerning the interpretation or application of the Agreement.

2. If the dispute is not resolved by the competent authorities, it must be submitted for resolution by consultation between both Parties.

PART V
TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 47
TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits for a period predating its entry into force.

2. For the purposes of Chapter 1 of Part III and subject to the provisions of paragraph 1, an insurance period completed prior to the entry into force of the Agreement shall be taken into consideration when determining entitlement to benefits hereunder.

3. For the purposes of Chapter 2 of Part III and subject to the provisions of paragraph 1:

(a) an insurance period completed prior to the entry into force of the Agreement shall be taken into consideration when determining entitlement to benefits hereunder;

(b) benefits other than death benefits shall be owed under the Agreement even if related to an event predating its entry into force;

(c) when the claim for benefits, which must be granted in application of Article 22, is filed within two years from the entry into force of the Agreement, the rights resulting from the Agreement shall be acquired from the entry into force of the Agreement or the date of entitlement to a retirement, survivor or disability benefit, if that date is later than the entry into force of the Agreement, notwithstanding the provisions of the legislation of either Party relating to the forfeiture of rights;

(d) benefits that have been turned down, reduced, or suspended because of nationality or place of residence shall, at the request of the person interested, be awarded or reinstated as of the entry into force of the Agreement;

(e) benefits awarded before the entry into force of the Agreement shall be reviewed at the request of the person interested, or ex officio, and if the review leads to lower benefits that those awarded prior to the entry into force the Agreement, the benefits shall be maintained at their previous level;

(f) if the request referred to in subparagraphs *d* and *e* is filed within two years of the entry into force of the Agreement, the rights created hereunder shall be acquired as of its entry into force, notwithstanding the provisions of the legislation of either Party regarding the forfeiture of rights;

(g) if the request referred to in subparagraphs *d* and *e* is filed after the two-year deadline of the entry into force of the Agreement, rights that have not been forfeited shall be acquired as of the date of the request, subject to more favorable provisions in the applicable legislation.

4. For the purposes of Chapter 3 of Part III, any period of risky activity accomplished under the legislation of a Party before the entry into force of the Agreement shall be taken into account in determining the eligibility to benefits and its cost apportionment between the competent institutions.

5. For the purposes of Article 8, persons shall only be deemed to have been seconded as of the entry into force of the Agreement.

ARTICLE 48
ENTRY INTO FORCE AND DURATION

1. Each Party shall notify the other once the internal procedures required for the entry into force of the Agreement have been completed. The date of the last of the two notifications shall be considered the date of entry into force of the Agreement.

2. The Agreement shall be concluded for an indefinite period. It may be terminated by one of the Parties by notifying the other Party. The Agreement shall expire six months after the date of notification to the other Party.

3. If the Agreement is terminated, all rights acquired under the provisions of the Agreement shall remain in effect. The competent authorities must make arrangements concerning the rights in the course of being acquired.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

FOR THE GOUVERNEMENT DU QUÉBEC
JEAN-FRANÇOIS LISÉE

FOR THE GOVERNMENT OF ROMANIA
MARIA LIGOR

SCHEDULE 2
(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF ROMANIA

THE GOUVERNEMENT DU QUÉBEC
AND
THE GOVERNMENT OF ROMANIA

hereinafter referred to as "the Parties"

CONSIDERING Article 36 of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania,

HAVE AGREED AS FOLLOWS:

ARTICLE 1
DEFINITIONS

In this Administrative Arrangement,

(a) the term "Agreement" means the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania signed at Québec on November 19, 2013;

(b) all other terms have the meaning given to them in Article 1 of the Agreement.

ARTICLE 2
LIAISON AGENCIES

1. In accordance with the provisions of paragraph 2 of Article 36 of the Agreement, the liaison agencies designated by each of the Parties shall be:

(a) for the Gouvernement du Québec:

— the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other agency that the Gouvernement du Québec may subsequently designate;

(b) For the Government of Romania:

— The National Fund for Public Pension for old age (age limit, early and partial early), disability, survivor, for death benefits, benefits in cash and in kind for industrial accidents and occupational diseases;

— The National Fund for Health Insurance for sickness and maternity benefits.

2. For the implementation of the Agreement and this Arrangement, the liaison agencies designated in paragraph 1 may communicate with each other or with the persons concerned or their legal representatives.

ARTICLE 3
CERTIFICATE OF COVERAGE

1. For the purposes of Articles 7, 8, paragraph 1 of Article 10 and Article 11 of the Agreement, when a person remains subject to the legislation of one Party while working in the territory of the other Party, a certificate of coverage shall be issued:

(a) by the liaison agency of the Gouvernement du Québec when the person remains subject to the legislation of Québec;

(b) by the competent institution of the government of Romania, where the person remains subject to the legislation of Romania.

2. The liaison agency or competent institution issuing the certificate, shall forward it to the person concerned or, where applicable, his employer and shall send a copy to the competent institution or liaison agency of the other Party.

3. The person referred to in paragraph 1 must retain the certificate during the entire period of activity in the territory of the other Party, to present it upon request of an agency of that Party.

4. For the purposes of paragraph 2 of Article 8 of the Agreement, the request for extension is sent to the liaison agency or the competent institution of the Party that issued the certificate. This liaison agency or competent institution shall seek the approval of the competent institution or liaison agency of the other Party. The certificate issued shall contain the registration number and the date of approval. It is forwarded to the person concerned or, where applicable, his employer and a copy is sent to the liaison agency or the competent institution of the other Party.

5. For the purposes of Article 11 of the Agreement, the provisions of paragraph 4 pursuing at obtaining approval between the liaison agency of the Gouvernement du Quebec and the competent institution of the Government of Romania shall apply, with necessary adaptations. The liaison agency of the Gouvernement du Quebec is responsible for obtaining the decision of the competent institutions of Quebec.

BENEFITS IN CASE OF SICKNESS

ARTICLE 4
FORMALITIES FOR THE ENTITLEMENT, MAINTENANCE OR RECOVERY OF THE RIGHT TO BENEFITS

1. For the application of Articles 15 and 16 of the Agreement, information on the insured periods completed previously shall be provided by the institution of the Party whose legislation the person has been subjected to earlier by means of a form attesting to the insurance periods.

2. In order to receive benefits in kind in the territory of Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting, in addition to the document relating to their immigration status in Québec and proof of establishment of domicile, the attestation form referred to in paragraph 1. Entitlement to benefits shall be established upon receipt of these documents by the Régie de l'assurance maladie du Québec with retroactive effect to the day of arrival.

3. In order to receive benefits in kind in the territory of Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the attestation form referred to in paragraph 1. These benefits shall be granted from the day of arrival in the territory of Romania.

ARTICLE 5
FORMALITIES PRECEDING THE SERVICE OF BENEFITS TO SECONDED PERSONS, TO THEIR SPOUSE AND TO THEIR DEPENDENTS

For the purposes of Article 17 of the Agreement:

(a) in Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting the document relating to their immigration status in Québec and the attestation of eligibility for benefits in case of sickness;

(b) in Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the attestation of eligibility for benefits in case of sickness.

The provisions of paragraphs *a* and *b* shall apply to the spouse and the dependents accompanying or joining the worker as long as their names appear on the attestation of eligibility for benefits in case of sickness that was issued to the worker.

ARTICLE 6
FORMALITIES PRECEDING THE SERVICE OF BENEFITS DURING A STAY FOR STUDIES

For the purposes of Article 18 of the Agreement:

(a) in Québec, persons must register with the Régie de l'assurance maladie du Québec by using the registration form intended for this purpose and presenting the document relating to their immigration status in Québec and the form attesting of their status of insured person established by the competent institution of Romania;

(b) in Romania, persons must register with the competent institution of Romania, under the conditions set by the legislation of Romania, by presenting the form attesting of their status of insured person established by the Régie de l'assurance maladie du Québec.

The provisions of paragraphs *a* and *b* shall apply to the spouse and the dependents accompanying or joining the person referred to in the previous paragraphs as long as their name appears on the form delivered to the latter.

RETIREMENT, DISABILITY, AND SURVIVOR BENEFITS

ARTICLE 7
BENEFITS

1. For the purposes of Chapter 2 of Part III of the Agreement, a claim for benefits under the Agreement may be filed with the liaison agency or competent institution, as the case may be, of either Party, along with the required supporting documents.

2. When a liaison agency or competent institution receives a claim for benefits under the legislation applied by the other Party, the claim shall be forwarded without delay to the other competent institution or liaison agency, along with copies of the provided supporting documents certified as being true copies of the originals, while indicating the date the claim was received.

3. Information relating to the civil status included in the claim must be certified by the liaison agency or the competent institution as being true to the information contained on the original supporting documents. The certification of this information shall exempt the liaison agency or the competent institution from transmitting the corresponding supporting documents.

4. A copy of the claim and supporting documents shall be kept by the liaison agency or competent institution with which the claim was initially filed. If requested, a copy shall be made available to the competent institution of the other Party.

5. The liaison agency or competent institution shall confirm, by means of an agreed form, insurance periods recognized under the applicable legislation.

6. If so requested by the competent institution of a Party, the liaison agency or competent institution of the other Party shall include all available information or medical documentation relating to the disability of the claimant or beneficiary.

7. As soon as it reaches a decision on a claim under the legislation it administers, the competent institution shall notify and inform the claimant of the procedures and time limits for legal remedies provided for in that legislation; it shall also notify the liaison agency or competent institution of the other Party using a liaison form.

8. When the competent institution of a Party notes a change in the situation of a beneficiary, and that this change is likely to affect that beneficiary's right to a benefit under the legislation of the other Party, it shall inform the competent institution of that other Party.

DEATH BENEFITS AS REGARDS ROMANIA

ARTICLE 8
DEATH BENEFITS AS REGARDS ROMANIA

1. To be eligible for a death benefit under the legislation of Romania, the claimant who resides in Quebec may submit his claim to the liaison agency of Québec.

2. The claim must be accompanied by the documentation required by the legislation of Romania.

3. The information provided by the claimant must be accompanied by the original supporting documents or copies certified as being true copies of the originals by the liaison agency of Québec.

BENEFITS IN CASE OF OCCUPATIONAL INJURY

ARTICLE 9
COMPETENT INSTITUTIONS

For the purposes of Chapter 3 of Part III of the Agreement, the competent institutions are, regarding the legislation of Québec, the Commission de la santé et de la sécurité du travail, hereafter called "CSST", and regarding the legislation of Romania, the Territorial Pension Funds.

ARTICLE 10
DECLARATION OF THE OCCUPATIONAL INJURY AND EXCHANGE OF INFORMATION BETWEEN THE COMPETENT INSTITUTIONS

1. When a worker suffers an occupational injury under the legislation of a Party, while he is in the territory of the other Party, the declaration of the industrial accident or occupational disease must be done in accordance to the legislation of the competent institution, without taking into account the legislation in force in the territory where the industrial accident or occupational disease occurred.

2. The institution of the Party in whose territory the occupational injury occurred shall forward to the competent institution all information and documents needed to process the application, including medical reports and investigation reports.

ARTICLE 11
BENEFITS IN KIND TO THE WORKER SUBJECT TO THE LEGISLATION OF ONE PARTY AND STAYING OR RESIDENT IN THE TERRITORY OF THE OTHER PARTY

In order to receive benefits in kind as a result of an industrial accident or an occupational disease under Article 31 of the Agreement, the worker subject to the legislation of one Party and staying or residing in the territory of the other Party shall submit to the institution of the place of stay or residence a form issued by the competent institution certifying that he or she is entitled to receive benefits in kind as a result of his industrial accident or occupational disease. The form shall specify the type of benefits in kind and the period for which they can be granted. If the worker is not in possession of the said form, the institution of the place of stay or residence shall request it from competent institution.

ARTICLE 12
RELAPSE

1. In case of relapse, the worker referred to in Article 30 of the Agreement shall provide the institution of the place of stay or residence with the necessary information relating to benefits previously granted in reason of the accident or occupational disease related to this relapse. If deemed necessary, it may inquire upon the institution which provided the benefits in order to obtain any relevant details.

2. For purposes of paragraph *ii* of subparagraph *a* of paragraph 2 of Article 30, the institution of the place of stay or residence which shall bear the additional benefits corresponding to the relapse shall notify the competent institution of the other Party.

