

Gazette
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Québec

Part
2

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Laws and Regulations
Volume 153

Summary

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Acts 2020
Regulations and other Acts
Draft Regulations

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

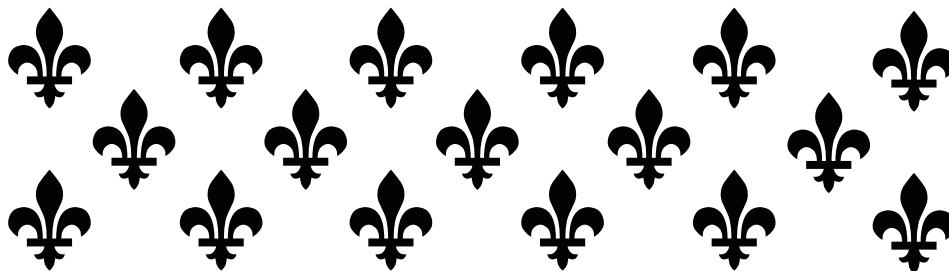
QUÉBEC, 10 DECEMBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 10 December 2020*

This day, at twenty past one o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

71 An Act respecting off-highway vehicles

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 71
(2020, chapter 26)

An Act respecting off-highway vehicles

**Introduced 22 October 2020
Passed in principle 26 November 2020
Passed 9 December 2020
Assented to 10 December 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act proposes a reform of the regulation of off-highway vehicles. Its main object is to ensure public safety and harmonious coexistence of recreational use of such vehicles and the activities of other users of the territory. For those purposes, it replaces the current Act respecting off-highway vehicles.

As regards the operation of off-highway vehicles, the Act extends, in particular, the requirement to hold a driver's licence to persons who use such vehicles on public land and on trails. It provides that, subject to special conditions applying to persons under 18 years of age, on certain private land, persons may operate off-highway vehicles without holding driver's licences. The Act also proposes regulating the leasing of off-highway vehicles, in particular by introducing minimum training requirements. It also provides that a person must have successfully completed training recognized by the Minister of Tourism in order to guide off-highway vehicle excursions as a part of an enterprise.

As regards the use of off-highway vehicles, the Act retains many of the provisions of the current Act respecting off-highway vehicles, updates some of them and adds new rules. Among other things, it makes the provisions of the Highway Safety Code concerning impaired driving ability applicable to the use of off-highway vehicles and it strengthens the measures concerning exhaust systems and those concerning protection against excessive noise. In addition to providing for the exercise of due care and attention, the Act adjusts the maximum speeds authorized and the manner in which the distance standards for trail layout near dwelling houses and other places are to be applied. Regarding interregional snowmobile and quad trail networks, the Act provides that such trails are presumed to have been laid out in accordance with these distance standards. The Act provides that when off-highway vehicle traffic is in accordance with the applicable standards, the neighbours of legally laid out trails must suffer the annoyances resulting from such traffic.

The Act also updates the amounts credited to the Land Transportation Network Fund and the programs that the Fund may finance in connection with off-highway vehicles. Moreover, it updates inspection powers and penal provisions, and establishes a system of monetary administrative penalties.

Lastly, the Act contains amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (chapter C-24.2);
- Act respecting administrative justice (chapter J-3);
- Act respecting the Ministère des Transports (chapter M-28).

LEGISLATION REPLACED BY THIS ACT:

- Act respecting off-highway vehicles (chapter V-1.2).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting off-highway vehicles (chapter V-1.2, r. 5).

Bill 71

AN ACT RESPECTING OFF-HIGHWAY VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

DIVISION I

OBJECTS

1. The purpose of this Act is to ensure the safety of the public by regulating the use of off-highway vehicles and traffic on trails.

A further purpose of this Act is to promote the harmonious coexistence of recreational use of off-highway vehicles with the activities of other users of the territory and to reduce to a minimum any disturbances that may affect natural settings to ensure that all may benefit from the preservation of the functions and beauty of natural settings, from respect for the species that live there as well as from the peace and quiet of such settings.

DIVISION II

DEFINITIONS

2. In this Act, unless the context indicates otherwise:

(1) “owner” means a person who acquires or possesses a vehicle under a title of ownership, a title involving a condition or term giving the person the right to become the owner of the vehicle or a title giving the person the right to use it as its owner charged to deliver over, as well as a person who leases a vehicle for a period of not less than one year;

(2) “road” includes the roadway, shoulders and other parts of the right of way of the following thoroughfares:

(a) “public highways”, namely, the roads and highways under the management of a government or municipal authority, including roads referred to in the Act respecting roads (chapter V-9) and public highways within the meaning of the Highway Safety Code (chapter C-24.2), as well as any cycle lanes situated on them;

(b) “roads in the domain of the State”, namely, roads situated on public land that is under the authority or management of a minister or a public body within the meaning of the Act respecting the lands in the domain of the State (chapter T-8.1); and

(c) “private roads”, namely, private roads and highways open to public motor vehicle traffic; land occupied by a shopping centre and other private land where public motor vehicle traffic is allowed is considered a private road;

(3) “trail” includes any trail situated on public land, including the trail known as the “Route Blanche” under the management of the Minister of Transport, and, on private land, any trail upon which the land’s owner or manager authorizes off-highway vehicles to be operated;

(4) “private land” means any land or immovable, including the property of a municipality, that is not public land;

(5) “public land” means any land included in the domain of the State within the meaning of the Act respecting the lands in the domain of the State;

(6) “maintenance vehicle” includes groomers and graders, whether self-propelled or towed, as well as any other vehicle or combination of vehicles designed or used for trail layout or maintenance; and

(7) “off-highway vehicle” means a snowmobile, a quad bike, a recreational off-highway vehicle, a trail bike, such as a motocross motorcycle, and any other motorized vehicle adapted or designed mainly for operation on uneven surfaces or on land that is unpaved or difficult to access, in particular on surfaces consisting of snow, ice, earth, sand or gravel, as well as in wooded areas and other natural settings.

DIVISION III

SCOPE

3. Except in cases where distinctions have been expressly provided for, the provisions of this Act apply regardless of the purposes for which a vehicle is operated, the area of operation and the public or private nature of the land where the vehicle is operated.

4. The provisions of this Act do not apply to off-highway vehicles or maintenance vehicles in the following cases:

(1) when such vehicles are displayed for sale, used for demonstration purposes at an exhibition or trade show or demonstrated or tested on private land elsewhere than on a trail by a manufacturer or dealer;

(2) when such vehicles are used to carry persons or transport goods inside a building;

(3) when such vehicles are used for a race, rally, contest or recreational use inside a building; the same applies when such an activity is held outdoors if

(a) the activity is held on a closed track on private land with the authorization of the owner of the land;

(b) the activity is not held on a road and does not cross any roads; or

(c) the activity is planned and held under the responsibility of a sports organization or an off-highway vehicle association or federation;

(4) when such vehicles are operated on a construction site or at a train station, harbour or airport, or are used for work on an industrial or agricultural site that is not accessible to the general public;

(5) when golf carts and other vehicles are used exclusively at a golf course;

(6) when groomers and other vehicles are operated exclusively within skiable terrain and do not cross or travel on a road or trail;

(7) when one-person garden tractors and lawnmowers are used on a site to perform the tasks for which they are intended;

(8) when power-assisted bicycles, including motorized mountain bikes, that do not qualify as mopeds or motorcycles within the meaning of the Highway Safety Code are operated; and

(9) when off-highway vehicles intended by the manufacturer to be operated by persons under 16 years of age are operated exclusively on private land, elsewhere than on a trail, with the authorization of the land's owner.

The Government may specify by regulation the meaning of a word or an expression and may determine in which cases and under which conditions a vehicle is subject to or exempt from the application of one or more of the provisions of this Act.

5. This Act is binding on the State.

DIVISION IV

ABORIGINAL COMMUNITIES

6. To permit the application of measures to ensure that Aboriginal people's reality and practice of traditional and ceremonial activities are more fully taken into account and to, at the same time, promote their safety and that of the public, the Government is authorized to, on a matter within the scope of this Act, enter into an agreement with an Aboriginal nation represented by all the band councils, or councils in the case of northern villages, of the communities that make up that nation, with the Makivik Corporation, with the Cree Nation

Government, with an Aboriginal community represented by its band council or the council of the northern village, with a group of communities so represented or, in the absence of such councils, with any other Aboriginal group.

The provisions of such an agreement prevail over the provisions of this Act and the regulations. However, persons to whom such an agreement applies are exempt from the application of provisions of this Act and the regulations that are inconsistent with the agreement only to the extent that those persons comply with the agreement.

7. An agreement under section 6 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

8. The agreement under section 6 is made available on the website of the Ministère des Transports within 30 days of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

The Minister may enter into an administrative agreement with an Aboriginal community to facilitate the application of an agreement under section 6.

9. The provisions of this Act that govern the equipment, dimensions and other standards applicable to sleighs and trailers do not apply to a traditional Aboriginal sleigh towed by an off-highway vehicle.

CHAPTER II

PUTTING VEHICLES INTO OPERATION AND AUTHORIZATION TO OPERATE

DIVISION I

REGISTRATION, CONTRIBUTIONS AND AMOUNTS CREDITED TO THE LAND TRANSPORTATION NETWORK FUND

10. No person may operate an off-highway vehicle or a maintenance vehicle that is not registered in accordance with the requirements prescribed by the Highway Safety Code.

11. Every owner of an off-highway vehicle or a maintenance vehicle must pay the contribution, the amount of which is fixed by government regulation, which is intended to be used to assist in financing the measures provided for in section 15.

The amounts may vary according to, among other things, the type, year of manufacture, mass or any other mechanical or physical specification of the vehicle, the number of vehicles possessed by the same owner and the type of use of the vehicles; distinctions may also be made in the amounts of the contribution required in order to encourage or discourage, for security or environmental reasons, the use of certain vehicles.

12. The owner of a vehicle pays the amount of the required contribution at the same time as the amount due for obtaining the registration of the vehicle and the amounts due under section 31.1 of the Highway Safety Code.

13. The Société de l'assurance automobile du Québec collects the payable contributions and pays them into the Consolidated Revenue Fund within the time and according to the terms and conditions fixed by the Minister of Finance.

The sums so collected are credited to the Land Transportation Network Fund established by section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

14. From the date prescribed by the Government and in such proportion as the Government determines, the part of the duties collected for registration of the off-highway vehicles and maintenance vehicles referred to in this Act is also credited to the Land Transportation Network Fund.

15. The contributions and other amounts credited to the Land Transportation Network Fund under this Act are intended to allow

(1) setting up or continuation of financial assistance programs aimed at assisting off-highway vehicle clubs, developing and maintaining infrastructures for off-highway vehicles, and protecting wildlife and wildlife habitats;

(2) setting up or continuation of financial assistance programs for abandoning the use of off-highway vehicles that have poor environmental performance and encouraging the replacement of such vehicles and the acquisition of vehicles that have better environmental performance;

(3) setting up or continuation of training programs and other measures promoting safety and the application of the provisions of this Act; and

(4) setting up or continuation of financial assistance programs for measures established by municipalities or by associations and federations to encourage consultation, mediation and arbitration in order to prevent neighbourhood disputes and disputes related to shared use, and to facilitate the resolution of such disputes, including for measures to compensate for damage caused to owners of farm land on which trails have been laid out or which is situated in the neighbourhood of trails.

DIVISION II

AGE, DRIVER'S LICENCE AND OTHER CONDITIONS RELATED TO THE OPERATION OF A VEHICLE

§1. — *General provisions*

16. The only persons authorized to operate off-highway vehicles or maintenance vehicles on a trail, a road, public land or private land belonging to a municipality are persons 16 years of age or over who hold a valid driver's licence, appropriate to the class of vehicle used, and who meet the requirements prescribed in this division.

To operate an off-highway vehicle in the areas referred to in the first paragraph, a person 16 or 17 years of age must also hold a training certificate attesting that the person has passed the examination or successfully completed the training prescribed by regulation of the Minister.

The Government may, by regulation, provide for exceptions to the requirement to hold a licence.

17. The Minister may determine, by regulation, the elements of theoretical and practical training required to obtain the training certificate referred to in the second paragraph of section 16.

The regulation may prescribe the body or bodies whose training or examinations are recognized and determine the level to be completed or mark to be attained in order to obtain a certificate attesting successful completion of training or passage of an examination.

The regulation may also provide for equivalencies, exceptions and the maximum amount of fees that may be charged by the Minister or by another person for issuing a certificate, administering an examination or giving training.

The training certificate requirement does not apply to the holder of a licence or authorization issued outside of Québec and accepted or recognized as being equivalent under sections 85 and following of the Highway Safety Code.

18. The driver's licence required under the first paragraph of section 16 means, unless a government regulation provides otherwise, any licence that authorizes the holder to operate a road vehicle issued under the Highway Safety Code or a licence or authorization issued outside of Québec and accepted or recognized as being equivalent under sections 85 and following of that Code.

For the purposes of the first paragraph of section 16, a licence that is not suspended by reason of an Act, a judgment, a court order or a decision made under this Act or the Highway Safety Code is recognized as valid.

A licence that is subject to a condition or a restriction considered incompatible with the operation of an off-highway vehicle or a maintenance vehicle in accordance with the provisions prescribed by regulation of the Minister does not meet the licence requirement for the operation of such a vehicle.

19. The Government may, by regulation, determine

(1) the classes or categories of driver's licences issued or recognized under the Highway Safety Code granting authorization to operate any off-highway vehicle or maintenance vehicle, or to operate the classes of vehicle specified by the regulation;

(2) the classes or specifications of off-highway vehicles that may be operated by a person who holds only a licence to operate a moped;

(3) the classes or specifications of vehicles that may be operated by a person under 18 years of age as well as the minimum age for operating them and for carrying passengers in or on them, including on private land; and

(4) the establishment, on all or part of the territory, of a licence system to replace or complement the system prescribed by the Highway Safety Code, of the categories of licences in accordance with vehicle specifications and use, of the authority authorized to issue them, of the duties exigible as well as of the conditions giving rise to the issue, renewal, suspension or cancellation of such licences.

In order to adapt the requirement to hold a driver's licence to the reality of certain communities or their remoteness from the road network, the regulation may authorize the authority that issues the licence to make issuance of the licence subject to certain conditions or substitute other means for the obligation to hold a licence or training certificate in order to enable an Aboriginal or remote community to verify the minimum qualifications and aptitudes required of operators residing in such a locality. The different standards so fixed may, subject to a verification of those qualifications and aptitudes, provide for an age lower than that fixed in section 16.

The Government may also, by regulation, determine, after consulting with the Société de l'assurance automobile du Québec,

(1) the offences, in addition to those described in section 33, that, under this Act, the Highway Safety Code or any other Act give rise to the suspension, non-renewal or cancellation of a licence authorizing the operation of an off-highway vehicle or a maintenance vehicle on the Minister's decision or by operation of law, following a conviction;

(2) the conditions of application of a system of demerit points relating to offences against the provisions of this Act and, as the case may be, those of the Highway Safety Code in connection with the operation of an off-highway vehicle or a maintenance vehicle; the system may lead to, among other things, suspension or cancellation of a licence;

(3) the conditions and the procedure governing the suspension or cancellation of a licence following offences, the suspension or cancellation period as well as the terms and conditions for recovering a suspended or cancelled licence; and

(4) the requirement to pass one or more examinations and to complete any theoretical or practical training in order to be authorized to drive or to recover such authorization after a sanction, and any other rule, condition or restriction in connection with the authorization to operate an off-highway vehicle or a maintenance vehicle.

20. A person who has received an unfavourable decision regarding their licence under the provisions of a regulation made under this division may, within 30 days of notification of the decision, contest it before the Administrative Tribunal of Québec.

21. In areas other than those referred to in section 16, a minor under 18 years of age is authorized to operate an off-highway vehicle only if the following conditions and supervision requirements are complied with:

(1) one of the parents of the minor or the person having legal custody of the minor authorizes the minor to do so; and

(2) the minor is accompanied by a person of full age authorized to operate an off-highway vehicle who must travel sufficiently close to the minor to be able to come to the minor's assistance rapidly in case of an accident or difficulties; such accompaniment is not, however, required if the minor travels only on the property of the minor's parents, of a person having legal custody of the minor or of a member of the minor's family.

This section does not apply to a minor who is the holder of the licence and training certificate required by this Act.

With respect to the operation of an off-highway vehicle by a minor on Category I lands on the territories described in the agreements referred to in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec and section 1 of the Act approving the Northeastern Québec Agreement and on lands in Indian reserves,

(1) operation on the property of the minor's parents, the property of the person having legal custody of the minor and the property of a member of the minor's family means operation in their area of residence; and

(2) operation elsewhere than on the property of such persons means, as the case may be, operation elsewhere on Category I lands of the minor's community or elsewhere on lands included in the reserve.

§2.—*Lease of off-highway vehicles*

22. A person who leases an off-highway vehicle to a natural person must take reasonable measures to ensure that the operator

(1) is 18 years of age or over;

(2) holds the driver's licence required under the first paragraph of section 16; and

(3) has received the minimum training enabling the operator to understand the operation of the vehicle and the minimum safety rules to be followed when operating the vehicle.

The same obligations apply to a recreational-tourism enterprise or other enterprise which, as part of a business, temporarily provides a natural person with an off-highway vehicle.

The Government may, by regulation, prescribe exceptions and additional requirements related to training and to the lease or provision of off-highway vehicles, including for the purpose of determining any maximum engine power standards for off-highway vehicles available for lease for a period of less than 30 days.

23. The lessor must keep, and, upon request, make accessible to the Minister or to a person authorized to request it, a register in which the names, contact information and ages of the persons to whom the lessor has leased an off-highway vehicle are recorded. The same obligations apply to an enterprise referred to in the second paragraph of section 22.

The register must also include any other information that the Minister may require by regulation. The required information and documents need not be kept for more than three years unless otherwise provided for by regulation of the Minister.

§3.—*Required training for guides*

24. No person may carry on, or offer to carry on, the activities of a guide for off-highway vehicle excursions as part of a recreational-tourism enterprise or other enterprise unless the person has successfully completed training recognized by the Minister of Tourism, by regulation.

The provisions of the regulation may, in particular, specify the institutions and bodies whose certificates and diplomas are recognized. The provisions may set out equivalences and specialties and, as applicable, specify other applicable qualification and training conditions as well as the activities and persons exempted from the application of this section.

A person who acts as a guide must be able to show, on request, to a person authorized to ask the person to show it, a document certifying that the person has the training required by regulation.

This section does not apply to excursions organized within an off-highway vehicle club or an association of such clubs for the sole benefit of its members.

DIVISION III

CIVIL LIABILITY INSURANCE

25. The owner of an off-highway vehicle must, in order to be able to put the vehicle into operation, hold a civil liability insurance contract that covers bodily injury and property damage caused by the vehicle.

The same holds for the owner of a maintenance vehicle for operation on trails.

The Government may, by regulation, determine the minimum amount of insurance required, the maximum deductible amount and the obligations of the owner of an off-highway vehicle with respect to the scope of the coverage the owner must take out in such a contract.

CHAPTER III

TRAFFIC RULES

DIVISION I

DUE CARE AND OTHER STANDARDS OF CONDUCT OF VEHICLE OPERATORS AND OTHER USERS OF THE TERRITORY

§1.—General provisions

26. In the provisions of this chapter, “vehicle”, when used without a qualifier, means both off-highway vehicles and maintenance vehicles.

27. Vehicle operators must have with them the following documents and show them on request, in paper form or otherwise, to any person authorized to request them:

(1) the vehicle registration certificate required under the Highway Safety Code;

(2) the driver’s licence required under section 16 and, if the operator is 16 or 17 years of age, the training certificate required under that section;

(3) the civil liability insurance certificate;

(4) a document providing proof of age; and

(5) where applicable on a trail, proof of payment of the access fee for the trail.

In the case of a loan or lease for a period of less than one year made by a person as part of their business, the operator must also carry a document evidencing the term of the loan or a copy of the contract of lease.

§2.—*Speed and due care and attention*

28. Vehicle operators must remain in control of their vehicles at all times so as to meet the duty to exercise due care and attention.

Vehicle operators must comply with the provisions of this chapter and not impede or endanger other users of trails or other areas they frequent. Special care and attention is required with respect to persons on trails and in other areas who are not operating vehicles and to persons who may be more vulnerable because of their condition or their age.

The same courtesy and care is required of persons who use the same areas as those frequented by persons operating vehicles and of persons who use areas in the neighbourhood of legally laid out trails.

Such persons must refrain from surprising an operator or forcing an operator to perform a manoeuvre that could endanger the safety of the operator or the operator's passengers or damage the surrounding environment.

Neighbours of legally laid out trails must suffer annoyances resulting from the traffic of vehicles that is in accordance with the applicable legislative and regulatory standards.

29. No person may damage or obstruct a trail or interfere with traffic on a trail.

30. It is prohibited to operate a vehicle at a speed or in such a way that could endanger the life or safety of persons or cause damage to property.

31. Vehicle operators must refrain from operating vehicles on any trail or road of a width or with a purpose or characteristics that make it clearly unsuited to such vehicles, such as trails reserved for hiking and trails laid out specifically for mountain biking or ski touring.

In areas where an operator's vehicle could impede other persons, the operator must travel slowly and stop, if required, in particular to allow pedestrians or persons riding non-motorized vehicles to cross the trail or road. When approaching an intersection or a crossing, the operator must give the priority to persons entering or already in the intersection or crossing.

The Government may, by regulation, determine any other measure governing the operation of off-highway vehicles and maintenance vehicles.

32. A person must not operate a vehicle if their physical or mental state affects their ability to operate the vehicle safely, in particular if they are impaired by alcohol or drugs.

33. The provisions of the Highway Safety Code governing impaired driving apply, with the necessary modifications, to the operation of vehicles on trails and in any other area of operation not covered by the Code.

The provisions include, in particular, sections 73 and 76 to 83.1 and, in Title V of the Code, sections 180 to 182, 190 to 191.1 and 202.0.1 to 202.8, that is, provisions relating

(1) to the maximum blood alcohol concentration level and the maximum blood drug concentration level applicable to the different categories of drivers;

(2) to a peace officer's powers, including the power to immediately suspend a licence;

(3) to administrative and penal sanctions relating to impaired driving;

(4) to verifications and assessments that may be required after a sanction by the Société de l'assurance automobile du Québec to ascertain a person's right to recover a driver's licence because of the person's addiction problems or relationship with alcohol or drugs; and

(5) to the proceedings for review with the Société de l'assurance automobile du Québec and the contestation proceedings before the Administrative Tribunal of Québec provided by the Code to contest sanctions imposed; in the context of such proceedings, the Société de l'assurance automobile du Québec assumes the same functions as those it exercises in proceedings under the Code in areas governed by the Code, unless otherwise provided for in an agreement entered into between it and the Minister.

Despite the first paragraph, the Government determines, by regulation, the date from which the provisions of sections 209.1 to 209.26 of the Highway Safety Code apply, with the modifications that it specifies.

34. No vehicle operator or passenger of a vehicle or of a sleigh or trailer towed by a vehicle may consume alcoholic beverages in or on the vehicle, sleigh or trailer, nor may a person consume cannabis or any other drug in or on such a vehicle, sleigh or trailer, subject to the exceptions provided for by government regulation.

35. Vehicle owners must keep their vehicles and equipment in good working order.

Vehicle operators must abstain from operating a vehicle that they know or ought to know is not in good working order.

36. On trails and in other areas where vehicle operation is permitted, no person may operate a vehicle at a speed in excess of the maximum rate of speed fixed by this Act and the regulations, indicated by signs or signals or prescribed by any other applicable legislative and regulatory provisions.

This does not apply to the operation of peace officers' vehicles, ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

37. Vehicle operators must reduce the speed of their vehicles to adapt it to the circumstances, including vehicle specifications, load, ground conditions, traffic density and the presence of turns and slopes making anticipation of problems more difficult. Operators must also reduce the speed of their vehicles in areas and at intersections with poor visibility.

Before making a significant change in speed or direction, vehicle operators must first ensure that the action can be done safely and warn other users, as far as possible.

38. Vehicle operators must obey the orders and signals of peace officers and trail security officers giving safety instructions. In case of contradiction between the posted signs or signals and an officer's orders or signals, the latter prevail.

39. Subject to other standards provided under an Act or a regulation made by the Government, the maximum rate of speed for a snowmobile is 70 km/h and the maximum rate of speed for any other vehicle is 50 km/h.

The maximum rate of speed for various classes of vehicles may be lower than that fixed in the first paragraph, where indicated by signs or signals that conform to regulatory standards, on public land or on private land owned by a municipality and used for public utility.

Despite the preceding paragraphs, where vehicle operation is permitted less than 100 metres away from a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities, the maximum rate of speed is 50 km/h and, when vehicle operation is permitted less than 30 metres away from such places, the maximum rate of speed is 30 km/h.

40. Vehicle operators must keep a sufficient distance between their vehicles and all other users of the area, in particular when approaching or passing them; operators must also, when following persons, other off-highway vehicles or any other type of vehicle, keep a safe, reasonable distance between their vehicles and such persons or vehicles, taking the circumstances into account.

On trails and in other areas with two-way traffic, operators must adapt their handling of their vehicles to take oncoming users and vehicles into account. Operators must operate their vehicles as close to the right-hand side as is practicable and slow down or, if necessary, stop the vehicle to allow oncoming vehicles and users to pass safely.

41. Vehicle operators travelling on a road must comply with any provision of the Highway Safety Code and any other Act that applies to vehicle operation authorized on roads, with the exception of the provisions relating to vehicle specifications and equipment.

Without restricting the generality of the preceding paragraph, rules relating to compliance with signs or signals and speed restrictions apply in particular.

If such provisions are inconsistent with those of this Act, the more restrictive provisions to ensure public safety prevail. In particular, the lowest speed limits prevail.

42. Holding races, rallies or competitions of vehicles on public land, in whole or in part, is prohibited except with the written authorization of the Minister or the public body having authority over, or responsible for the administration of, the land.

The authorization specifies any precautions to be taken and conditions to be met by the organizers and the participants, taking into account the safety of persons and traffic in general.

43. Vehicle operators must ensure their handling of their vehicles is not interfered with by the vehicle's load or in any other way.

Passengers must not interfere with or disturb the operator's handling of the vehicle.

44. Operators must avoid overloading vehicles or, as the case may be, sleighs or trailers towed by vehicles, taking into account the vehicle's braking capacity and the increased braking time that excess weight could cause.

Operators must ensure that loads are arranged and secured in a manner that prevents them from falling and that does not interfere with the stability and handling of the vehicle or endanger the safety of any passenger.

In addition, operators must ensure that any load that extends beyond the vehicle is indicated, both by day and by night, in a clearly visible manner.

§3. — Protection of natural settings and quality of the environment

45. Vehicle operators and passengers must not disturb other users or neighbours of the areas where their vehicles are operated, in particular by causing noise, dust, smoke, excessive light or odours that such operators and passengers could prevent.

46. The Government may, by regulation, specify the obligations of a vehicle operator and those of the passengers of a vehicle, sleigh or trailer, and it may prohibit certain forms of behaviour and certain uses or practices in the areas of use it specifies.

47. Subject to a legitimate reason and to the extent possible, vehicle operators and passengers must avoid any act that would disturb the peace and quiet of natural or rural settings, disturb wild animal behaviour or negatively affect water flow or interactions between plants and animals and their habitats.

In particular, it is prohibited for operators and passengers to

(1) frighten, chase, mutilate or kill an animal with a vehicle or in any other way; and

(2) dispose of or abandon any object or waste.

This division does not restrict the scope of standards prescribed in the context of other measures related to the protection of fragile environments or the conservation of habitats of vulnerable and threatened species.

48. The Minister or public body having authority over public land may prohibit the off-trail operation of off-highway vehicles in a zone the Minister or public body delimits. The prohibition may be general or for a period determined by the Minister or public body.

No person may operate a vehicle in a zone so delimited during the periods when the prohibition applies.

For the purposes of this section, operating a vehicle off trail means operating it outside the right of way of an authorized trail or in an undeveloped natural area.

The Minister or body concerned notifies vehicle operators of the prohibition by using proper signs or signals to indicate the zone where and, if applicable, the periods during which, access is prohibited or by publishing an access prohibited notice in the *Gazette officielle du Québec* and a map of the zone or a description of the defined perimeter on the website of the Minister or body.

Despite the preceding paragraphs, the prohibition against operating vehicles off trail does not apply to vehicles operated for professional purposes, for research purposes, or for the purposes of exploitation or maintenance of natural areas, security or the enforcement of an Act, the onus being on the person operating the vehicle to establish the purpose.

§4.—*Passengers, seat belts and protective equipment*

49. Vehicle operators may carry passengers only in places designed for passengers.

The number of passengers in a vehicle must not exceed the number indicated by the manufacturer or, if seat belts are installed, the number of passengers allowed by the number of installed seat belts.

50. No person may operate a vehicle that must be equipped with a seat belt for the operator if the seat belt is missing, inoperative or has been modified.

The same prohibition applies to carrying a passenger if the place to sit must be equipped with a seat belt but it is missing, inoperative or has been modified.

Every person in a moving vehicle must wear, properly, the seat belt with which their seat is equipped.

No person may modify a vehicle or have it modified in such a manner as to cause the removal of, hinder the efficiency of or render inoperative a seat belt with which the vehicle is equipped.

51. No person may hang on to or be pulled or pushed by a moving vehicle, or ride in or on any part of the vehicle that is not a place designed for a passenger.

It is prohibited for a passenger to stand in or on a sleigh or trailer towed by a moving off-highway vehicle.

It is prohibited for an operator to tolerate the performance of the actions mentioned in the first and second paragraphs when operating the vehicle.

No person may be carried in a sleigh or trailer towed by an off-highway vehicle unless the sleigh or trailer complies with the standards regulating their manufacturing and securing, as the case may be.

The Government may prescribe, by regulation, any other conditions and restrictions applicable to passenger transportation. The regulation may, in particular, provide for restrictions concerning modifications to a vehicle to allow for more passengers.

52. All operators and passengers must wear adequate clothing, footwear and protective equipment, in accordance with the type of vehicle, so as not to endanger their safety or the safety of others.

The Government may, by regulation, determine the standards applicable to clothing and other equipment that must be worn.

Unless otherwise provided in a regulation,

(1) all vehicle operators must wear footwear that makes it easy to control their vehicle's pedals and prevents the risk of injuries; and

(2) all operators and passengers of off-highway vehicles, sleighs and trailers must wear helmets with visors that meet the regulatory standards prescribed by the Government or safety glasses if the helmet has no visor.

Despite the preceding paragraphs, in addition to the cases that may be determined by government regulation, a helmet is not required if the vehicle is equipped with a closed compartment; nor is it required in the case of trapping activities involving frequent stops if the speed of the vehicle during such activities does not exceed 30 km/h.

In addition, passengers are not required to wear a visor or safety glasses when they are in a sleigh or trailer with a closed compartment.

Operators and passengers must, on the request of a peace officer, an inspector or a trail security officer, allow the officer or inspector to examine their helmet, glasses and any other equipment prescribed by regulation.

§5. — Weight and dimensions of vehicles operated on trails

53. The Government may, by regulation, determine the standards applicable to the weight and dimensions of vehicles, sleighs and trailers authorized to be operated or used on trails, as well as the standards applicable to their loads.

In determining such standards, the ground characteristics, fragility of ecosystems, increased risk of accidents when vehicles meet or when the surface of a trail is damaged and soundness of the infrastructure may, in particular, be taken into account.

The regulation may provide for the conditions in which the person responsible for the maintenance of a trail may, expressly or through appropriate signs or signals, authorize different standards for portions of the trails specified by that person.

The weight and dimensions of off-highway and maintenance vehicles that are operated on or that cross roads are governed by the Highway Safety Code and other applicable legislative and regulatory provisions.

54. Unless otherwise provided in a government regulation, on a trail, no person may operate a vehicle that is not an off-highway or maintenance vehicle or operate an off-highway or maintenance vehicle that does not comply with the following:

(1) the maximum width of a snowmobile must not exceed 1.28 metres, that of any other off-highway vehicle must not exceed 1.68 metres, that of a maintenance vehicle must not exceed 3.75 metres and that of a sleigh or trailer must not exceed 1.5 metres; and

(2) the weight of an off-highway vehicle must not exceed 500 kg in the case of a single-seat vehicle and 950 kg in the case of a multi-seat vehicle, and the weight of a maintenance vehicle must not exceed 25,000 kg.

This prohibition does not apply to the operation of peace officers' vehicles, ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

The Government may, by regulation, prescribe rules for calculating or taking measurements for the purposes of this section.

The person responsible for the maintenance of a trail may claim from a person who fails to comply with the standards under this subdivision the reimbursement of any expenditure made to repair or restore a trail or infrastructure damaged by a prohibited or non-compliant vehicle.

§6. — Standards applicable in areas off trail on private land belonging to a person other than a municipality

55. In areas off trail on private land belonging to a person other than a municipality, the only provisions of this chapter that apply are those in sections 30, 45 and 49, the first three paragraphs of section 50 and, when a minor is referred to, section 52.

DIVISION II

EQUIPMENT AND ESSENTIAL SPECIFICATIONS OF VEHICLES

§1. — General provisions

56. In addition to the requirements provided for in this division, the Government may, by regulation, determine the specifications to which off-highway and maintenance vehicles must correspond, the equipment that such vehicles must have as well as the modifications that may or may not be made to such equipment to ensure that, under normal conditions of operation and when operated as intended, such vehicles provide satisfactory levels of performance while minimizing the danger to persons and the environment.

The standards provided for by regulation may, in particular, specify, with respect to noise and the emissions of contaminants produced by a vehicle, the methods and devices required to measure noise and emissions of contaminants and to verify the compliance of an exhaust system.

With respect to maintenance vehicles, the regulation may, in particular, provide that one or more of its provisions prevails over any inconsistent provision of the Highway Safety Code and the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), including the regulations, and provide for, if applicable, a departure from the applicable standards.

Where such a regulation fixes standards related to the emission of contaminants, it is made by the Government after consultation of the minister responsible for the Environment Quality Act (chapter Q-2).

57. Subject to the exceptions provided for by regulation, no person may manufacture, sell or lease an off-highway vehicle, a sleigh or a trailer or other related equipment that does not meet the standards or specifications provided for in this Act or a regulation made under this Act.

§2. — *Headlights and rotating lights*

58. The operator of a vehicle must keep the white headlight or headlights with which the vehicle must be equipped and the required red tail-light or tail-lights on.

The operator must also keep the red tail-light or tail-lights, with which the vehicle must be equipped, at the rear of a sleigh or trailer on when it is towed by a vehicle.

59. Any headlight, tail-light, rear-view mirror or registration plate of a vehicle and any light or reflector of a sleigh or trailer towed by such a vehicle must be properly installed and maintained free of any object or matter that could obstruct it or make it ineffective.