3. For the purposes of subparagraph *b* of paragraph 2 of Article 30, a copy of the decision of refusal notified to the worker by the institution of the place of stay or residence shall be forwarded to the competent institution of the other Party, along with the claim and the documents referred to in paragraph 1 so that it may make a decision on the relapse, according to the legislation it administers.

ARTICLE 13
SERVICE OF BENEFITS IN KIND

For the purposes of Article 31 of the Agreement:

1. If it is established by the competent institution that it is an industrial accident or an occupational disease, the benefits in kind shall be provided as benefits for industrial accident or occupational disease from the date on which the accident occurred or the disease was declared.

2. If it is not established by the competent institution that it is an industrial accident or an occupational disease, the benefits in kind shall be provided in accordance with the provisions of Chapter 1 of the Agreement.

The competent institution shall inform without delay the institution of the place of stay or residence of its decision.

ARTICLE 14
GRANTING OF BENEFITS OF GREAT IMPORTANCE

1. For the purposes of Article 32 of the Agreement, when the institution of the place of stay or residence provides for the granting of prostheses, large devices or other benefits in kind of great importance, it shall ask the competent institution to transmit its decision on such benefits, using the prescribed form. If, however, these benefits have already been granted because of an emergency, the institution of the place of stay or residence shall notify the competent institution and the acknowledgement of receipt of this notice shall then be considered as retroactive authorization.

2. Benefits referred to in paragraph 1 shall be provided in accordance with the conditions and manner prescribed by the legislation administered by the institution of the place of stay or residence, unless otherwise stated by the competent institution.

ARTICLE 15
ASSESSMENT OF THE DEGREE OF DISABILITY

For the purposes of Article 33 of the Agreement, the worker and the competent institution to which he was previously affiliated must provide the competent institution

dealing with the claim, at the request of the latter and insofar as it is required to process this claim, with information on occupational injuries that occurred under the previous legislation.

ARTICLE 16
DOUBLE EXPOSURE TO SAME RISK

1. The competent institution that examines a claim filed pursuant to paragraph 1 of Article 34 shall request confirmation from the competent institution of the other Party, using the appropriate form, of the duration of the work periods involving contributory exposure, given the occupational disease diagnosed, and completed under the legislation it administers.

2. When the competent institution that examines the claim concludes that it cannot, in accordance with the legislation it administers, grant the claim, even taking into account the provisions of paragraph 1 of Article 34 of the Agreement, that institution shall notify the worker or, in case of death, the beneficiaries of its decision indicating the reasons for refusal and the procedures and time limits for legal remedies provided for by law. That institution shall notify the worker or, in case of death, the beneficiaries of the possibility to consent to the transmission, to the competent institution of the other Party, of a copy of the decision and its accompanying documents so that the latter may make its own decision on the claim. If there is consent, that institution shall forward without delay, to the competent institution of the other Party, a copy of the decision and its accompanying documents.

3. In the case where a legal remedy is lodged against the decision to deny benefits of the competent institution of the first Party, that institution shall be obliged to inform the competent institution of the other Party of the proceedings and of any subsequent final decision made.

MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 17
REIMBURSEMENT BETWEEN COMPETENT INSTITUTIONS

1. For the purposes of Article 44 of the Agreement, at the end of each calendar year, when the competent institution of one Party has served benefits in kind or carried out examinations on behalf of and at the expense of the competent institution of the other Party, the competent institution of the first Party shall forward to the competent institution of the other Party a request for reimbursement of the cost of benefits served and fees pertaining to the examinations carried out during that year, indicating the amount owed. The request for reimbursement is accompanied by individual cost statements and an introductory letter of debt.

2. The amounts owed must be paid during the semester following the date of receipt of the requests for reimbursement, addressed in accordance with the provisions of paragraph 1.

3. For the purposes of paragraph 2 of Article 44, if the medical examination is carried out for the needs of both competent institutions, there shall be no refund of fees.

ARTICLE 18
PROCEDURES, ATTESTATIONS AND FORMS

The common procedures, model attestations and forms required for the application of the Agreement and this Administrative Arrangement shall be established, by mutual agreement, by the liaison agencies or by the competent institutions of both Parties.

ARTICLE 19
STATISTICAL DATA

The liaison agencies of both Parties shall exchange statistical data, in the form agreed upon and as soon as they are available, concerning payments made to beneficiaries, for the purpose of the application of Chapter 2 of Part III of the Agreement during each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits by category.

ARTICLE 20
ENTRY INTO FORCE AND DURATION

The Administrative Arrangement shall enter into force on the same day as the Agreement and its duration shall be the same as that of the Agreement.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

FOR THE GOUVERNEMENT DU QUÉBEC	FOR THE GOVERNMENT OF ROMANIA
JEAN-FRANÇOIS LISÉE	MARIA LIGOR

SCHEDULE 3
(s. 2)

PROTOCOL TO THE ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF ROMANIA

The Gouvernement du Québec and the Government of Romania, hereafter referred to as "the Parties"

Given the good relations between the Parties;

Desiring to ensure favorable conditions for the implementation of the Agreement on Social Security and the Administrative Arrangement for the implementation of the Agreement;

Given paragraph 3 of Article 44 of the Agreement on Social Security and Article 17 of the Administrative Arrangement for the implementation of the Agreement;

The Parties have agreed as follows:

ARTICLE 1

The Parties shall reciprocally renounce to the reimbursement of health benefits in kind provided for in Articles 17 and 18 of the Agreement on Social Security, and Articles 5 and 6 of the Administrative Arrangement for the implementation of Agreement.

ARTICLE 2

This Protocol shall enter into force on the same date as the Agreement and the Administrative Arrangement for the implementation of Agreement and shall have an initial term of 5 years.

ARTICLE 3

This Protocol shall be extended automatically for further periods of validity of two years each unless there is denunciation by a Party, which must be notified to the other Party twelve months before the expiration of the 2 year term.

Done at Québec on 19 November 2013, in duplicate, in French and Romanian languages, both texts being equally authentic.

FOR THE GOUVERNEMENT DU QUÉBEC	FOR THE GOVERNMENT OF ROMANIA
JEAN-FRANÇOIS LISÉE	MARIA LIGOR

102454

Gouvernement du Québec

O.C. 1185-2015, 16 December 2015

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

Implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania — Approval

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

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania as well as the consequential Administrative Arrangement and Protocol were signed at Québec on 19 November 2013;

WHEREAS the National Assembly approved the Agreement on 19 May 2015;

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

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

WHEREAS the Commission de la santé et de la sécurité du travail made the draft Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania at its sitting of 17 September 2015;

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

WHEREAS it is expedient to approve the Regulation;

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

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

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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

An Act respecting occupational health and safety
(chapter S-2.1, s. 170 and s. 223, 1st par., subpar. 39)

1. Benefits under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the regulations thereunder are extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, signed at Québec on 19 November 2013 and appearing as Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of Romania, made by Order in Council 1164-2015 dated 16 December 2015.

2. The Act and those regulations apply in the manner prescribed by the agreement, by the administrative arrangement for the implementation of the agreement appearing in Schedule 2 and by the protocol to the administrative arrangement appearing in Schedule 3, signed at Québec on 19 November 2013.

3. This Regulation comes into force on 1 March 2016.

102455

Gouvernement du Québec

O.C. 1186-2015, 16 December 2015

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

Safety Code for the construction industry — Amendment

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 4 March 2015 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made, with amendments, the Regulation to amend the Safety Code for the construction industry at its sitting of 17 September 2015;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act is submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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 and 42)

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended by inserting the following subdivision after section 2.19.3:

*"**§2.20.** Lockout and other energy control methods*

2.20.1. In this subdivision,

"**danger zone**" means any zone situated inside or around a machine and which poses a risk for the health, safety or physical well-being of workers;

"**energy control method**" means a method designed to maintain a machine out of working order in such a way that the working order cannot be altered without the voluntary action of every person having access to the danger zone;

"**individually keyed**" means a special layout of the components of a lock making it possible to open it with a single key;

"**lockout**" means an energy control method designed to install an individually keyed lock on an energy isolating device or on any other device allowing for the control of energy such as a lockout box.

2.20.2. Before undertaking any work in the danger zone of a machine, such as erecting, installing, adjusting, inspecting, unjamming, setting up, decommissioning, maintaining, dismantling, cleaning, servicing, refurbishing, repairing, altering or unlocking, lockout, or, failing that, any other method that ensures equivalent safety must be applied in accordance with this subdivision.

This subdivision does not apply

(1) where work is carried out in the danger zone of a machine that has a specific control mode as defined in section 2.20.13;

(2) where a machine is unplugged within the reach and under the exclusive control of the person who uses it, where the machine has a single energy source and where there remains no residual energy after the machine is unplugged.

2.20.3. Lockout must be carried out by every person having access to the danger zone of a machine.

2.20.4. Where the principal contractor intends to apply an energy control method other than lockout, the principal contractor must first ensure the equivalent safety of that method by analyzing the following:

(1) the machine features;

(2) identification of the health and safety risks when using the machine;

(3) the estimate of the frequency and seriousness of the potential employment injuries for each risk identified;

(4) the description of prevention measures that apply for each risk identified, the estimate of the level of risk reduction thus obtained and the assessment of residual risks.

The results of the analysis must be recorded in a written document.

The method referred to in the first paragraph must be developed from the elements mentioned in subparagraphs 1 to 4 of the first paragraph.

2.20.5. The principal contractor must, for every machine situated on the construction site, ensure that one or more procedures describing the energy control method are developed and applied.

The procedures must be easily accessible on the sites where work is carried out in written form intelligible to every person having access to the danger zone of a machine.

Where the duration of a construction site lasts more than 1 year, the procedures must be reviewed periodically so as to ensure that the energy control method remains efficient and safe.

2.20.6. A procedure describing the energy control method must include the following:

(1) identification of the machine;

(2) identification of the person responsible for the energy control method;

(3) identification and location of every control device and of every energy source of the machine;

(4) identification and location of every cutoff point of every energy source of the machine;

(5) the type and quantity of material required for applying the method;

(6) the steps required to control the energy;

(7) where applicable, the measures designed to ensure the continuity of application of the energy control method during a staff rotation, in particular the transfer of required material;

(8) where applicable, the applicable characteristics, such as the release of residual or stored energy, the required personal protective equipment or any other complementary protection measure.

2.20.7. Where lockout is the method applied, the steps required to control energy for the purposes of paragraph 6 of section 2.20.6 must include:

(1) deactivation and complete shutdown of the machine;

(2) elimination or, if that is impossible, control of any residual or stored energy source;

(3) lockout of the machine's energy source cutoff points;

(4) verification of lockout by using one or more techniques making it possible to reach the highest level of efficiency;

(5) safely unlocking and re-operating the machine.

2.20.8. Before applying an energy control method, the principal contractor must ensure that the persons having access to the danger zone of the machine are trained and informed on the health and safety risks related to work carried out on the machine and on the prevention measures specific to the energy control method applied.

2.20.9. An employer or a self-employed worker must obtain written authorization from the principal contractor before undertaking work in the danger zone of a machine. The principal contractor must make sure that the employer or self-employed worker will apply an energy control method that complies with this subdivision.

2.20.10. Where one or more employers or self-employed workers carry out work in the danger zone of a machine, it is the principal contractor's responsibility to coordinate the measures to be taken to ensure the application of the energy control method, in particular by determining their respective roles and their means of communication.

2.20.11. The principal contractor must provide lockout material including individually keyed locks, except if an employer or self-employed worker is responsible therefor pursuant to section 2.20.10.

The name of the person who installs an individually keyed lock must be clearly indicated on the individually keyed lock. Despite the foregoing, the principal contractor may provide persons having access to the danger zone of a machine with individually keyed locks with no name indication, if the principal contractor keeps a record thereof.

The record contains at least the following information:

(1) identification of each individually keyed lock;

(2) the name and telephone number of each person to whom a lock is given;

(3) where applicable, the name and telephone number of the employer of each worker to whom a lock is given;

(4) the date and time at which the lock is given;

(5) the date and time at which the lock is returned.

2.20.12. Where a lock is forgotten or a key is lost, the principal contractor may, with the agreement of the person who carried out lockout, authorize the lock to be cut after ensuring that it does not involve any danger for the health, safety and physical well-being of that person.

Where the agreement of the person who carried out lockout is not obtained, the principal contractor must, before authorizing the lock to be cut, inspect the danger zone of the machine accompanied by a representative of the certified association of which the person is a member, if he or she is available on the work site or, failing that, by a worker present on the work site designated by the principal contractor.