A peace officer or a trail security officer may require a vehicle operator to remove any object or to clean a soiled or snow-covered part.

60. No person may operate a vehicle equipped with a rotating light or flashing lights except peace officers, trail security officers, trail maintenance personnel or persons performing safety-related duties. Rotating and flashing lights must be used in compliance with the following colour and other requirements:

(1) a maintenance vehicle operated on a trail must be equipped with an amber rotating light or amber flashing lights that must remain on;

(2) the colour blue is reserved for rotating and flashing lights used on the vehicles of peace officers who are members of a police force or of the Sûreté du Québec;

(3) the colour red is reserved for ambulances and vehicles used by persons performing safety-related duties, the vehicles of trail security officers and the vehicles of other persons having the status of peace officer; and

(4) trail security officers and peace officers must not operate the rotating light or flashing lights of their vehicles except in the performance of their duties and if required by the circumstances.

§3. — *Brake system*

61. No person may operate a vehicle that is not equipped with a brake system sufficiently powerful to stop the vehicle quickly in case of emergency and hold the vehicle stationary. Any mechanism used to control the speed of a vehicle and stop the vehicle quickly, such as a hydrostatic transmission, is considered to be a brake system.

A peace officer who has reasonable grounds to believe that the brake system of a vehicle is defective or out of order may require that the vehicle be taken to an appropriate place and retained at the expense of the owner until the problem is corrected.

§4.—*Horn*

62. The operator of a vehicle equipped with a horn must use it with restraint and only for safety purposes.

§5.—*Excessive noise and exhaust system*

63. It is prohibited to operate a vehicle that produces excessive noise or that produces an unusual noise likely to disturb the other users engaging in activities in the area.

64. Every vehicle which is likely to cause noise or polluting emissions must be equipped with an exhaust system in good working order that complies with the standards prescribed by government regulation.

No person may perform or cause the performance of any operation on such a vehicle aimed at or having the effect of cancelling or reducing the effectiveness of the vehicle's exhaust system or of increasing noise or the risk of burns when compared with a manufacturer-installed system or a system required by government regulation. No person may sell or distribute equipment aimed at or having the effect of bypassing an exhaust system or affecting its proper functioning.

A peace officer who has reasonable grounds to believe that the exhaust system of a vehicle is defective, does not comply with the standards or has been modified in contravention of the second paragraph may require that the vehicle be taken to an appropriate place and retained at the expense of the owner until the problem is corrected.

A vehicle propelled solely by an electric motor is deemed to not produce noise or polluting emissions for the purposes of the first paragraph.

§6.—*Speedometer*

65. Every off-highway vehicle must be equipped with a speedometer in good working order.

§7.—*Other standards*

66. All the components of the vehicle body and all the vehicle accessories and equipment, including rear-view mirrors, must be securely attached.

67. Any repair or modification of a vehicle must ensure that the vehicle meets at least the same safety requirements as those met by the manufacturer.

Any modification that could reduce the vehicle's stability or braking capacity is prohibited.

DIVISION III

AUTHORIZED TIMES, TRAILS AND OTHER AREAS OF USE

68. An off-highway vehicle may be operated on public land, subject to the conditions and restrictions imposed

(1) by the Act respecting the conservation and development of wildlife (chapter C-61.1), the Act respecting threatened or vulnerable species (chapter E-12.01), the Sustainable Forest Development Act (chapter A-18.1), the Mining Act (chapter M-13.1), the Parks Act (chapter P-9), the Environment Quality Act, the Watercourses Act (chapter R-13), the Natural Heritage Conservation Act (chapter C-61.01), the Act respecting agricultural lands in the domain of the State (chapter T-7.1) and the Act respecting the lands in the domain of the State; and

(2) by government or ministerial regulation, or by a by-law of a regional county municipality, elsewhere than on a trail or in areas subject to the conditions and restrictions referred to in subparagraph 1.

In addition, in the areas in which a lease, a right of occupation or a similar right has been granted under an Act mentioned above, the operation is subject to the authorization of the holder of the right unless otherwise provided in the Acts mentioned above.

Without restricting the other measures provided for in this Act, the Government may, by regulation, in the places that it determines on public land and subject to the conditions and restrictions on traffic provided for in other Acts, determine the speed limit, prohibit or restrict the operation of certain types of off-highway vehicles and maintenance vehicles and determine the periods of time and other special conditions applying to the operation of such vehicles.

Where a government or ministerial regulation is inconsistent with a by-law of a municipality, the former shall prevail.

69. The minister having authority over public land on which a road is situated may authorize an off-highway vehicle club to lay out and operate a trail, for the period and on the conditions determined by the Minister, on all or part of that road.

Such authorization gives the club the right to collect access fees for the trail in accordance with this Act.

70. An off-highway vehicle may be operated on private roads. However, the owner of the road or the maintenance authority may, by means of signs or signals that conform to regulatory standards, prohibit off-highway vehicles or restrict their operation to certain types of vehicles or to certain periods of time.

An off-highway vehicle may be operated elsewhere on private land, subject to the express authorization of the owner and lessee.

71. Any type of off-highway vehicle or maintenance vehicle may be operated on the trails of an off-highway vehicle club. However, the club may, by means of signs or signals that conform to regulatory standards and that are erected at its expense, prohibit such vehicles from operating on such trails or restrict the use of such trails to certain types of vehicles, certain classes of operators, certain purposes for which vehicles are operated or certain periods of time, except on parts of trails situated on private roads.

In addition to cases prescribed by government regulation, such prohibitions and restrictions do not apply to vehicles operated by peace officers, to ambulances, to firefighting vehicles or to vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

72. No person may use a trail otherwise than in or on an authorized off-highway vehicle or a maintenance vehicle, or in or on a sleigh or trailer towed by such a vehicle, except

(1) to cross the trail as safely and as directly as possible without interfering with traffic; or

(2) in the case of the passenger of a vehicle, to travel on foot on the extreme right-hand side of a steep ascending part of a trail having a slope inclination percentage equal to or greater than that provided for by regulation.

However, that prohibition does not apply on a trail section situated on the negotiable portion of a road.

For the purposes of the first paragraph, the operation of an off-highway vehicle on a trail is not authorized if a user fails to comply with any of the conditions or restrictions on operation provided for in this Act or another Act, including payment of the access fee for the trail unless the operator is exempted by government regulation.

The prohibition provided for in this section does not apply to vehicles operated by peace officers or to ambulances, firefighting vehicles or vehicles operated by other persons in the performance of safety-related duties when proceeding to a location where their immediate action is required.

73. No off-highway vehicle may be operated on a public highway.

However, an off-highway vehicle may

(1) be operated on the roadway for a maximum distance of one kilometre provided it is operated by a worker for whom the vehicle is necessary for work the worker is performing;

(2) cross a road at the place where a crossing for off-highway vehicles is indicated by a road sign or signal;

(3) be operated off the roadway and ditch area, with or against the flow of vehicular traffic, on the conditions fixed by government regulation;

(4) be operated on the roadway, where authorized by a road sign or signal, for a maximum distance of one kilometre to reach a trail of an off-highway vehicle club, a service station or another area open to the public as a rest area, if the layout of the right of way does not allow operation off the roadway and ditch area and the most direct access to those locations is obstructed;

(5) be operated on a road with the authorization of the maintenance authority and on the conditions it determines if the road is closed to vehicular traffic owing to exceptional events or atmospheric conditions;

(6) be, where authorized by a municipal by-law enacted under subparagraph 14 of the first paragraph of section 626 of the Highway Safety Code and subject to the power of disallowance provided for in that section, operated on the roadway of a public highway maintained by the municipality for a distance longer than that provided for in subparagraphs 1 and 4 of this paragraph if the municipality considers it necessary for any of the purposes authorized by subparagraphs 1 and 4, after having considered the safety issues; the operation that may be authorized by such a by-law is limited to that allowing the most direct access to a club's trail or to any of the areas referred to in subparagraphs 1 and 4; and

(7) be operated on all or part of a road that the Minister is responsible for maintaining and determined by a regulation of the Minister, on the conditions and for the types of vehicles determined in the regulation.

For the purposes of this section, the roadway includes the shoulder.

The operation of an off-highway vehicle referred to in subparagraphs 1, 4 and 6 of the second paragraph is not authorized on an autoroute or limited access highway within the meaning of the Highway Safety Code.

The operation of an off-highway vehicle referred to in subparagraph 2 of the second paragraph is not authorized on an autoroute or limited access highway within the meaning of the Highway Safety Code, except at an intersection designed as a crossing for off-highway vehicles where appropriate signs and signals are installed.

The Minister may, by regulation, determine the procedure to calculate a distance for the purposes of this section, in particular to take into account a road's configuration or its intersection with other roads.

A regulation made under subparagraph 7 of the second paragraph is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). It may come into force on the date of its publication in the *Gazette officielle du Québec*.

The prohibition set out in the first paragraph does not apply to a vehicle registered otherwise than as a off-highway vehicle under the Highway Safety Code.

74. Unless another distance is fixed by municipal by-law under section 95, no vehicle may be operated on a trail within 100 metres, or, on a trail laid out before 1 January 2012, within 30 metres of a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities.

Such restrictions do not apply to the laying out of a trail

(1) if the trail was initially laid out at a shorter distance with the express authorization of the owner of the dwelling or reserved area or, on public land, with the authorization of the owner or lessee of the dwelling or reserved area;

(2) if the trail is laid out in the right of way of a public highway or road on public land, in accordance with the applicable provisions;

(3) if the trail is laid out on a private road;

(4) if the trail is laid out on an abandoned railroad right of way and is indicated on a land use and development plan or a metropolitan land use and development plan; or

(5) in any other cases and on any other conditions determined by government regulation.

In assessing compliance with the fixed minimum distance, the presence is not taken into account of dwellings, facilities and reserved areas for which a building permit or land-use authorization was issued after the authorization to lay out a trail.

The course of a laid-out trail may be modified without taking into account the 100-metre restriction referred to in the first paragraph if the course of the trail is only slightly modified, in particular, to adapt it after the loss of a right of way or to widen the trail for safety purposes.

A modification to a trail is not considered a new laying out if it does not have the effect of allowing traffic on the trail at a shorter distance than the distance before the modification or if the trail remains at a distance of at least 100 metres.

For the purposes of this section, in the absence of any other proof, use of a trail for one year is proof that the trail has been laid out.

The distances referred to in this section are fixed for the benefit of the owners of the constructions and areas referred to in the first paragraph, who alone are considered to have sufficient interest to raise an issue in case of failure to comply with the distances.

The trails that are indicated on the maps of the interregional snowmobile and quad networks published by the Minister in the *Gazette officielle du Québec* are presumed to have been laid out in accordance with this section.

Prior to the publication of the final version of such maps, the Minister must publish a notice in the *Gazette officielle du Québec*, accompanied by the proposed maps, mentioning that the final version of the maps may be fixed within 30 days of publication of the proposed maps and that any interested person may transmit their comments to the Minister during that period.

75. On roads and trails where off-highway vehicles are allowed, such vehicles may be operated only from 6:00 a.m. to 12:00 midnight.

The operation of an off-highway vehicle is not restricted to the hours set out in the first paragraph in unorganized territories, on multi-purpose roads situated on public land, in the Nord-du-Québec administrative region, in the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent or in any other territory that is not included in the territory of a regional county municipality and that is determined by ministerial regulation.

Despite the preceding paragraphs, a regional county municipality may, subject to the by-laws a local municipality may pass under section 95, pass a by-law to fix the hours when off-highway vehicles may be operated.

76. No authorization under this Act to operate an off-highway vehicle may have the effect of exempting the operator of the vehicle from the obligation to comply with the conditions and restrictions imposed by the competent authorities and off-highway vehicle clubs, including the payment of duties.

The conditions and restrictions on such operation established by provisions of this Act or of a municipal by-law do not apply to vehicles operated by peace officers, or to ambulances, firefighting vehicles or vehicles operated by workers carrying out their work or by other persons in the performance of safety-related duties when proceeding to a location where their action is required.

77. Any off-highway vehicle club and any association of such clubs whose by-law imposes the payment of access fees or other conditions or restrictions for the use of a trail must ensure that the information is accessible by posting it in full view near the place where off-highway vehicle operators may access the trail and by any other means they consider appropriate, including their website. A copy of the by-law must be given to every operator at the time of payment of the operator's access fee.

The Government may exempt certain categories of off-highway vehicle operators from the requirement to pay an access fee imposed by a club or an association of such clubs to use a trail.

78. No civil action may be brought for any damage arising from the operation of a vehicle to which this Act applies on land in the domain of the State off a trail and resulting from a defective layout, sign or signal or from the faulty maintenance of an area of use referred to in this Act.

79. The layout and the operation of a trail by an off-highway vehicle club are subject

(1) on private land, to the express authorization of the owner; and

(2) on public land, according to law, to the express authorization of the Minister or the body having authority over the land.

The layout of the intersection of a trail with a public highway is subject to the express authorization of the maintenance authority.

Every authorization is valid for the period determined by the authority granting it.

An authorization obtained under this section does not release the person in charge of laying out a trail from the obligation to, with respect to neighbouring properties, comply with section 74 and the distance requirements provided for in that section.

80. No legal action may be brought against the owner or lessee of private land that authorizes an off-highway vehicle club to lay out and operate a trail on the land for reparation of any damage related to the operation of an off-highway vehicle on the trail unless the damage results from an intentional or gross fault on the part of the owner or lessee.

DIVISION IV

SIGNS AND SIGNALS ON TRAILS AND OTHER AREAS OF USE

81. Whatever the medium, a sign or signal on a trail or in any other area of use to which this Act applies has the meaning ascribed to it in a ministerial regulation.

Such a regulation sets out the obligations of off-highway vehicle clubs regarding signs and signals on their trails, including signs and signals indicating hours of operation that differ from those referred to in section 75.

82. Standards for the manufacture and installation of signs and signals to be erected on a trail are established by the Minister and published in a document prepared by the Ministère des Transports. Such standards are not subject to the Regulations Act.

An off-highway vehicle club responsible for laying out and operating a trail must comply with the manufacturing and installation standards. It must also make sure the signs and signals remain in place and, if necessary, repair or replace any destroyed or damaged sign or signal throughout the period of use of the trail that it operates.

The Minister may order the removal, at the club's expense, of any signs or signals that do not comply with the manufacturing and installation standards.

83. An off-highway vehicle club may, by means of the appropriate signs and signals,

- (1) identify where vehicles must stop or yield;
- (2) identify crossings for pedestrians and users of non-motorized transportation;
- (3) prohibit, restrict or otherwise regulate pedestrian and other non-motorized traffic, as well as the operation of certain classes of motor vehicles;
- (4) prohibit, restrict or otherwise regulate the stopping or parking of off-highway vehicles;
- (5) during exceptional events, sports events or competitions, restrict or prohibit access to a trail by all or some off-highway vehicles for the time specified by the club; and
- (6) for safety reasons, restrict or prohibit access to a trail by all or some off-highway vehicles.

84. Subject to the powers conferred on a public authority by another Act, only an off-highway vehicle club responsible for a trail may erect signs and signals on it.

It may remove any sign or signal erected in contravention of the first paragraph.

Despite the first paragraph, where off-highway vehicles operated on a trail are authorized to cross a public highway, if there are insufficient signs or signals requiring a stop when approaching the intersection concerned, the Minister or the authority responsible for the highway's management may erect or require the club to erect the necessary signs and signals on the trail or in the right of way of the highway.

85. No person may erect a signal, sign, indication or other device on a trail without the authorization of the off-highway vehicle club responsible for maintaining the trail.

The club may remove any object erected in contravention of the first paragraph, at the contravener's expense.

86. The signs and signals erected on a private trail open to public traffic or on any other land where public traffic is authorized must be in conformity with the manufacturing and installation standards established by the Minister.

87. Every person must comply with the signs and signals erected under this Act.

In any proceedings for a contravention of this section, the sign or signal and its installation are presumed, in the absence of any evidence to the contrary, to be in conformity with this Act and the regulations.

88. No person may conceal, remove, move or damage a sign or signal erected in conformity with this Act and the regulations.

In any proceedings for a contravention of this section, the sign or signal and its installation are presumed, in the absence of any evidence to the contrary, to be in conformity with this Act and the regulations.

DIVISION V

TRAIL MAINTENANCE AND OTHER POWERS OF OFF-HIGHWAY VEHICLE CLUBS

89. Every off-highway vehicle club must lay out, erect signs and signals for and maintain the trails it operates.

For those purposes and to ensure the safety of the trails, the club may, for example, use trail security officers.

The Government may fix, by regulation, the conditions to be met by persons applying to become trail security officers and the rules of conduct to be observed by such officers.

90. Every off-highway vehicle club laying out or operating a trail must take out civil liability insurance each year in an amount fixed by government regulation. In addition, the Government may, by regulation, set out restrictions with respect to the clauses and deductibles allowed in such contracts.

CHAPTER IV

REGULATORY PROVISIONS

91. In addition to the regulatory powers conferred on them by this Act, the Government and the Minister may respectively, by regulation, determine the provisions of regulations they make whose violation constitutes an offence and determine the applicable fines, which may not be more than \$500 in the case of a natural person and not more than \$15,000 in any other case.

They may also determine the provisions of regulations they make for which non-compliance may give rise to monetary administrative penalties and fix the amounts of the applicable penalties, which may not be more than \$250 in the case of a natural person and not more than \$350 in any other case.

92. The regulatory standards made under this Act may be established on the basis of any distinction considered useful, including on the basis of the area or public or private nature of the land on which an off-highway vehicle or a maintenance vehicle is operated; the standards may also provide for exceptions and vary according to the types and purposes of the vehicles.

93. The Minister may authorize the carrying out of pilot projects aimed at testing the use of a vehicle or of equipment related to its functioning or safety, or at improving or developing traffic rules or standards for equipment or safety. During a pilot project, the Minister may make any rule concerning the operation of a vehicle and authorize, in that context, any person or body to operate a vehicle according to standards and rules the Minister makes that differ from those provided for by this Act and the regulations.

Such pilot projects are established for a maximum of three years, a period which the Minister may, if the Minister judges it necessary, extend for a maximum of two years. The Minister may modify or terminate a pilot project at any time. The Minister may also determine, among the provisions of an order made under this section, those whose violation constitutes an offence, and fix the minimum and maximum fines to which the offender is subject. The amount of a fine may not be less than \$50 or more than \$1,000.

Any decision of the Minister made under this section must be in the form of an order. Such an order is not subject to the publication requirement set out in section 8 of the Regulations Act.

94. A regional county municipality may, by by-law, prescribe for all or part of its territory the hours, which may vary from one part of the territory to another, during which off-highway vehicular traffic is permitted.

With the exception of the provisions of a by-law made under subparagraph 2 of the first paragraph of section 95, the provisions of a by-law made under the first paragraph prevail over the provisions of a by-law made by a local municipality that may affect the hours during which off-highway vehicular traffic is permitted, in particular concerning the environment, disturbances or safety, or to ensure peace, order and good government.

A copy of a by-law made under the first paragraph must be sent to the Minister within 15 days of the by-law being passed. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or the part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of the decision as soon as possible.

A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Act.

95. A local municipality may, by by-law,

(1) fix the distance within which off-highway vehicles may not be operated pursuant to section 74; and

(2) in the places it determines on land of the municipality appropriated for public utility, determine the speed, prohibit off-highway vehicles or restrict their operation to certain types of vehicles or to certain periods of time and, in the latter cases, determine special operating conditions.

Before passing a by-law under subparagraph 1 of the first paragraph, a public meeting on the proposed by-law must be held to hear concerned citizens, receive their written observations and answer their questions. The municipality accepts written observations up to the 15th day following the meeting.

The meeting is held by a committee chaired by the mayor of the municipality and consisting of at least two other council members designated by the mayor. Not later than the 15th day before the meeting, the clerk or the secretary-treasurer of the municipality must publish, in accordance with the Act governing the municipality, a public notice of the date, time, place and purpose of the meeting.

A copy of any by-law made under subparagraph 1 of the first paragraph must be sent to the Minister within 15 days of being passed. The Minister may disallow all or part of the by-law at any time. In such a case, the by-law or the part of the by-law that has been disallowed ceases to have effect on the date a notice of disallowance is published in the *Gazette officielle du Québec* or on any later date specified in the notice. The Minister notifies the municipality of the decision as soon as possible.

96. The power to prohibit or restrict the operation of off-highway vehicles or to prescribe, by means of a sign or signal, a rate of speed lower than the rate fixed in this Act, conferred on owners of roads, on maintenance authorities and on clubs operating trails must be exercised in compliance with the conditions determined by government regulation.

In the case of non-compliance with the conditions or non-conformity of the sign or signal with regulatory standards, the Minister may notify a notice to the owner, the maintenance authority or the club, as the case may be, enjoining the offender to take the necessary corrective measures or to remove the non-conforming sign or signal within the time indicated by the Minister. If the offender does not comply with the notice, the Minister may have the sign or signal removed or replaced at the offender's expense.

CHAPTER V

ENFORCEMENT MEASURES AND INSPECTIONS

97. For the purposes of this Act, the following persons are trail security officers:

(1) the persons recruited as such by an off-highway vehicle club or an association of such clubs who satisfy the conditions determined by government regulation; and

(2) members of an Aboriginal community designated under an agreement for the purposes of this Act entered into between the Minister and an Aboriginal group or group of Aboriginal groups within the meaning of section 6.

Any peace officer may act as an inspector to ascertain compliance with this Act.

98. For the purpose of ascertaining compliance with this Act and the regulations, a peace officer and an inspector appointed under the Act respecting the Ministère des Transports may, as part of their inspection,

(1) enter, at any reasonable time and elsewhere than in a dwelling house, the premises of a lessor of off-highway vehicles or an off-highway vehicle club that lays out or operates a trail to examine and make copies of books, registers, accounts, records and other documents containing information relating to the obligations imposed on the lessor or club by this Act;

(2) travel to any area in which an off-highway vehicle or a maintenance vehicle is being operated or is stopped;

(3) when recognizable as such at first sight, require the operator of an off-road vehicle or maintenance vehicle to stop the vehicle for an inspection of it, to verify equipment or to ask for a document that the officer or inspector is entitled to require;

- (4) take photographs of the area, vehicles and other things;
- (5) require a vehicle operator to produce proof of age and, where applicable, the vehicle operator's training certificate;
- (6) require a vehicle operator to produce the driver's licence required under this Act;
- (7) if applicable, require a person acting or offering to act as a guide to produce a document certifying that they have successfully completed the training required under this Act;
- (8) require the production of the vehicle registration certificate issued under the Highway Safety Code and the civil liability insurance certificate;
- (9) require, where applicable, the production of documents issued by an association of off-highway vehicle clubs certifying that the owner of an off-highway vehicle stopped on a trail is the holder of a valid right of access; and
- (10) require a lessor, a club, a person offering guide services or any other person or enterprise whose activities are governed by this Act to provide any information relating to the application of its provisions and to produce any relevant document.

For the purposes of subparagraph 2 of the first paragraph, peace officers and inspectors who have reasonable grounds to believe that activities governed by this Act are being or have been engaged in may, in the exercise of their functions, enter upon and pass over private land, in places other than dwelling houses, to conduct inspections.

A trail security officer may, on the same conditions, exercise the powers provided for in subparagraphs 3 to 9 of the first paragraph with respect to the trail or trails to which the officer is assigned. A trail security officer recruited by an association of off-highway vehicle clubs may, in addition, on the same conditions as a peace officer, exercise the powers provided for in subparagraph 2 of the first paragraph.

A person who has the custody or possession of or control over the documents specified in the first paragraph must, on demand, surrender the documents for examination to the person conducting the inspection.

On completion of the examination, the peace officer, inspector or trail security officer must return the documents, except in the case of a driver's licence that the peace officer is authorized to seize under the Highway Safety Code.

99. If, in the course of a verification, a peace officer has reasonable grounds to believe that an offence under this Act or the regulations has been committed, the peace officer may seize any thing that may constitute evidence of the offence.

The provisions of the Code of Penal Procedure (chapter C-25.1) pertaining to things seized apply, with the necessary modifications, to things seized under this section.

100. On the same conditions, a peace officer, inspector or trail security officer may move a vehicle or cause it to be moved, or impound a vehicle or cause it to be impounded, to stop the commission of an offence.

The owner may not recover possession of the vehicle except on payment, to the person who has custody of the vehicle, of the actual costs of moving and impounding.

101. A trail security officer is not authorized to exercise the powers provided for in articles 84 to 86 of the Code of Penal Procedure nor, despite articles 87 and 98 of that Code, to make arrests or searches.

102. Peace officers, inspectors and trail security officers must, on request, identify themselves and show their badge or the certificate attesting their capacity.

103. No information obtained by a trail security officer in the performance of duties may be disclosed except for the purposes of this Act.

104. No action may be brought against a peace officer, inspector or trail security officer in relation to official acts performed in good faith in the performance of their duties under this Act.

CHAPTER VI

MONETARY ADMINISTRATIVE PENALTIES AND PENAL PROVISIONS

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

105. A monetary administrative penalty of \$125 may be imposed

(1) on any person who, in contravention of section 24, fails to show to a person authorized to ask for it a document certifying successful completion of the training required by that section;

(2) on an operator of a off-highway vehicle or a maintenance vehicle who, in contravention of section 27, fails to show to a person authorized to request it any document specified in that section;

(3) on a passenger of an off-highway vehicle or a maintenance vehicle who, in contravention of section 34, consumes alcoholic beverages, cannabis or any other drug in or on the vehicle;

(4) on an occupant of an off-highway vehicle or a maintenance vehicle who, in contravention of the third paragraph of section 50, fails to wear, properly, the seat belt with which their place to sit is equipped;

(5) on an occupant of an off-highway vehicle or a maintenance vehicle, sleigh or trailer who, in contravention of section 52, fails to wear a helmet or safety glasses as required under that section;

(6) on an operator of an off-highway vehicle or a maintenance vehicle who,

(a) in contravention of section 54, operates, on a trail, a vehicle exceeding the maximum authorized width, or

(b) in contravention of section 58, operates a vehicle without keeping the white headlight or headlights and the red tail-light or tail-lights on; and

(7) on an operator of an off-highway vehicle who, in contravention of section 75, operates a vehicle outside the permitted hours.

The monetary administrative penalties collected under this Act are credited to the Land Transportation Network Fund established by the Act respecting the Ministère des Transports.

The Government may, by regulation, determine the provisions, other than those referred to in the first paragraph, regarding which non-compliance may give rise to monetary administrative penalties and fix the amounts of the applicable penalties, which may not exceed \$250 in the case of a natural person or \$350 in any other case.

106. A monetary administrative penalty is imposed by a person designated by the Minister by the notification of a notice of claim to the person concerned.

The person concerned must have already been informed of the failure of which the person is accused by a notice of non-compliance mentioning that the failure may give rise to a monetary administrative penalty and penal proceedings. If circumstances permit, the notice may offer the person the opportunity to remedy the failure, and specify the time limit and the person to whom the person must report.

The notice of claim of a monetary administrative penalty must specify

(1) the failure to comply;

(2) the amount of the monetary administrative penalty to be paid, the payment terms and the time limit for paying, which cannot be less than 30 days after notification of the notice;

(3) the right of the person concerned to apply for a review of a decision imposing a monetary administrative penalty within 30 days after notification of the decision; and

(4) the person's right to contest, before the Administrative Tribunal of Québec, a review decision confirming the imposition of a monetary administrative penalty.

Unless a longer time limit was provided in the notice, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002) from the 31st day after notification of the notice.

The notice of contravention must also include information on the procedure for recovery of the amount claimed, including information relating to the issuance of the recovery certificate provided for in section 111.

Prescription is interrupted as of the date of notification of the notice.

107. The Minister designates the persons who may impose monetary administrative penalties under this Act and the persons responsible for the applications for review.

The persons responsible for applications for review must not come under the same administrative authority as the persons responsible for imposing the penalties.

108. An application for the review of a monetary administrative penalty imposed under this Act must be sent in writing to the Minister by the person concerned within 30 days after notification of the notice of claim provided for in section 106.

After giving the applicant an opportunity to submit observations and, where applicable, to produce any documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record, unless the person considers it necessary to proceed in some other manner. The person may confirm, quash or vary the decision under review.

A review decision that confirms the imposition of a monetary administrative penalty under this Act or the regulations may be contested before the Administrative Tribunal of Québec by the person concerned within 30 days after notification of the decision rendered by the person designated by the Minister.

The review decision must be written in clear, concise terms, with reasons given; it must be notified to the person concerned and state that the person has the right to contest the decision before the Tribunal within 30 days of its notification.

When rendering its decision, the Tribunal may make a ruling with respect to interest accrued.

109. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

If two years have passed since the date of the failure to comply, no monetary administrative penalty may be imposed.

110. No decision to impose a monetary administrative penalty may be notified to a person for a failure to comply with a provision of this Act or a regulation if a statement of offence has already been served on the person for a failure to comply with the same provision on the same day and based on the same facts.

In addition, no accumulation of monetary administrative penalties may be imposed on a person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts.

111. The Minister may issue, in a definitive manner, a recovery certificate for an amount owing under this division and file it at the office of the competent court, together with the decision establishing the amount of the debt, so that the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

The provisions of sections 203 to 207 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2) relating to the recovery of amounts owing as a result of the imposition of a monetary administrative penalty apply, with the necessary modifications, to the issuance of a certificate and to the process for the recovery of amounts owing under this division.

The Minister may, by agreement, delegate to another minister or to a body all or some of the powers relating to the recovery of an amount owing under this division.

DIVISION II

PENAL PROVISIONS

112. The following are guilty of an offence and are liable to a fine of \$450 to \$900 in the case of a natural person and \$2,500 to \$25,000 in any other case:

(1) a minor who operates an off-highway vehicle or a maintenance vehicle when under the prescribed age, in contravention of the first paragraph of section 16; when not holding the training certificate required to operate such a vehicle, in contravention of the second paragraph of section 16; or when in contravention of the conditions and requirements imposed by section 21;

(2) a person having authority over a minor and the control of an off-highway vehicle or a maintenance vehicle who allows the minor to operate the vehicle or tolerates the minor doing so when the minor is under the prescribed age, in contravention of the first paragraph of section 16; when the minor does not hold the training certificate required to operate such a vehicle, in contravention of the second paragraph of section 16; or when the minor operates such a vehicle in contravention of the conditions and requirements imposed by section 21;

(3) an owner or custodian of an off-highway vehicle or maintenance vehicle used by a minor who allows the minor to operate the vehicle or tolerates the minor doing so when the minor is under the prescribed age or when the minor does not hold the training certificate required to operate such a vehicle, in contravention of the first or second paragraph of section 16, or when the minor operates such a vehicle in contravention of the conditions and requirements imposed by section 21;

(4) an operator who contravenes any of sections 30, 32 and 34 or who tolerates a practice prohibited by the first or second paragraph of section 51; and

(5) an off-highway vehicle club that lays out or operates a trail in contravention of section 79.

113. The following are guilty of an offence and are liable to a fine of \$350 to \$700 in the case of a natural person and \$2,000 to \$20,000 in any other case:

(1) an operator who contravenes section 10, who contravenes the requirement to hold the driver's licence prescribed by the first paragraph of section 16, or who contravenes the first or second paragraph of section 31, or any of sections 37, 38, 40, 45, 49, 52 and 70, or the first paragraph of section 73;

(2) a person having authority over a minor and the control of an off-highway vehicle or a maintenance vehicle who allows the minor to contravene the first paragraph of section 16 by operating such a vehicle without holding the required driver's licence, or tolerates the minor doing so;

(3) a passenger of an off-highway vehicle who contravenes section 45 or the first or second paragraph of section 51;

(4) a person who operates a vehicle that is not equipped with a brake system required under section 61 or an owner of such a vehicle who allows a person to operate the vehicle or tolerates the person doing so;

(5) a vehicle operator who operates a vehicle in contravention of section 63 or section 64;

(6) an owner who allows a person to operate a vehicle that is not compliant with section 64, or tolerates a person doing so, or who allows or causes repairs or modifications to be carried out in contravention of section 64;

(7) a person who sells or distributes equipment in contravention of section 64;

(8) a repairer or person who carries out work on a vehicle in contravention of section 64 or the second paragraph of section 67;

(9) an operator or passenger of an off-highway vehicle who contravenes section 72; and

(10) an off-highway vehicle club that lays out or operates a trail in contravention of section 74 or fails to take out civil liability insurance as required under section 90.

114. The following are guilty of an offence and are liable to a fine of \$250 to \$500 in the case of a natural person and \$1,000 to \$15,000 in any other case:

(1) any person who contravenes section 22 or 24, the fourth paragraph of section 50, or any of sections 57, 86, 87 and 88;

(2) a vehicle owner who contravenes section 25 or the first paragraph of section 35, who allows a person to operate a vehicle that is not compliant with section 65, or tolerates a person doing so, or who allows or causes repairs or modifications to be carried out in contravention of section 67;

(3) an operator who contravenes the first or second paragraph of section 28, the second paragraph of section 35, the first paragraph of section 43, or any of sections 44, 47, 48 and 50, the third paragraph of section 51, or any of sections 58, 59, 60 and 75, or who operates a vehicle that is not compliant with section 65 or was repaired or modified in contravention of section 67;

(4) a passenger of an off-highway vehicle who contravenes the second paragraph of section 43, section 47, the third paragraph of section 50, or the first paragraph of or subparagraph 2 of the third paragraph of section 52;

(5) an operator or passenger of a non-motorized vehicle who contravenes section 72; and

(6) an off-highway vehicle club that contravenes the second paragraph of section 82 or the first paragraph of section 89.

115. The following are guilty of an offence and are liable to a fine of \$150 to \$300 in the case of a natural person and \$600 to \$6,000 in any other case:

(1) a person who contravenes any of sections 29, 42, 84 and 85;

(2) an operator who contravenes section 54 or 62;

(3) a passenger of an off-highway vehicle who contravenes section 34;

- (4) an operator of an off-highway vehicle who contravenes section 66; and
- (5) a pedestrian who contravenes section 72.

116. A lessor or enterprise who fails to comply with the requirements applicable to them under section 23 of this Act in relation to the keeping of a register is guilty of an offence and is liable to a fine of \$75 to \$150 in the case of a natural person and \$400 to \$2,000 in any other case.

117. Any person who, in contravention of section 36 or 39, operates an off-highway vehicle or a maintenance vehicle at a speed in excess of the prescribed maximum speed is guilty of an offence and is liable to a fine of \$30 plus,

- (1) if the speed exceeds the speed limit by 1 to 20 km/h, \$15 for each 5 km/h by which the speed exceeds the speed limit;
- (2) if the speed exceeds the speed limit by 21 to 30 km/h, \$20 for each 5 km/h by which the speed exceeds the speed limit;
- (3) if the speed exceeds the speed limit by 31 to 45 km/h, \$25 for each 5 km/h by which the speed exceeds the speed limit;
- (4) if the speed exceeds the speed limit by 46 to 60 km/h, \$30 for each 5 km/h by which the speed exceeds the speed limit; or
- (5) if the speed exceeds the speed limit by 61 km/h or more, \$35 for each 5 km/h by which the speed exceeds the speed limit.