Every instance of a lock being cut must be entered in a written document kept by the principal contractor for at least one year following the day on which the applicable energy control method is altered.

2.20.13. Where a person does setup work, apprenticeship work, a search for defects or cleaning work requiring that a protector be moved or removed or that a protection device be neutralized in the danger zone of a machine that must remain, in whole or in part, in operation, the machine must be equipped with a specific control mode whose engagement must cause all other controls of the machine to become inoperative and allow:

(1) the dangerous parts of the machine to be operated only by using a control device requiring continuous action or a two-hand control device, or by continuous action of a validation device;

(2) the machine to be operated only in conditions where the moving parts do not involve any danger for the health, safety and physical well-being of persons having access to the danger zone, for instance, at reduced speed, under reduced tension, step-by-step or by means of a separate step control device.

2.20.14. This subdivision applies, with the necessary modifications, to any work on an electrical installation.".

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

102453

Gouvernement du Québec

O.C. 1187-2015, 16 December 2015

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

Occupational health and safety — Amendment

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 29 April 2015 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation to amend the Regulation respecting occupational health and safety with amendments at its sitting of 17 September 2015;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act is submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the regulation respecting occupational health and safety

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7 and 42)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by replacing "186" in section 184 by "189.1".

2. Sections 185 and 186 are revoked.

3. The following subdivision is inserted after section 188:

"§1.1. *Lockout and other energy control methods*

188.1. In this subdivision,

"**energy control method**" means a method designed to maintain a machine out of working order, such as its re-operation, the closing of an electrical circuit, the opening of a valve, the release of stored energy or the movement of a part by gravity, in such a way that the working order cannot be altered without the voluntary action of every person having access to the danger zone;

"**individually keyed**" means a special layout of the components of a lock making it possible to open it with a single key;

"**lockout**" means an energy control method designed to install an individually keyed lock on an energy isolating device or on any other device allowing for the control of energy such as a lockout box.

188.2. Before undertaking any work in the danger zone of a machine, such as erecting, installing, adjusting, inspecting, unjamming, setting up, decommissioning, maintaining, dismantling, cleaning, servicing, refurbishing, repairing, altering or unlocking, lockout, or, failing that, any other method that ensures equivalent safety must be applied in accordance with this subdivision.

This subdivision does not apply

(1) where work is carried out in the danger zone of a machine that has a specific control mode as defined in section 189.1;

(2) where a machine is unplugged within the reach and under the exclusive control of the person who uses it, where the machine has a single energy source and where there remains no residual energy after the machine is unplugged.

188.3. Lockout must be carried out by every person having access to the danger zone of a machine.

188.4. Where the employer having authority over the establishment intends to apply an energy control method other than lockout, the employer must first ensure the equivalent safety of that method by analyzing the following:

(1) the machine features;

(2) identification of the health and safety risks when using the machine;

(3) the estimate of the frequency and seriousness of the potential employment injuries for each risk identified;

(4) the description of prevention measures that apply for each risk identified, the estimate of the level of risk reduction thus obtained and the assessment of residual risks.

The results of the analysis must be recorded in a written document.

The method referred to in the first paragraph must be developed from the elements mentioned in subparagraphs 1 to 4 of the first paragraph.

188.5. The employer must, for every machine situated in an establishment over which the employer has authority, ensure that one or more procedures describing the energy control method are developed and applied.

The procedures must be easily accessible on the sites where work is carried out in written form intelligible for consulting by every person having access to the danger zone of a machine, the health and safety committee of the establishment and the safety representative.

The procedures must be reviewed periodically, in particular every time a machine is altered or a failure is reported, so as to ensure that the energy control method remains efficient and safe.

188.6. A procedure describing the energy control method must include the following:

(1) identification of the machine;

(2) identification of the person responsible for the energy control method;

(3) identification and location of every control device and of every energy source of the machine;

(4) identification and location of every cutoff point of every energy source of the machine;

(5) the type and quantity of material required for applying the method;

(6) the steps required to control the energy;

(7) where applicable, the measures designed to ensure the continuity of application of the energy control method during a staff rotation, in particular the transfer of required material;

(8) where applicable, the applicable characteristics, such as the release of residual or stored energy, the required personal protective equipment or any other complementary protection measure.

188.7. Where lockout is the method applied, the steps required to control energy for the purposes of paragraph 6 of section 188.6 must include

(1) deactivation and complete shutdown of the machine;

(2) elimination or, if that is impossible, control of any residual or stored energy source;

(3) lockout of the machine's energy source cutoff points;

(4) verification of lockout by using one or more techniques making it possible to reach the highest level of efficiency;

(5) safely unlocking and re-operating the machine.

188.8. Before applying an energy control method, the employer who has authority over the establishment must ensure that the persons having access to the danger zone of the machine are trained and informed on the health and safety risks related to work carried out on the machine and on the prevention measures specific to the energy control method applied.

188.9. An employer or a self-employed worker must obtain written authorization from the employer who has authority over the establishment before undertaking work in the danger zone of a machine. The employer who has authority over the establishment must ensure that the employer or self-employed worker will apply an energy control method that complies with this subsection.

188.10. Where one or more employers or self-employed workers carry out work in the danger zone of a machine, it is the responsibility of the employer who has authority over the establishment to coordinate the measures to be taken to ensure the application of the energy control method, in particular by determining their respective roles and their means of communication.

188.11. The employer who has authority over the establishment must provide lockout material including individually keyed locks, except if an employer or self-employed worker is responsible therefor pursuant to section 188.10.

The name of the person who installs an individually keyed lock must be clearly indicated on the individually keyed lock. Despite the foregoing, the employer may provide persons having access to the danger zone of a machine with individually keyed locks with no name indication, if the employer keeps a record thereof.

The record contains at least the following information:

(1) identification of each individually keyed lock;

(2) the name and telephone number of each person to whom a lock is given;

(3) where applicable, the name and telephone number of the employer of each worker to whom a lock is given;

(4) the date and time at which the lock is given;

(5) the date and time at which the lock is returned.

188.12. Where a lock is forgotten or a key is lost, the employer who has authority over the establishment may, with the agreement of the person who carried out lockout, authorize the lock to be removed after ensuring that it does not involve any danger for the health, safety and physical well-being of that person.

Where the agreement of the person who carried out lockout is not obtained, the employer who has authority over the establishment must, before authorizing the lock to be removed, inspect the danger zone of the machine accompanied by a representative of the certified association of which the person is a member, if he or she is available on the work site or, failing that, by a worker present on the work site designated by the employer.

Every instance of a lock being removed must be entered in a written document kept by the employer for at least one year following the day on which the applicable energy control method is altered.

188.13. This subdivision applies, with the necessary modifications, to any work on an electrical installation.".

4. The following is inserted after section 189:

"**189.1.** Where a person does setup work, apprenticeship work, a search for defects or cleaning work requiring that a protector be moved or removed or that a protection device be neutralized in the danger zone of a machine that must remain, in whole or in part, in operation, the machine must be equipped with a specific control mode whose engagement must cause all other control modes of the machine to become inoperative and allow

(1) the dangerous parts of the machine to be operated only by using a control device requiring continuous action or a two-hand control device, or by continuous action of a validation device; or

(2) the machine to be operated only in conditions where the moving parts do not involve any danger for the health, safety and physical well-being of persons having access to the danger zone, for instance, at reduced speed, under reduced tension, step-by-step or by means of a separate step control device.".

5. Section 312.86 is amended by replacing "section 185, except the reference that is made to section 186" in paragraph 3 by "subdivision 1.1 of Division XXI".

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

102452

Gouvernement du Québec

O.C. 1188-2015, 16 December 2015

Labour Code
(chapter C-27)

Filing of an arbitration award and the information concerning the duration of arbitration procedures — Amendment

Regulation to amend the Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures

WHEREAS, under subparagraph *e* of the first paragraph of section 138 of the Labour Code (chapter C-27), the Government may, by regulation, establish the procedure to be followed for the filing of an arbitration award and determine the information that the grievances arbitrator must provide on the duration of the different stages of the arbitration procedure;

WHEREAS the Government made the Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures (chapter C-27, 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 the filing of an arbitration award and the information concerning the duration of arbitration procedures was published in Part 2 of the *Gazette officielle du Québec* of 20 May 2015 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, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures

Labour Code
(chapter C-27, s. 138)

1. The Regulation respecting the filing of an arbitration award and the information concerning the duration of arbitration procedures (chapter C-27, r. 3) is amended by replacing section 2 by the following:

"**2.** The grievances arbitrator must attach to the arbitration award filed with the Minister and to the copies of the award sent to each party, under section 101.6 of the Labour Code (chapter C-27), a written declaration complying with section 3.".

2. Section 3 is amended by replacing "must contain" by "is made on the form prescribed by the Minister and contains".

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

102456

Notice of adoption

Code of Civil Procedure
(chapter C-25.01)

Court of Appeal of Quebec

The judges of the Court have duly adopted the *Civil Practice Regulation* annexed to this notice, the English version of which is published hereafter.

December 10, 2015

NICOLE DUVAL HESLER,
Chief Justice of Quebec

Court of appeal

Civil Practice Regulation

1 The sequence of chapters is that of the *Code of Civil Procedure*, CQLR, c. C-25.01.

2 The articles in parentheses are those of the *C.C.P.*

Preliminary Provisions

1. *Enabling Provision*. This Regulation is adopted pursuant to the Court's powers arising out of its administrative independence (*Re Provincial Court Judges*, [1997] 3 S.C.R. 3), in conformity with article 63 of the *Code of Civil Procedure* (*C.C.P.*).

2. *Interpretation (Art. 25).* This Regulation is complementary to the *C.C.P.*; it shall be interpreted and applied in the same manner.

I Public Hearings and Decorum (Art. 11 – 15)

3. *Sitting Days (Art. 82).* The dates on which the Court, a judge or a clerk sit are published on the Court's web site (www.courdappelduquebec.ca/en/).

4. *Court Usher (Art. 14, para. 3).* A court usher shall be present during all hearings and is responsible for the opening and closing of each sitting.

5. *Decorum (Art. 14).* The judge presiding at a hearing shall take all necessary measures to ensure the maintenance of decorum and the respect of all those present.

6. *Sound Devices.* Everyone present must turn off the sound of any device in their possession.

7. *Dress.* In Court, the following dress is obligatory:

(a) for counsel: a gown, bands, white collared shirt and dark garment;

(b) for articled students: a gown and dark garment;

(c) for clerks and court ushers: a gown and dark garment.

Before a judge or clerk: simple and unadorned attire.

II Confidentiality (Art. 16 and 108, para. 1)

8. *Express Reference.* If any part of the file is confidential, the notice of appeal (*Art. 353*) and the representation statement by counsel (*or non-representation statement*) (*Art.* 358) shall include express reference to this effect as well as a specific reference to the legislative provision or court order that is the basis of the confidentiality.

Additional Reference. In any such file, each proceeding must include the word "CONFIDENTIAL" beneath the court file number.

9. *Restricted Access.* In such files, access to documents filed under seal is restricted (Art. 16, para. 2).

10. *Red Binding (Art. 370).* Red binding or a band shall be used to indicate the confidential nature of a volume. The confidential portion of a brief shall be produced in a separate volume.

III Technological Means (Art. 26)

11. *Technological Version.* The parties shall attach the technological version to each copy of their brief in an accessible format (*CD Rom, DVD-Rom, USB key*) where available. Such technological version must permit key-word searches and include hyperlinks from the table of contents to the brief and from the memorandum to the schedules to the extent possible.

Such version must be identified in the same manner as a proceeding (*file number, the style of cause, an abbreviated title, date and notation of confidentiality …).*

12. *Appeal Management (Art. 367 and 370, para. 2).* The filing of any other documents (*applications, exhibits, depositions…*) by technological means or on paper may be ordered by an appeal management decision.

IV Quarrelsome Conduct (Art. 55)

13. *Scope.* Upon application and proof of quarrelsome conduct, the Court may subject a party to prior authorization for any legal proceeding.

The Court may also do so on its own initiative or on that of a judge, in which case the Clerk shall advise the party of the grounds being invoked and summon such party before the Court.

14. *Prohibited Access.* The Court may prohibit a quarrelsome party access to its premises.

15. *Request for Authorization.* A party declared to be quarrelsome who seeks to file a pleading shall request authorization by letter addressed to the Chief Justice and file it at the Office of the Court, to which there shall be attached the judgment declaring the party to be quarrelsome and the proposed proceeding.

16. *Consequence.* Failing authorization, the proceeding is deemed never to have existed (*and thus cannot be filed*).

V Court Offices (Art. 66 and 67)

17. *Office Hours.* The Court offices are open from 8:30am to 4:30pm. The days on which they are open are published on the Court's web site.

18. *Register.* The Clerk shall maintain a computerized register (*docket*), which for each file, shall include all relevant information (*such as the contact information of the parties and their counsel, receipt of documents, and matters arising during the appeal*).

19. *Contact.* The Clerk shall use the last known contact information of the parties and their counsel to contact them. A party who is not represented shall provide the necessary contact information in the notice of appeal or the non-representation statement (*Art. 358, para. 2*) and in the pleadings. The counsel responsible for the file (*Art. 103*) shall include their name, that of the law firm and all their contact information (*including their email address, their permanent code and their locker number, where applicable*) in the pleadings.

20. *Access to a File (Art. 66).* The consultation of a file and the removal of a document shall take place under the authority of the Clerk. The Clerk may provide photocopies of documents upon the payment of the applicable costs.

VI Proceedings (Art. 99 – 104)

21. *Format.* Proceedings shall be drafted on good quality white paper in letter format (*21.5 cm x 28 cm*).

The text shall be reproduced on one side only of each sheet, with a minimum of one and one half spaces between the lines, except for quotations that are single spaced and indented. The margins shall be no less than 2.5 cm, and the computer type face shall be 12 point.

22. *Style of Cause.* The style of cause consists of the name of the parties, their status in appeal in upper case letters, followed by that in first instance in lower case letters.

An intervener in first instance is designated as APPELLANT, RESPONDENT or IMPLEADED PARTY, depending on the circumstances.

The status in appeal of a decision-maker contemplated by a judicial review appeal shall be designated as IMPLEADED PARTY.

23. *Heading.* The heading contained on the backing and the first page of the pleading (*within a box if necessary*) shall indicate its date, the party filing it, its nature, and if it includes a demand, the precise provision on which it is based.

24. *Amendment (Art. 206).* Any amendment to a pleading shall be so identified (*in the margin, by underlining it or by indicating that it has been struck…*).

25. *Notification (Art. 109).* The parties shall notify their proceedings (*including briefs and memoranda*) to the appellant and to the other parties who have filed a representation statement by counsel (*or a non-representation statement*).

The appellant shall reproduce article 358 *C.C.P.*, para. 2, as well as section 25, para. 1, above and section 30 of this Regulation on the backing of its notice of appeal.

VII Notice of Appeal (Art. 352 – 354)

26. *Miscellaneous Requirements.* In addition to the requirements of article 353 *C.C.P.*, the appellant shall record a statement relating to confidentiality (*s. 8 above*) and mention the obligation to file a representation statement (*s. 25 above*) in the notice of appeal.

27. *Grounds of Appeal (Art. 353).* The appellant shall succinctly state the grounds of appeal (*in no more than 10 pages*).

28. *Number of Copies.* A copy of the notice of appeal (*with a copy of the judgment appealed from*) shall be filed at the Office of the Court (*Art. 353*).

Nevertheless, if an application for leave to appeal (*with all its supporting documents*) is attached to the notice (*Art. 357*), two complete copies of the whole shall be filed at the Office of the Court.

29. *Proof of Notification (Art. 354 and 358).* Within three working days following the expiry of the prescribed time limit, the appellant shall file in the Office of the Court one copy of the proof of notification of the notice to the respondent's counsel, the impleaded parties and two copies to the clerk of first instance.

The Clerk shall inform the clerk of the court of first instance of the file number in appeal as soon as it has been assigned.

30. *Failure to File a Representation Statement (Art. 358).* If a party fails to file a representation statement by counsel (or non-representation statement), it shall be precluded from filing any other pleading in the file.

The appeal shall be conducted in the absence of such party.

The Clerk is not obliged to notify any notice to such party.

If the statement is filed after the expiry of the time limit, the Clerk may accept the filing subject to conditions that the Clerk may determine.

31. *Notice of Incidental Appeal (Art. 359).* A notice of incidental appeal need not be accompanied by a copy of the trial judgment (*Art. 353, para. 1*). Nevertheless, a certificate relating to the transcription of depositions must accompany the notice (*Art. 353, para. 3*) within 15 days (*Art. 360, para. 2*).

VIII Dismissal of the Appeal and Suretyship (Art. 364 and following)

32. *Dismissal of Application (Art. 366).* An application to dismiss an appeal, with or without suretyship, may be dismissed on the face of the record; the Clerk shall advise the parties without delay (*Art. 387 and 335*) of the judgment rendered, which judgment terminates the suspension of the time limits for the preparation of the appeal record (*Art. 365, para 2*).

33. *Ex officio.* Before dismissing an appeal on its own initiative (Art. 365) or subjecting it to suretyship (*Art. 364*), the Court shall allow the appellant to present any submissions it may have, in writing or at a hearing.

34. *Lapsed Appeal and Foreclosure (Art. 376), Recourse (Art. 25 and 84).* The Court may relieve a party from its default resulting in the lapse of an appeal or its foreclosure from pleading.

IX Appeal Management (Art. 367)

35. *Request for Management (Art. 367)* A party desiring management of its appeal shall so inform the Clerk by letter as soon as possible (*Art. 367 in fine*).

36. *Leave to Appeal from a Judgment (Art. 357) that Terminates a Proceeding (Art. 30).* A judge who grants leave to appeal from a judgment that terminates a proceeding may manage the conduct of the appeal (*Art. 367 and 373*), save with respect to the establishment of a date of hearing.

37. *Leave to Appeal from a Judgment in the Course of a Proceeding (Art. 31).* A judge who grants leave to appeal from a judgment rendered in the course of proceedings shall establish the date and duration of hearing and establish a timetable for the filing of memoranda unless, for such purpose, the judge refers the matter to the Clerk (*Art. 368 and 374*).

38. *Interruption of the Prosecution of the Appeal.* A party who becomes aware of a circumstance (*discontinuance, Art. 213, transaction, Art. 217 and 220, bankruptcy*) that terminates the appeal or suspends its prosecution shall so inform the Clerk without delay.

39. *Remote Hearings (Art. 26).* A party who wishes to be heard by technological means (*videoconferences or otherwise*) without attending the courthouse shall so request the Clerk by letter. The judge presiding the hearing shall decide whether or not to grant the request.

Necessary Steps. The parties shall take the necessary steps for the hearing to be held in such manner.

Costs. The costs of a remote hearing by technological means shall be assumed by the party who made the request, and form part of the legal costs (*Art. 339*).

40. *Consolidation of Appeals.* The Clerk may ex officio join appeals.

X Briefs (Art. 370 – 376)

41. *Content.* The appellant's brief shall include its Argument and three schedules; that of the respondent includes its Argument, and if necessary elements in addition to those of the appellant's schedules.

42. *Argument.* Each Argument shall be divided into five parts:

— Part I (*Facts*): the appellant shall succinctly recite the facts. The respondent may comment and relate additional facts;

— Part II (*Issues in Dispute*): the appellant shall concisely enumerate the issues in dispute. The respondent may answer and state any other relevant issue;

— Part III (*Submissions*): each party shall develop its submissions, with specific reference to the content of the schedules;

— Part IV (*Conclusions*): each party shall state the precise conclusions it seeks;

— Part V (*Authorities*): each party shall prepare a list of authorities in the order in which they appear in the Argument, with a specific reference to the paragraph(s) at which they are cited.

43. *Joint Statement (Art. 372, para. 2).* If there is a joint statement, the appellant shall produce it at the beginning of Schedule III.

44. *Number of Pages.* The first four parts of the Argument may be no more than 30 pages.

45. *Schedules.* The appellant's brief shall consist of three schedules, which reproduce:

— Schedule I: the judgment under appeal (*including reasons*) and, in the case of judicial review or appeal, the impugned decision;

— Schedule II:

a) the notice of appeal (*Art. 352*), and, as the case may be, the application for leave to appeal (*Art.* 357) and the judgment granting leave;

b) the proceedings of the joined issue and the minutes of the hearing on the merits in first instance;

c) all applicable statutory provisions other than those in the *Civil Code of Québec* and the *Code of Civil Procedure*;

— Schedule III: all and only those exhibits and depositions necessary for the Court to decide the issues in dispute (*Art. 372, para. 1*).

46. *Technological version.* Schedule III may be filed in accessible format (*CD Rom, DVD-Rom, USB Key*), in which case only the excerpts (*whether concise or lengthy*) to which the Submissions refer, shall be reproduced on paper.

Each page of the technological version shall use the same pagination as on the paper version.

Following notification, the filing of the technological version in accessible format shall take place no more than five working days following the filing of the paper version.

47. *Final requirements.* On the last page of the brief, its author shall (*Art. 99, para. 3*):

— attest that the brief complies with the requirements of this Regulation;

— undertakes to make available to any other party, at no cost, the depositions in its possession in paper or technological format;

— indicate the time requested for oral argument, (*including appellant's reply*).

48. *Incidental Appeal (Art. 371).* The content of the brief of an incidental appellant shall contain two parts: the first, its reply to the principal appeal and the second, its submission as incidental appellant.

The content of the schedules to the incidental appeal shall be the same as that of the schedules of the principal appeal, without however reproducing those that are contained in the latter.

The title of this brief shall be: "Brief of respondent/ incidental appellant".

49. *Format (Art. 370).* The brief shall comply with the following:

(a) Colour: The cover page shall be yellow for the appellant, green for the respondent and gray for any other party;

(b) Cover Page. The following shall be indicated on the cover page:

i) the record number in appeal;

ii) the court that rendered the judgment under appeal, the judicial district, the name of the judge, the date of the judgment and the number of the court record;

iii) the style of cause (*in accordance with section 22 above*);

iv) the title of the brief by reference to the status of the party in appeal in accordance with section 23 above;

v) the name of its author who signs the attestation and the latter's coordinates (*those of other counsel having been recorded on the second page*).

(c) Table of Contents. The first volume of the brief shall contain a general table of contents at the front and each subsequent volume (*and that of the technological version*) shall contain a table for its contents;

(d) Pagination. Page numbers of the brief shall be placed at the top of the page in the centre;

(e) Spacing, Typeface and Margins. The text of the Argument shall have at least one and one half spaces between the lines (*except for quotations, which shall be single spaced and indented*). The typeface shall be 12 point Arial font with no more than 12 characters per 2.5 cm (*thereby excluding Times New Roman and Garamond font*). The margins shall be no less than 2.5 cm;

(f) Numbering of Paragraphs. The paragraphs of the Argument shall be numbered;

(g) Printing. The Argument and Schedule I shall be printed on the left hand side of the volume and recto verso for the other Schedules;

(h) Number of Pages. Each volume shall be composed of a maximum of 225 sheets;

(i) Volumes. Each volume shall be numbered on the cover page and its bottom edge, and make mention of the sequence of pages it contains;

(j) Exhibits. All exhibits included in the schedules shall be legible, failing which they shall be accompanied by a transcription of the text, and be reproduced in the order of their numbering. Each exhibit shall be reproduced beginning on a new page that includes the exhibit number, its date and nature. Photocopies of photographs are permitted only if they are clear;

(k) Depositions. Each deposition shall begin on a new page and mention in the title the surname of the witness (*in upper case letters*), followed by the witness' given name and place of residence (*in lower case letters*) as well as the following information in abbreviated form (*in parentheses*):

— the name of the party that called the witness;

— the stage of the trial (*case in chief, defence, rebuttal*) or at a pre-trial stage;

— the stage of the examination (*examination in chief, cross-examination, re-examination*).

The title of the pages that follow restates the name of the witness and the information in abbreviated form.

(l) Four in One Format. Depositions may be reproduced in paper copy format of four pages in one using an Arial 10 font or its equivalent. The four pages shall contain a maximum of 25 lines, numbered on the left hand side of the page, and be in vertical sequence. The page itself shall have only one title (*corresponding to the commencement of the text*).

50. *Copies and Notification.* Seven copies in paper copy format and by electronic means (*if available*) shall be filed at the Office of the Court.