If the speeding offence occurs at a location where the maximum prescribed speed is 30 km/h or less, the amounts specified in the first paragraph are increased by \$5.

118. The following are guilty of an offence and are liable to a fine of \$350 to \$700 in the case of a natural person and \$2,000 to \$10,000 in any other case:

- (1) any person who hinders a peace officer, an inspector or a trail security officer in the performance of their duties by concealment, by a false document or by a false declaration or by misleading the officer or inspector by concealing a document from the officer or inspector or by destroying a document or property relevant to an inspection; or
- (2) an operator or passenger of a vehicle who fails to comply with a request from a peace officer, an inspector or a trail security officer made in accordance with the sixth paragraph of section 52, section 59, 61 or 64 or subparagraph 3 of the first paragraph of section 98.

119. In the case of a second or subsequent offence, the fines prescribed by this Act are doubled.

120. The person in whose name a vehicle is registered is responsible for any offence imputable to the owner under this Act.

121. In any proceedings instituted under this Act in respect of a contravention of section 25 or 90, the burden is on the defendants to prove that they held the compulsory liability insurance required under either of those sections.

122. In the case of an offence committed by an off-highway vehicle club, an association of clubs or a legal person, any director, officer, representative or employee of the club, association of clubs or legal person who ordered, authorized, consented to or participated in the offence is guilty of an offence and is liable to the penalty prescribed, whether or not the legal person has been prosecuted or found guilty.

123. Anyone who, by an act or an omission, helps or, by encouragement, advice, authorization or order, induces another person to commit an offence under this Act is guilty of an offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

124. In determining the fine to be imposed under this Act, the judge may take into account aggravating factors such as

- (1) the seriousness of the harm or the risk of harm to the safety of persons;
- (2) the intentional, negligent or reckless nature of the offence;
- (3) the foreseeable nature of the offence or the failure to follow recommendations or warnings to prevent it;
- (4) the offender's attempts to cover up the offence or failure to try to mitigate its consequences;
- (5) the increase in revenues or decrease in expenses that the offender intended to obtain by committing the offence or by omitting to take measures to prevent it; and
- (6) the offender's failure to take reasonable measures to prevent the commission of the offence or mitigate its consequences despite the offender's ability to do so.

125. Fines collected as a result of penal proceedings brought under this Act are credited to the Land Transportation Network Fund.

126. Penal proceedings for an offence under a provision of this Act or the regulations may be instituted by a local municipality if the offence is committed in its territory.

Proceedings in respect of such an offence committed in the territory of a municipality may be instituted before the competent municipal court, if applicable.

Despite section 125, the fine belongs to the municipality if the municipality has instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality to which the court is attached, except for the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure and except for the costs payable to the defendant or imposed on the municipality under article 223 of that Code.

127. The clerk of a court of justice or a person under the clerk's authority and the collector of the fines must send notice to the Société de l'assurance automobile du Québec of any conviction for an offence under section 25 in relation to the requirement to hold civil liability insurance.

CHAPTER VII

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

128. Section 1 of the Highway Safety Code (chapter C-24.2) is amended by replacing the third paragraph by the following paragraphs:

“The provisions of this Code regarding the registration and identification of a vehicle by means of a number affixed to it apply to the vehicles referred to in the Act respecting off-highway vehicles (2020, chapter 26).

The rules set out by this Code to ensure safe vehicular traffic are also applicable to off-highway vehicles and maintenance vehicles governed by the Act respecting off-highway vehicles when such vehicles travel in those areas where the Code applies, taking into account the specific equipment and vehicle specifications, and with the other necessary modifications.

In areas where this Code applies, if one of its provisions is inconsistent with a provision of the Act respecting off-highway vehicles, the more restrictive provisions to ensure public safety prevail. In particular, the lowest speed limits prevail.”

129. Section 21 of the Code is amended by replacing “the contribution of off-highway vehicle owners set pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” in subparagraph 3 of the first paragraph by “the contribution fixed under section 11 of the Act respecting off-highway vehicles (2020, chapter 26), hereinafter called the off-highway vehicle owners' contribution”.

130. Section 31.1 of the Code is amended by striking out “fixed pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” in the first paragraph.

131. Section 111 of the Code is amended by adding the following paragraph at the end:

“The system of demerit points referred to in this section also includes demerit points prescribed by regulation under section 19 of the Act respecting off-highway vehicles (2020, chapter 26) for an offence against a provision of that Act, where provided for by such a regulation. The points must be entered in the person’s file and be considered in the same manner as the demerit points prescribed under the second paragraph.”

132. Section 189 of the Code is amended by replacing “section 45 of the Act respecting off-highway vehicles (chapter V-1.2)” in the last paragraph by “section 127 of the Act respecting off-highway vehicles (2020, chapter 26)”.

133. Section 421.1 of the Code is amended by replacing “in section 35 of the Act respecting off-highway vehicles (chapter V-1.2)” in the second paragraph by “in the Act respecting off-highway vehicles (2020, chapter 26)”.

134. Section 626 of the Code is amended by replacing “on the conditions and for the periods of time it fixes” in subparagraph 14 of the first paragraph by “in compliance with the conditions and limits prescribed by section 73 of the Act respecting off-highway vehicles (2020, chapter 26)”.

135. Section 648.4 of the Code is amended, in the first paragraph,

(1) by replacing “snowmobiles with a net mass of 450 kg or less, all-terrain vehicles with a net mass not exceeding 600 kg and off-highway vehicles” in subparagraph 1 by “snowmobiles, all-terrain vehicles and other off-highway vehicles”;

(2) by replacing “snowmobile with a net mass of 450 kg or less, an all-terrain vehicle with a net mass not exceeding 600 kg and an off-highway vehicle” in subparagraph 2 by “snowmobile, an all-terrain vehicle and any other off-highway vehicle”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

136. Schedule IV to the Act respecting administrative justice (chapter J-3), amended by section 19 of the Act respecting the Financial Assistance for Investment Program and establishing the Special Contracts and Financial Assistance for Investment Fund (chapter P-30.1.1), enacted by section 98 of chapter 5 of the statutes of 2020, is again amended by adding the following paragraphs at the end:

“(34) section 20 of the Act respecting off-highway vehicles (2020, chapter 26);

“(35) section 108 of the Act respecting off-highway vehicles.”

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

137. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing subparagraph *a.1* of paragraph 1 by the following subparagraph:

“(a.1) programs and measures covered by section 15 of the Act respecting off-highway vehicles (2020, chapter 26);”.

138. Section 12.32 of the Act is amended by replacing paragraph 0.2 by the following paragraph:

“(0.2) the sums paid by the Société de l’assurance automobile du Québec under section 13 of the Act respecting off-highway vehicles (2020, chapter 26), the amounts determined by the Government under section 14 of that Act, the amounts of the fines and monetary administrative penalties imposed under that Act and, if applicable, the duties exigible according to a regulation made under subparagraph 4 of the first paragraph of section 19 of that Act;”.

139. Section 12.32.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The sums referred to in paragraph 0.2 of section 12.32 are allocated to the financing of the financial assistance programs and the measures provided for in section 15 of the Act respecting off-highway vehicles (2020, chapter 26).”

REGULATION RESPECTING OFF-HIGHWAY VEHICLES

140. The Regulation respecting off-highway vehicles (chapter V-1.2, r. 5) is amended by inserting the following sections after section 11.01:

“**11.02.** The contribution to be paid by off-highway vehicle owners under section 11 of the Act is \$21 for an all-terrain vehicle and \$40 for a snowmobile.

“**11.03.** The minimum amount of civil liability insurance that owners of off-highway vehicles or maintenance vehicles must take out each year under section 25 of the Act is \$1,000,000.

The amount of insurance required of off-highway vehicle clubs under section 90 of the Act is \$5,000,000.”

141. The Regulation is amended by inserting the following sections after section 11.2:

“11.2.1. No person may operate a vehicle equipped with a straight or deep-tone exhaust, shortened, pierced or perforated muffler, gutted muffler, by-pass or similar device.

“11.2.2. No person may offer for sale a new snowmobile or a demonstrator if its exhaust system is not compliant with the standard entitled *Detailed Standards and Testing Specifications and Procedures*, SSCC/11 Supplement, published by the Snowmobile Safety and Certification Committee, Inc. (the Supplement), including the section of that standard entitled “Snowmobile Exhaust System Identification”, as the standard read during the vehicle’s year of manufacture.

“11.2.3. No person may install a muffler or cause a muffler to be installed on a snowmobile if it is not compliant with the standard mentioned in section 11.2.2 as the standard read at the time of the installation or replacement of the muffler.

This section does not apply to the installation or replacement of the muffler of a snowmobile of a model year prior to 2011.

“11.2.4. No person may operate a snowmobile that has an exhaust system that is not compliant with the standard mentioned in section 11.2.2 or, where it has been modified, a snowmobile that has a muffler that is not compliant with section 11.2.3.

This section does not apply to snowmobiles of a model year prior to 2011.”

142. The Regulation is amended by inserting the following section after section 28:

“28.0.1. Every person who contravenes any of the provisions of sections 11.2.1 to 11.2.4 is liable to a fine of \$350 to \$500 in the case of a natural person and \$2,000 to \$15,000 in all other cases.”

143. The Regulation is amended by inserting the following after section 28.1:

“DIVISION 6.1

“TRANSITIONAL PROVISIONS

“28.2. Despite section 11.2.4, if the exhaust system of a snowmobile is not compliant with that section on 10 December 2020, the owner has one year after that date to make it compliant with that section.”

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

144. No legal action founded on neighbourhood annoyances or any other injury relating to noise, odours or other contaminants may be brought for facts occurring between 16 December 2001 and 31 December 2020 if the alleged injury is due to the use of a vehicle to which this Act applies when the vehicle is operated in places authorized under this Act and the regulations.

Legal action may be brought against the operator or owner of an off-highway vehicle, however, if the cause of the injury is the contravention of a provision of this Act or a regulation under this Act or if the injury results from the commission of an intentional or gross fault by the operator or owner in operating the vehicle.

From 29 November 2006, the first paragraph applies only to events occurring as of that date on the trails that form part of the interregional network established by order of the Minister published in the *Gazette officielle du Québec*. Any order altering the network must be made after consulting with the interested regional county municipalities and, if it is interested, any responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1).

For the purposes of the third paragraph, a local municipality whose territory is not included in that of a regional county municipality is considered a regional county municipality. The same holds for a responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire as regards the territory or community it represents.

145. The requirement for a speedometer under section 65 does not apply to vehicles built before 1 January 1998.

146. The Regulation respecting snowmobiles (chapter V-1.2, r. 1) and the Regulation respecting all-terrain vehicles (chapter V-1.2, r. 6) are deemed to be regulations made under this Act to the extent that they are consistent with this Act, and each of their provisions is deemed to be a provision, determined under the first paragraph of section 91, the violation of which constitutes an offence.

Order 1013-99 (1999, G.O. 2, 4285, French only), Décret concernant l'habilitation de deux agents à délivrer des certificats d'aptitude pour conduire un véhicule hors route aux personnes âgées de 14 ans et plus mais de moins de 16 ans, is deemed to be a regulation made by the Minister for the purposes of section 17.

Any regulation made under a provision of the Act respecting off-highway vehicles (chapter V-1.2) remains in force until it is amended or repealed under the provisions of this Act.

147. A person who holds, on 29 December 2020, a civil liability insurance contract required under the Act respecting off-highway vehicles in force on that date is granted until 29 June 2021 to adjust the insurance coverage to comply with the minimum amounts set in section 11.03 of the Regulation respecting off-highway vehicles (chapter V-1.2, r. 5), enacted by section 140 of this Act.

148. The Act respecting off-highway vehicles is replaced by this Act, except for the provisions of sections 2, 2.0.1, 3, 12.1 to 12.1.3, 18.1, 21.1 to 21.3, 21.7, 21.8, 21.10, 22 and 28.1, which remain in force until the first regulation under this Act is made amending the Regulation respecting off-highway vehicles.

In the case of a contravention of any of those provisions, offenders are liable to the fines prescribed by the Act respecting off-highway vehicles, as it read on 9 December 2020.

149. Unless the context indicates otherwise, in any Act or any other document, a reference to the Act respecting off-highway vehicles or to any of its provisions replaced by this Act becomes, as the case may be, a reference to this Act or a reference to the corresponding legislative or regulatory provision.

150. The Minister of Transport is responsible for the administration of this Act.

151. The provisions of this Act come into force on 30 December 2020, except

(1) the requirement to hold a driver's licence under the first paragraph of section 16 and sections 22, 23 and 33, which comes into force on 10 September 2021;

(2) section 20, section 24 and paragraph 34 of Schedule IV to the Act respecting administrative justice (chapter J-3), enacted by section 136 of this Act, which come into force on the date or dates to be set by the Government.

Regulations and other Acts

Gouvernement du Québec

O.C. 139-2021, 17 February 2021

Automobile Insurance Act
(chapter A-25)

Reimbursement of certain expenses —Amendment

Regulation to amend the Regulation respecting the reimbursement of certain expenses

WHEREAS, under paragraph 15 of section 195 of the Automobile Insurance Act (chapter A-25), the Société de l'assurance automobile du Québec may make regulations for the purposes of Titles I and II of the Act to determine the cases and conditions entitling a person to the reimbursement of the expenses referred to in section 83.2 of the Act and to fix the maximum amount thereof;

WHEREAS the Société made the Regulation to amend the Regulation respecting the reimbursement of certain expenses on 12 May 2020;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the reimbursement of certain expenses was published in Part 2 of the *Gazette officielle du Québec* of 16 September 2020 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 197 of the Automobile Insurance Act, regulations of the Société must be approved by the Government, except those made under sections 151 to 151.3, paragraphs 31 and 32 of section 195 and section 195.1 of the Act;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting the reimbursement of certain expenses, attached to this Order in Council, be approved.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reimbursement of certain expenses

Automobile Insurance Act
(chapter A-25, s. 195, par. 15).

1. The Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended in section 8 by replacing “\$86.60” by “\$94.50”.

2. Section 9 is amended by replacing “\$26” by “\$54”.

3. Section 10 is amended by replacing “\$31” in the second paragraph by “\$40.50”.

4. Section 11 is amended by replacing “\$49” in the second paragraph by “\$63”.

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

104899

M.O., 2021

Order number 2021-002 of the Minister of Immigration, Francization and Integration dated 19 February 2021

Québec Immigration Act
(chapter I-0.2.1)

Regulation to make three permanent immigration pilot programs

THE MINISTER OF IMMIGRATION, FRANCIZATION AND INTEGRATION,

CONSIDERING the first paragraph of section 32 of the Québec Immigration Act (chapter I-0.2.1), which provides that, for the purpose of developing new economic immigration programs, the Minister may, by regulation, implement a permanent immigration pilot program lasting up to five years;

CONSIDERING the second paragraph of section 32 of the Act, which provides that the maximum number of foreign nationals who may be selected under a permanent immigration pilot program is 550 per year;

CONSIDERING the third paragraph of section 32 of the Act, which provides that the Minister determines, by regulation, the conditions, selection criteria and required fees applicable under such a program;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to make three permanent immigration pilot programs was published in Part 2 of the *Gazette officielle du Québec* of 28 October 2020 with a notice that it could be made by the Minister of Immigration, Francization and Integration on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation to make three permanent immigration pilot programs with amendments;

ORDERS AS FOLLOWS:

THAT the Regulation to make three permanent immigration pilot programs, attached to this Order, be made.

Montréal, 19 February 2021

NADINE GIRAULT,
Minister of Immigration, Francization and Integration

Regulation to make three permanent immigration pilot programs

Québec Immigration Act
(chapter I-0.2.1, s. 32)

DIVISION I MAKING OF PERMANENT IMMIGRATION PILOT PROGRAMS

1. The Permanent immigration pilot program for orderlies, appearing in this section, is made.

“PERMANENT IMMIGRATION PILOT PROGRAM FOR ORDERLIES

DIVISION I GENERAL

1. A Permanent immigration pilot program for orderlies is implemented.

The program has 2 components: “Work” and “Studies-work”.

2. For the purposes of this program, the terms “orderly” and “profession” mean the profession of nurse aide, orderly and patient service associate, according to code 3413 of the National Occupational Classification.

3. The maximum number of foreign nationals who may be selected under the program is 550 per year.

DIVISION II SELECTION

§1. General

4. The Minister selects, under the program, a foreign national staying in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada if the foreign national meets the general selection conditions of the program and those of either of its components.

§2. Selection conditions

5. The general selection conditions of the program are the following:

(1) have complied with the conditions of the stay in Québec;

(2) actually hold employment as orderly in Québec;

(3) show an oral knowledge of French, level 7 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent;

(4) comply with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).

6. The selection conditions of the Work component are the following:

(1) hold a diploma related to the profession, obtained at the end of a program of studies attesting to at least 1 year of full-time studies and corresponding minimally to a Québec vocational diploma;

(2) have held employment as orderly in Québec or employment in basic care to persons in the health sector outside Québec, for a period of at least 24 months in the 36 months preceding the date of filing of the application, at least 12 months of which as orderly in Québec.

7. The selection conditions of the Studies-work component are the following:

(1) hold a Québec vocational diploma leading to the profession, obtained in the 24 months preceding the date of filing of the application;

(2) have held employment as orderly in Québec, for a period of at least 12 months following the date on which the program of studies ends;

(3) not hold a scholarship imposing a condition to return to their country at the end of the program of studies or have complied with that condition.

8. The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in section 5 and section 6 or 7, as the case may be.

DIVISION III REQUIRED FEES

8. The fees to be paid for the examination of an application for selection filed by a foreign national under the program are those provided for in paragraph 3 of section 74 of the Québec Immigration Act (chapter I-0.2.1).

The fees to be paid for each family member accompanying a foreign national referred to in the first paragraph are those provided for in section 75 of the Act.

DIVISION IV FINAL

10. This program is revoked on 1 January 2026.”

2. The Permanent immigration pilot program for workers in the artificial intelligence, information technologies and visual effects sectors, appearing in this section, is made.

“PERMANENT IMMIGRATION PILOT PROGRAM FOR WORKERS IN THE ARTIFICIAL INTELLIGENCE, INFORMATION TECHNOLOGIES AND VISUAL EFFECTS SECTORS

DIVISION I GENERAL

1. A Permanent immigration pilot program for workers in the artificial intelligence, information technologies and visual effects sectors is implemented.

2. The program has 2 components: “Artificial intelligence” and “Information technologies and visual effects”.

The Artificial intelligence component has 2 subcomponents: “Foreign worker” and “Québec graduate”.

3. Each component of the program has 2 profiles: “French-speaking” and “Francization”.

4. The maximum number of foreign nationals who may be selected under the program is 550 per year. The number is divided in equal parts between each component.

DIVISION II SELECTION

§1. General

5. The Minister selects, under the program, a foreign national who meets the general selection conditions of the program and those of either of the subcomponents of the Artificial intelligence component or those of the Information technologies and visual effects component.

6. The general selection conditions of the program are the following:

(1) where applicable, have complied with the conditions of the stay in Québec;

(2) if the application is filed under the French-speaking profile, show an oral knowledge of French, level 7 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent;

(3) comply with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).

§2. Artificial intelligence component

I. — Foreign worker subcomponent

7. The selection conditions of the Foreign worker subcomponent are the following:

(1) where applicable, have stayed in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada;

(2) hold a diploma corresponding minimally to a Québec university diploma attesting to a bachelor’s degree;

(3) have held level 0, A or B employment within the meaning of the National Occupational Classification full time for a period of at least 24 months in the 60 months preceding the date of filing of the application;

(4) hold or have accepted full-time employment in Québec, in the artificial intelligence sector, for which

(a) the expertise profile meets the requirements;

(b) the annual gross salary is at least \$75,000 if the employer is established outside the territory of the Communauté métropolitaine de Montréal or at least \$100,000 if it is established within the territory of the Communauté métropolitaine de Montréal.

The condition provided for in subparagraph 3 of the first paragraph does not apply where the diploma referred to in subparagraph 2 of the first paragraph corresponds to a Québec university diploma attesting to a master's degree or a doctorate that has been obtained within 12 months preceding the date of filing of the application.

8. The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in section 6 and in section 7, except subparagraph 1 of the first paragraph of that section.

II. — *Québec graduate subcomponent*

9. The selection conditions of the Québec graduate subcomponent are the following:

(1) have stayed in Québec with the main purpose of studying, for at least half the duration of the program of studies;

(2) not hold a scholarship imposing a condition to return to their country at the end of the program of studies or have complied with that condition;

(3) hold a university diploma issued by an educational institution in Québec attesting to a post-graduate diploma, a master's degree or a doctorate and obtained in the 24 months preceding the date of filing of the application;

(4) if the diploma referred to in paragraph 3 is a post-graduate diploma, have held level 0, A or B employment within the meaning of the National Occupational Classification full time in Québec, for a period of at least 6 months in the 12 months following the date of the end of the program of studies;

(5) hold or have accepted full-time employment in Québec in the artificial intelligence sector and for which the expertise profile meets the requirements.

§3. *Information technologies and visual effects component*

10. The selection conditions of the Information technologies and visual effects component are the following:

(1) where applicable, have stayed in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada;

(2) hold a diploma corresponding minimally to a Québec diploma of college studies in a technical program or to a Québec university diploma attesting to a bachelor's degree;

(3) have held full-time eligible employment, for a period of at least 24 months in the 60 months preceding the date of filing of the application;

(4) hold or have accepted full-time eligible employment in Québec whose hourly wage is greater than the ninth decile of the average hourly wage of the last 3 years available for that employment, as estimated by the Minister of Employment and Social Solidarity.

11. The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in section 6 and in paragraphs 2 to 4 in section 10.

12. For the purposes of this component, eligible employment means any of the following professions, according to the National Occupational Classification, with the conditions that, as the case may be, are associated to it:

(1) information systems analysts and consultants (code 2171);

(2) graphic designers and illustrators (code 5241), but only if it is carried out in the visual effects sector;

(3) computer and information systems managers (code 0213);

(4) software engineers and designers (code 2173);

(5) electrical and electronics engineers (code 2133);

(6) producers, directors, choreographers and related occupations (code 5131), but only if it is carried out in the visual effects sector;

(7) computer programmers and interactive media developers (code 2174);

(8) audio and video recording technicians (code 5225), but only if it is carried out in the visual effects sector;

(9) computer network technicians (code 2281);

(10) electrical and electronics engineering technologists and technicians (code 2241).

DIVISION III **REQUIRED FEES**

13. The fees to be paid for the examination of an application for selection filed by a foreign national under the program are those provided for in paragraph 3 of section 74 of the Québec Immigration Act (chapter I-0.2.1).

The fees to be paid for each family member accompanying a foreign national referred to in the first paragraph are those provided for in section 75 of the Act.

DIVISION IV **FINAL**

14. This program is revoked on 1 January 2026.”.

3. The Permanent immigration pilot program for food processing workers, appearing in this section, is made.

“PERMANENT IMMIGRATION PILOT PROGRAM FOR FOOD PROCESSING WORKERS

DIVISION I **GENERAL**

1. A Permanent immigration pilot program for food processing workers is implemented.

2. The maximum number of foreign nationals who may be selected under the program is 550 per year.

DIVISION II **SELECTION**

3. The Minister selects, under the program, a foreign national staying in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada and who meets the following conditions:

(1) have complied with the conditions of the stay in Québec;

(2) hold a diploma obtained at the end of a program of studies attesting to at least 1 year of full-time studies and corresponding minimally to a Québec secondary school diploma or a Québec vocational diploma;

(3) actually hold full-time eligible employment in an eligible sector in Québec and have held such employment in an eligible sector for a period of at least 24 months in the 36 months preceding the date of filing of the application;

(4) show an oral knowledge of French, level 7 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent;

(5) comply with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A of the Québec Immigration Regulation (chapter I-0.2.1, r. 3).

4. The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in paragraphs 1 to 5 of section 3.

5. For the purposes of this program,

(1) eligible employment means any of the following professions, according to the National Occupational Classification, with the conditions that, as the case may be, are associated to it:

(a) industrial butchers and meat cutters, poultry preparers and related workers (code 9462);

(b) labourers in food and beverage processing (code 9617);

(c) labourers in fish and seafood processing (code 9618);

(d) specialized cleaners (code 6732);

(e) process control and machine operators, food and beverage processing (code 9461);

(f) general farm workers (code 8431), but only where it covers the position of chicken catcher;

(g) fish and seafood plant workers (code 9463);

(2) an eligible sector means the subsector of food manufacturing (code 311) or the beverage manufacturing group (code 3121), according to the North American Industry Classification System published by the Government of Canada.

DIVISION III

REQUIRED FEES

6. The fees to be paid for the examination of an application for selection filed by a foreign national under the program are those provided for in paragraph 3 of section 74 of the Québec Immigration Act (chapter I-0.2.1).

The fees to be paid for each family member accompanying a foreign national referred to in the first paragraph are those provided for in section 75 of the Act.

DIVISION IV

FINAL

7. This program is revoked on 1 January 2026.”.

DIVISION II

FINAL

4. Section 1 of this Regulation comes into force on 31 March 2021, section 2 comes into force on 22 April 2021 and section 3 comes into force on 24 March 2021.

104901

M.O., 2021

Order number 2021-006 of the Minister of Health and Social Services dated 15 February 2021

Cannabis Regulation Act
(chapter C-5.3)

Regulation to amend the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 30 of the Cannabis Regulation Act (chapter C-5.3), which provides that the Minister determines, by regulation, the training on the sale of cannabis that a cannabis sales employee must successfully complete and the conditions as to training updates;

CONSIDERING the second paragraph of section 31 of the Act, which provides that the Minister prescribes, by regulation, the information that the Société québécoise du cannabis must communicate to the purchaser, in the course of a cannabis sale, by any of the means prescribed in the regulation;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R18.1), a draft Regulation to amend the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale was published in Part 2 of the *Gazette officielle du Québec* of 2 September 2020 with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale, attached to this Order, is hereby made.

Québec, 15 February 2021

CHRISTIAN DUBÉ,
Minister of Health and Social Services

Regulation to amend the Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale

Cannabis Regulation Act
(chapter C-5.3, ss. 30 and 31, 2nd par.)

1. The Regulation respecting training on the retail sale of cannabis and information to be communicated to a purchaser in the course of a cannabis sale (chapter C-5.3, r. 1) is amended by replacing “5. Advocate, as much as possible, in the context of the sale, the occasional use of cannabis and the use of products with low concentrations of tetrahydrocannabinol (THC) that contain cannabidiol (CBD)” in Schedule 1 by “5. Advocate, as much as possible, in the context of the sale, the occasional use of cannabis and the use of products with low concentrations of tetrahydrocannabinol (THC)”.

2. Schedule II is replaced by the following:

“SCHEDULE II (a. 3)

CONSUMER INFORMATION

WHAT IS CANNABIS?

Cannabis is composed of more than 500 different substances, the main ones being

—delta9tetrahydrocannabinol (THC): a psychoactive substance that causes a “high”; and

—cannabidiol (CBD): a substance generally not psychoactive.

Also worthy of mention is the presence of terpenes, the substances that provide cannabis with its aromatic properties.

Cannabis consumption affects several functions of the body and central nervous system and all the effects of the various substances contained in cannabis are not yet known. Each person reacts differently and several factors influence the consumption experience: the person’s physical and mental state, the product and quantity consumed, and the context in which it is used.

CANNABIS CONSUMPTION - CERTAIN FACTS TO BE AWARE OF

Cannabis consumption has health and safety risks. It remains difficult to predict whether or not an individual will experience significant problems after using cannabis. In short, experts agree that cannabis use is never completely safe.

If you believe you need cannabis for medical purposes, consult your physician to discuss the matter and evaluate the options available under the federal provisions regarding access to cannabis for medical purposes.

HOW TO USE CANNABIS RESPONSIBLY AND REDUCE HEALTH AND SAFETY RISKS

Use cannabis on an occasional basis

Using cannabis regularly (every day or almost every day) increases the risks to your health, performance at work or school or your social life. There is a time for everything. Keep in mind that cannabis alters your perception, concentration and coordination.

Choose quality products and identify your limits

Try to use products with a low THC concentration and wait until you feel the effects before considering further use. Extremely high THC concentrations can cause overly intense effects and make you feel unwell (for example: pulse rate increase, anxiety, disorientation).

By choosing the legal market, you will obtain products that are subject to quality controls, whether for THC and CBD concentrations or the presence of pesticides and mould. Remember that only the Société québécoise du cannabis is legally authorized to sell cannabis products for non-medical use to consumers in Québec. Be wary of websites that offer cannabis and argue otherwise, and products containing synthetic cannabinoids such as K2 or Spice.

Go easy with edible products you prepare and eat

Edible cannabis products are not harmful to your lungs although it is not easy to estimate the quantities of THC and CBD being absorbed. Also, the effect takes longer to be felt (30 to 60 minutes, sometimes longer) and lasts longer (6 to 8 hours, sometimes longer). Start with a low dose of THC, ideally less than 2.5 mg, and avoid consuming more within the next 2 to 3 hours so as to reduce the risks of overdose.

Store edible products in a secure location so that children or household pets cannot ingest them by accident.

Protect your lungs

If you smoke, do not hold the cannabis smoke in your lungs. Taking a big puff and keeping it in as long as possible only extends the time your lungs are exposed to the toxic substances.

The other inhalable cannabis products available in another form such as vaping solutions also involve a degree of risk.

Be considerate toward your family and loved ones

Do not expose them to second-hand cannabis smoke.

Do not drive or operate machinery after using cannabis

Plan your return home when you intend to use cannabis by designating a sober driver, calling a cab or using public transportation.

Even if you try to be careful, cannabis increases your reaction time and reduces your attention span. You run the risk of being involved in an accident and that risk is compounded if you consume alcohol along with the cannabis.

Be wary of mixing

Mixing cannabis with alcohol increases the effects of either substance, so much so that you may feel sick, dizzy or even vomit.

Mixing cannabis with tobacco should also be avoided since doing so can amplify the effects and result in more serious consequences for your health, not to mention that tobacco is a highly addictive product.

Cannabis and medication? There could be interactions with medications you are taking. Talk to a health professional, such as your pharmacist, to find out more.

SHOULD YOU REFRAIN FROM USING CANNABIS?

If you are a young adult, you should put off your first use of cannabis for as long as possible, ideally until you are over 25. The younger you start using cannabis, especially before the age of 16, the greater the risks.

If you or a member of your immediate family has a history of psychosis, addiction or mental health issues, you should reconsider using cannabis because the risk of experiencing problems associated with cannabis is much higher.

While you are pregnant or breastfeeding, you should avoid cannabis. The substances contained in cannabis pass through the placenta and breast milk. Using cannabis could adversely affect the development of your child.

MORE ABOUT CERTAIN HEALTH AND SAFETY RISKS

Cognitive functions: Regular cannabis use reduces short-term memory, attention span, concentration and the ability to organize, integrate and process complex information.

Accidents and injuries: Cannabis affects the functions necessary to drive a motor vehicle and operate machinery. It increases reaction time and reduces attention span, the ability to maintain a trajectory and vigilance. The impairment caused by cannabis doubles the risk of road accidents.

Respiratory system: Regular cannabis smokers cough more and have more secretions and symptoms of chronic bronchitis. Cannabis smoke is harmful and contains more tar than tobacco smoke.

Prenatal exposure: Using cannabis during pregnancy could cause the child to experience certain developmental delays.

Mental health problems: Regular use of cannabis may affect mental health. It may trigger schizophrenia prematurely or other psychoses in individuals with a personal or family history of mental health problems.

Addiction: Cannabis addiction affects approximately 1 out of 10 users. Daily consumption increases the risk to 1 out of 4 persons, and sometimes even 1 out of 2 persons.

CANNABIS REGULATION MEASURES

To learn more about the measures regulating cannabis in Québec, including possession, cultivation and consumption, as well as the measures that deal with highway safety, go to www.quebec.ca/cannabis.

Keep in mind that in Québec, unless there is an exception, smoking cannabis in places open to the public is prohibited. It may be possible to do so in some designated parks if the municipality has passed a by-law expressly permitting it. To avoid being on the wrong side of the law, make sure you know the rules that apply in the provinces, territories and cities you find yourself in.

As a final point, entering or leaving the country with cannabis is strictly prohibited. Be extra careful, even the simple smell of cannabis could cause you problems when going through customs.

FOR FURTHER INFORMATION OR ASSISTANCE

Further information on cannabis may be found at www.quebec.ca/cannabis.

If you experience a health problem after using cannabis or need advice or references, contact InfoSanté (free and confidential telephone consultation service) at 8-1-1.

To reduce or stop cannabis use

Cannabis users may wish to ease off or quit. Some people may feel the need for professional help. The following are services available:

— telephone service: Drugs: help and referral (available at all times, free, anonymous and confidential) at 1 800 265-2626;

— telephone service: Info-Social (available at all times, free, anonymous and confidential) at 8-1-1;

—integrated health and social service centres: The centres provide free services in all regions for individuals wishing to reduce or stop using cannabis. Contact your CLSC or visit www.sante.gouv.qc.ca/repertoire-ressources/clsc/;

—community or private resources offering addiction lodging: To find a resource, consult the resource directory at www.msss.gouv.qc.ca/repertoires/dependances/.”