The parties shall be notified (*Art. 373*) by the delivery to them of two copies (*followed by the technological version if applicable*). The proof of notification within the stipulated time limit shall be filed at the Office of the Court no later than three working days after the expiry of such time limit.

51. *Non-compliance.* If a brief does not comply with the foregoing requirements, the Clerk shall advise its author of the elements requiring correction and establish a time limit within which a corrected brief may be filed. The Clerk shall so advise the other parties accordingly.

Failing correction, the production of the brief shall be refused.

52. *Time Limit for Incidental Appeal (Art. 373).* If the principal appeal ends before the filing of the appellant's brief, the incidental appellant's brief must be filed within the following three months.

***XI Memoranda* (Art. 374)**

53. *Content.* The Argument shall consist of 10 pages. Its author shall attach all documents necessary for the adjudication of the appeal (*judgment under appeal, pleadings, exhibits, excerpts from depositions, etc.*).

54. *Number of Copies.* Five copies of the memorandum shall be filed.

55. *Format.* The memorandum shall include a title page, a table of contents and be paginated consecutively.

The provisions relating to briefs (*including the final requirements*) apply to memoranda with the necessary adaptations.

XII Books of Authorities

56. *The Book of Authorities.* Each party may produce a book of authorities (*statutory provisions, jurisprudence and doctrine*), printed recto verso and separated by tabs; the excerpts relied upon shall be identified (*by a marginal line, underlining or highlighting*).

The text of judgments of the Supreme Court of Canada must be that which is published in its reports (*or prior to such publication, that which is available*).

The texts of authorities may be limited to relevant excerpts (*along with the preceding and succeeding page*) together with the headnote of the judgment (*if available*).

If a technological version of the book of authorities is produced in an accessible format (*by an appeal management decision or as a complement to a paper copy version*), the texts shall be PDF accessible where possible, and key-word searches must be possible.

57. *Excluded judgments.* The Court shall publish a list of judgments that the parties must exclude from their book of authorities.

58. *Filing.* Four copies of the book of authorities (*in one or more volumes*) shall be filed for a panel and only one copy for a judge or clerk. The book of authorities shall be notified and filed at the Office of the Court at least 30 days before the hearing of an appeal and as soon as possible prior to the hearing of an application.

The late filing of a book of authorities shall entail the refusal to grant the applicable costs.

XIII Applications in the Course of a Proceeding (Art. 377 – 380)

59. *Application (A written proceeding presenting a legal claim directly to a court).* An application in the course of a proceeding shall be made by a proceeding of no more than 10 pages, attached to which there shall be an affidavit (*Art. 101, para. 3 and 106, para. 1*). Four copies of an application shall be produced when presented to the Court; two copies shall be filed when presented to a judge or the Clerk.

60. *Attached Documents.* The applicant shall attach one copy of each document necessary for the adjudication of the application (*notice of appeal, judgment under appeal including reasons, pleadings, exhibits, depositions, statutes and regulations…*).

61. *Dates of Presentation.* The Clerk shall publish the calendar of hearing dates for applications before the Court, a judge or the Clerk. The notice of presentation must specify, in addition to the date and time, the courtroom in which the application will be presented.

Reservation. The applicant must reserve a date from the Clerk for the presentation of an application before the Court.

62. *Time of Presentation.* An application to the Court or a judge is made presentable at 9:30am, and that to the Clerk at 9:00am. The Clerk may change the time at which the application is presented.

63. *Time Limits (Art. 377).* The time limit for the notification and filing of an application shall be computed in working days, excluding Saturdays.

64. *Incomplete or Irregular Application.* The Clerk shall notify the applicant if the application is incomplete. If the applicant does not remedy the default within the prescribed time limit prior to its presentation (*30 days (Art. 365), five or two days (Art. 377)*), the Clerk shall continue the application to a later date and so advises the parties.

Before the hearing, a presiding judge may strike from the roll an application if, on its face, it does not substantially comply with the requirements established by law. The Clerk shall so inform the applicant and the other parties of such a decision without delay.

65. *Adjournment on Consent.* The parties may only adjourn an application once by agreement. The applicant shall so inform the Clerk as soon as possible, or if the application seeks the dismissal of the appeal, at least 10 days prior to its presentation (*Art. 365*).

66. *Request for Adjournment*. A party seeking an adjournment shall so inform the judge presiding the panel, the judge or the Clerk who, as soon as possible, shall decide whether to grant or dismiss it, or postpone the decision until the beginning of the hearing.

67. *Excusal of Attendance*. A party who declares in writing that an application will not be contested is excused from attendance at the hearing, unless advised otherwise by the Clerk.

XIV Settlement Conference (Art. 381)

68. *Form to be completed*. The parties shall complete the form published on the Court's web site in order to request that a settlement conference be held.

The filing of the completed form suspends the time limits of the appeal.

The judge responsible for conferences shall establish the date on which it will be held with the parties.

69. *Confidentiality of Documents (Art. 382).* The parties shall transmit all relevant documents that do not form part of the record of the appeal to the judge responsible for conferences.

The commencement and termination of the suspension of time limits shall be noted in the computerized register (*Art. 381, para. 2*).

XV Rolls of Hearing (Art. 383 and 384)

70. *General Roll*. The Clerk shall inscribe on the general roll appeals proceeding with briefs and those proceeding with memoranda not heard by preference (*Art. 383*). The Clerk so advises the parties.

71. *Weekly Rolls.* The Clerk shall prepare weekly rolls of hearing, observing to the extent possible the order in which cases are inscribed on the roll, subject to the preferences prescribed by law (*Art. 383, para. 2*) or that are granted by an order.

The Clerk shall mention the time allotted to each party, including that of a reply (*Art. 385*).

72. *Preferences Prescribed by Law.* The Clerk shall publish the preferences prescribed by law on the Court's web site.

73. *Priorities by Order (Art. 68*). The Chief Justice may, ex officio or pursuant to an application, order that an appeal be heard by preference. Such application shall be presented on the date and time determined with the Clerk. It shall be notified to the parties and filed at the Office of the Court at least two working days before its presentation.

74. *Appeals Proceeding with Memoranda (Art. 368).* Appeals proceeding with memoranda, which are heard by preference unless otherwise provided, shall be inscribed directly on a weekly roll.

75. *Notice of Hearing (Art. 385).* The Clerk shall notify counsel (and unrepresented parties) of the date of hearing of the appeal by sending them the weekly roll of hearing at least 30 days in advance. The roll shall also be posted at the Office of the Court and published on the Court's web site.

XVI Hearings of the Court (Art. 385)

76. *Order of Hearing.* The hearings of the Court begin at 9:30am. The Clerk may convene the parties at a different time for the hearing of their appeal. Appeals are heard in the sequence they appear on the roll. An appeal may be heard in the absence of a party.

77. *Pleading.* The pleading of a party may be split and exceptionally be made by two counsel, however, only one counsel may reply for an appellant.

78. *Outline of Pleading.* At the beginning of a hearing, a party may produce an outline not exceeding two pages, and may attach to it (*with tabs*) excerpts from its brief and the authorities to which it intends to refer.

79. *Recording.* The digital recording of oral argument shall be available upon payment of the applicable fee; that of a judgment must be authorized (*the form for which is available at the Office of the Court*).

XVII Legal Costs (Art. 387 and 339)

80. *Taxation (Art. 344).* The Clerk who taxes the bill of costs must ensure that any disbursements not subject to the tariff are reasonable.

XVIII Scope of this Regulation

81. *Exemption*. The Clerk may excuse a party from compliance with a provision of this Regulation if the circumstances so justify. In such cases the Clerk shall advise the other parties accordingly.

82. *Closure of an Inactive File*. If a file has been inactive for more than one year, the Clerk may, after giving the parties an opportunity to be heard, declare the file closed and transfer it to the archives.

Upon application, a judge may determine the conditions for its reactivation (*Art. 18*).

83. *Clerk's Practice Direction*. The Clerk may publish a practice direction to explain or render this Regulation or a practice before the Court more precise.

84. *Notice of Amendment.* The Chief Justice may inform counsel of a proposed amendment to a provision of this Regulation and invite them to apply it immediately as if it were in force.

XIX Coming into Force (Art. 833)

85. This Regulation replaces the "Rules of Practice of the Court of Appeal of Quebec in Civil Matters" (CQLR, c. C-25, r. 14).

It comes into force upon the coming into force of the *Code of Civil Procedure* (CQLR, c. C-25.01).

December 10, 2015

102437

M.O., 2015

Order of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change dated 14 December 2015

Environment Quality Act
(chapter Q-2)

MAKING the Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

THE MINISTER OF SUSTAINABLE DEVELOPMENT, THE ENVIRONMENT AND THE FIGHT AGAINST CLIMATE CHANGE,

CONSIDERING section 2.2 of the Environment Quality Act (chapter Q-2), under which the Minister of Sustainable Development, the Environment and the Fight Against Climate Change may make regulations determining what information a person or a municipality is required to provide to the Minister regarding an enterprise, a facility or an establishment that the person or municipality operates;

CONSIDERING section 46.2 of the Act, which also empowers the Minister to determine, by regulation, the emitters required to report to the Minister greenhouse gas emissions, as well as the related information and documents that must be provided to the Minister;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 4 November 2015, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), as well as the fifth paragraph of section 2.2 and the second paragraph of section 46.2 of the Environment Quality Act, of a draft Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, with a notice that it could be made by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change upon the expiry of 30 days following that publication;

CONSIDERING section 18 of the Regulations Act, which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it, and that the reason justifying such coming into force must be published with the regulation;

CONSIDERING that the Minister of Sustainable Development, the Environment and the Fight Against Climate Change is of the opinion that the urgency due to the following circumstances justifies the coming into force of the Regulation on 1 January 2016:

— fuel distributors must report their greenhouse gas emissions in accordance with the amendments made by the draft Regulation from 1 January 2016, since the information is required for the purposes of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), which applies to fuel distributors.

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, attached to this Order, is made.

Québec, 14 December 2015

DAVID HEURTEL,
Minister of Sustainable Development, the Environment and the Fight Against Climate Change

Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act
(chapter Q-2, ss. 2.2 and 46.2)

1. The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2 r. 15) is amended in section 6.1 by adding "If such an establishment is referred to in the first or second paragraph of section 2 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), the emissions report must be sent with the verification report referred to in section 6.6." at the end of the seventh paragraph.

2. Section 6.3 of the Regulation is amended by inserting ", cumulatively," after "represent" in subparagraph 1 of the second paragraph.

3. Section 6.9 is amended by inserting the following after paragraph 4:

"(4.1) a status report on the actions taken to correct errors or omissions observed during previous verifications that have not been corrected;".

4. Schedule A.2 to the Regulation is amended

(1) in protocol QC.1:

(*a*) by replacing "or 1-1.1," in subparagraph 3 of the first paragraph of QC.1.3.5 by ", 1-1.1, 1-2 or 1-4";

(*b*) by replacing subparagraph *d* of subparagraph 1 of the first paragraph of QC.1.5.2 by the following:

"(*d*) in the case of an emitter that uses equation 1-2 or 1-4 to calculate CO_2 emissions or equation 1-10, 1-10.1 or 1-12 to calculate CH_4 and N_2O emissions, by using equation 1-8 in the case of biomass fuels;";

(2) in protocol QC.4:

(*a*) in QC.4.4:

i. by replacing "inventory" in subparagraph *a* of paragraph 2 by "accounting", and by adding ", and ensure that the results obtained are consistent with the inventory data" after "belt weigh feeders";

ii. by replacing paragraph 4 by the following:

"(4) determine monthly the calcium oxide and magnesium oxide content of the raw material entering the kiln as a non-carbonate species using an analysis method published by an organization listed in QC.1.5;";

iii. by replacing paragraph 5 by the following:

"(5) determine monthly the non-transformed $CaCO_3$ content, expressed in CaO, remaining in the clinker and the non-transformed $MgCO_3$ content, expressed in MgO, remaining in the clinker after oxidation using an analysis method published by an organization listed in QC.1.5;";

iv. by replacing paragraph 7 by the following:

"(7) determine quarterly the calcium oxide and magnesium oxide content in the kiln dust collected that is not recycled that enters the kiln as a non-carbonate species using an analysis method published by an organization listed in QC.1.5;";

v. by replacing paragraph 8 by the following:

"(8) determine quarterly the non-transformed $CaCO_3$ content, expressed in CaO, and the non-transformed $MgCO_3$ content, expressed in MgO, remaining in the kiln dust collected that is not recycled after oxidation using an analysis method published by an organization listed in QC.1.5;";

(3) by replacing Table 17-1 of QC.17.4 of protocol QC.17 by the following:

"**Table 17-1. Default greenhouse gas emission factors for Canadian provinces and certain North American markets, in metric tons CO_2 equivalent per megawatt-hour**

(QC.17.3.1 (3), QC.17.3.2(1) and (2))

Canadian provinces and North American markets	**Default emission factor (metric tons GHG /MWh)**
Newfoundland and Labrador	0.021
Nova Scotia	0.694
New Brunswick	0.292
Québec	0.002
Ontario	0.077
Manitoba	0.003
Vermont	0.002
New England Independent System Operator (NE-ISO), including all or part of the following states: - Connecticut - Massachusetts - Maine - Rhode Island - Vermont - New Hampshire	0.290

New York Independant System Operator (NY-ISO)	0.246
Pennsylvania Jersey Maryland Interconnection Regional Transmission Organization (PJM-RTO), including all or part of the following states: - North Carolina - Delaware - Indiana - Illinois - Kentucky - Maryland - Michigan - New Jersey - Ohio - Pennsylvania - Tennessee - Virginia - West Virginia - District of Columbia	0.596
Midwest Independent Transmission System Operator (MISO-RTO), including all or part of the following states: - Arkansas - North Dakota - South Dakota - Minnesota - Iowa - Missouri - Wisconsin - Illinois - Michigan - Nebraska - Indiana - Montana - Kentucky - Texas - Louisiana - Mississippi	0.651

Southwest Power Pool (SPP), including all or part of the following states: - Kansas - Oklahoma - Nebraska - New Mexico - Texas - Louisiana - Missouri - Mississippi - Arkansas	0.631

";

(4) in protocol QC.29:

(*a*) in QC.29.2;

i. by striking out subparagraph *b*.1 of subparagraph 7 of the first paragraph;

ii. by replacing subparagraph *g* of subparagraph 9 of the first paragraph by the following:

"(*g*) when the calculation methods in QC.29.3.7 are used, the total number of leaks found in annual leak detection surveys by type of leak for which an emission factor is provided;";

iii. by inserting the following after subparagraph *g* of subparagraph 9 of the first paragraph:

"(*g*.1) when the calculation methods in QC.29.3.8 are used, the component count for each source for which an emission factor is provided in Tables 29-1 to 29-5 in QC.29.6, except components of below grade meter and regulator stations and transmission and distribution pipelines. For the purposes of those calculation methods, a below grade meter and regulator station is considered to be a component;";

(*b*) in QC.29.3.1:

i. by inserting "or calculated using equation 29-3.1" after "QC.29.6" in the definition of the "F_j" factor in equation 29-3;

ii. by inserting the following after equation 29-3:

"**Equation 29-3.1**

$$F_j = SPC_j \times SP_j$$

Where:

F_j = Natural gas flow rate for pneumatic device *j*, in cubic metres per hour at standard conditions;

SPC_j = Supply pressure coefficient at controller of pneumatic device *j*, determined using Table 29-6 in QC.29.6, in cubic metres per hour per kilopascal. If that data is not available, use the coefficient of a similar device;

SP_j = Supply pressure at controller of pneumatic device *j*, in kilopascals. If that data is not available, use the supply pressure of a similar device;

j = High bleed pneumatic device.";

iii. by replacing equation 29-4 by the following:

"**Equation 29-4**

$$GHG_{n-m,i} = \sum_{k=1}^{n} [FPP_k \times t_k] \times MF_i \times \rho_i \times 0.001$$

Where:

$GHG_{n-m,i}$ = Annual emissions of greenhouse gas *i* attributable to natural gas driven pneumatic pumps, in metric tons;

n = Total number of natural gas driven pneumatic pumps;

k = Natural gas driven pneumatic pump;

FPP_k = Natural gas flow for natural gas driven pneumatic pumps *k*, determined in accordance with paragraph 3 of QC.29.4.1 or using Table 29-6 in QC.29.6 or calculated using equation 29-4.1 or 29-4.2, in cubic metres per hour at standard conditions;

t_k = Annual operating time for natural gas driven pneumatic pumps *k*, in hours;

MF_i = Molar fraction of greenhouse gas *i* in natural gas, determined in accordance with paragraph 3 of QC.29.4;

ρ_i = Density of greenhouse gas *i* that is 1.893 kg per cubic metre for CO_2 and 0.690 kg per cubic metre for CH_4, at standard conditions;

0.001 = Conversion factor, kilograms to metric tons;

i = CO_2 or CH_4.";

iv. by inserting the following after equation 29-4:

"**Equation 29-4.1**

$$FPP_k = [SPC_k \times SP_k] + [DPC_k \times DP_k] + [SMC_k \times SM_k]$$

Where:

FPP_k = Natural gas flow for natural gas driven pneumatic pumps *k*, in cubic metres per hour at standard conditions;

SPC_k = Supply pressure coefficient of pneumatic pump *k* determined using Table 29-6 in QC.29.6, in cubic meters per hour per kilopascal. When that data is not available, use the coefficient of a similar device;

SP_k = Supply pressure of pneumatic pump *k*, en kilopascals. When that data is not available, use the data for a similar device;

k = pneumatic pump;

DPC_k = Discharge pressure coefficient of pneumatic pump *k* determined using Table 29-6 in QC.29.6, in cubic meters per hour per kilopascal. When that data is not available, use the coefficient of a similar device;

DP_k = Discharge pressure of pneumatic pump *k*, in kilopascals. When that data is not available, use the data for a similar device;

SMC_k = Strokes per minute coefficient of pneumatic pump *k* determined using Table 29-6 in QC.29.6, in cubic meters per hour at standard conditions, per strokes per minute. When that data is not available, use the coefficient of a similar device;

SM_k = Number of strokes per minute of pneumatic pump *k*. When that data is not available, use the data for a similar device;

Equation 29-4.2

$$FPP_k = F_k \times EF_k$$

Where:

FPP_k = Natural gas flow for natural gas driven pneumatic pumps *k*, in cubic metres per hour at standard conditions;

F_k = Flow of liquid pumped by pneumatic pump *k*, in litres per hour;

EF_k = Emission factor of gas bleed of pneumatic pump *k* determined in accordance with paragraph 4 of QC.29.4.1, in cubic metres per litre at standard conditions;

k = Pneumatic pump;";

(*c*) in the definition of the "EF_j" factor in equation 29-5 of QC.29.3.2:

i. by inserting the following after the first dash:

"- calculated using equation 29-5.1, for intermittent bleed pneumatic devices;";

ii. by replacing the second dash by the following:

"- provided by the manufacturer for operating conditions for intermittent bleed pneumatic devices used for compressor startup. When that data is not available, use the data for a similar device. The emitted start-up gas volume provided by the device manufacturer may be used to replace the [EF_j x t_j] product in the equation;";

(*d*) by inserting the following after equation 29-5 of QC.29.3.2:

"**Equation 29-5.1**

$$EF_j = SPC_j \times SP_j$$

Where:

EF_j = Emission factor of intermittent bleed pneumatic devices of type *j*, in cubic metres per hour at standard conditions;

SPC_j = Supply pressure coefficient at controller of intermittent bleed pneumatic device *j*, determined using Table 29-6 in QC.29.6, in cubic metres per hour, per kilopascal. When that data is not available, use the coefficient of a similar device;

SP_j = Supply pressure at controller of intermittent bleed pneumatic device *j*, in kilopascals. When that data is not available, use the data for a similar device;

j = Intermittent bleed pneumatic device;";

(*e*) by striking out "gas in" in the definition of the "V_j" factor in equation 29-6 of QC.29.3.3;

(*f*) in QC.29.3.5:

i. by inserting "or dry seal" after "wet seal" in paragraph 1;

ii. by inserting "or dry seal" after "wet seal" in the definition of the "t_j" factor in equation 29-10;

(*g*) in QC.29.3.7:

i. by striking out "in the case of stations with emissions equal to or greater than 10,000 metric tons CO_2 equivalent" in subparagraph i of subparagraph *c* of paragraph 1;

ii. by replacing the definition of the "C_i" factor in equation 29-12 by the following:

"C_i = Concentration in natural gas of greenhouse gas *i*,

- determined in accordance with paragraph 4 of QC.29.4.8;

- for natural gas compression for onshore transmission, underground storage of natural gas, natural gas transmission pipelines and natural gas distribution: of 0.011 for CO_2 and 0.975 for CH_4;

- for storage of liquefied natural gas and imports and exports of LNG: of 0 for CO_2 and 1 for CH_4;

- for natural gas distribution: of 0.011 for CO_2 and 1 for CH_4;";

(*h*) by replacing the definition of the "C_i" factor in equation 29-14 of QC.29.3.8 by the following:

"C_i = Concentration in natural gas of greenhouse gas *i*,

- determined in accordance with paragraph 4 of QC.29.4.8;

- for natural gas compression for onshore transmission, underground storage of natural gas, natural gas transmission pipelines and natural gas distribution: of 0.011 for CO_2 and 0.975 for CH_4;

- for storage of liquefied natural gas and imports and exports of LNG: of 0 for CO_2 and 1 for CH_4;

- for natural gas distribution: of 0.011 for CO_2 and 1 for CH_4;";

(*i*) in QC.29.3.9:

i. by replacing the first paragraph of QC.29.3.9 by the following:

"The annual CH_4 emissions attributable to third party pipeline hits that are equal to or greater than 1.416 m^3 of CH_4 at standard conditions must be calculated using equations 29-16 and 29-18, as determined under paragraph 1 of QC.29.4.9.";

ii. in equation 29-18:

a. by inserting "determined in accordance with paragraph 3 of QC.29.4.9," after "pipe" in the definition of the factor "A_e";

b. by replacing "3" in the definition of the factor "P_a" by "2";

iii. in equation 29-19:

a. by inserting "paragraph 1 of" after "with" in the definition of the factor "EF";

b. by inserting "paragraph 2 of" after "with" in the definition of the factor "t";

(*j*) by adding "a maximum period of 36 months must be respected between each detection period;" at the end of subparagraph 2 of the first paragraph of QC.29.4;

(*k*) in QC.29.4.1:

i. by replacing "data in Table 29-1" in subparagraph 2 of the first paragraph by "generic factors in Table 29-6";

ii. by replacing subparagraph 3 of the first paragraph by the following:

"(3) when using equation 29-4, obtain from the pneumatic pump manufacturer the natural gas flow for each pneumatic pump model in normal operating conditions or, when that data is not available, use the data for a similar device. If there is no similar device, the emitter must perform the calculation using the data in Table 29-6 in QC.29.6;";

iii. by adding the following after subparagraph 3 of the first paragraph:

"(4) obtain from the device manufacturer the specific emission factor for exhaust gas in cubic metres per litre. When that data is not available, use the factor for a similar device.";

(*l*) by replacing subparagraph 1 of the first paragraph of QC.29.4.5 by the following:

"(1) determine the volume of gas from a wet seal or dry seal oil degassing tank sent to an atmospheric vent and the volume of gas sent to a flare using a temporary or permanent measuring device and using one of the methods described in subparagraph *a* of paragraph 1 of QC.29.4.6, for each operating mode, namely:

(*a*) the centrifugal compressor is in operating mode, standby pressurized mode and the gas emitted is from leaks in the blowdown vent stack;

(*b*) the centrifugal compressor is in operating mode;

(*c*) the centrifugal compressor is in not operating, depressurized mode and the gas emitted is from isolation valve leakage through the blowdown vent stack. In that case,

i. a centrifugal compressor that is not equipped with blind flanges must be sampled at least once in every 3 consecutive years;

ii. sampling is not required if a centrifugal compressor has been equipped with blind flanges for at least 3 consecutive years;";

(*m*) in QC.29.4.8:

i. by inserting "except for liquefied natural gas storage on liquid natural gas import and export sites covered under subparagraph *c*" after "compressors" in subparagraph *b* of paragraph 2;

ii. in equation 29-20:

a. by inserting "or non-custody transfer stations if the emitter has no custody transfer stations," after "stations," in the definition of the factor "GHG_i";

b. by inserting "or non-custody transfer stations if the emitter has no custody transfer stations" after "stations" in the definition of the factor "N";

iii. by inserting the following after subparagraph *d* of paragraph 2:

"(*e*) for compression of natural gas for onshore transmission, use the emission factors shown in Table 29-1 for fugitive emissions from connectors, valves, pressure relief valves, meters and open ended lines;";

(*n*) in QC.29.4.9:

i. by replacing subparagraph 1 of the first paragraph by the following:

"(1) for a pipeline puncture incident, determine the value of P_{Atm}/P_a

Where:

P_a = Absolute pressure inside the pipe, determined in accordance with paragraph 2 of QC.29.4.9, in kilopascals;

P_{Atm} = Absolute pressure at the damage point, in kilopascals;

If $P_{Atm} / P_a \geq 0.546$ or if the damage is on a distribution line, calculate emissions using equation 29-18. For a pipeline puncture incident, the method may be used individually or in aggregate for all punctures of pipes of a given type and pressure, using mass balance averages.