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

104900

M.O., 2021

Order number 2021-04 of the Minister of Transport dated 17 February 2021

An Act respecting off-highway vehicles
(2020, chapter 26)

Maps of the interregional snowmobile and quad trail networks

MINISTER OF TRANSPORT,

CONSIDERING the eighth paragraph of section 74 of the Act respecting off-highway vehicles (2020, chapter 26), which provides that the trails that are indicated on the maps of the interregional snowmobile and quad networks published by the Minister of Transport in the *Gazette officielle du Québec* are presumed to have been laid out in accordance with that section;

CONSIDERING the ninth paragraph of section 74 of the Act, which provides that, prior to the publication of the final version of such maps, the Minister must publish a notice in the *Gazette officielle du Québec*, accompanied by the proposed maps, mentioning that the final version of the maps may be fixed within 30 days of publication of the proposed maps and that any interested person may transmit their comments to the Minister during that period;

CONSIDERING that no comment has been received;

CONSIDERING that it is expedient to publish the final version of the maps of the interregional snowmobile and quad trail networks;

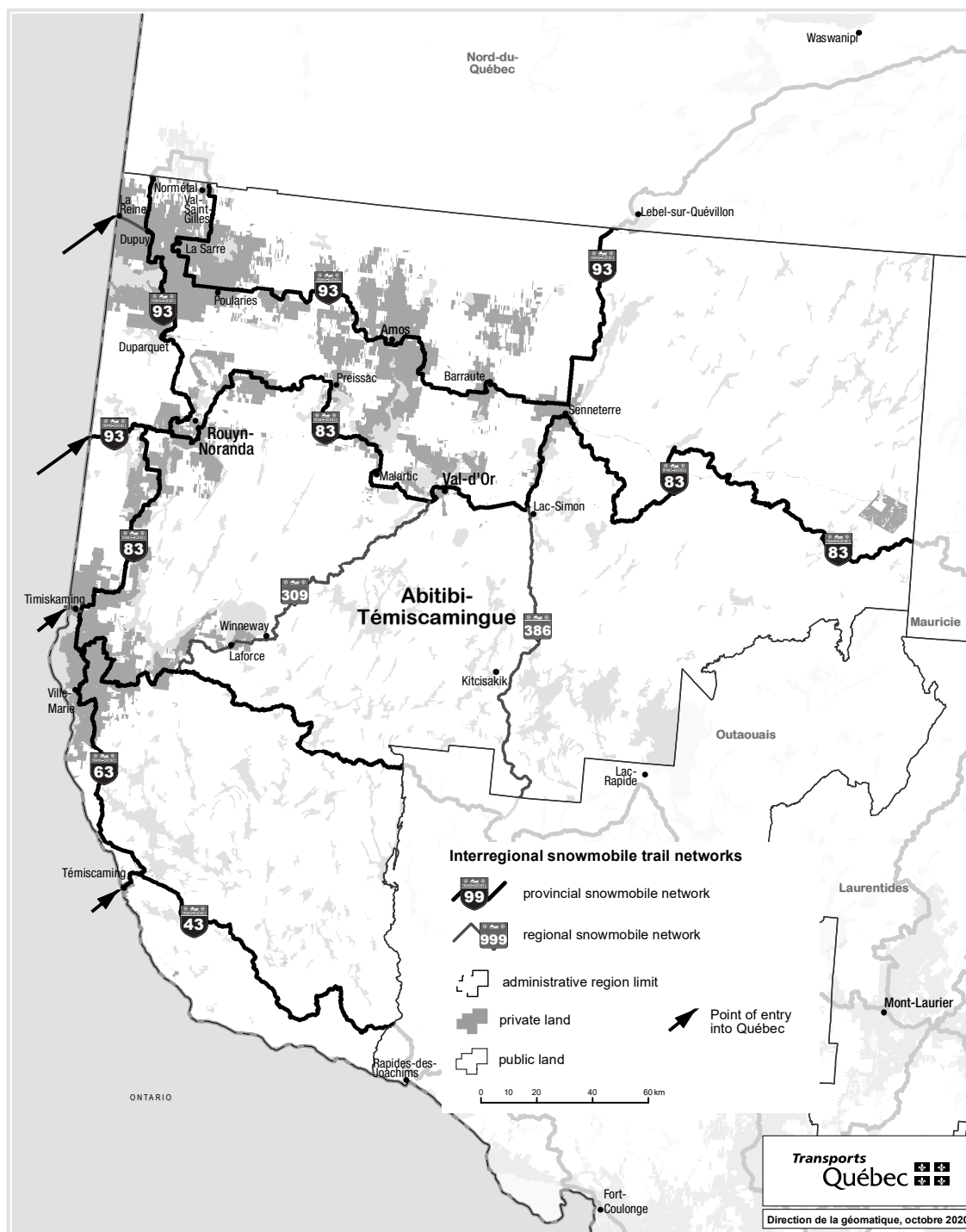
ORDERS AS FOLLOWS:

THAT, as of the date of their publication in the *Gazette officielle du Québec*, the attached maps be the maps of the interregional snowmobile and quad trail networks to which the eighth paragraph of section 74 of the Act respecting off-highway vehicles (2020, chapter 26) refers.

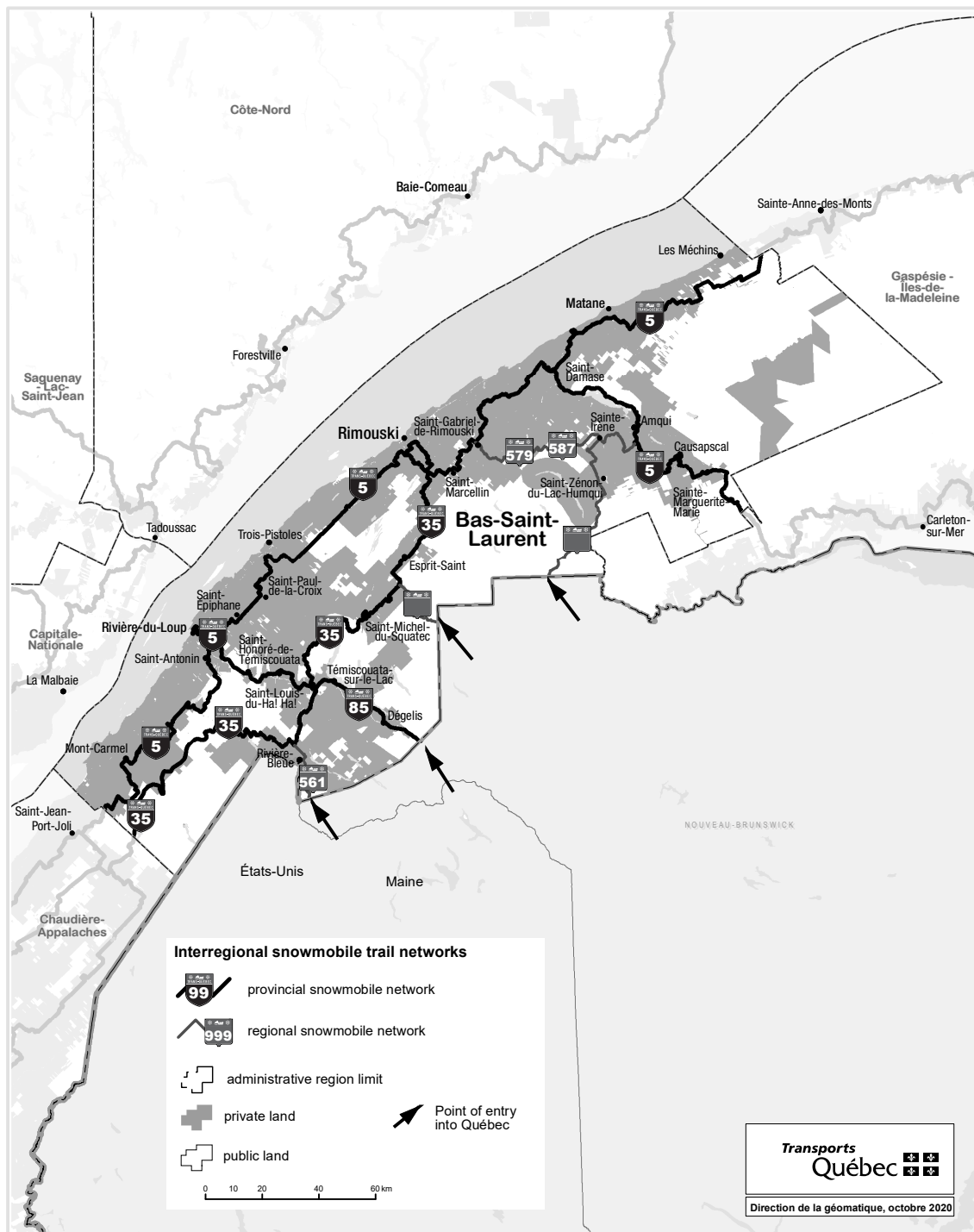
Québec, 17 February 2021

FRANÇOIS BONNARDEL,
Minister of Transport

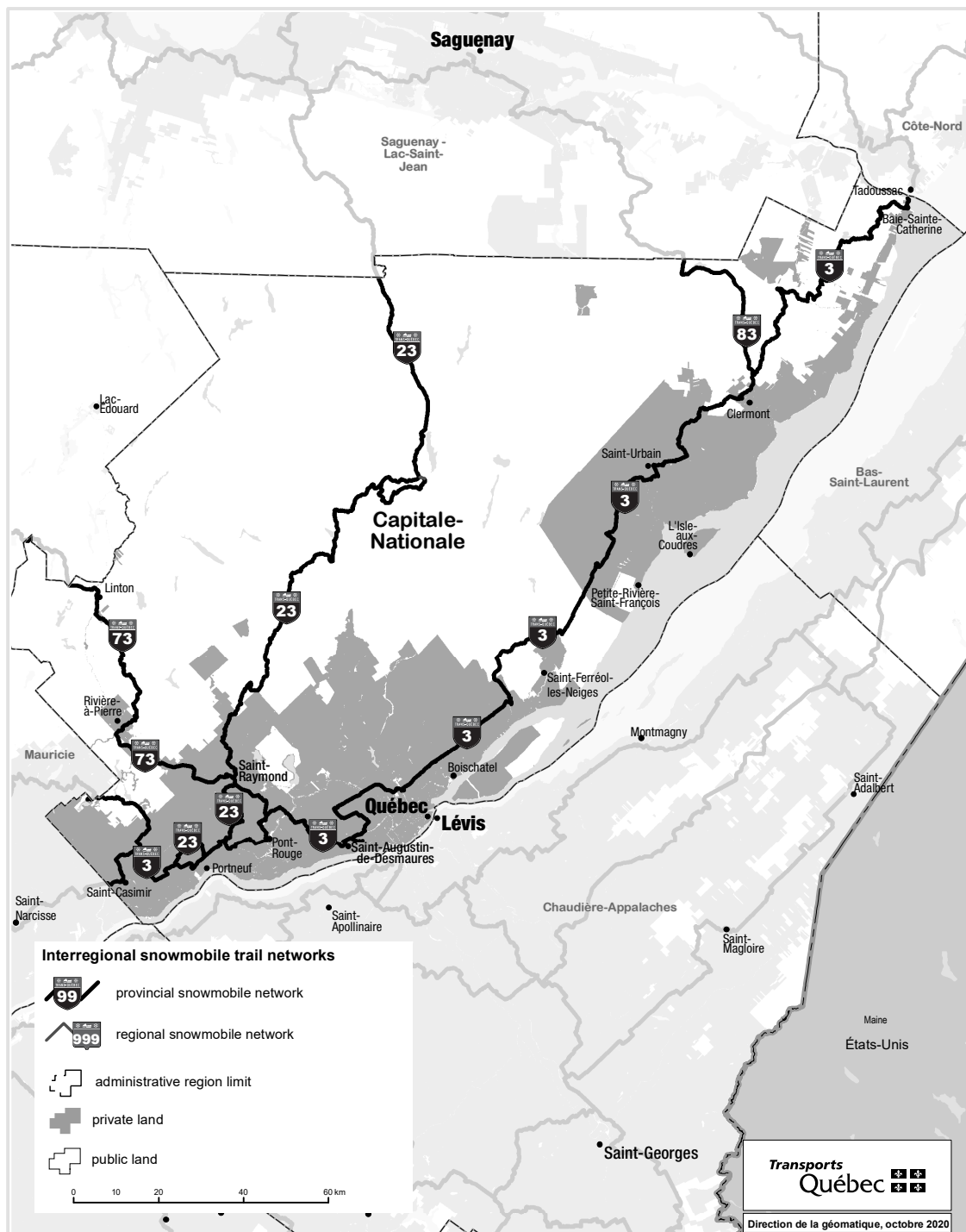
Interregional snowmobile trail networks
- ABITIBI-TÉMISCAMINGUE ADMINISTRATIVE REGION



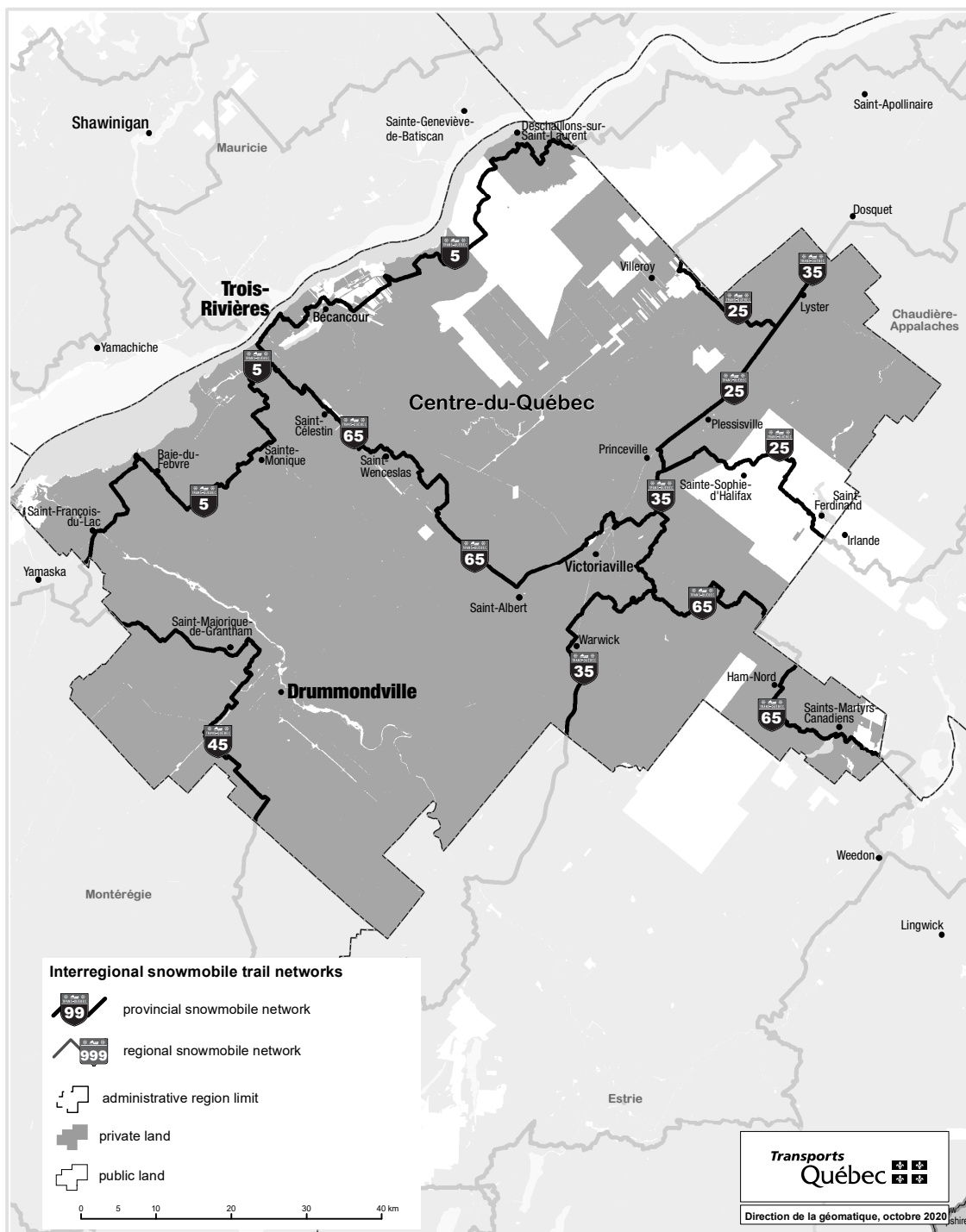
Interregional snowmobile trail networks
- BAS-SAINT-LAURENT ADMINISTRATIVE REGION



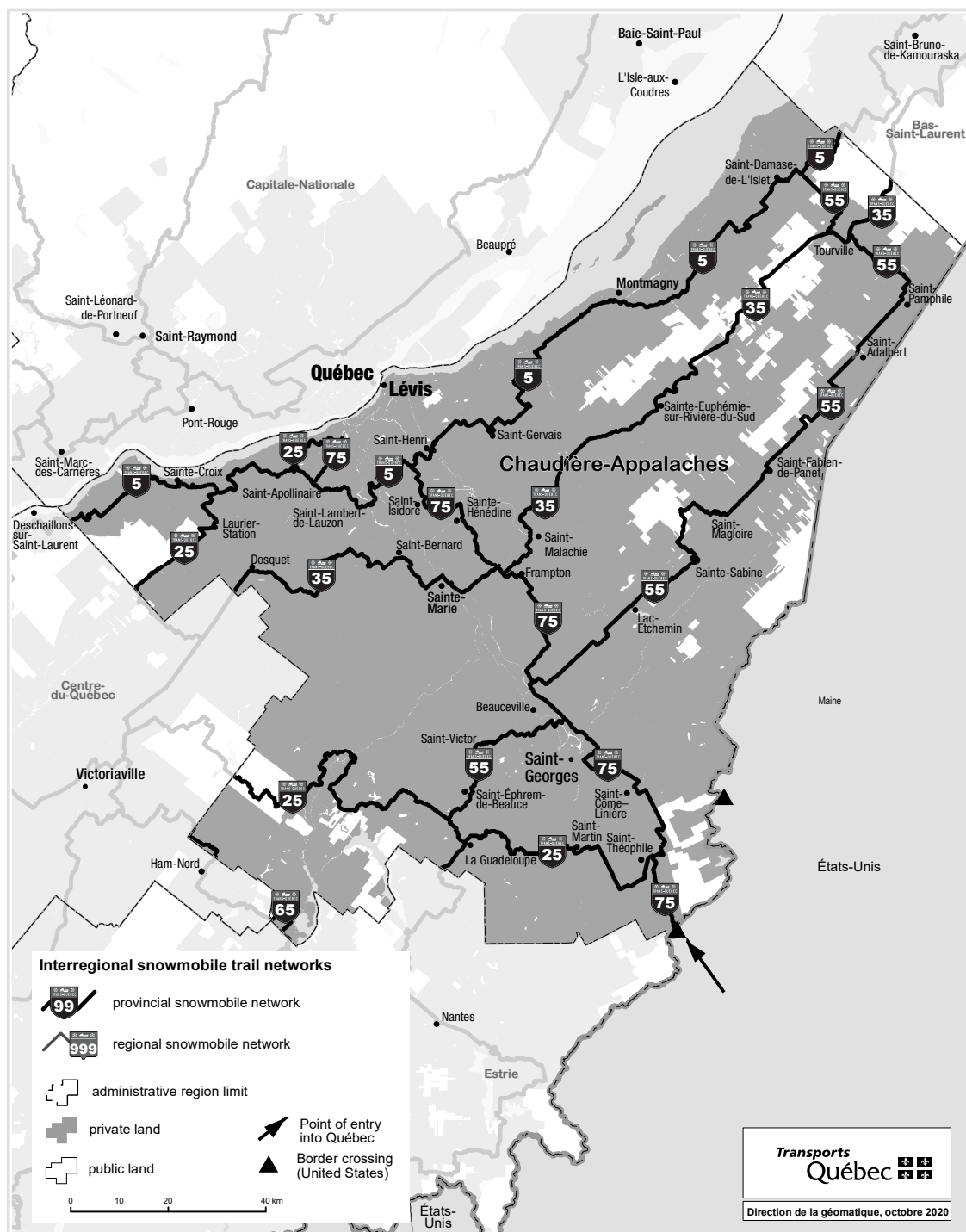
Interregional snowmobile trail networks
- CAPITALE-NATIONALE ADMINISTRATIVE REGION



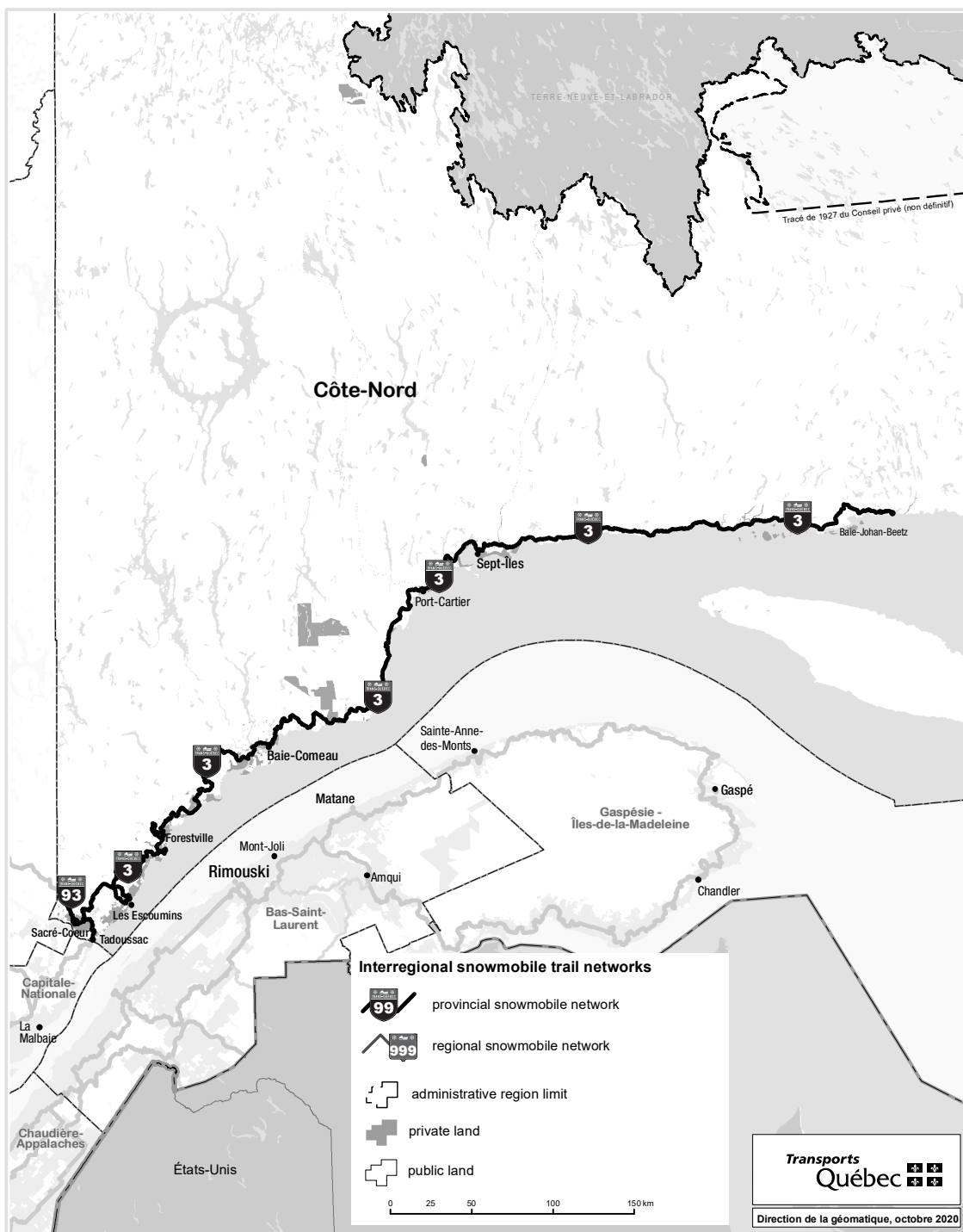
Interregional snowmobile trail networks
- CENTRE-DU-QUÉBEC ADMINISTRATIVE REGION



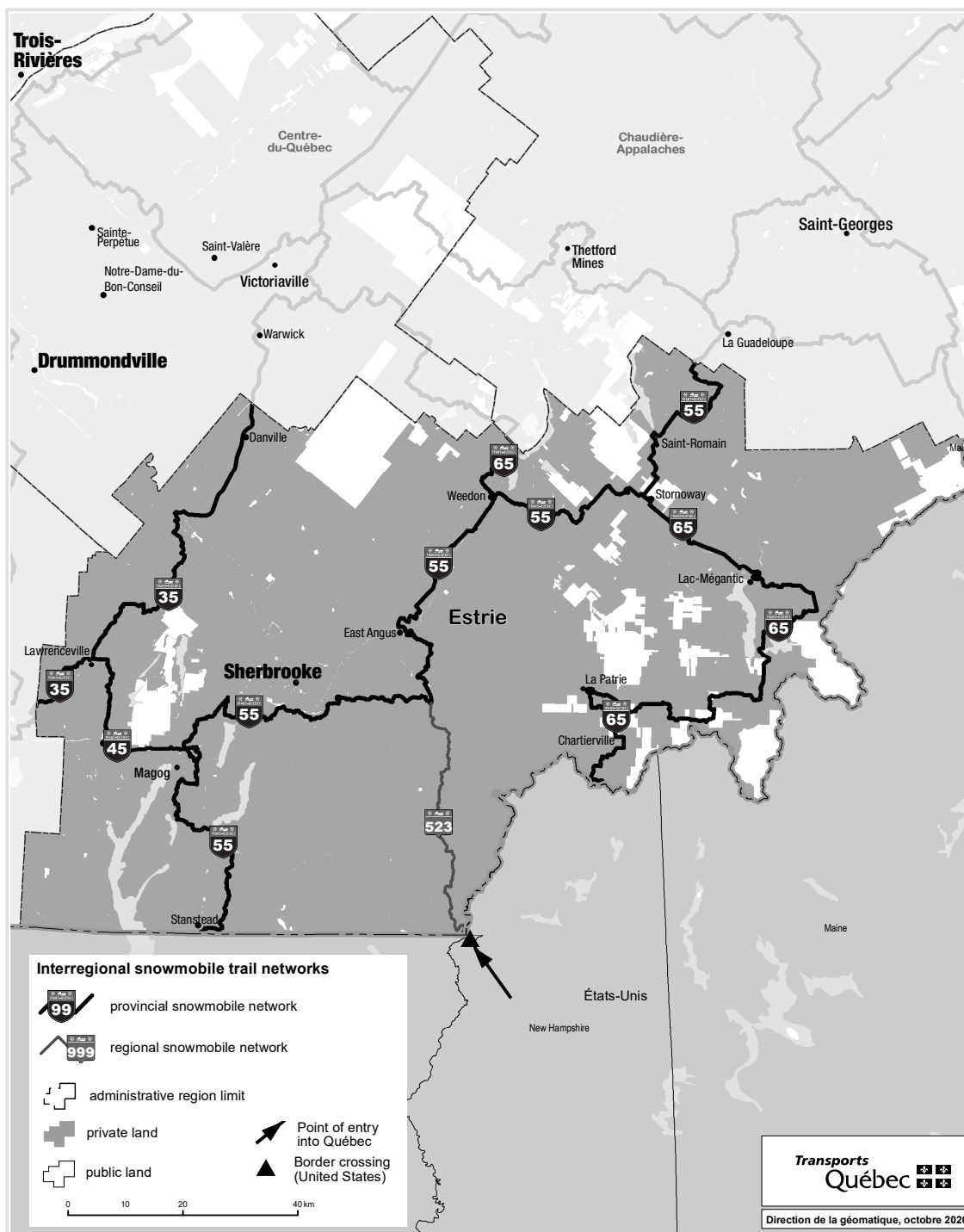
Interregional snowmobile trail networks
- CHAUDIÈRE-APPALACHES ADMINISTRATIVE REGION

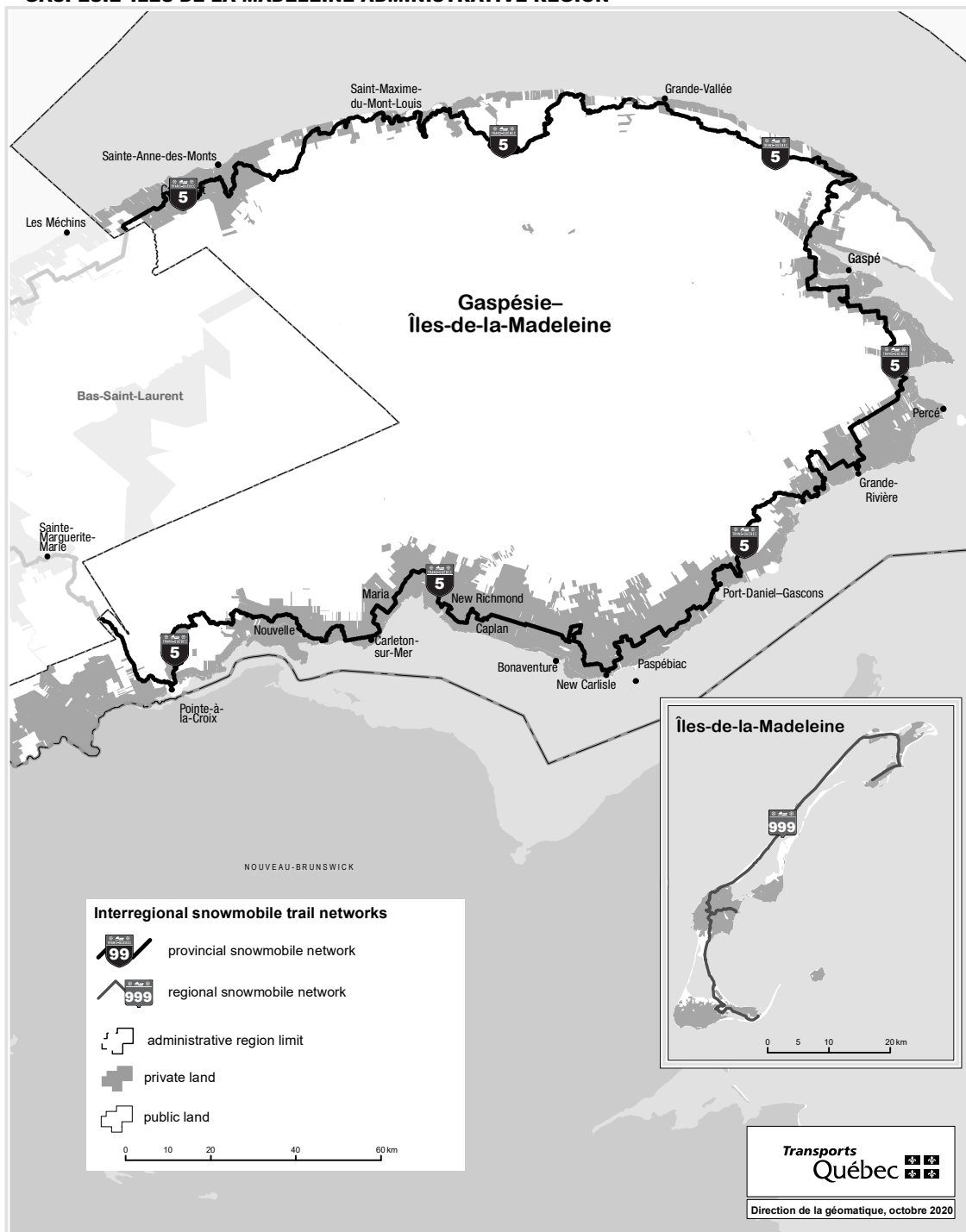


**Interregional snowmobile trail networks
- CÔTE-NORD ADMINISTRATIVE REGION**

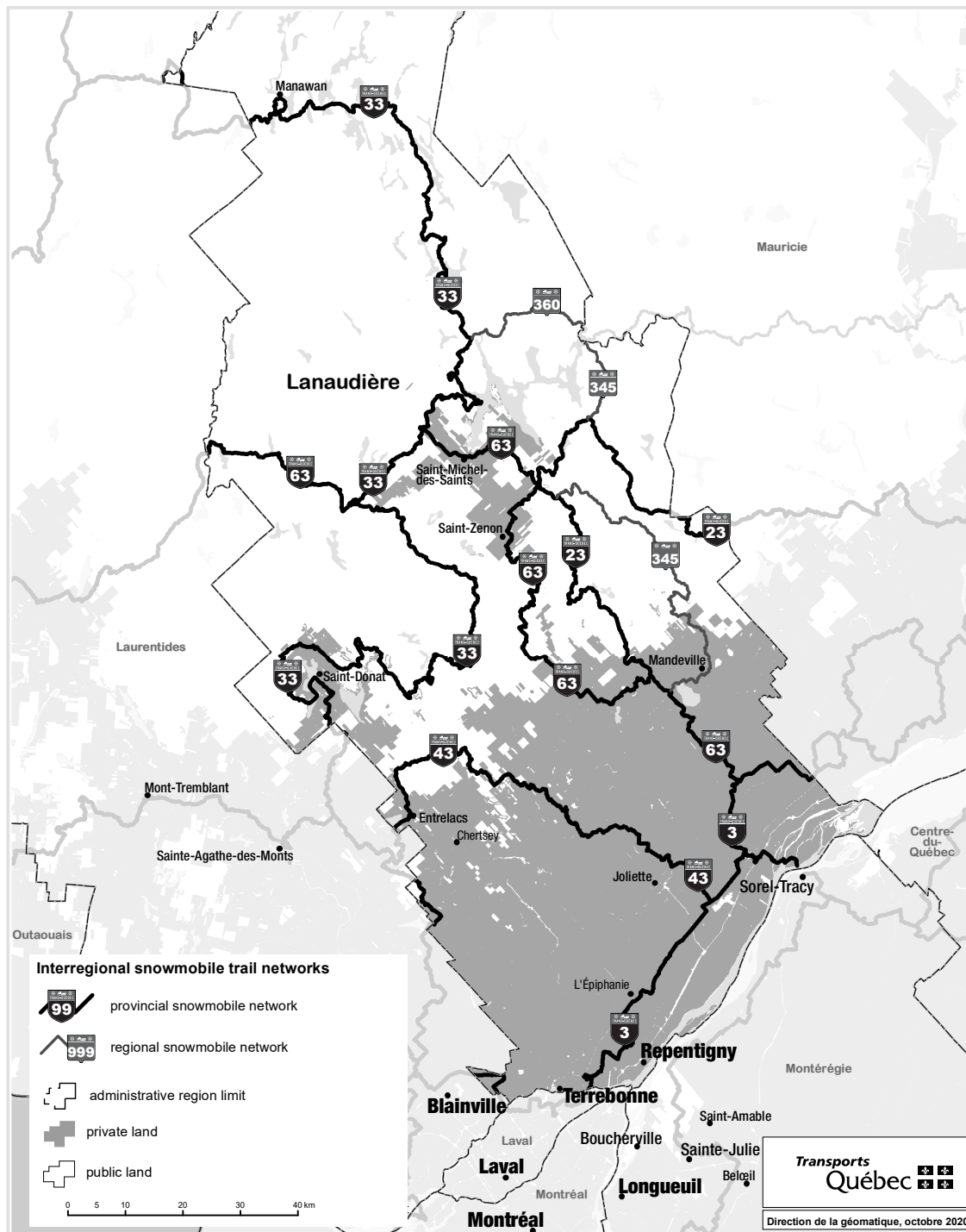


Interregional snowmobile trail networks **- ESTRIE ADMINISTRATIVE REGION**

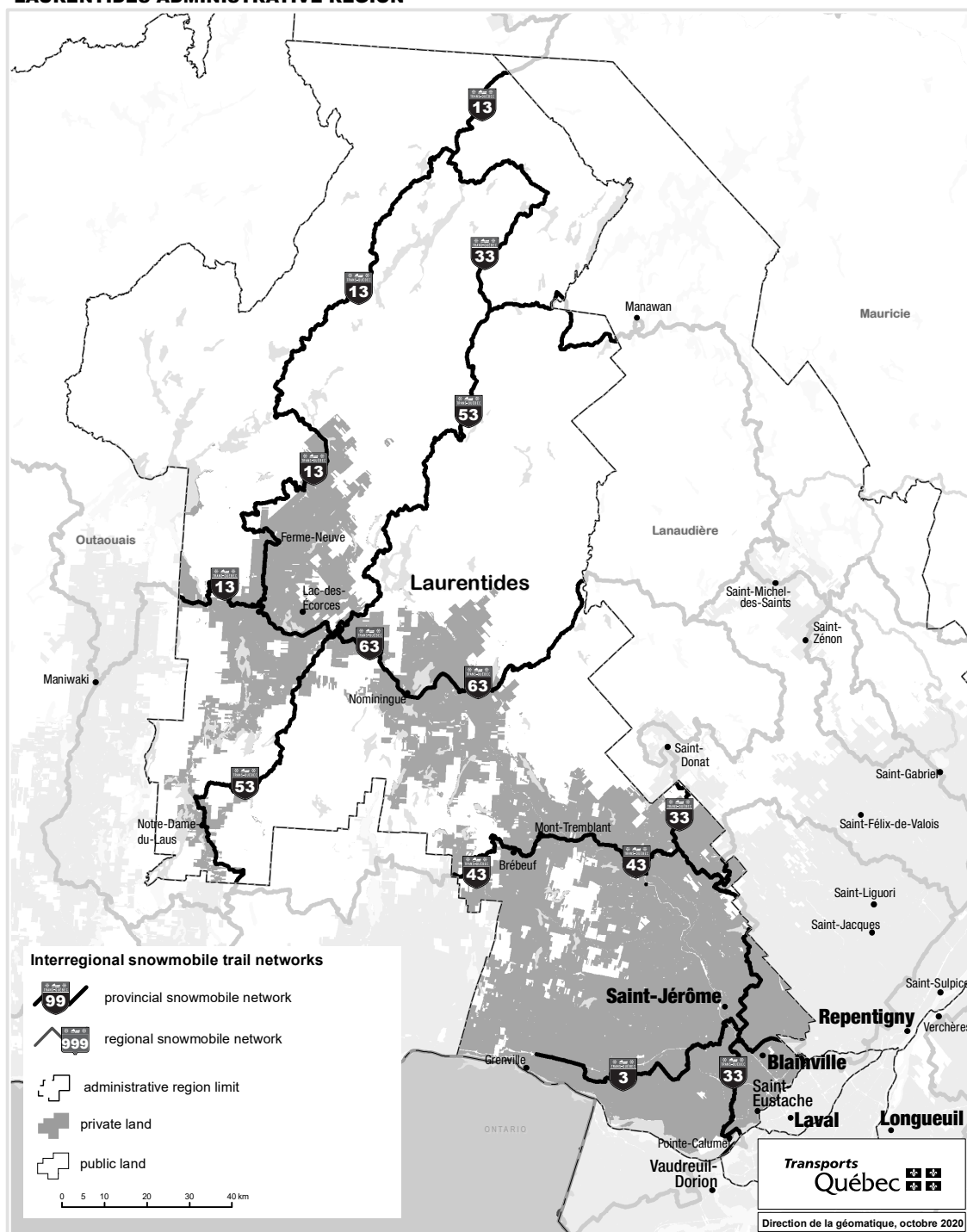


Interregional snowmobile trail networks**- GASPÉSIE-ÎLES-DE-LA-MADELEINE ADMINISTRATIVE REGION**

Interregional snowmobile trail networks
- LANAUDIÈRE ADMINISTRATIVE REGION



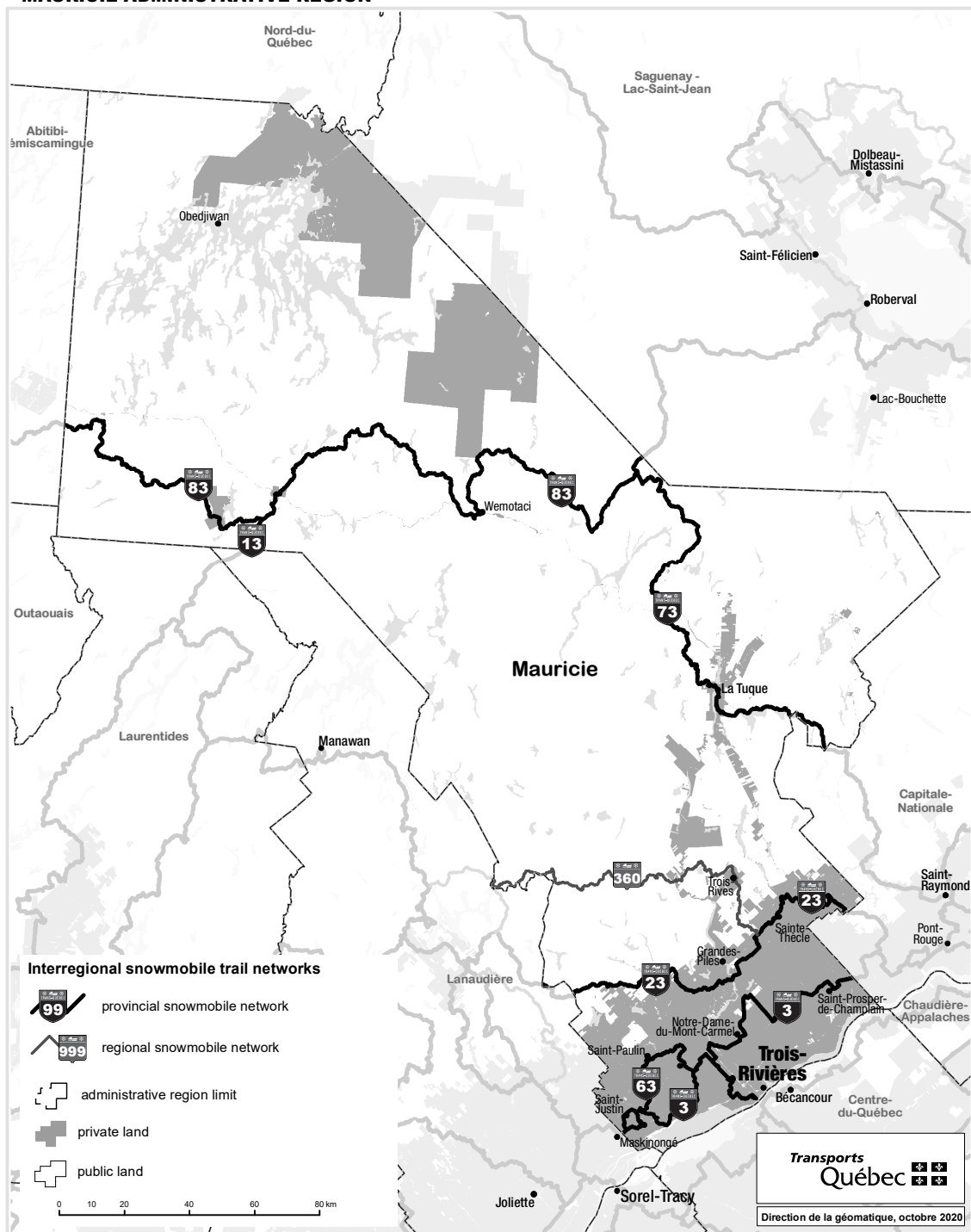
Interregional snowmobile trail networks
- LAURENTIDES ADMINISTRATIVE REGION



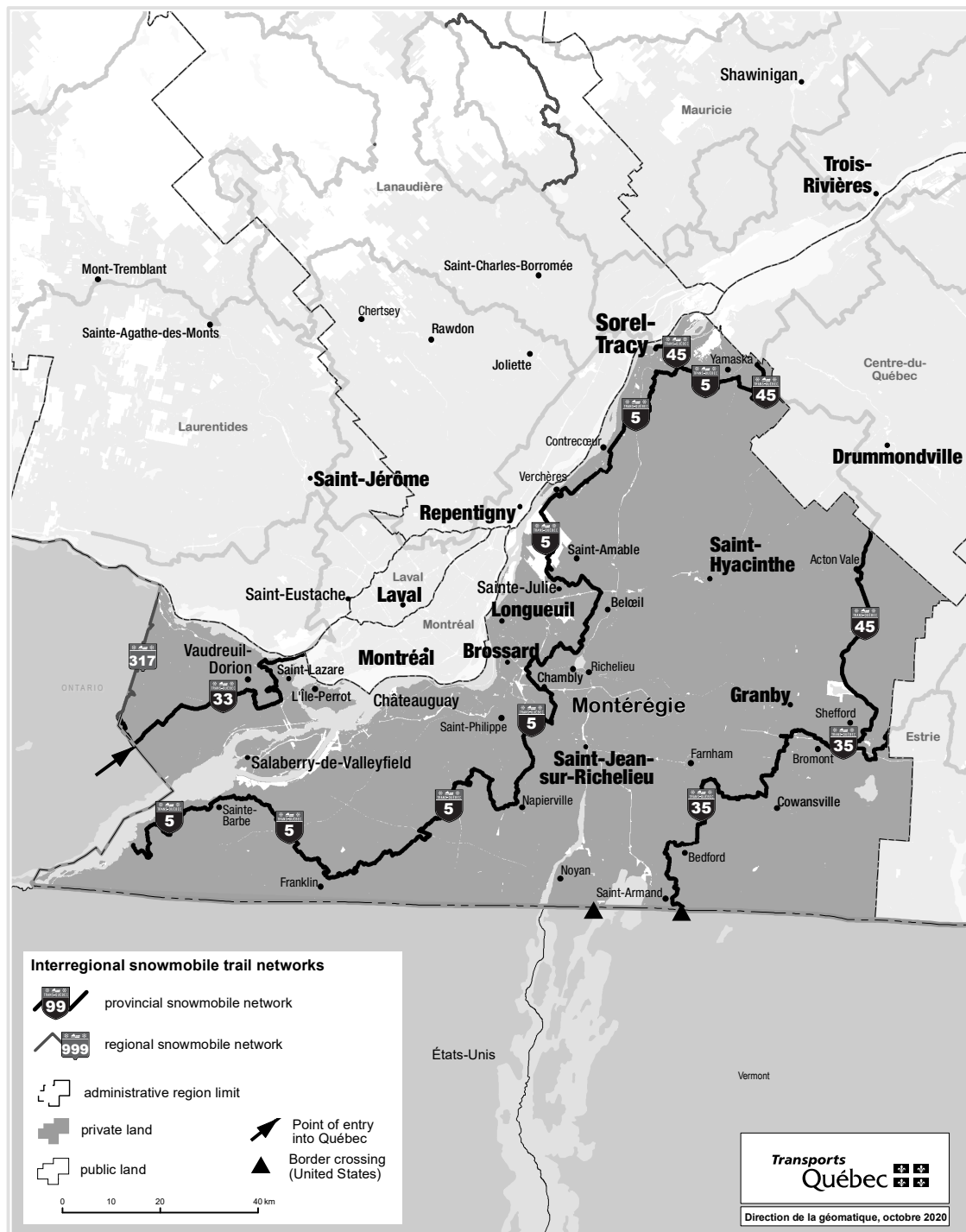
Interregional snowmobile trail networks **- LAVAL AND MONTRÉAL ADMINISTRATIVE REGIONS**



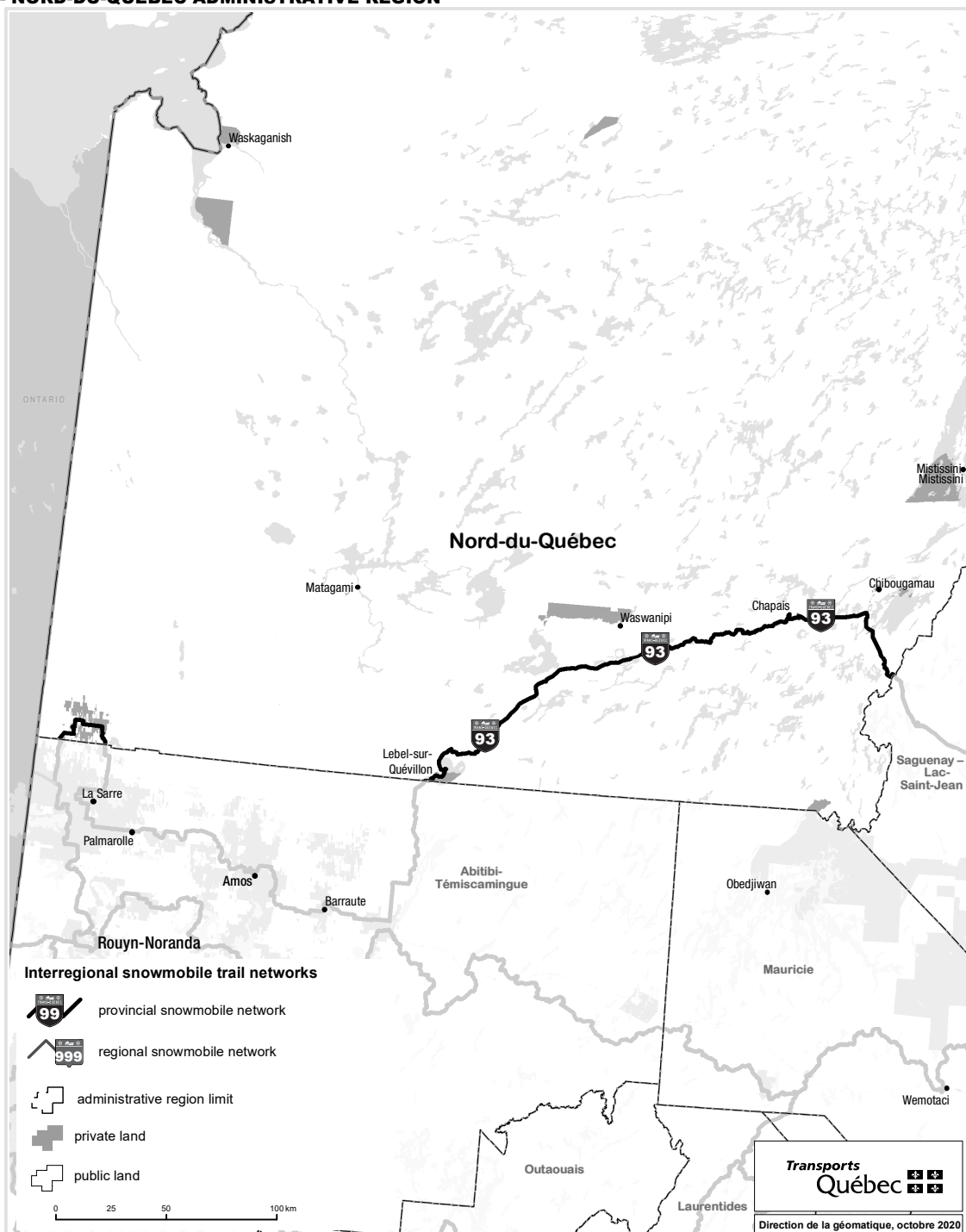
Interregional snowmobile trail networks - MAURICIE ADMINISTRATIVE REGION



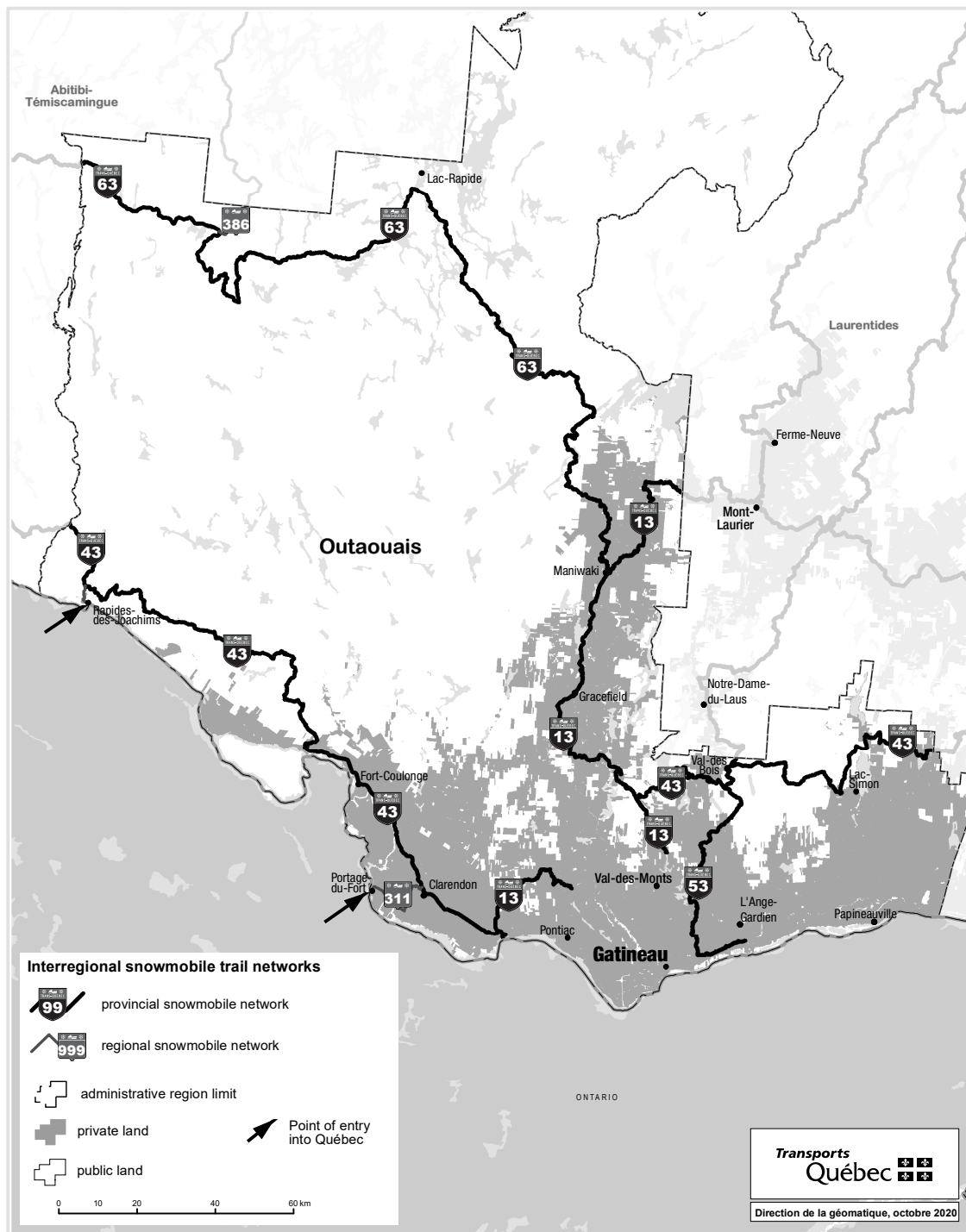
Interregional snowmobile trail networks
- MONTÉRÉGIE ADMINISTRATIVE REGION

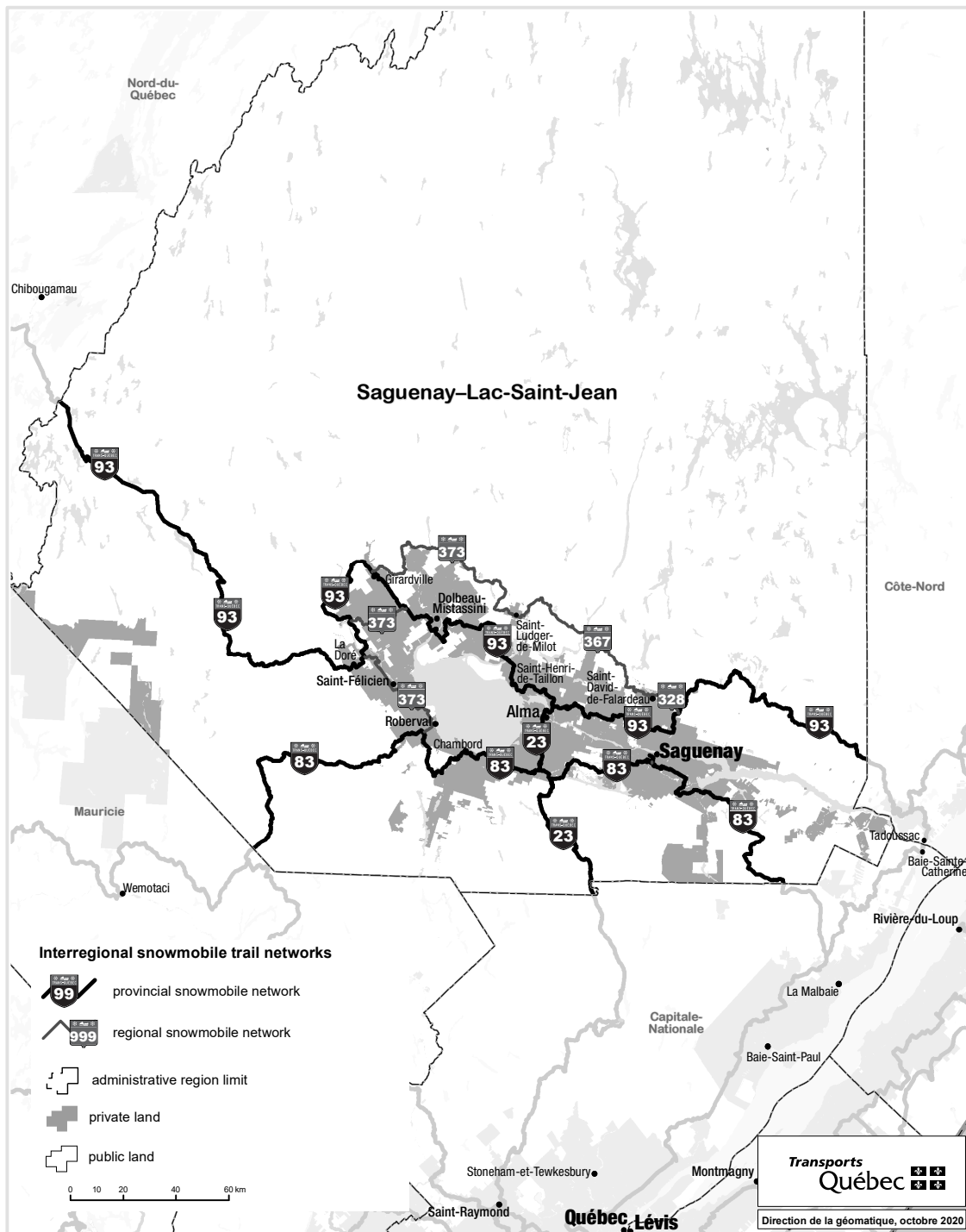


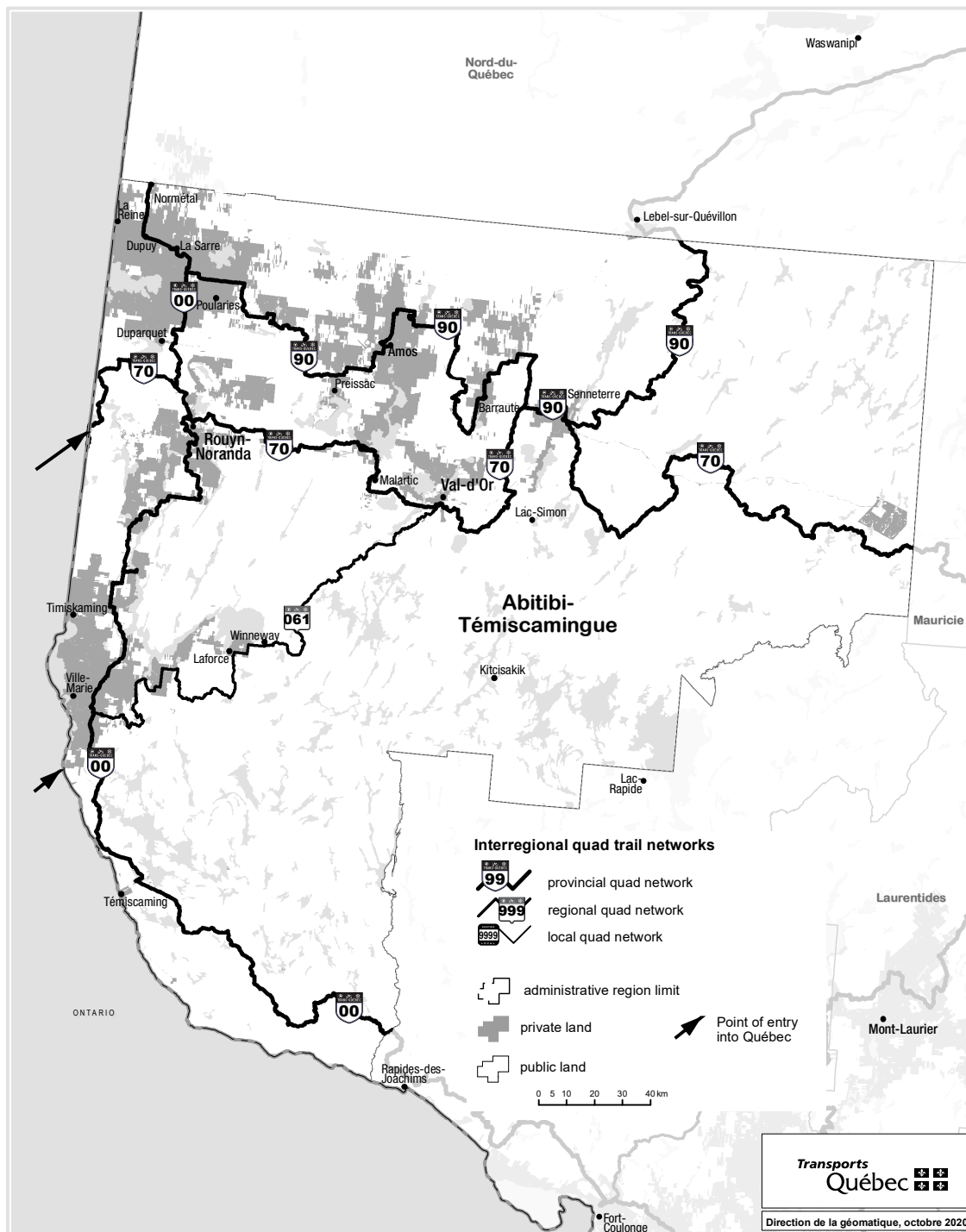
Interregional snowmobile trail networks
- NORD-DU-QUÉBEC ADMINISTRATIVE REGION

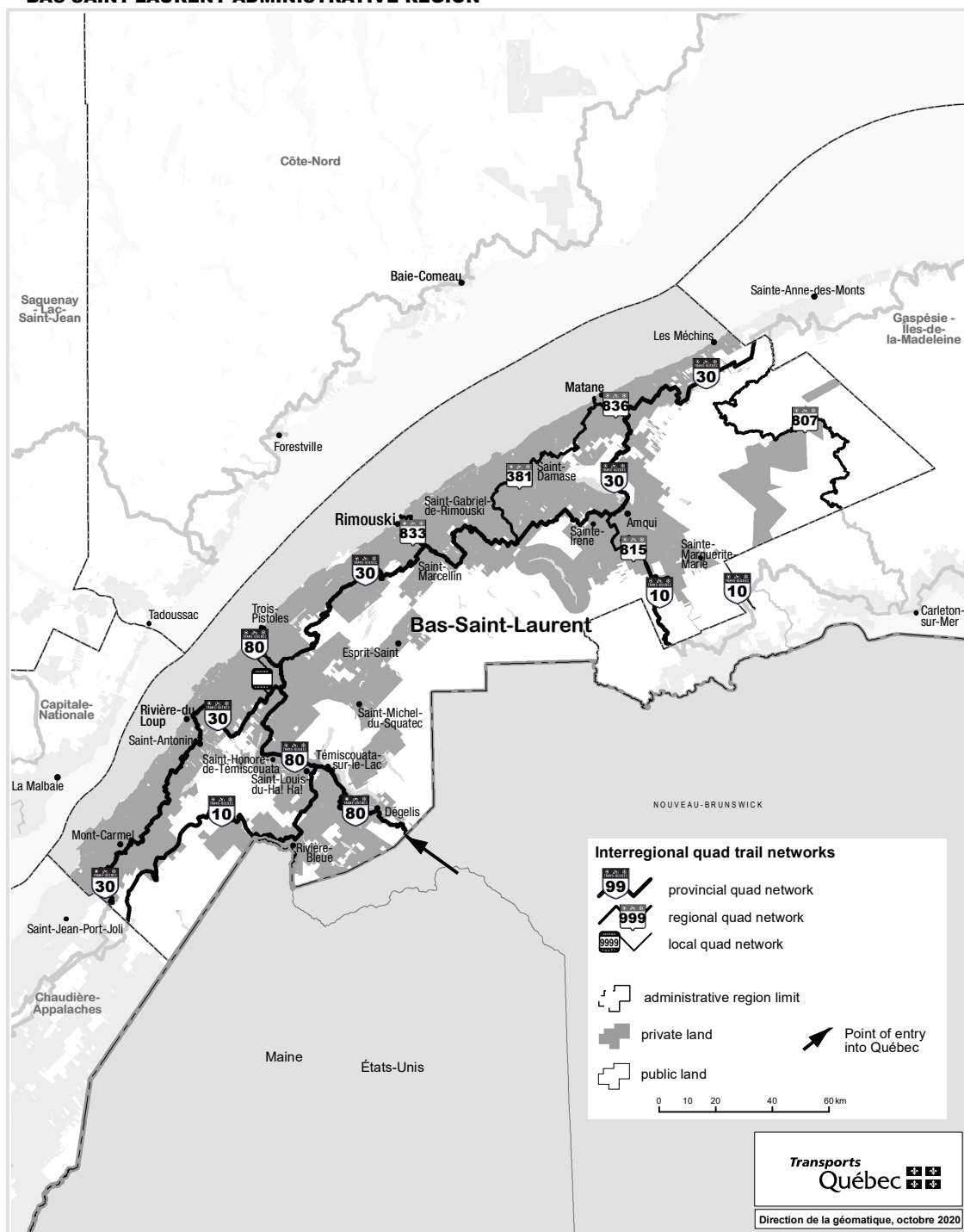


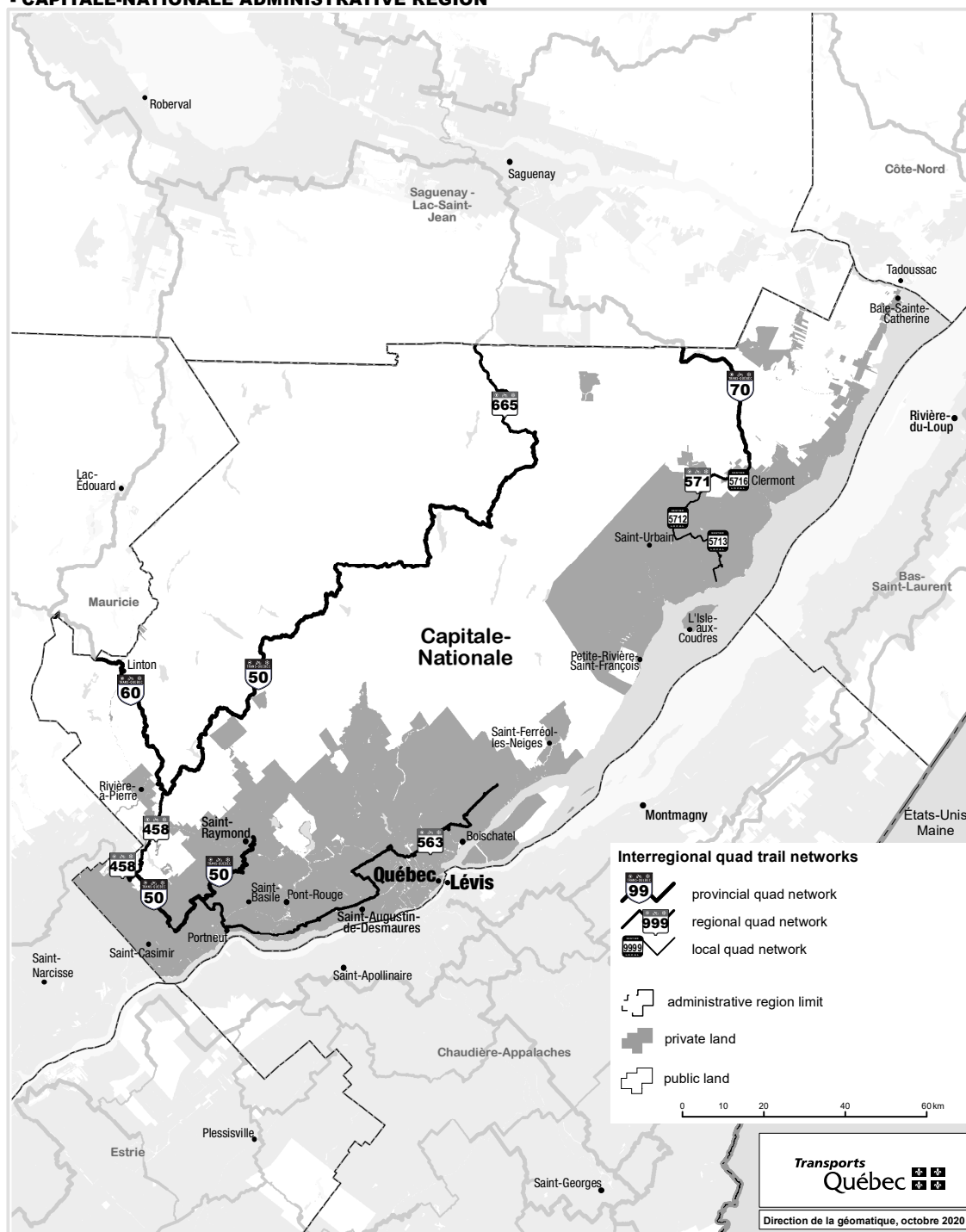
Interregional snowmobile trail networks
- OUTAOUAIS ADMINISTRATIVE REGION