If $P_{Atm} / P_a < 0.546$ or if the damage is on a transmission line, calculate emissions using equations 29-16 and 29-17.

When the leak flow rate is determined by measuring instruments, use a standard method applied in the industrial sector.";

ii. by inserting "by measurement or an engineering estimation" after "pipe" in subparagraph 2 of the first paragraph;

iii. by adding the following after subparagraph 2 of the first paragraph:

"(3) determine the pipeline leak area by measurement or an engineering estimation.";

(*o*) by replacing Tables 29-1 and 29-2 of QC.29.6 by the following:

"**Table 29-1. Emission factors for natural gas leaks by component type during compression for onshore transmission**

(QC.29.3.2, QC.29.3.4(2), QC.29.4.7(1), QC.29.4.8(1) and (3))

Leaker emission factors by component type		
Component type	Components not in detection survey Natural gas (metric tons/hour)	Components in detection survey Natural gas (metric tons/hour)
Connector	4.471 x 10-7	4.484 x 10-5
Block valve	4.131 x 10-6	1.275 x 10-4
Control valve	1.650 x 10-5	8.205 x 10-5
Compressor blowdown valve	3.405 x 10-3	5.691 x 10-3
Pressure relief valve	1.620 x 10-4	5.177 x 10-4
Orifice meter	4.863 x 10-5	2.076 x 10-4
Other flow meter	9.942 x 10-9	3.493 x 10-7
Regulator	7.945 x 10-6	1.125 x 10-4
Open ended line	9.183 x 10-5	1.580 x 10-4
Fugitive emission factors for each component type		
Component type		Total organic carbon (m3/hour)
Low bleed pneumatic device		3.88 x 10-2
High bleed pneumatic device		2.605 x 10-1
Intermittent bleed pneumatic device (high bleed)		2.476 x 10-1
Intermittent bleed pneumatic device (low bleed)		6.65 x 10-2
Diaphragm pumps		1.0542
Piston pumps		5.917 x 10-1

Table 29-2. Emission factors for natural gas leaks by component type during underground storage

(QC.29.3.2, QC.29.3.4(2), QC.29.4.7(1), QC.29.4.8(2))

Component type	Natural gas (m^3/hour)
Leaker emission factors by component type following detection survey	
Valve	0.4268
Connector	0.1600
Open ended line	0.4967
Pressure relief valve	1.140
Meter	0.5560
Fugitive emission factors for component group	
Connector	2.8 x 10-4
Valve	2.8 x 10-3
Pressure relief valve	4.8 x 10-3

Open ended line	8.5 x 10-4
Low bleed pneumatic device	3.88 x 10-2
High bleed pneumatic device	2.605 x 10-1
Intermittent bleed pneumatic device (high bleed)	2.476 x 10-1
Intermittent bleed pneumatic device (low bleed)	6.65 x 10-2
Diaphragm pumps	1.0542
Piston pumps	5.917 x 10-1

";

(*p*) by replacing Tables 29-5 and 29-6 of QC.29.6 by the following:

"**Table 29-5. Emission factors for natural gas leaks by component type during natural gas distribution**

(QC.29.4.7(1), QC.29.4.8(2))

Leaker emission factors by component type following detection survey		
Component type	Components not in detection survey Natural gas (metric tons/hour)	Components in detection survey Natural gas (metric tons/hour)
Connector	8.227 x 10-8	6.875 x 10-6
Block valve	5.607 x 10-7	1.410 x 10-5
Control valve	1.949 x 10-5	7.881 x 10-5
Pressure relief valve	3.944 x 10-6	3.524 x 10-5
Orifice meter	3.011 x 10-6	8.091 x 10-6
Other flow meter	7.777 x 10-9	2.064 x 10-7
Regulator	6.549 x 10-7	2.849 x 10-5
Open ended line	6.077 x 10-5	1.216 x 10-4
Fugitive emission factors for component group		
Component type		Natural gas (m^3/hour)
Below grade meter and regulator, inlet pressure greater than 300 psig		3.681 x 10-2
Below grade meter and regulator, inlet pressure between 100 et 300 psig		5.663 x 10-3
Below grade meter and regulator, inlet pressure below 100 psig		2.832 x 10-3
Fugitive emission factors for each type of transmission pipeline		

Pipeline type	Natural gas (m^3/hour)
Unprotected steel	2.427 x 10-1
Protected steel	6.829 x 10-3
Plastic	7.969 x 10-3
Fugitive emission factors for each type of distribution pipeline	
Pipeline type	Natural gas (m^3/hour)
Unprotected steel	5.953 x 10-3
Protected steel	6.270 x 10-4
Plastic	4.036 x 10-5
Copper	8.829 x 10-4

Table 29-6 Manufacturer bleed and pressure coefficients for leaks from high bleed pneumatic devices, intermittent bleed pneumatic devices (high bleed), level controllers, pressure and pump controllers and equivalent devices

(QC.29.3.1, QC.29.3.2)

Device type	Average bleed rate (m^3/hour)	Pressure coefficient (m^3/hour, per kilopascal)	Equivalent devices
High bleed pneumatic device	0.2605	0.0012	-
Intermittent bleed pneumatic device (high bleed)	0.2476	0.0012	-
Pressure controller			
Fisher 4150	0.4209	0.0019	4150K, 4150R, 4160, CVS 4150
Fisher C1	0.0649	-	-
Fisher 4660	0.0151	0.0003	4660A
Level controller			
Fisher 2500	0.3967	0.0011	2500S, 2503, L3
Fisher 2680	0.2679	0.0014	2680A
Fisher 2900	0.1447	-	2900A, 2901, 2901A
Fisher L2	0.2641	0.0012	-

Murphy LS1200	0.2619	0.0012			LS1100, LS1200N, LS1200DVO
Norriseal 1001	0.1868	-			1001A, 1001XL
SOR 1530	0.0531	-			-
Positioner					
Fisher Fieldvue DVC6000	0.2649	0.0011			6030, 6020, 6010
Temperature controller					
Kimray HT-12	0.0351	-			-
Transducer					
Fairchild TXI7800	0.1543	0.0009			TXI7850
Fisher 546	0.3547	0.0017			546S
Fisher i2P-100	0.2157	0.0009			-
Pumps					
		Supply pressure coefficient (m^3/hour, per kilopascal)	Injection pressure coefficient (m^3/hour, per kilopascal)	Number of strokes per minute	
Generic Piston Pump	0.5917	0.00202	0.000059	0.0167	-
Generic Diaphragm Pump	1.0542	0.0005	0.000027	0.0091	-
Morgan HD312	1.1292	0.00418	0.000034	0.0073	HD312-3K, HD312-5K
Texsteam 5100	0.9670	0.0003	0.000034	0.0207	5100LP, 5100H
Williams P125	0.4098	0.00019	0.000024	0.0076	-
Williams P250	0.8022	0.00096	0.000042	0.0079	-
Williams P500	0.6969	0.00224	0.000031	0.0046	-

";

(5) in protocol QC.30:

(*a*) by striking out "it owns" in the second paragraph of QC.30;

(*b*) in QC.30.4:

i. by replacing the second paragraph of QC.30.4 by the following:

"An emitter who operates an enterprise that distributes fuel must measure the quantity of fuel at the following points, according to the type of activity carried out:

(1) for the activities referred to in subparagraphs 1, 1.1 and 2 of the second paragraph of QC.30.1, at the primary distribution point or, as the case may be, at the point of consumption, or, if such measurement cannot be made, the emitter must obtain the quantities from the supplier;

(2) for the activity referred to in subparagraph 3 of the second paragraph of QC.30.1, at the point of delivery.";

ii. by inserting the following paragraph after the second paragraph:

"For the purposes of subparagraph 1 of the second paragraph, an emitter who adds hydrocarbons to fuel that is to be reported by another emitter must subtract those quantities of fuel from the quantities of fuel measured.";

(6) in protocol QC.31:

(*a*) by replacing equation 31-1 of QC.31.3.2 by the following:

"**Equation 31-1**

$$CO_2 = [(RA \times CC_{RA}) - (M_{waste} \times CC_{waste}) + (LS \times CC_{LS})] \times 3.664$$

Where:

CO_2 = Annual CO_2 emissions attributable to the coke used in the chloride process as a reducing agent, in metric tons;

RA = Annual consumption of coke used in the chloride process as a reducing agent, in metric tons;

CC_{RA} = Average annual carbon content of the coke used in the chloride process as a reducing agent, in metric tons of carbon per metric ton of coke;

M_{waste} = Annual quantity of waste used, in dry metric tons;

CC_{waste} = Average annual carbon content of waste, in metric tons of carbon per dry metric ton of waste;

LS = Annual quantity of limestone used, in metric tons;

CC_{LS} = Average annual carbon content of limestone, in metric tons of carbon per metric ton of limestone;

3.664 = Ratio of molecular weights, CO_2 to carbon.";

(7) in protocol QC.33:

(*a*) by striking out "of natural gas" in the definition of the factor "V_j" in equation 33-15 of QC.33.3.7;

(*b*) in QC.33.6:

i. by replacing "an oil or" in the heading of Table 33-1 by "a";

ii. by striking out "and natural gas" in the heading of Table 33-2".

5. For the 2015 annual emissions report, an emitter may use the calculation methods as amended by this Regulation and the measurement points in the second paragraph of QC.30.4 of protocol QC.30 of Schedule A.2 as amended by subparagraph *b* of paragraph 5 of section 4.

6. The emitter referred to in subparagraphs 1.1 and 2 of the second paragraph of QC.30.4 of protocol QC.30 of Schedule A.2 who measured fuel at the point of receipt for the purposes of the 2015 annual emissions report is not required to measure again the fuel at the measurement points amended by subparagraph *i* of subparagraph *b* of paragraph 5 of section 4 for subsequent emissions reports.

7. This Regulation comes into force on 1 January 2016.

102442

Draft Regulations

Draft Regulation

An Act respecting the Barreau du Québec
(chapter B-1)

Training, skill and knowledge evaluation, accreditation and discipline of stenographers — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation amends mainly the rules respecting training, accreditation and discipline. In particular, the Regulation provides that

1) the word "certificate" is replaced by the word "accreditation";

2) a candidate who holds a legal authorization to practise stenography issued by certain competent authorities and passed the theoretical test of the examination may obtain a stenographer accreditation issued by the Comité sur la sténographie;

3) the accreditation is valid for each of the methods and languages it indicates;

4) a candidate having experience considered relevant by the committee may, if the candidate meets certain conditions, be eligible to take the examination;

5) the holder of a stenographer accreditation who wishes to take the examination in a language other than the one indicated on the accreditation is exempted from taking the theoretical test of the examination;

6) the holder of a stenographer accreditation who wishes to take the examination for a method other than the one indicated on the accreditation is exempted from taking the theoretical test and the spelling and grammar test of the examination;

7) the registration fee for the examination is $50 per test and the maximum number of supplemental examinations is withdrawn; and

8) a stenographer must, within 30 days of being entered on the roll, designate a representative who may act in the event that the stenographer is unable to act, so as to enable a person with a legal interest to request notes that have or have not been transcribed.

Study of the matter has shown that the amendments have no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Paquette, Bureau de la sous-ministre, Ministère de la Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1; telephone: 418 643-4090; fax: 418 643-3877; email: michel.paquette@justice.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9e étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,
Minister of Justice

Regulation to amend the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers

An Act respecting the Barreau du Québec
(chapter B-1, s. 140.4)

1. The Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r. 13) is amended in Division I by replacing "CERTIFICATE" by "ACCREDITATION" in the title.