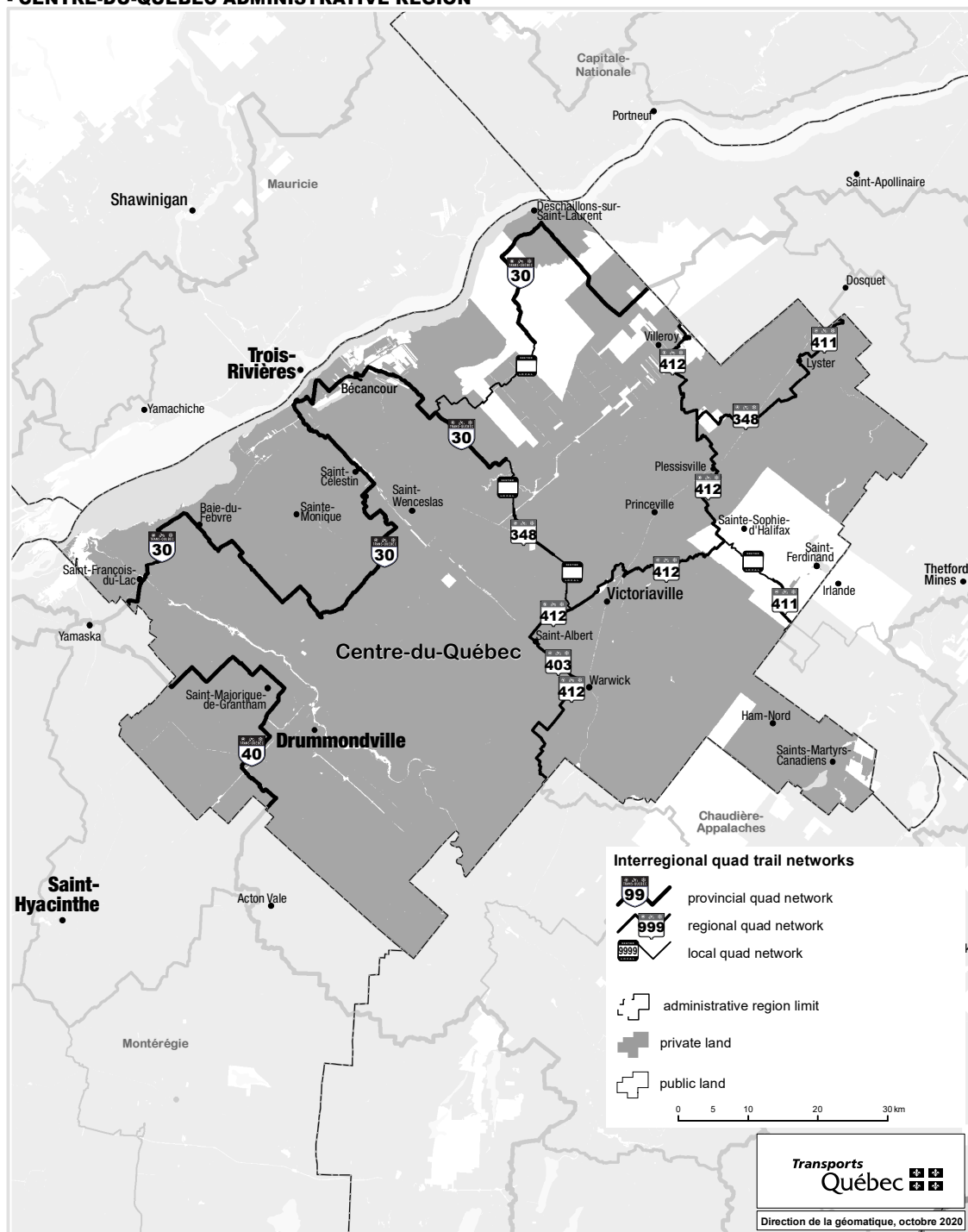
Interregional snowmobile trail networks**- SAGUENAY-LAC-SAINT-JEAN ADMINISTRATIVE REGION**

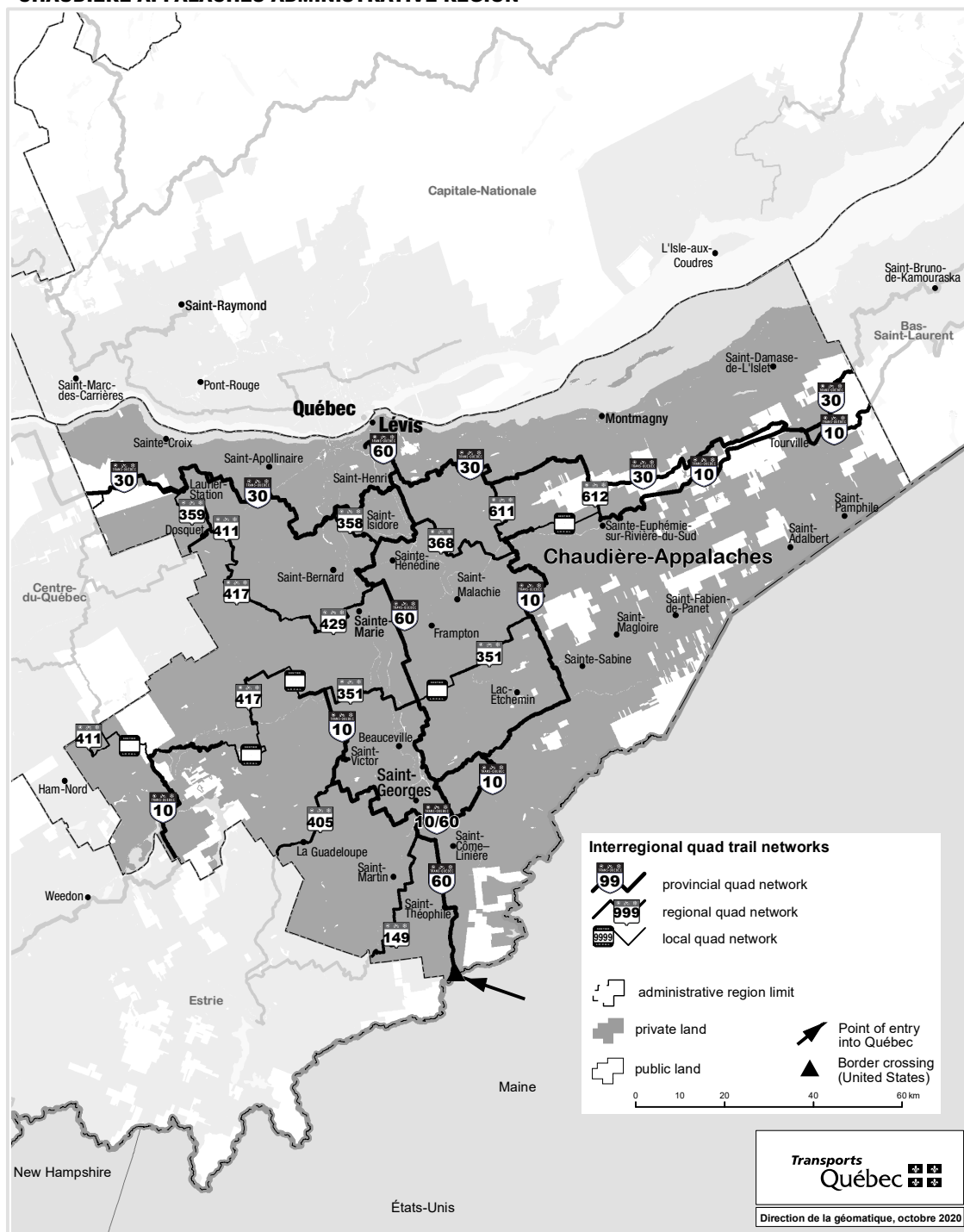
Interregional quad trail networks**- ABITIBI-TÉMISCAMINGUE ADMINISTRATIVE REGION**

Interregional quad trail networks**- BAS-SAINT-LAURENT ADMINISTRATIVE REGION**

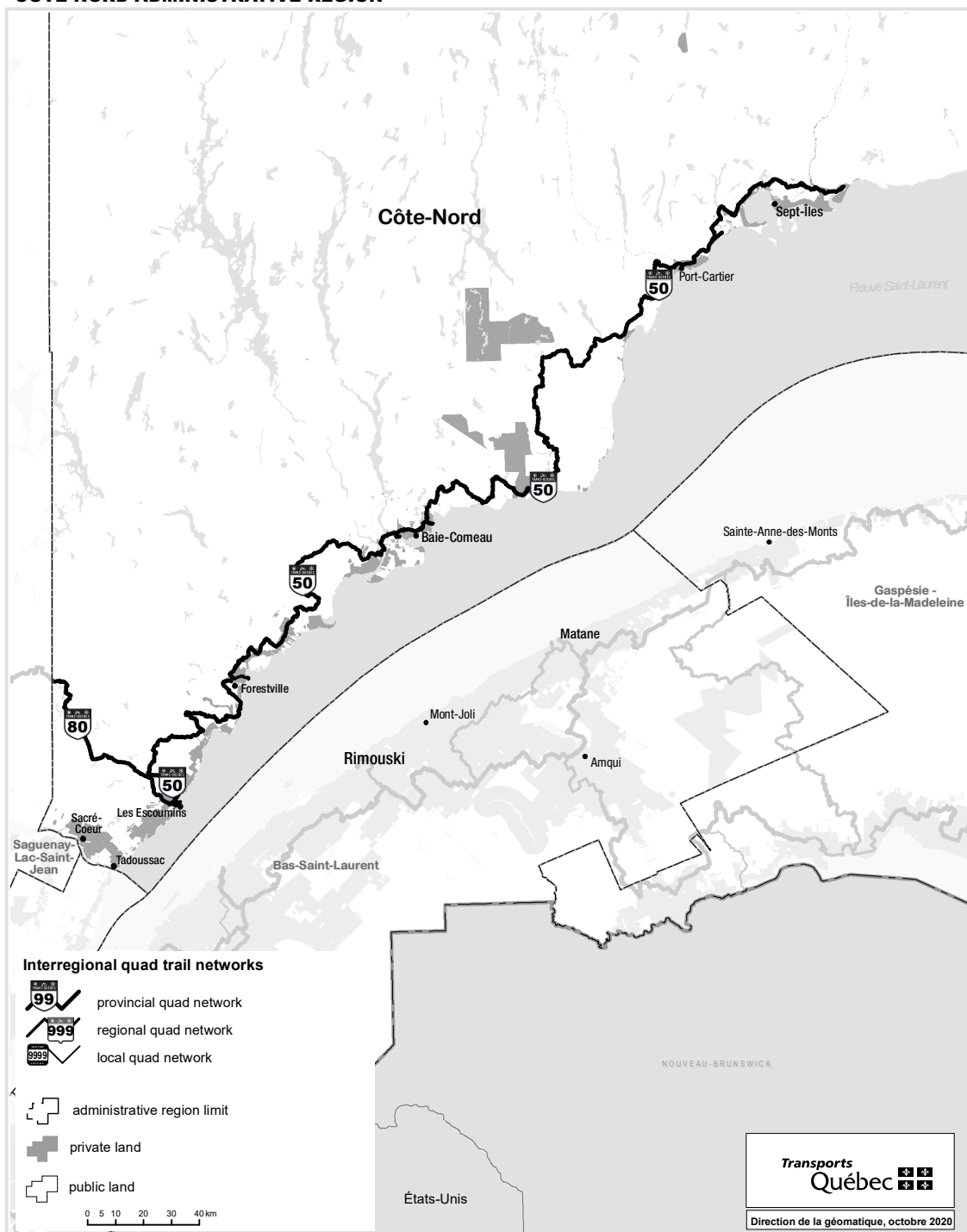
Interregional quad trail networks**- CAPITALE-NATIONALE ADMINISTRATIVE REGION**

Interregional quad trail networks
- CENTRE-DU-QUÉBEC ADMINISTRATIVE REGION

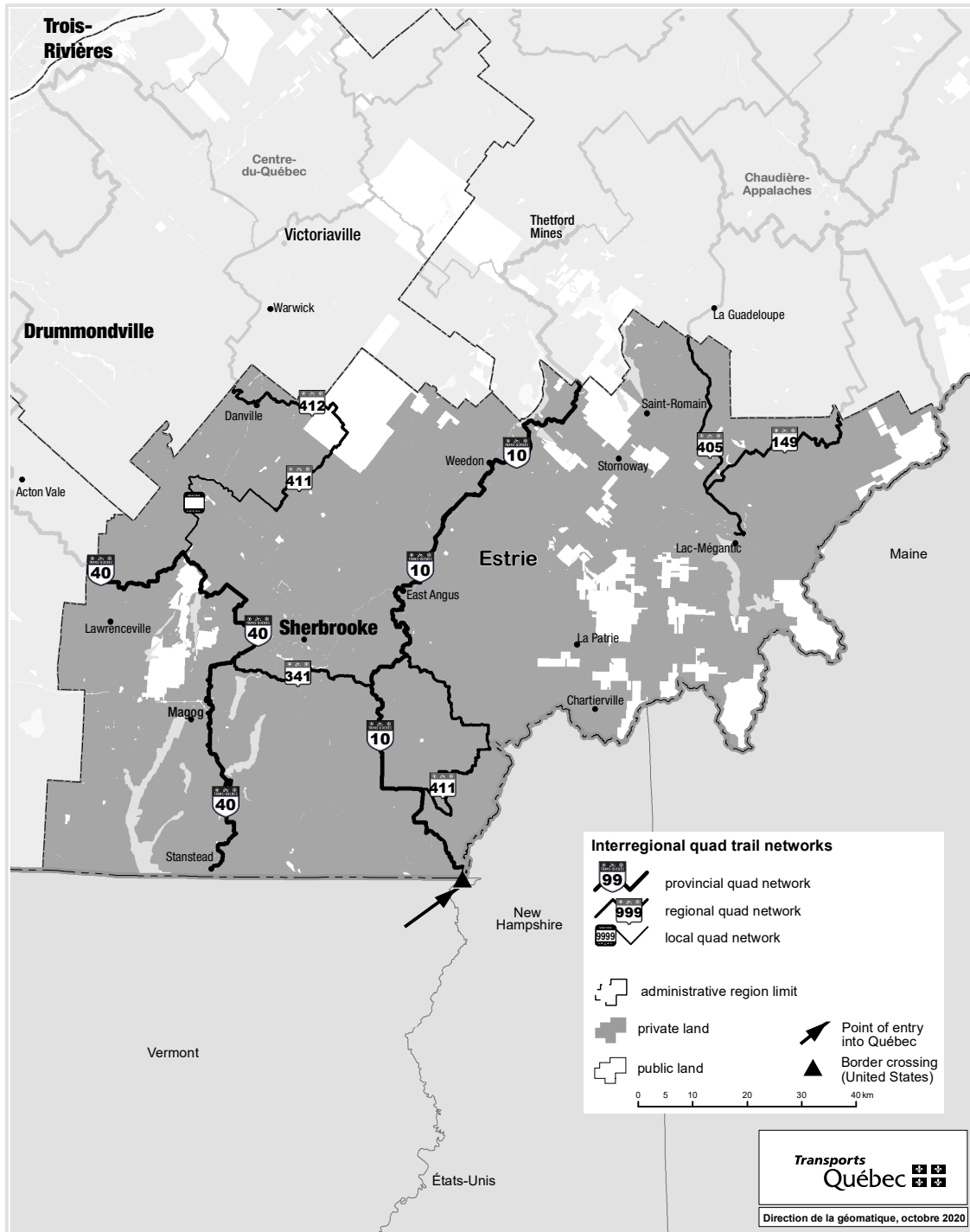


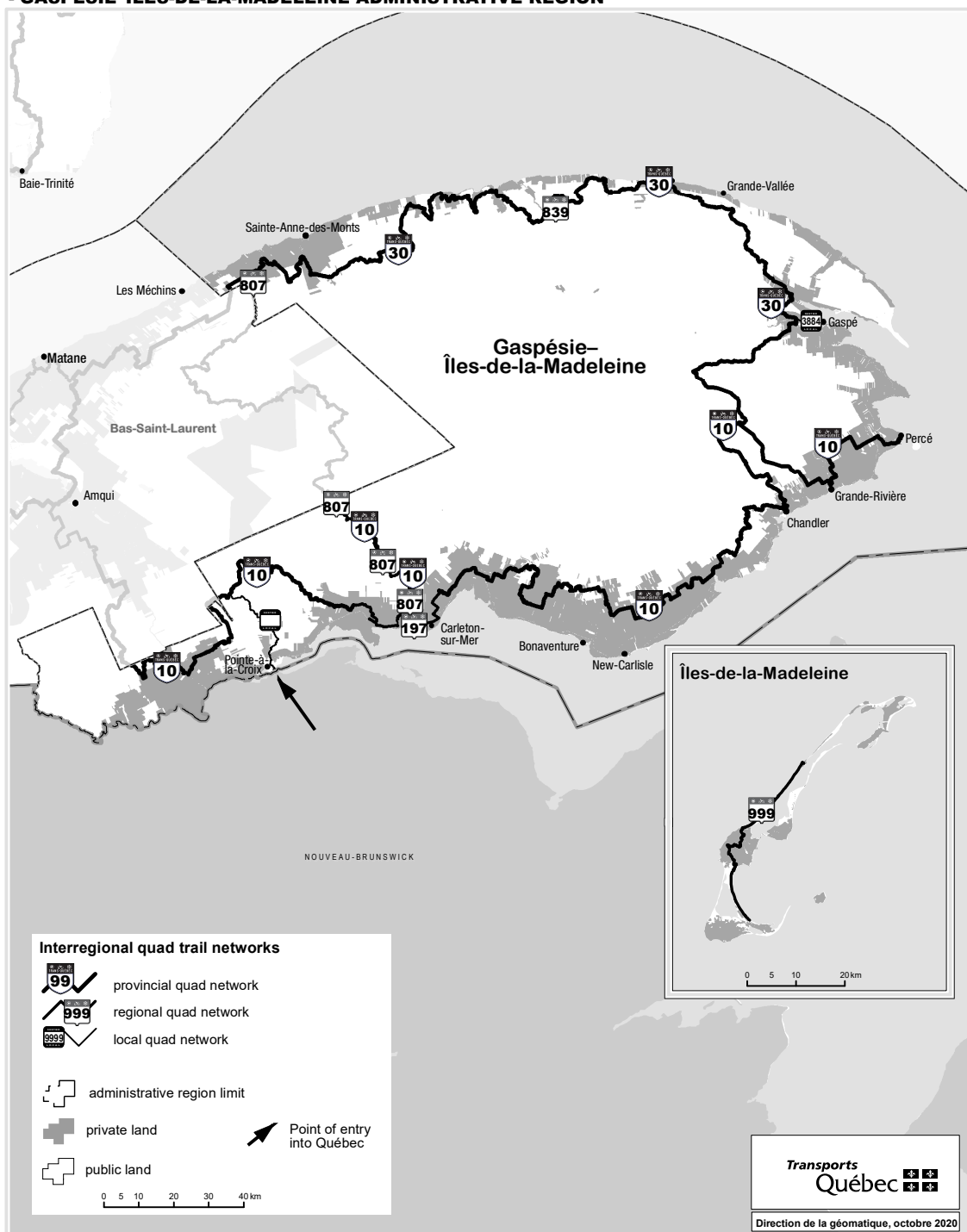
Interregional quad trail networks**- CHAUDIÈRE-APPALACHES ADMINISTRATIVE REGION**

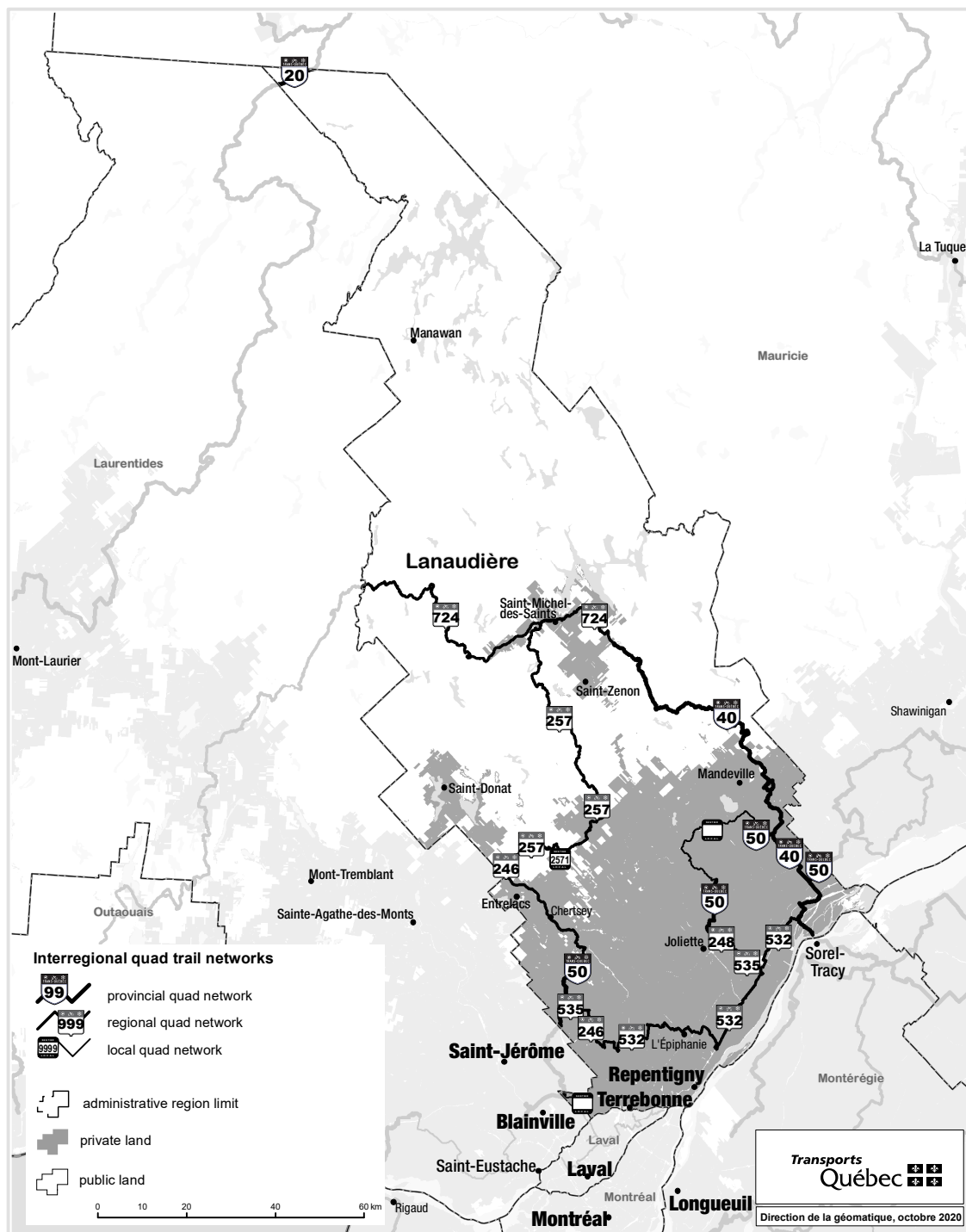
Interregional quad trail networks
- CÔTE-NORD ADMINISTRATIVE REGION



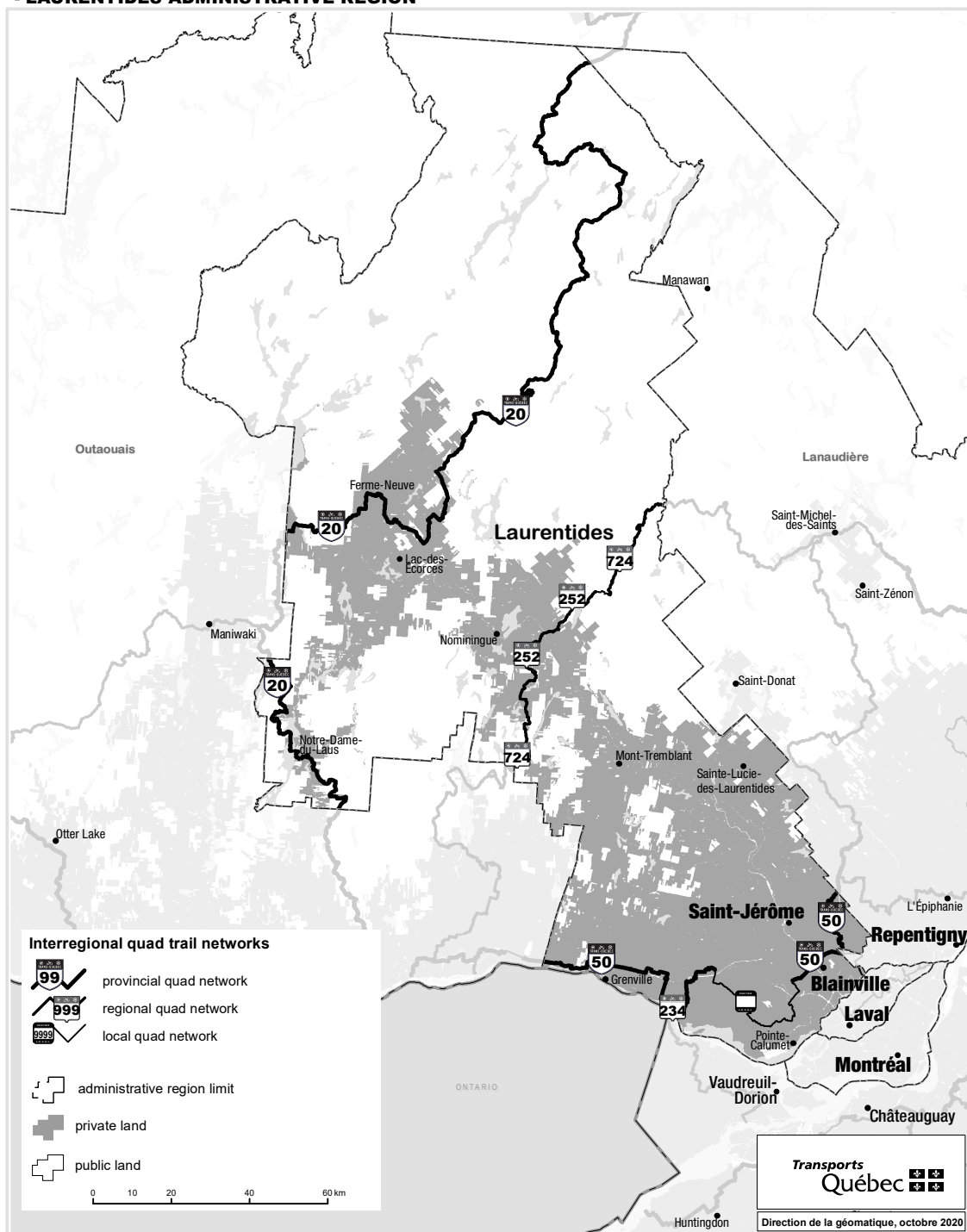
Interregional quad trail networks
- ESTRIE ADMINISTRATIVE REGION



Interregional quad trail networks**- GASPÉSIE-ÎLES-DE-LA-MADELINE ADMINISTRATIVE REGION**

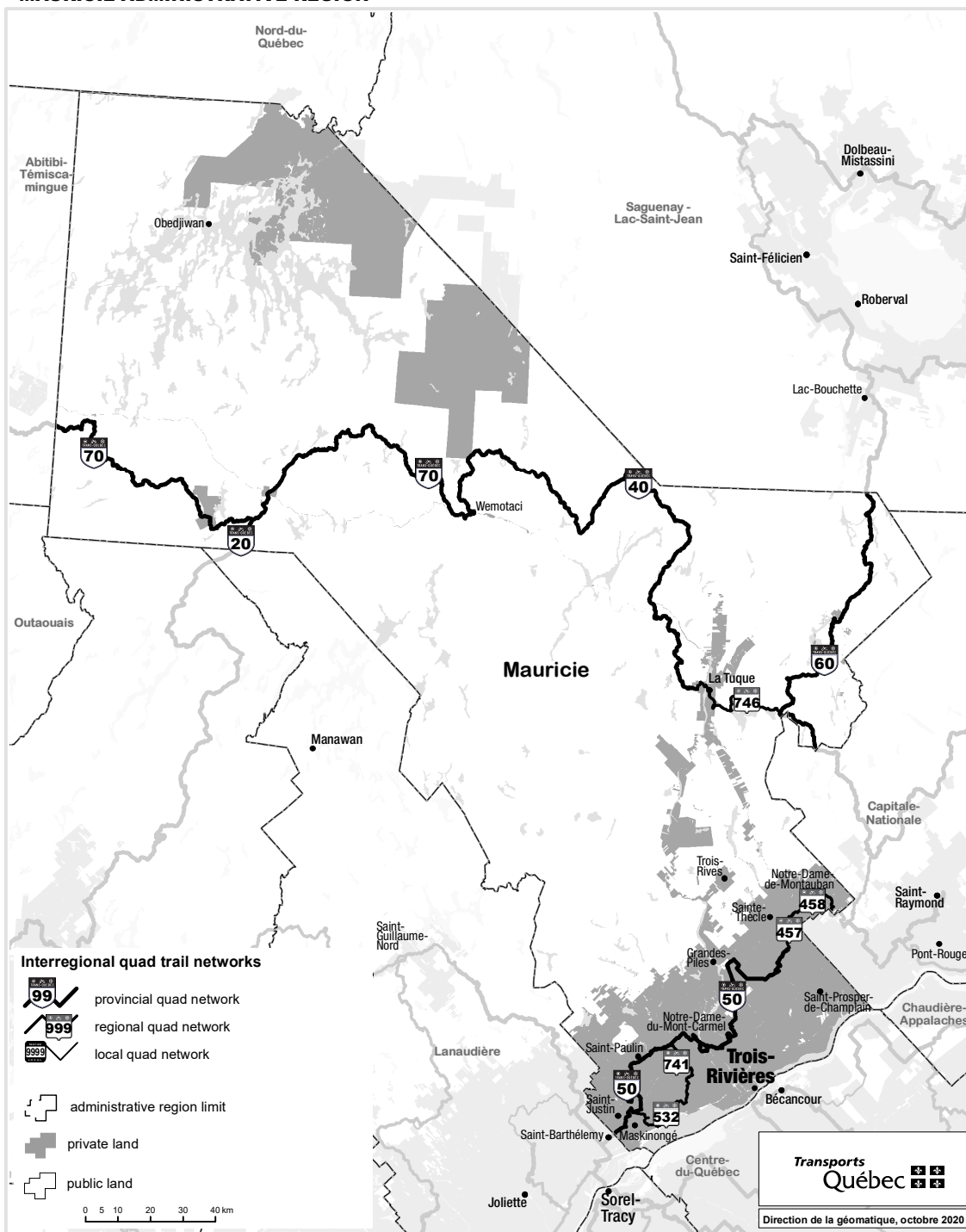
Interregional quad trail networks**- LANAUDIÈRE ADMINISTRATIVE REGION**

Interregional quad trail networks
- LAURENTIDES ADMINISTRATIVE REGION

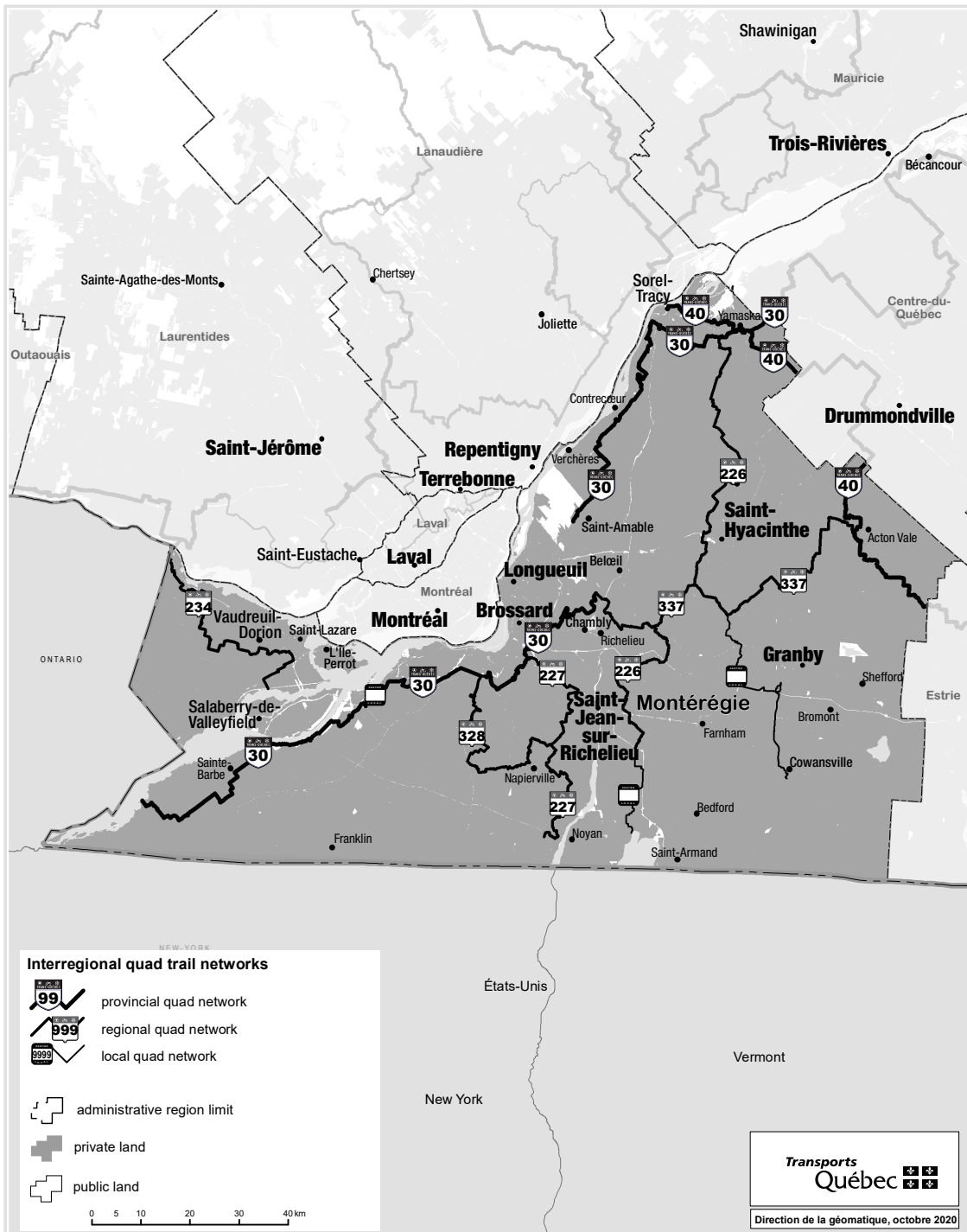


Interregional quad trail networks**- LAVAL AND MONTRÉAL ADMINISTRATIVE REGIONS**

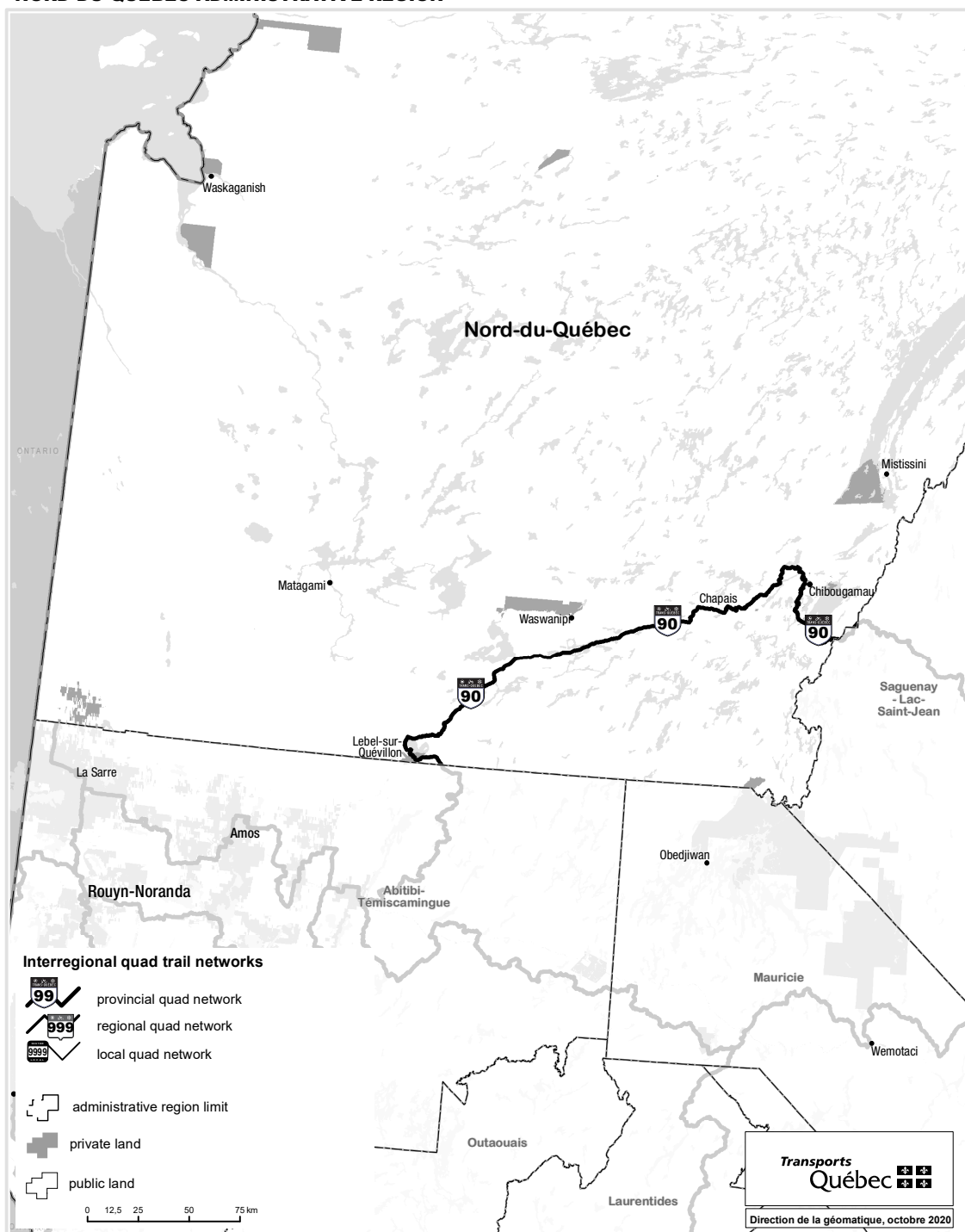
Interregional quad trail networks
- MAURICIE ADMINISTRATIVE REGION



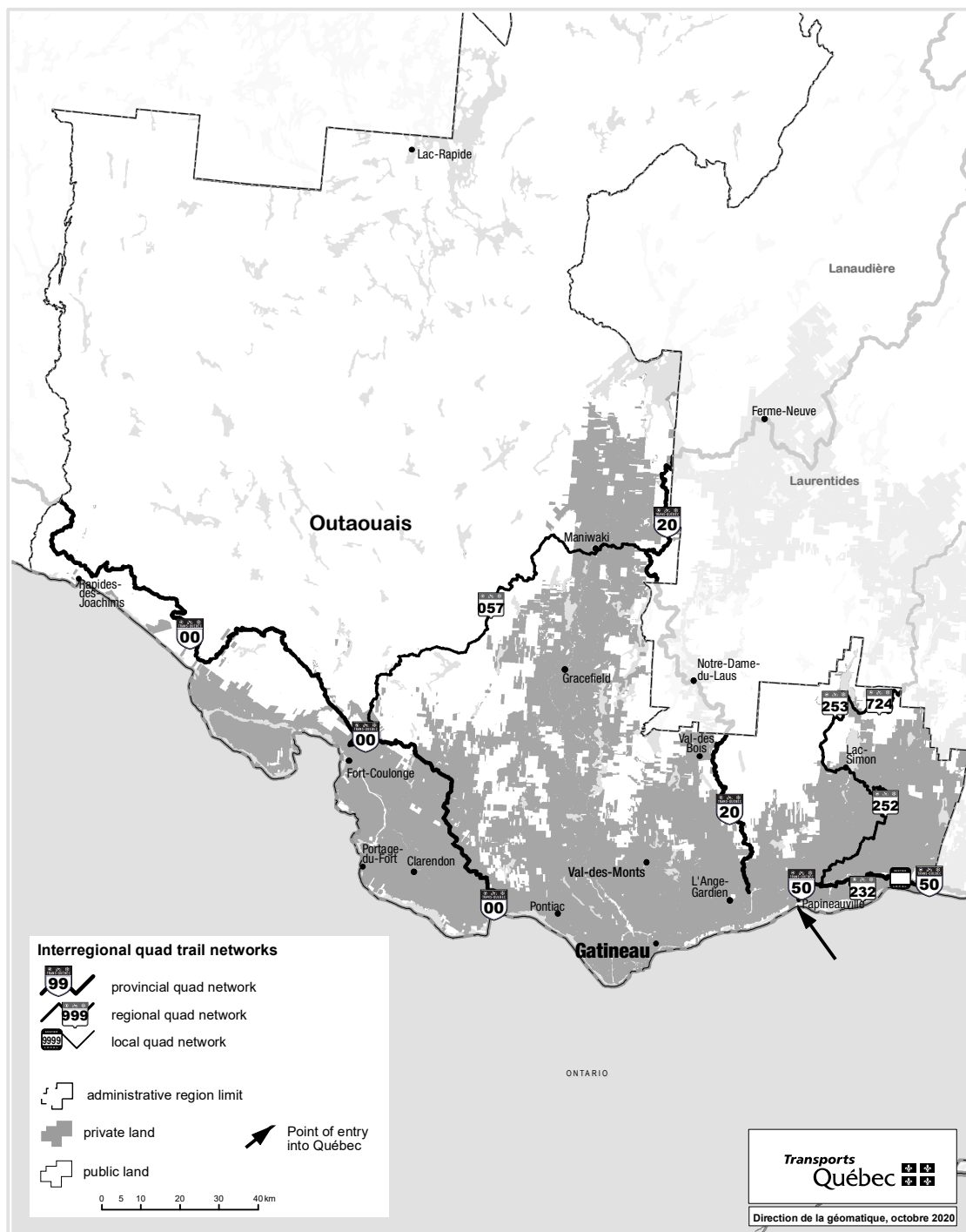
Interregional quad trail networks
- MONTÉRÉGIE ADMINISTRATIVE REGION

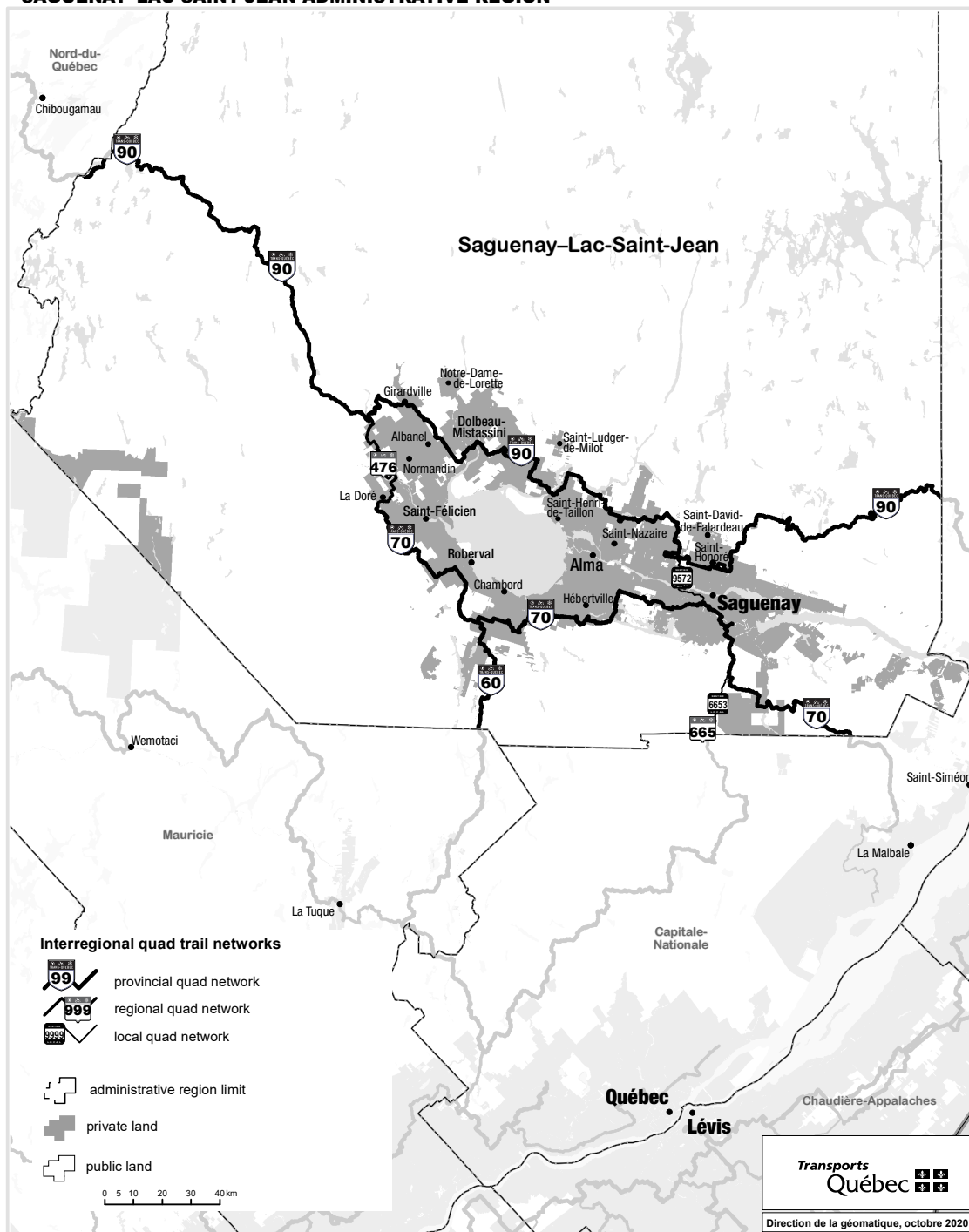


Interregional quad trail networks
- NORD-DU-QUÉBEC ADMINISTRATIVE REGION



Interregional quad trail networks
- OUTAOUAIS ADMINISTRATIVE REGION



Interregional quad trail networks**- SAGUENAY-LAC-SAINT-JEAN ADMINISTRATIVE REGION**

Draft Regulations

Draft regulation

Environment Quality Act
(chapter Q-2)

An Act mainly to ensure effective governance of the fight against climate change and to promote electrification
(2020, chapter 19)

Cap-and-trade system for greenhouse gas emission allowances — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation changes the regulatory framework for offset credits to reflect the draft Regulation respecting landfill methane reclamation and destruction projects eligible for the issuance of offset credits and the draft Regulation respecting halocarbon destruction projects eligible for the issuance of offset credits, published in the *Gazette officielle du Québec* of 3 March 2021. It repeals the current provisions for determining the projects eligible for offset credits, the provisions setting the conditions and methods applicable to such projects, and the provisions governing the information and documents that must be kept by the promoter or submitted to the Minister and that may be published by the Minister. All these provisions will now be included in the other regulations referred to above. The draft Regulation defines the rules governing the issue of offset credits by the Minister.

In addition, the draft Regulation amends the rules applicable to the replacement and cancellation of illegitimate offset credits.

The draft Regulation removes the exclusion for the biomass and biomass fuel component of fuels distributed by emitters when calculating the threshold that renders

fuel distributors subject to the Regulation, and refers to Protocol QC.30 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15).

Lastly, the draft Regulation makes the necessary adjustments to the monetary administrative sanctions that apply to contraventions of the Regulation and to the penal sanctions that apply to offences, along with certain transitional provisions and certain technical adjustments required.

The analysis of the regulatory impact of the draft Regulation shows that new fuel distributors will be subject to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), they will have to register for the system and have their greenhouse gas emissions report verified. All such enterprises will experience an impact of \$597 in order to comply with the Regulation, in addition to an annual verification cost of \$18,780.

Further information on the draft Regulation may be obtained from Pierre Bouchard, Coordinator, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 30, Québec (Québec) G1R 5V7; email: pierre.bouchard@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Kim Ricard, Associate Director for Market Operations, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 31, Québec (Québec) G1R 5V7; email: kim.ricard@environnement.gouv.qc.ca.

BENOIT CHARETTE,
*Minister of the Environment and
the Fight Against Climate Change*

Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

Environment Quality Act
(chapter Q-2, ss. 46.1, 46.5, 46.6, 46.8, 46.12, 46.15, 115.27 and 115.34)

An Act mainly to ensure effective governance of the fight against climate change and to promote electrification
(2020, chapter 19, s. 20)

1. The Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is amended in section 2 by replacing subparagraph 2 of the second paragraph by the following:

“(2) distributes 200 litres or more of fuel within the meaning of protocol QC.30 of Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), except fuel for which an emitter referred to in the first paragraph or in subparagraph 3 of the second paragraph of this section or in section 2.1, including the emitter itself if applicable, is required to cover its emissions pursuant to section 19 for an emitter referred to in this section and pursuant to section 19.0.1 for an emitter referred to in section 2.1;”.

2. Section 3 is amended by replacing “who implements an offset credit project” in paragraph 12.1 by “or municipality responsible for the implementation of a project eligible for the issuance of offset credits”.

3. Section 6 is amended by replacing “70.21” in paragraph 6 by “70.5”.

4. Sections 70.1 to 70.22 are replaced by the following:

“**70.1.** For the purposes of this Chapter,

(1) “eligibility period” means the period, set in the regulation made by the Minister that is applicable to the project, during which a project is eligible for the issuance of offset credits, subject to compliance with the eligibility conditions in effect when the project notice or renewal notice provided for in the regulation is filed;

(2) “reporting period” means a continuous period of time, within an eligibility period, during which reductions in GHG emissions or offset credits corresponding to removals of GHG from the atmosphere attributable to a project eligible for the issuance of offset credits are quantified pursuant to the regulation made by the Minister that is applicable to that project for the issuance of offset credits;

(3) “regulation made by the Minister” means a regulation made pursuant to section 46.8.2 of the Environment Quality Act, inserted by section 21 of the Act mainly to ensure effective governance of the fight against climate change and to promote electrification (2020, chapter 19).

In addition, for the purposes of this Chapter and of the Regulation respecting halocarbon destruction projects eligible for the issuance of offset credits (*insert the reference to the Compilation of Québec Laws and Regulations*), chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) are greenhouse gases.

70.2. A promoter must file with the Minister an issuance request for offset credits for the first reporting period for a project, established in accordance with the regulation made by the Minister that is applicable to the project not later than 6 months following the end of that period.

The promoter may then file with the Minister an issuance request for offset credits for up to three continuous reporting periods included within the same eligibility period. The application must be filed not later than 6 months following the end of the last reporting period covered by the application.

When the eligibility period for a project is renewed, the promoter must file with the Minister an issuance request for the first reporting period in the new eligibility period, established in accordance with the regulation made by the Minister that is applicable to the project, not later than 6 months after the end of that reporting period. The second paragraph applies to subsequent applications for the issuance of offset credits.

Where a regulation made by the Minister that is applicable to a project allows the aggregation of projects and the promoter avails itself of that aggregation, any application for the issuance of offset credits must cover all the projects included in the aggregation for which the promoter is applying for offset credits.

70.3. Every issuance request for offset credits must include the following information:

(1) the information needed to identify the promoter and the promoter’s representative, if any;

(2) the code assigned to the project by the Minister in accordance with the regulation made by the Minister that is applicable to it;

(3) the start and end dates of each reporting period covered by the application;

(4) the quantity of offset credits covered by the application.

In addition, every issuance request must include the following documents:

(1) a project report for each reporting period covered by the application, consistent with the regulation made by the Minister that is applicable to the project;

(2) a verification report on the project report or reports, consistent with the regulation made by the Minister that is applicable to the project and produced by a person qualified for that purpose within the meaning of the regulation.

70.4. The Minister, after receiving an issuance request accompanied by a verification report that includes a positive or qualified positive verification opinion, issues, as the case may be, an offset credit for each metric tonne CO₂ equivalent of reduction in GHG emissions attributable to the project, quantified in accordance with the regulation made by the Minister that is applicable to the project, or offset credits corresponding to removals of GHG from the atmosphere attributable to the project, quantified in accordance with the regulation made by the Minister that is applicable to the project.

The Minister places 97% of the offset credits, rounded down to the nearest whole number, into the promoter's general account.

The remaining offset credits are placed into the Minister's environmental integrity account.

Despite the first paragraph, the Minister cannot issue offset credits after noting errors, omissions, inaccuracies or false information in a project report submitted with an issuance request or a failure to comply with a condition in the regulation made by the Minister that is applicable to the project.

70.5. The Minister may require the promoter to replace any offset credit issued for a project under the second paragraph of section 70.4 in the following cases:

(1) where, because of errors, omissions, inaccuracies or false information in the information or documents provided by the promoter or a failure to comply with a condition in the regulation made by the Minister that is applicable to the project, the reductions in GHG emissions or the offset credits corresponding to removals of GHG from the atmosphere attributable to the project were not quantified in accordance with the regulation made by the Minister that is applicable to the project;

(2) where the project was not carried out in accordance with the regulation made by the Minister that is applicable to the project;

(3) where a reduction in GHG emissions or a removal of GHG from the atmosphere for which offset credits are issued pursuant to this regulation has already been credited under another program for the reduction of GHG emissions or the removal of GHGs from the atmosphere.

The Minister notifies the promoter who must, within 3 months of receiving the notification, place in its general account one emission allowance for each illegitimate offset credit that must be replaced.

The Minister, after being notified that the promoter has placed the offset credits in the general account, deducts the replacement emission allowances designated by the promoter and places them in the invalidation account to be extinguished. The Minister also transfers the number of offset credits placed into the environmental integrity account for the project under third paragraph of section 70.4, in proportion to the number of offset credits replaced by the promoter, into the invalidation account to be extinguished.

Without prejudice to the Minister's other recourses against the promoter, if the promoter has failed to surrender the replacement emission allowances on the expiry of the 3-month period, the Minister replaces the illegitimate offset credits by withdrawing an equivalent number of offset credits from the environmental integrity account and placing them in the invalidation account to be extinguished.

No offset credit may be issued to the promoter for the project unless the promoter has replaced the illegitimate offset credits within the time limit provided for in the second paragraph of this section.

70.6. If a partner entity cancels offset credits held in the account of an emitter or a participant registered pursuant to this Regulation, the Minister notifies the emitter or participant of his intention to cancel the offset credits, in accordance with the second paragraph of section 46.12 of the Environment Quality Act (chapter Q-2). After the offset credits concerned have been cancelled, they are transferred into the Minister's invalidation account to be surrendered to the partner entity.

If a partner entity cancels offset credits that were used for emitter compliance purposes, the Minister notifies the emitter, who must, within 6 months after receiving the notice, replace the cancelled offset credits by placing

an equivalent number of emission allowances in its compliance account. The emission allowances are deducted in the order prescribed in section 21 and placed in the Minister's retirement account to be extinguished. The cancelled offset credits recorded in the Minister's retirement account are transferred into the Minister's invalidation account to be surrendered to the partner entity.

If the emission allowances required under the second paragraph are not placed by the emitter within the prescribed time, the provisions of sections 22 and 23 apply, with the necessary modifications, and the year of issue of the emission allowances is not taken into account.

70.7. If a partner entity cancels offset credits that were used by a promoter to replace illegitimate offset credits in accordance with section 70.5, the Minister notifies the promoter, who must, within 3 months after receiving the notice, place in its general account one emission allowance for each cancelled offset credit that must be replaced. Such emission allowances are placed in the Minister's invalidation account to be extinguished and the cancelled offset credits are surrendered to the partner entity.

No offset credit may be issued for a project for which illegitimate offset credits have been replaced in accordance with section 70.5 to a promoter who has not replaced the offset credits within the time prescribed in the first paragraph of this section.

70.8. Any change to the information and documents provided in accordance with this Chapter must be communicated to the Minister within 30 days.”

5. Section 71 is amended by replacing “70.5 or 70.13, the first and second paragraphs of section 70.13.1, section 70.14, the first, third or fifth paragraph of section 70.15 or section 70.22” in paragraph 1 by “70.2, 70.3 or 70.8”.

6. Section 72 is amended by replacing “the second or third paragraph of section 50 or 70.12, or the second paragraph of section 70.15” by “or the second or third paragraph of section 50”.

7. Section 73 is amended by replacing “or the second paragraph of section 70.21 or 70.21.1;” in paragraph 1 by “; the second paragraph of section 70.5 or 70.6 or the first paragraph of section 70.7”.

8. Section 74 is amended by replacing “, section 53, 62, 70.5, 70.13 or 70.14, the first, third or fifth paragraph of section 70.15 or section 70.22” in the portion before subparagraph 1 of the first paragraph by “or section 53, 62, 70.3 or 70.8”.

9. Section 75 is amended by replacing “, the second or third paragraph of section 50 or 70.12 or the second paragraph of section 70.15” in the portion before paragraph 1 by “or the second or third paragraph of section 50”.

10. Section 75.1 is amended by replacing “70.21” in the portion before paragraph 1 by “70.5”.

11. Section 75.4 is amended by replacing “or the second paragraph of section 70.21.1” by “; the second paragraph of section 70.6 or the first paragraph of section 70.7”.

12. A person or municipality that distributes 200 litres or more of fuel within the meaning of protocol QC.30 of Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) must take into account the biomass and biomass fuel component of the fuel for the purposes of subparagraph 2 of the 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) as amended by section 1 of this Regulation, starting from the compliance period beginning on 1 January 2021.

13. Despite the provisions of this Regulation, for the purposes of protocols 1, 4 and 5 of Schedule D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), the provisions of section 70.13.1, section 70.14 insofar as it provides that an issuance request for offset credits must be submitted with a project report covering the most recent issuance period, and sections 70.20, 70.21, 70.22, 71, 73, 74, 75.1, 75.2 and 75.4 of the said Regulation, as they read on (*insert the date preceding the date of coming into force of this Regulation*), continue to apply to the projects to which those protocols apply until they are replaced. The provisions of sections 70.6 and 70.7, as they read on (*insert the date of coming into force of this Regulation*), also apply to projects to which those protocols apply, replacing “70.5” in section 70.7 by “70.21”.

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

104898

Draft Regulation

Environment Quality Act
(chapter Q-2)

An Act mainly to ensure effective governance of the fight against climate change and to promote electrification
(2020, chapter 19)

Halocarbon destruction projects eligible for the issuance of offset credits

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting halocarbon destruction projects eligible for the issuance of offset credits, appearing below, may be made by the Minister of the Environment and the Fight Against Climate Change on the expiry of 45 days from the date of publication.

The contents of many of the provisions in the draft Regulation constitute an improved version of the provisions of Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1).

The draft Regulation sets out, in a manner consistent with the amendments introduced by the draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, the conditions on which a halocarbon destruction project will be eligible for the issuance of offset credits. It also contains the general conditions that apply to such a project.

The draft Regulation introduces a system of project notices to inform the Minister that the promoter of an eligible project intends to file a request for the issuance of offset credits. This mechanism replaces project registration, which the draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances revokes for halocarbon destruction projects.

The draft Regulation also defines the methods to be used to quantify the greenhouse gas emission reductions attributable to an eligible project, as well as the contents of the project report that the promoter must produce for each reporting period for emission reductions. It sets the conditions that apply to the verification of project reports, in particular concerning the accreditation of the verification organization and the independence of the organization, the verifier and the other members of the verification team from the promoter.

Lastly, the draft Regulation includes monetary administrative penalties for failures to comply with the Regulation and penal sanctions for offences, along with transitional provisions to place under the new rules projects that have already begun and projects registered under the old rules in the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

The draft Regulation will have a limited impact on enterprises since it essentially simplifies the future regulatory amendments for halocarbon destruction projects eligible for the issuance of offset credits.

Further information on the draft Regulation may be obtained by contacting Pierre Bouchard, Coordinator, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 30, Québec (Québec) G1R 5V7; email: pierre.bouchard@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Kim Ricard, Associate Director for Market Operations, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 31, Québec (Québec) G1R 5V7; email: kim.ricard@environnement.gouv.qc.ca.

BENOÎT CHARETTE,
*Minister of the Environment and
the Fight Against Climate Change*

Regulation respecting halocarbon destruction projects eligible for the issuance of offset credits

Environment Quality Act

(chapter Q-2, ss. 46.1, 46.5, 46.8.2, 115.27 and 115.34)

Act mainly to ensure effective governance of the fight against climate change and to promote electrification

(2020, chapter 19, s. 21)

CHAPTER I**OBJECT, SCOPE AND INTERPRETATION****1. The object of this Regulation is to**

(1) determine the halocarbon destruction projects eligible for the issuance of offset credits pursuant to section 46.8.2 of the Environment Quality Act (chapter Q-2);

(2) determine the conditions and methods applicable to such projects;

(3) determine the information and documents that a person or municipality responsible for carrying out an eligible project or a project whose eligibility for credits must be determined must keep or provide to the Minister.

2. In this Regulation, unless otherwise indicated by context,

(1) “container” means an air-tight, waterproof unit used for storing, circulating or transporting halocarbons without leakage or escape of halocarbons into the environment;

(2) “officer” means the president, chief executive officer, chief operating officer, chief financial officer or secretary of a legal person or a person holding a similar position, or any person designated as an officer by a resolution of the board of directors;

(3) “greenhouse gas” or “GHG” means a gas referred to in the second paragraph of section 46.1 of the Environment Quality Act or in the second paragraph of section 70.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), namely carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆), nitrogen trifluoride (NF₃), chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs);

(4) “halocarbon” means a substance designated in Appendix A, when contained in foam or when used or intended to be used as refrigerants for refrigeration, freezing or air conditioning in equipment, systems or appliances from industrial, commercial, institutional or residential sources;

(5) “foam” means insulating foam from refrigeration, freezer or air-conditioning appliances;

(6) “professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any other person authorized by a professional order to carry on an activity carried on by a professional belonging to that order is also deemed to be a professional;

(7) “promoter” means a person or municipality responsible for carrying out a project eligible for the issuance of offset credits;

(8) “cap-and-trade system for emission allowances” means a cap-and-trade system for greenhouse gas emission allowances established pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

CHAPTER II

ELIGIBILITY

DIVISION I

ELIGIBILITY CONDITIONS

3. A halocarbon destruction project is eligible for the issuance of offset credits pursuant to section 46.8.2 of the Environment Quality Act, for the eligibility period provided for in Division II of this Chapter, if it meets the following conditions:

(1) the project is carried out by a promoter registered for the cap-and-trade system for emission allowances in accordance with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, that is domiciled in Québec in the case of a natural person or has an establishment in Québec in other cases;

(2) the GHG emission reductions attributable to the project are achieved as an initiative of the promoter, without the promoter being required to do so, on the date of filing of the project notice or renewal notice provided for in Chapter IV, under a law or regulation, an authorization, an order made pursuant to a law or regulation or a court decision;

(3) the halocarbons destroyed during the project are recovered in Canada or are removed from a refrigeration, freezer or air-conditioning appliance recovered in Canada;

(4) where the halocarbons destroyed during the project are removed from a refrigeration, freezer or air-conditioning appliance, the removal of foam and refrigerants from the appliance and the extraction of halocarbons from the foam are performed in Canada;

(5) the destruction of the halocarbons is performed in Canada or the United States.

When halocarbons used as refrigerants targeted by a project are removed from refrigeration, freezer or air-conditioning appliances that also contain halocarbons contained in foam, the project must, for any destruction activity taking place after 22 October 2016, also provide for the extraction and destruction of the halocarbons contained in the foam in accordance with the provisions of this Regulation.

In the cases provided for in the second paragraph, the halocarbons removed from a same refrigeration, freezer or air-conditioning appliance must be destroyed during a same reporting period referred to in section 21.

DIVISION II

ELIGIBILITY PERIOD

4. For the purposes of this Regulation, “eligibility period” means the period during which a project remains eligible for the issuance of offset credits, subject to compliance with the eligibility conditions in force when the project notice provided for in either section 12 or the second paragraph of section 14, or the renewal notice provided for in section 15, is filed.

5. The eligibility period has a term of one year and begins on the project start date.

The eligibility period may be renewed for the same term by filing the renewal notice provided for in section 15. The renewed eligibility period begins on the day following the end of the preceding period.

For the purposes of this Regulation, a project eligible for the issuance of offset credits is deemed to begin on the date on which the first halocarbon destruction activities occur, as documented by the destruction certificate.

Despite the third paragraph, an eligible project may include activities completed before the project start date.

CHAPTER III

GENERAL CONDITIONS APPLICABLE TO AN ELIGIBLE PROJECT

DIVISION I

GENERAL CONDITIONS

6. A project eligible for the issuance of offset credits must be carried out in accordance with all the requirements applicable to the project based on its type and the place where it is carried out.

7. A promoter who intends to transfer responsibility for carrying out the project to another person or another municipality must send to the Minister, within 30 days before the transfer, a notice including the following documents and information:

- (1) the scheduled date of the transfer;
- (2) the name of the transferee and all the information needed to identify the transferee, including the number of the general account opened by the Minister for the transferee pursuant to section 14 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances after the transferee registers for the cap-and-trade system for emission allowances;
- (3) an estimate of the offset credits that will be requested, for the reporting period during which the transfer is planned, by the promoter and by the transferee in accordance with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;
- (4) a declaration by the promoter and the transferee, or their representatives, stating that all the information provided is complete and accurate.

8. The promoter must use the forms or templates available on the website of the Ministère de l'Environnement et de la Lutte contre les changements climatiques to submit any information or document required pursuant to this Regulation.

9. The promoter must keep a copy of any information or document that must be submitted pursuant to this Regulation for the duration of the project and for a minimum period of 7 years after the project's end date.

The promoter must also keep any other information or document needed to quantify the GHG emission reductions attributable to the promoter's project pursuant to Chapter V of this Regulation for the duration of the project and for a minimum period of 7 years after the project's end date.

The documents and information referred to in this section must also be provided to the Minister on request.

DIVISION II

CONDITIONS FOR OPERATION

10. Halocarbons must be extracted and destroyed as follows:

- (1) the halocarbons must be collected, stored and transported in hermetically sealed containers;
- (2) the halocarbons contained in foam must be extracted in concentrated form using a negative pressure process;

(3) the halocarbons must be destroyed in concentrated form.

11. Each stage in a project eligible for the issuance of offset credits that is carried out in the United States must be conducted in accordance with the requirements of the protocol entitled “Compliance Offset Protocol Ozone Depleting Substances Projects: Destruction of U.S. Ozone Depleting Substances Banks” published by the California Air Resources Board.

CHAPTER IV

PROJECT NOTICE AND RENEWAL NOTICE

12. The promoter must, not later than the date of filing of the first issuance request for offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, file a project notice with the Minister containing the following documents and information:

- (1) the information needed to identify the promoter and the promoter’s representative, if any;
- (2) the number of the general account opened by the Minister for the promoter pursuant to section 14 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances following the promoter’s registration for the cap-and-trade system for emission allowances;
- (3) a summary description of the project and information about its location and the identification of all project sites, including
 - (a) the storage sites for the appliances and halocarbons recovered;
 - (b) the facility sites where the halocarbons are extracted;
 - (c) the facility sites where the halocarbons are destroyed;
 - (d) the facility sites where the appliances are recycled, if any;
- (4) an estimate of the expected annual and total GHG emission reductions attributable to the project, in metric tonnes CO₂ equivalent;
- (5) the duration of the project and the start date for the project, when known, or in other cases an estimate of the duration and start date;
- (6) when the promoter has retained or intends to retain the services of a professional or another person to prepare or carry out the project,
 - (a) the information needed to identify that professional or person;
 - (b) a summary of the tasks that have been or will be entrusted to that professional or person;

(c) if applicable, a declaration by the professional or person that the information and documents provided are complete and accurate;

(7) the information needed to identify the owners, and the owners' representatives, if any, for each project site;

(8) a declaration by the promoter or the promoter's representative that the documents and information provided are accurate.

13. On receiving a project notice, the Minister gives it a project code and communicates the code to the promoter.

14. The project described in a notice filed in accordance with section 12 must start within 2 years following the filing.

After that time, a promoter that has not yet started the project must file a new project notice containing the information and documents referred to in section 12.

15. The promoter must, between the sixth and the first month preceding the end of the eligibility period for the project, ask the Minister to renew the eligibility period by filing a renewal notice containing, in addition to what is required by section 12, the following information:

(1) the project code given to the project by the Minister pursuant to section 13;

(2) a description of any change planned to the project for the new eligibility period.

CHAPTER V

QUANTIFICATION OF GHG EMISSION REDUCTIONS ATTRIBUTABLE TO AN ELIGIBLE PROJECT

16. The object of the provisions of this Chapter is to

(1) identify the GHG sources, sinks and reservoirs forming the project boundaries and determine the GHG emission reductions attributable to the project for quantification purposes;

(2) define the period during which the GHG emission reductions attributable to the project are quantified and specify the calculation methods used for quantification;

(3) establish the conditions for project surveillance, including the conditions for collecting and recording the data needed to quantify the GHG emission reductions attributable to the project, for using, maintaining and calibrating the instruments used for data collection, and for using and maintaining the devices and equipment used for project activities.

DIVISION I**PROJECT BOUNDARIES AND GHG EMISSION REDUCTIONS ATTRIBUTABLE TO THE PROJECT**

17. Only the GHG sources, sinks and reservoirs identified in the area of Figure 1 that lies within the dotted line and described in Table 1 of Appendix B may be used by the promoter to quantify the GHG emission reductions attributable to the destruction of halocarbons contained in foam. The GHG sources, sinks and reservoirs identified in this way form the boundaries of the project for the destruction of halocarbons contained in foam.

18. Only the GHG sources, sinks and reservoirs identified in the area of Figure 2 that lies within the dotted line and described in Table 2 of Appendix B may be used by the promoter to quantify the GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants. The GHG sources, sinks and reservoirs identified in this way form the boundaries of the project for the destruction of halocarbons used as refrigerants.

19. GHG emission reductions may only be deemed to be attributable to an eligible project if no offset credits have previously been issued for those emissions pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and if no credits have been issued under another voluntary or regulatory program for GHG emission reductions.