2. Section 1 is replaced by the following:

"**1.** A stenographer accreditation is granted by the Comité sur la sténographie to a candidate who

(1) has passed the examination of the Comité sur la sténographie provided for in Division II or has passed the theoretical test of the examination and holds a legal authorization to practise stenography issued by the competent authority of the province of Alberta, Ontario or Saskatchewan, or a Certificate of Proficiency or Certificate of Achievement of the British Columbia Shorthand Reporters Association;

(2) has not been convicted by a Canadian or foreign court of a criminal offence which, in the opinion of the committee, is related to the practice of stenography, unless the candidate has been granted a pardon;

(3) has paid the assessment prescribed by section 11; and

(4) has taken the oath of office before a judge of the Superior Court.

For a holder who has passed the examination of the Comité sur la sténographie referred to in Division II, the accreditation must state, in particular, whether the examination was in French or in English, as well as whether the method used in the stenography examination was stenography, stenotypy or stenomask. The accreditation must state, for the holder of a legal authorization to practise stenography issued by the competent authority of the province of Alberta, Ontario or Saskatchewan, or a Certificate of Proficiency or Certificate of Achievement of the British Columbia Shorthand Reporters Association, the language and the method recognized by the legal authorization or the certificate.

The accreditation is valid for the methods and languages indicated thereon.".

3. Section 2 is replaced by the following:

"**2.** To be eligible to take the examination, a candidate must

(1) hold a diploma from the École de sténographie judiciaire du Québec;

(2) hold a Diploma of College Studies (D.E.C.) or its equivalent, have taken the training leading to the theoretical test of the examination provided for in this Division and hold a stenography training accreditation awarded by an organization recognized by the Comité sur la sténographie or have experience considered relevant by the committee.

In examining the relevance of experience, the committee examines the method and language used and the nature and duration of the experience;

(3) hold a legal authorization to practise stenography issued by the competent authority of the province of Alberta, Ontario or Saskatchewan, or a Certificate of Proficiency or Certificate of Achievement of the British Columbia Shorthand Reporters Association; or

(4) hold a stenographer accreditation granted by the Comité sur la sténographie.".

4. Section 3 is amended by adding "per test" after "plus taxes" in paragraph 2.

5. Section 7 is replaced by the following:

"**7.** The examination, in French or in English depending on the choice of the candidate, includes a spelling and grammar test and a stenography test on one of the following methods: stenography, stenotypy or stenomask.

It also includes a theoretical test designed to evaluate mastery of the knowledge of the legal and ethical aspects covered during the training given by the École de sténographie judiciaire du Québec or the organization recognized by the committee.".

6. Section 8 is replaced by the following:

"**8.** To pass the examination, a candidate must obtain a mark of at least 90% on the spelling and grammar test, a mark of at least 80% on the stenography test and a mark of at least 60% on the theoretical test. Candidates must retake any test they fail.

A candidate who meets the condition provided for in paragraph 3 of section 2 is exempted from taking the spelling and grammar test in the language recognized by his or her legal authorization or certificate and the stenography test for the method recognized by his or her legal authorization or certificate.

A candidate who meets the condition provided for in paragraph 4 of section 2 is exempted from taking the theoretical test. In addition, a candidate who meets the same condition and wishes to take the examination for another method only is exempted from taking the spelling and grammar test.".

7. Section 10 is amended by striking out the last sentence.

8. Section 16 is amended

(1) by replacing "certificates" in the first paragraph by "accreditations"; and

(2) by replacing "certificates" in the second paragraph by "accreditations".

9. Section 30 is replaced by the following:

"**30.** Stenographers must keep their stenographic notebooks, stenotype notes or tape recordings, depending on the method used to take notes, for a minimum period of 10 years. Transcriptions onto a data retrieval system may not be kept as a substitute for the original notes.".

10. The following is added after section 37:

"**37.1.** A stenographer must, within 30 days of being entered on the roll, file with the committee a declaration designating a representative who may act in the event that the stenographer is unable to act, so as to enable a person with a legal interest to request notes that have or have not been transcribed. The representative must be a stenographer entered on the roll.

A stenographer who wishes to change representatives must file without delay a declaration designating a new representative and so inform the replaced representative in writing.

A stenographer who wishes to withdraw as a representative must, 30 days before the withdrawal, so inform the stenographer concerned and the committee in writing. The stenographer concerned has 30 days to file with the committee a new declaration designating a new representative.

If a stenographer dies, the designated representative may require any person holding the notes of the stenographer to hand them over to him or her.".

11. Section 39 is amended by striking out the third, fourth and fifth paragraphs.

12. Section 73 is amended by replacing "certificate" in paragraph 4 by "accreditation".

13. Section 76 is amended by replacing "certificate" by "accreditation".

14. Schedule I is replaced by the following:

"**SCHEDULE I**
(s. 3)

OFFICIAL STENOGRAPHY EXAMINATION

REGISTRATION FORM

Date of examination: _____

Surname: _____ Given name: _____

Address: _____

City: _____ Postal code: _____

Email: _____

Telephone/Residence: _____ Office: _____

Cellular: _____

Examination: ☐ French or ☐ English

☐ Spelling and grammar test
☐ Stenography test
☐ Theoretical test on legal and ethical aspects

Method: ☐ Stenography ☐ Stenotypy ☐ Stenomask

Complete this form in block letters and attach a copy of your act of birth and, as the case may be,

(1) a copy of your diploma from the École de sténographie judiciaire du Québec;

(2) a copy of your Diploma of College Studies (D.E.C.) or its equivalent, proof of attendance at the training leading to the theoretical test of the examination provided for in Division II of the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r. 13), and a copy of the stenography training accreditation awarded by an organization recognized by the Comité sur la sténographie;

(3) a copy of your Diploma of College Studies (D.E.C.) or its equivalent, proof of attendance at the training leading to the theoretical test of the examination provided for in Division II of the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers, and a document indicating relevant experience subject to recognition by the Comité sur la sténographie;

(4) a copy of your legal authorization to practise stenography issued by the competent authority of the province of Alberta, Ontario or Saskatchewan, or a Certificate of Proficiency or Certificate of Achievement of the British Columbia Shorthand Reporters Association;

(5) a true copy of the stenographer accreditation granted by the Comité sur la sténographie.

Enclose the sum of $50 plus taxes (GST and QST) (cheque made payable to the Barreau du Québec) for each test selected.

Send the completed registration to:

Comité sur la sténographie
Barreau du Québec
445, boulevard Saint-Laurent
Montréal, (Québec) H2Y 3T8".

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

102446

Notice

An Act respecting collective agreement decrees
(chapter D-2)

Cartage industry – Québec
— Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to amend the Decree respecting the cartage industry in the Québec region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases minimum hourly wage rates provided for in the Decree.

The impact study shows that this amendments will have a negligible impact on small and medium-sized businesses.

Further information may be obtained by contacting Audrey Pichette, Direction des politiques du travail, 200, chemin Sainte-Foy, 5e étage, Québec (Québec) G1R 5S1; telephone: 418 646-2547; fax: 418 643-9454; email: audrey.pichette@travail.gouv.qc.ca

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

MANUELLE OUDAR,
Associate Deputy Minister of Labour

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

An Act respecting collective agreement decrees
(chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended by replacing section 7.01 by the following:

"**7.01.** As of (*insert the date of coming into force of this Decree*), the minimum hourly rate is established as follows for each of the employment categories determined below:

Employment category		Hiring rate	After 6 months	After 12 months	After 24 months
1.	Helper	$11.20	$11.91	$12.38	$13.56
2.	Labourer	$11.20	$11.91	$12.38	$13.56
3.	Assistant-mechanic	$13.56	$14.74	$15.34	$16.51
4.	Driver, class A	$11.89	$11.89	$11.89	$11.89
4.1	Driver, class B	$13.17	$14.33	$14.90	$16.05
5.	Road-train driver	$15.47	$16.61	$17.20	$18.34
6.	Truck driver	$13.76	$14.90	$15.48	$16.62
7.	Tractor semi-trailer driver	$14.33	$15.48	$16.05	$17.20
8.	Tank-truck driver	$14.33	$15.48	$16.05	$17.20
9.	Tank-trailer driver	$16.05	$17.20	$17.77	$18.92
10.	Float driver	$14.90	$16.05	$16.62	$17.77
11.	Loading machinery operator	$13.56	$14.74	$15.34	$16.51
12.	Dockman	$11.20	$11.91	$12.38	$13.56
13.	Mechanic	$16.61	$17.76	$18.34	$19.50
14.	Packer	$11.20	$11.91	$12.38	$13.56
15.	Snow removal vehicle driver	$15.47	$16.61	$17.20	$18.34
16.	Welder	$16.61	$17.76	$18.34	$19.50

The hourly rates provided for in the first paragraph and section 7.02 and the rates provided for in section 7.03 are increased by 3% as of (*insert the date occurring 12 months after the date of coming into force of this Decree*) and by 3% as of (*insert the date occurring 24 months after the date of coming into force of this Decree*). Despite the foregoing, the hourly rate for a class A driver is increased by 2% instead of 3% on the same dates.

If the rates thus increased have more than 2 decimals, only the first 2 decimals are retained and the second is increased by 1 unit if the third decimal is equal to or greater than 5.".

2. Section 7.02 is replaced by the following:

"**7.02.** As of (*insert the date of coming into force of this Decree*), the minimum hourly rate for office clerks is the following:

Hiring rate	After 6 months	After 12 months	After 24 months
$12.03	$12.90	$13.76	$15.49.".

3. Section 7.03 is amended by replacing paragraph 2 by the following:

"(2) as of (*insert the date of coming into force of this Decree*), a driver receives for each kilometre travelled:

Hiring rate	After 6 months	After 12 months	After 24 months
$0.19	$0.20	$0.21	$0.23.".

4. Section 18.01 is amended

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

"**Employment category**	**As of** *(insert the date of coming into force of this Decree*)	**As of** (*insert the date occurring 12 months after the date of coming into force of this Decree*)	**As of** (*insert the date occurring 24 months after the date of coming into force of this Decree*)
1. Helper	$17.70	$18.05	$18.41
2. Driver, Class I	$18.07	$18.43	$18.80
3. Driver, Class II	$18.22	$18.58	$18.95
4. Driver, Class III	$18.99	$19.37	$19.76
5. Driver, Class IV	$19.71	$20.10	$20.50
6. Mechanic, welder			
1st grade	$13.99	$14.27	$14.56
2nd grade	$19.00	$19.38	$19.77
7. Serviceman			
1st grade	$13.99	$14.27	$14.56
2nd grade	$18.22	$18.58	$18.95";

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

"**Employment category**	**As of** *(insert the date of coming into force of this Decree*)	**As of** (*insert the date occurring 12 months after the date of coming into force of this Decree*)	**As of** (*insert the date occurring 24 months after the date of coming into force of this Decree*)
1. Helper	$17.26	$17.61	$17.96
2. Driver, Class I	$18.86	$19.24	$19.62
3. Driver, Class II	$19.01	$19.39	$19.78
4. Driver, Class III	$19.22	$19.60	$19.99
5. Driver, Class IV	$19.93	$20.33	$20.74
6. Mechanic, welder			
1st grade	$13.99	$14.27	$14.56
2nd grade	$19.21	$19.59	$19.98
7. Serviceman			
1st grade	$13.99	$14.27	$14.56
2nd grade	$18.48	$18.85	$19.23";

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

"**Employment category**	**As of** (*insert the date of coming into force of this Decree*)	**As of** (*insert the date occurring 12 months after the date of coming into force of this Decree*)	**As of** (*insert the date occurring 24 months after the date of coming into force of this Decree*)
1. Helper	$19.57	$19.96	$20.36
2. Driver, Class I	$19.96	$20.36	$20.77
3. Driver, Class II	$20.14	$20.54	$20.95
4. Driver, Class III	$20.87	$21.29	$21.72
5. Driver, Class IV	$21.62	$22.05	$22.49
6. Mechanic, welder			
1st grade	$13.99	$14.27	$14.56
2nd grade	$20.50	$20.91	$21.33
7. Serviceman			
1st grade	$13.99	$14.27	$14.56
2nd grade	$20.13	$20.53	$20.94.".

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

102441

Index

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