DIVISION II**REPORTING PERIOD AND CALCULATION METHODS FOR QUANTIFICATION****§ 1. – Reporting period**

20. For the purposes of this Regulation, “reporting period” means a continuous period of time, within an eligibility period, during which the GHG emission reductions attributable to a project eligible for the issuance of offset credits are quantified in accordance with this Chapter for the issuance of offset credits.

The reporting periods of a project eligible for the issuance of offset credits cover 1 to 12 months and succeed each other in an uninterrupted fashion during the eligibility period for the project.

§ 2. – Quantification of total GHG emission reductions

21. To quantify the total GHG emission reductions attributable to a project during the reporting period, the promoter uses Equation 1.

Equation 1

$$ER_T = ER_M + ER_R$$

Where:

ER_T = total GHG emission reductions attributable to the project, in metric tonnes CO₂ equivalent;

ER_M = GHG emission reductions attributable to the destruction of halocarbons contained in foam during the reporting period, calculated using Equation 2 in section 23, in metric tonnes CO₂ equivalent;

ER_R = GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, calculated using Equation 8 in section 25, in metric tonnes CO₂ equivalent.

The GHG emission reductions attributable to the destruction of halocarbons contained in foam and the GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants must be calculated separately, in accordance with the provisions of subdivisions 3 and 4 of this Division.

22. For the purposes of this Division, the promoter must use the global warming potential factors for halocarbons shown in the following table:

Type of halocarbon	Global warming potential factor (metric tonnes CO ₂ equivalent per metric tonne of halocarbon)	
	until 31 December 2020	from 1 January 2021
CFC-11	4,750	4,750
CFC-12	10,900	10,900
CFC-13	14,400	14,400
CFC-113	6,130	6,130
CFC-114	10,000	10,000
CFC-115	7,370	7,370
HCFC-22	1,810	1,810
HCFC-141b	725	725
HFC-134a	1,300	1,430
HFC-245fa	950	1,030

§ 3. – Quantification of GHG emission reductions attributable to the destruction of halocarbons contained in foam

23. The GHG emission reductions attributable to the destruction of halocarbons contained in foam are calculated using equations 2 to 7:

Equation 2

$$ER_M = BE_M - PE_M$$

Where:

ER_M = GHG emission reductions attributable to the destruction of halocarbons contained in foam during the reporting period, in metric tonnes CO₂ equivalent;

BE_M = Baseline GHG emissions attributable to the destruction of halocarbons contained in foam during the reporting period, calculated using Equation 3, in metric tonnes CO₂ equivalent;

PE_M = GHG emissions under the project attributable to the destruction of halocarbons contained in foam during the reporting period, calculated using Equation 5, in metric tonnes CO₂ equivalent.

Equation 3

$$BE_M = \sum_{i=1}^n [BA_{init,i} \times EF_{M,i} \times GWP_i]$$

Where:

BE_M = Baseline GHG emissions attributable to the destruction of halocarbons contained in foam during the reporting period, in metric tonnes CO₂ equivalent;

i = Type of halocarbon;

n = Number of types of halocarbons;

$BA_{init,i}$ = Initial quantity of halocarbons of type i contained in foam prior to removal from appliances, calculated using Equation 4, in metric tonnes of halocarbon of type i ;

$EF_{M,i}$ = GHG emission factor for halocarbon of type i contained in the foam, as indicated in section 24;

GWP_i = Global warming potential factor for halocarbon of type i as indicated in section 22, in metric tonnes CO₂ equivalent per metric tonne of halocarbon of type i .

Equation 4

$$BA_{init,i} = BA_{final,i} + \left(BA_{final,i} \times \left(\frac{1 - EE_M}{EE_M} \right) \right)$$

Where:

$BA_{init,i}$ = Initial quantity of halocarbons of type i contained in foam prior to removal from appliances, in metric tonnes of halocarbon of type i ;

$BA_{final,i}$ = Total quantity of halocarbons of type i extracted and sent for destruction, determined in accordance with the method in Appendix D, in metric tonnes of halocarbon of type i ;

EE_M = Extraction efficiency of the extraction process for halocarbons contained in foam, determined in accordance with the method in Appendix E;

i = Type of halocarbon.

Equation 5

$$PE_M = BA_{pr} + (Tr + DEST)_M$$

Where:

PE_M = GHG emissions under the project attributable to the destruction of halocarbons contained in foam during the reporting period, in metric tonnes CO₂ equivalent;

BA_{pr} = Total quantity of halocarbons contained in foam that are emitted during extraction, calculated using Equation 6, in metric tonnes CO₂ equivalent;

$(Tr + DEST)_M$ = GHG emissions attributable to the transportation and destruction of halocarbons contained in foam, calculated using Equation 7, in metric tonnes CO₂ equivalent.

Equation 6

$$BA_{pr} = \sum_{i=1}^n [BA_{init,i} \times (1 - EE_M) \times GWP_i]$$

Where:

BA_{pr} = Total GHG emissions attributable to the extraction of halocarbons contained in foam removed from appliances, in metric tonnes CO₂ equivalent;

i = Type of halocarbon;

n = Number of types of halocarbons;

$BA_{init,i}$ = Total quantity of halocarbons of type i contained in foam removed from appliances prior to extraction, calculated using Equation 4, in metric tonnes of halocarbon of type i ;

EE_M = Extraction efficiency of the extraction process for halocarbons contained in foam, determined in accordance with the method in Appendix E;

GWP_i = Global warming potential factor for halocarbon of type i as indicated in section 22, in metric tonnes CO₂ equivalent per metric tonne of halocarbon of type i .

Equation 7

$$(Tr + DEST)_M = BA_{final} \times 7.5$$

Where:

$(Tr + DEST)_M$ = GHG emissions attributable to the transportation and destruction of halocarbons contained in foam, in metric tonnes CO₂ equivalent;

BA_{final} = Total quantity of halocarbons contained in foam sent for destruction under the project, calculated using Equation 17 in Appendix E, in metric tonnes of halocarbons;

7.5 = Default emission fact for the transportation and destruction of halocarbons, in metric tonnes CO₂ equivalent per metric tonne of halocarbon.

24. For the purposes of this subdivision, the emission factors for each type of halocarbon contained in foam are shown in the following table:

Type of halocarbon	Emission factor for halocarbons contained in foam removed from appliances ($EF_{M,i}$)
CFC-11	0.44
CFC-12	0.55
HCFC-22	0.75
HCFC-141b	0.50
HFC-134a	0.70
HFC-245fa	0.70

§ 4. – *Quantification of GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants*

25. The GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants are calculated using equations 8 to 13:

Equation 8

$$ER_R = BE_R - PE_R$$

Where:

ER_R = GHG emission reductions attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, in metric tonnes CO₂ equivalent;

BE_R = Baseline GHG emissions attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, calculated using Equation 9, in metric tonnes CO₂ equivalent;

PE_R = GHG emissions under the project attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, calculated using Equation 10, in metric tonnes CO₂ equivalent.

Equation 9

$$BE_R = \sum_{i=1}^n (Q_i \times EF_{R,i} \times GWP_i)$$

Where:

BE_R = Baseline GHG emissions attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, in metric tonnes CO_2 equivalent;

i = Type of halocarbon;

n = Number of types of halocarbons;

Q_i = Total quantity of halocarbons of type i used or intended to be used as refrigerants that are recovered and sent for destruction, determined in accordance with the method in Appendix D, in metric tonnes of halocarbon of type i ;

$EF_{R,i}$ = GHG emission factor for halocarbon of type i used or intended to be used as a refrigerant, as indicated in section 26;

GWP_i = Global warming potential factor for halocarbon of type i , as indicated in section 22, in metric tonnes CO_2 equivalent per metric tonne of halocarbon of type i .

Equation 10

$$PE_R = Sub + (Tr + Dest)_R$$

Where:

PE_R = GHG emissions under the project attributable to the destruction of halocarbons used or intended to be used as refrigerants during the reporting period, in metric tonnes CO_2 equivalent;

Sub = Total GHG emissions attributable to substitute refrigerants, calculated using Equation 11, in metric tonnes CO_2 equivalent;

$(Tr + DEST)_R$ = GHG emissions attributable to the transportation and destruction of halocarbons used or intended to be used as refrigerants, calculated using Equation 12, in metric tonnes CO_2 equivalent;

Equation 11

$$Sub = \sum_{i=1}^n (Q_i \times EFS_i)$$

Where:

Sub = Total GHG emissions attributable to substitute refrigerants, in metric tonnes CO₂ equivalent;

i = Type of halocarbon;

n = Number of types of halocarbons;

Q_i = Total quantity of halocarbons of type i used or intended to be used as refrigerants that are recovered and sent for destruction, determined in accordance with the method in Appendix D, in metric tonnes of halocarbon of type i;

EFS_i = Emission factor for substitutes for halocarbons of type i as indicated in section 27, in metric tonnes CO₂ equivalent per metric tonne of halocarbon;

Equation 12

$$(TR + Dest)_R = Q \times 7.5$$

Where:

(Tr + DEST)_R = GHG emissions attributable to the transportation and destruction of halocarbons used or intended to be used as refrigerants, in metric tonnes CO₂ equivalent;

Q = Total quantity of halocarbons used or intended to be used as refrigerants that are recovered and sent for destruction, calculated using Equation 13, in metric tonnes of halocarbon;

7.5 = Default emission fact for the transportation and destruction of halocarbons, in metric tonnes CO₂ equivalent per metric tonne of halocarbon;

Equation 13

$$Q = \sum_{i=1}^n Q_i$$

Where:

Q = Total quantity of halocarbons used as refrigerants that are recovered and sent for destruction, in metric tonnes of halocarbons;

i = Type of halocarbon;

n = Number of types of halocarbons;

Q_i = Total quantity of halocarbons of type i used or intended to be used as refrigerants that are recovered and sent for destruction, determined in accordance with the method in Appendix D, in metric tonnes of halocarbon of type i .

26. For the purposes of this subdivision, the emission factors for each type of halocarbon used or intended to be used as a refrigerant are shown in the following table:

Type of halocarbon	Emission factor for halocarbons used or intended to be used as refrigerants ($EF_{R,i}$)
CFC-11	0.89
CFC-12	0.95
CFC-13	0.61
CFC-113	0.89
CFC-114	0.78
CFC-115	0.61
HCFC-22	0.72

27. For the purposes of this subdivision, the emission factors for substitute refrigerants for each type of halocarbon used or intended to be used as a refrigerant are shown in the following table:

Halocarbure used or intended to be used as a refrigerant	Emission factor for substitute refrigerants (EFS_i)
CFC-11	223
CFC-12	686
CFC-13	7,144
CFC-113	220
CFC-114	659
CFC-115	1,139
HCFC-22	389

DIVISION III

CONDITIONS APPLICABLE TO PROJECT SURVEILLANCE

28. The promoter is responsible for project surveillance, which includes all tasks relating to the collecting and recording of the data needed to quantify the GHG emission reductions attributable to the project, all tasks relating to the use, maintenance, verification and calibration of the measurement instruments used for data collection, and all tasks relating to the use and maintenance of devices and equipment used for project activities.

The promoter measures and monitors the surveillance parameters in accordance with the table in Appendix C.

§ 1. – Destruction facility

29. During the destruction of halocarbons, the operating parameters of the destruction facility must be monitored and recorded in accordance with good practice and the standards and regulatory requirements that apply to that type of activity.

30. The promoter must ensure the continuous monitoring of the following parameters during the entire halocarbon destruction process:

- (1) the halocarbon feed rate;
- (2) the operating temperature and pressure of the destruction facility during halocarbon destruction;
- (3) effluent discharges in terms of water and pH levels;
- (4) carbon monoxide emissions.

§ 2. – Surveillance plan

31. To ensure surveillance of the project, the promoter must establish a project surveillance plan, which must

- (1) specify the methods used to collect and record the data required for all the surveillance parameters in Appendix C, and specify the frequency of data acquisition;
- (2) specify the role of the person responsible for each monitoring activity, as well as the quality assurance and quality control measures taken to ensure that data acquisition and the verification of measurement instrument accuracy and calibration are carried out consistently, precisely and in accordance with this Chapter.

CHAPTER VI
PROJECT REPORT

DIVISION I
GENERAL CONDITIONS

32. The promoter must produce a project report for each reporting period referred to in section 20 not later than 4 months following the end of the reporting period concerned, with the content specified in Division II of this Chapter.

33. Every project report verified in accordance with Chapter VII in which the verifier has noted errors, omissions or inaccuracies must be corrected by the promoter before any issuance request for offset credits is made under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances

34. The promoter must, on request, provide the Minister with the project reports produced.

DIVISION II

CONTENTS OF THE PROJECT REPORT

35. The project report produced for the first reporting period must contain the following information and documents:

- (1) the information needed to identify the promoter and the promoter's representative, if any;
- (2) where the promoter has retained the services of a professional or of another person to prepare or carry out the project,
 - (a) the information needed to identify the professional or person;
 - (b) a summary of the tasks entrusted to the professional or person;
 - (c) where applicable, a declaration by the professional or person that the information and documents produced are complete and accurate;
- (3) the project code given to the project by the Minister after receiving the project notice referred to in Chapter IV;
- (4) a detailed description of the project;
- (5) information about the location of the project and identification of all project sites, including
 - (a) the storage sites for appliances and the halocarbons recovered;
 - (b) the facility sites where the halocarbons are extracted;
 - (c) halocarbon destruction facilities;
 - (d) the facility sites for recycling appliances, if any;
- (6) the information needed to identify the owners and the owners' representatives, if any, for each project site;

- (7) a description of the GHG sources, sinks and reservoirs forming the project boundaries;
- (8) a demonstration that the project meets the conditions set out in Division I of Chapter II, including a copy of any relevant document;
- (9) a copy of any authorization needed to carry out the project;
- (10) when the environmental impacts of the project have been analyzed, a summary of the analysis and its conclusions;
- (11) information about financial assistance received for the project under any other program for GHG emission reductions;
- (12) the project surveillance plan referred to in subdivision 2 of Division II of Chapter V;
- (13) the start and end dates for the reporting period covered by the project report;
- (14) a description of any problem occurring during the operation of the project that may affect the quantity of GHG emission reductions attributable to the project;
- (15) the GHG emission reductions attributable to the project for the reporting period, quantified annually in accordance with Chapter V, in metric tonnes CO₂ equivalent, along with the calculation methods and all the information and documents used to make the quantification, including a copy of the raw measurement data used for quantification purposes;
- (16) the following information on the chain of traceability for halocarbons:
 - (a) the location information for each storage site where recovered appliances or a quantity of halocarbons exceeding 225 kg are transferred;
 - (b) in the case of equipment containing more than 225 kg of halocarbons, the address of the last place where the equipment was located before being decommissioned;
 - (c) the information needed to identify each party involved in each stage of the project, and the quantity of appliances, foam or halocarbons transferred, sold or handled by each party;
 - (d) any document identifying persons in possession of appliances, foam and halocarbons at each stage in the project, and showing the transfer of possession and ownership of the appliances, foam and halocarbons;

- (e) for each appliance containing foam that is recovered:
 - i. the type of appliance;
 - ii. its size;
 - iii. its storage capacity;
 - iv. its serial number, if available;
- (17) the serial number or identification number of the containers used for halocarbon storage and transportation;
- (18) the following information on halocarbon extraction:
 - (a) the number of appliances containing foam from which halocarbons have been extracted;
 - (b) the number of appliances of residential origin containing refrigerants from which halocarbons been extracted;
 - (c) processes, training, and quality assurance, quality control and extraction process management processes;
- (19) the certificates of destruction for all the halocarbons destroyed during the project, issued by the facility that destroyed the halocarbons, specifying
 - (a) the name of the project promoter;
 - (b) the information needed to identify and locate the destruction facilities;
 - (c) the name and signature of the person responsible for the destruction operations;
 - (d) the identification number on the certificate of destruction;
 - (e) the serial, tracking or identification number of all containers for which halocarbon destruction occurred;
 - (f) the weight and type of halocarbons destroyed for each container, including the weight tickets generated in accordance with Appendix D;
 - (g) the destruction start date and time;
 - (h) the destruction end date and time;

- (20) a description of the methods used to extract foam or refrigerant from appliances, extract halocarbons from foam and destroy halocarbons;
- (21) for projects to destroy halocarbons contained in foam, an estimate of the quantity of foam recovered, in metric tonnes;
- (22) the procedures used to analyze halocarbon mixtures, if Division 2 of Appendix D applies;
- (23) for each site not owned by the promoter, a declaration signed by the owner of the site attesting that the owner has authorized the carrying out of the project by the promoter and undertakes, with respect to the GHG emission reductions covered by the project report, not to make a request for offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances or a request for credits under another voluntary or regulatory program for GHG emission reductions;
- (24) a declaration signed by the promoter or the promoter's representative attesting that no offset credits for the GHG emission reductions covered by the project report have been issued pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and that no credits have been or will be issued under another voluntary or regulatory program for GHG emissions reduction;
- (25) a declaration signed by the promoter or the promoter's representative attesting that the project is carried out in accordance with this Regulation and that the documents and information provided are complete and accurate.

The information and documents relating to halocarbons contained in foam must be kept separate from the information and documents relating to halocarbons used or intended to be used as refrigerants.

36. Every subsequent project report must include the following information and documents:

- (1) the information and documents listed in subparagraphs 1 to 3 and 13 to 25 of the first paragraph of section 35;
- (2) a detailed description of any change made to the project since the end of the preceding reporting period or to the information contained in the project report produced for that period and, where applicable, a demonstration that the project still meets the requirements of Division I of Chapter II and of the project surveillance plan if that plan has been amended.

The information and documents relating to halocarbons contained in foam must be kept separate from the information and documents relating to halocarbons used or intended to be used as refrigerants.

CHAPTER VII

VERIFICATION

DIVISION I

GENERAL CONDITIONS

37. The promoter must entrust every verification of a project report to a verification organization accredited under ISO 14065 by a member of the International Accreditation Forum in Canada or the United States and according to an ISO 17011 program, with respect to the sector of activity for the project.

Despite the first paragraph, the verification of a project report may be entrusted to a verification organization that is not yet accredited, provided it is accredited in accordance with the first paragraph in the year following the verification of the project report.

38. The promoter may entrust the verification of a project report to a verification organization in accordance with section 37 if the organization, the verifier designated by that organization and the other members of the verification team

(1) have not acted for the promoter, in the 3 preceding years, as a consultant for the purpose of developing the project or calculating the GHG emission reductions attributable to the project;

(2) have not verified project reports covering more than six consecutive reporting periods for the project being verified;

(3) have verified the project reports for fewer than seven out of the last nine of the promoter's projects. Project order is determined by the start date for each project.

In addition, when the promoter wishes to have the project report verified by a verification organization other than the organization that verified the report for the preceding reporting period, the verification organization to which the verification is entrusted, the verifier designated by that organization to carry out the verification and the other members of the verification team, must not have verified a project report covering the three preceding project periods for that project.

39. In addition to the requirements of the standards ISO 14064-3 and ISO 14065 concerning conflicts of interest, the promoter must ensure that none of the following situations exists between the promoter, its officers, the verification organization and the members of the verification team referred to in section 38:

(1) a member of the verification team or a close relative of that member has personal ties with the promoter or one of its officers;

(2) during the 3 years preceding the year of the verification, one of the members of the verification team was employed by the promoter;

- (3) during the 3 years preceding the year of the verification, one of the members of the verification team provided the promoter with one of the following services:
- (a) the design, development, commissioning or maintenance of a data inventory or data management system for GHG emissions from the establishment or facility of the promoter or, where applicable, for data on electricity or fuel transactions;
 - (b) the development of GHG emission factors, or the design and development of other data used for quantification purposes for any GHG emission reductions;
 - (c) a consultation concerning GHG emission reductions or GHG withdrawals from the atmosphere, in particular the design of an energy efficiency or renewable energy project and the assessment of assets relating to greenhouse gas sources, sinks and reservoirs;
 - (d) the preparation of manuals, guides or procedures connected with the reporting of the promoter's GHG emissions under the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15);
 - (e) consultation in connection with a GHG allowances market, including
 - i. brokerage, with or without registration, while acting as a promoter or subscriber on behalf of the promoter;
 - ii. advice concerning the suitability of a GHG emissions transaction;
 - iii. the holding, purchase, sale, negotiation or withdrawal of emission allowances referred to in the second paragraph of section 46.6 of the Environment Quality Act;
 - (f) a consultation in the field of health and safety and environmental management, including a consultation leading to ISO 14001 certification;
 - (g) actuarial consulting, bookkeeping or other consulting services relating to accounting documents or financial statements;
 - (h) a service connected with the management systems of data related to a project of the promoter that is eligible for the issuance of offset credits;
 - (i) an internal audit of GHG emissions;
 - (j) a service provided in connection with litigation or an inquiry into GHG emissions;

(k) a consultation for a GHG emissions reduction project carried out in accordance with this Regulation or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;

(4) the independent verification examiner has previously provided the promoter with a verification service or other services referred to in subparagraph 3 for the reporting periods covered by the verification.

The existence of one of the situations described in the first paragraph or contravening section 38 is considered to be a conflict of interest that invalidates the verification.

For the purposes of this section, a close relative of a member of the verification team is that person's spouse, child, spouse's child, mother or father, mother's or father's spouse, child's spouse or spouse's child's spouse.

DIVISION II

CONDUCT OF THE VERIFICATION

40. The verification of a project report must be conducted in accordance with ISO 14064-3 and also in accordance with the terms and conditions of this Division, and in compliance with the provisions of the Professional Code.

41. For the purposes of a verification the promoter and, where applicable, the owner of each project site, including storage sites for the appliances and halocarbons recovered during the project, the facility sites where halocarbons are extracted, the facility sites where halocarbons are destroyed and, where applicable, the facility where appliances are recycled, must provide the verifier with any information or document needed for the conduct of the verification and give access to the site or facility where the project is carried out.

42. The verification of a project report must include a visit by the verifier to each facility where halocarbons are destroyed as part of the project.

In addition, the verification of the project report produced for the first reporting period must include a visit of every facility where halocarbons are extracted from foam.

The visit of the facilities must allow the verifier, in particular, to observe the proper conduct and operation of the project and any change made to the project since the preceding verification. During the visit of a facility, the verifier must be accompanied by the promoter, the promoter's representative or the person responsible for the facility.

43. The verifier must use the operating data from the halocarbon destruction facility to determine whether, during the halocarbon destruction process, the facility was operating in conditions that met the requirements of any authorization necessary to pursue activities at that facility.

44. The verifier must conduct the verification in a way that supports a conclusion, with reasonable assurance, that the project report meets the conditions set out in this Regulation and that the GHG emission reductions attributable to the project are quantified and recorded in the project report with no significant errors, omissions or inaccuracies.

For the purposes of this Regulation, “significant errors, omissions or inaccuracies” means any errors, omissions or inaccuracies in the GHG emission reductions quantified and recorded in the project report for a reporting period that, individually or as an aggregate, result in an over-estimate or under-estimate of GHG emission reductions greater than 5%.

45. A verifier who, during a verification, observes an error, omission or inaccuracy in the quantification of the GHG emission reductions attributable to the project, or a failure to comply with a condition of this Regulation, must inform the promoter.

46. A verifier who, following the verification of a project report, concludes that the report meets the conditions of this Regulation and contains no significant errors, omissions or inaccuracies, must give the promoter a notice of positive verification attesting, with reasonable assurance, that the quantification of the GHG emission reductions attributable to the project is free of any significant error, omission or inaccuracy and that the project report meets the conditions of this Regulation.

A verifier who, following the verification of a project report, observes a failure to comply with a condition for the quantification of GHG emission reductions that cannot be corrected by the promoter must assess its impact on the GHG emission reductions recorded in the project report and determine if it leads to significant errors, omissions or inaccuracies. If a failure to comply with a condition for the quantification of GHG emission reductions cannot be corrected by the promoter but does not lead to significant errors, omissions or inaccuracies, and if the verifier concludes that the other conditions of the Regulation have been complied with and that there are no significant errors, omissions or inaccuracies, the verifier gives the promoter a notice of positive verification.

DIVISION III

VERIFICATION REPORT

47. The verification of a project report must be recorded in a verification report.

48. The verification report must include the following information and documents:

- (1) the information needed to identify the verification organization and the verifier designated to conduct the verification, the other members of the verification team and the independent examiner;

- (2) the information needed to identify the accrediting organization that accredited the verification organization for the verification, the sector of activity covered by the accreditation of the verification organization, and the period of validity of the accreditation;
- (3) information about the project, the project report or reports covered by the verification, and the quantity of GHG emission reductions attributable to the project for each reporting period concerned;
- (4) the verification plan and a description of the activities completed by the verifier to verify the project report or reports, along with all exchanges of information between the verifier and the promoter for the purposes of the verification;
- (5) the period during which the verification was conducted and the date of any visits to facilities where halocarbons are destroyed or facilities where halocarbons are extracted from foam;
- (6) a list of any errors, omissions or inaccuracies observed in the quantification of the GHG emission reductions attributable to the project, and of any conditions of this Regulation that have not been met, including the following information concerning the error, omission, inaccuracy or condition:
 - (a) its description;
 - (b) the date on which the promoter was informed of it;
 - (c) where applicable, a description of any action taken by the promoter to correct it, and the date of that action;
 - (d) in the case of a failure to comply with a condition governing the quantification of the GHG emission reductions attributable to the project that cannot be corrected by the promoter, an assessment of the impact of each failure on the quantification of GHG emission reductions and a notice from the verifier concerning any significant errors, omissions or inaccuracies within the meaning of the second paragraph of section 44 that may result from that failure;
- (7) if applicable, the version and date of each project report revised following the verification;
- (8) where the verifier observes errors, omissions or inaccuracies in the quantification of GHG emission reductions attributable to the project made by the promoter, the annual and total quantity of GHG emission reductions which, according to the verifier, are actually attributable to the project, expressed in metric tonnes CO₂ equivalent;

- (9) the verification notice given to the promoter pursuant to section 50, along with the justification for the notice;
- (10) a declaration by the verification organization and verifier that the verification was conducted in accordance with this Regulation and ISO 14064-3;
- (11) a declaration concerning conflicts of interest, including
 - (a) the information needed to identify the verification organization, the members of the verification team and the independent examiner;
 - (b) a copy of the organization chart for the verification organization;
 - (c) a declaration signed by a representative of the verification organization attesting that the conditions of sections 38 and 39 of this Regulation have been met and that the risk of conflict of interest is acceptable.

CHAPTER VIII

ADMINISTRATIVE AND PENAL

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

49. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

- (1) in contravention of this Regulation, refuses or fails to file any notice, information, report or other document, or fails to produce it within the required time;
- (2) contravenes the first and second paragraphs of section 9, the first paragraph of section 37 or section 41;
- (3) contravenes any other requirement of this Regulation, if no other monetary administrative penalty is otherwise specified for that contravention by this Chapter or by the Environment Quality Act

50. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who contravenes section 38

DIVISION II

PENAL SANCTIONS

51. Every person who

- (1) refuses or fails to file any notice, information, report or other document, or fails to produce it within the required time;

(2) contravenes the first and second paragraphs of section 9, the first paragraph of section 37 or section 41;

(3) contravenes any other requirement of this Regulation, if no other penal sanction is otherwise specified for that contravention by this Chapter or by the Environment Quality Act;

commits an offence and is liable, in the case of a natural person, to a fine of \$3,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

52. Every person who contravenes section 38 commits an offence and is liable, in the case of a natural person, to a fine of \$6,000 to \$250,000 and, in other cases, to a fine of \$25,000 to \$1,500,000.

53. Every person who, for the purposes of this Regulation, communicates to the Minister information that is false or misleading commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, and, in other cases, to a fine of \$15,000 to \$3,000,000.

CHAPTER IX

TRANSITIONAL AND FINAL

DIVISION I

TRANSITIONAL

54. Projects to destroy ozone depleting substances referred to in Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and registered in accordance with Chapter IV of Title III of that Regulation as it read on (*insert the date preceding the date of coming into force of this Regulation*) are deemed to be projects eligible for the issuance of offset credits for which a project notice was filed with the Minister in accordance with section 11 of this Regulation on the date of coming into force of this Regulation.

Despite the first paragraph of section 5 of this Regulation, the eligibility period for a project referred to in the first paragraph is the period beginning on the project start date and ending on (*insert the date occurring 1 year after the date of coming into force of this Regulation*).

The other provisions of this Regulation apply, adapted as required.

55. Despite section 12, a project that began between 1 January 2017 and (*insert the date occurring 1 year before the date of coming into force of this Regulation*) may be covered by a project notice filed with the Minister in the 6 months following the date of coming into force of this Regulation if the project meets the conditions of section 3 and one of the following conditions:

(a) the halocarbons destroyed during the project are of type HCFC-22, when destroyed after 31 December 2019, CFC-11, CFC-12, CFC-13, CFC-113, CFC-114 or CFC-115, and were used or intended to be used as refrigerants in refrigeration, freezer or air-conditioning appliances or systems from industrial, commercial or institutional sources;

(b) the halocarbons destroyed during the project are of type HFC-143a or HFC-254fa and were contained in foam;

(c) the halocarbons destroyed during the project are of type HCFC-22, used or intended to be used as refrigerants in refrigeration, freezer or air-conditioning appliances of residential origin, and are destroyed after 31 December 2019.

A project notice filed with the Minister pursuant to the first paragraph must contain the documents and information listed in paragraphs 1 to 8 of section 12 and must be filed before the filing of the first request for the issuance of offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

56. Despite section 5, the eligibility period for a project referred to in the first paragraph of section 55 is the period beginning on the project start date and ending on *(insert the date of coming into force of this Regulation)*

57. Despite the second paragraph of section 20, the first reporting period for a project referred to in the first paragraph of section 55 covers the whole of the period between the project start date and *(insert the date of coming into force of this Regulation)*.

DIVISION II

FINAL

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

APPENDIX A

(section 2)

LIST OF HALOCARBONS**1.** When contained in foam:

CFC-11: trichlorofluoromethane;

CFC-12: dichlorodifluoromethane;

HCFC-22: chlorodifluoromethane;

HCFC-141b: 1,1-dichloro-1-fluoroethane;

HFC-134a: 1,1,1,2-tetrafluoroethane;

HFC-245fa: 1,1,1,3,3-pentafluoropropane.

2. When used or intended to be used as refrigerants for refrigeration, freezer or air-conditioning appliances:

CFC-11: trichlorofluoromethane;

CFC-12: dichlorodifluoromethane;

CFC-13: chlorotrifluoromethane;

CFC-113: 1,1,2-trichloro-1,2,2-trifluoroethane;

CFC-114: 1,2-dichloro-1,1,2,2-tetrafluoroethane;

CFC-115: 1-chloro-1,1,2,2,2-pentafluoroethane;

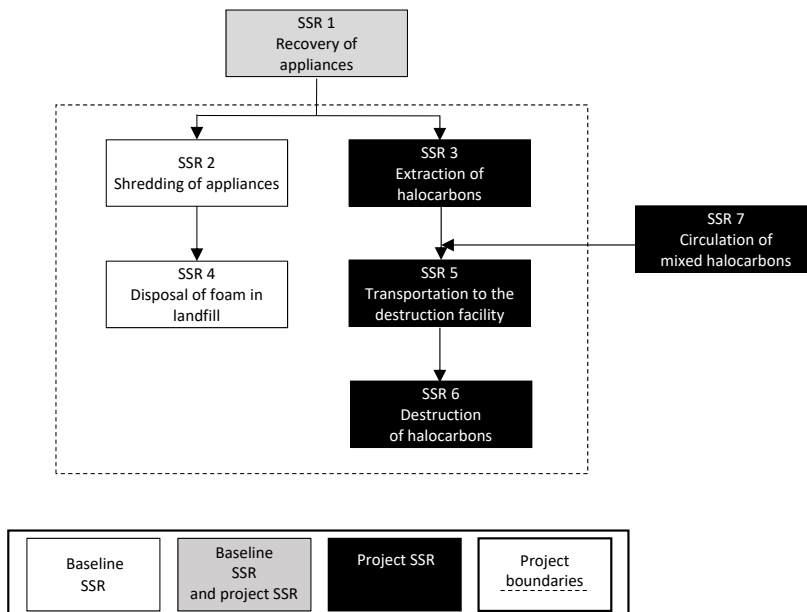
HCFC-22: chlorodifluoromethane, when destroyed after 31 December 2019.

APPENDIX B

(sections 17 and 18)

PROJECT BOUNDARIES

Figure 1: Illustration of the project boundaries that apply to the destruction of halocarbons contained in foam



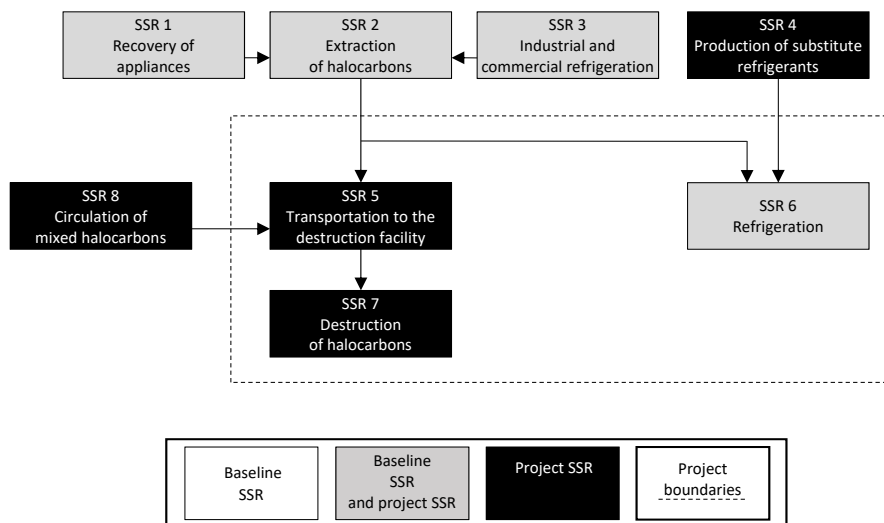
Explanatory note: The baseline scenario shows the GHG sources, sinks and reservoirs (SSRs) that are present in the absence of any project eligible for the issuance of offset credits. The project scenario shows the SSRs that are present when a project is implemented. Not all of these SSRs necessarily form part of the project eligible for the issuance of offset credits; only the SSRs within the project boundaries must be considered.

Table 1. Description of the GHG sources, sinks and reservoirs (SSRs) that apply to the destruction of halocarbons contained in foam

SSR #	Description	GHG targeted	Applicability: Baseline scenario (B) and/or Project scenario (P)	Included in or Excluded from project boundaries
1 -Appliance collection	Fossil fuel emissions attributable to the collection and transportation of end-of-life appliances	CO ₂	B, P	Excluded
		CH ₄	B, P	Excluded
		N ₂ O	B, P	Excluded
2 - Appliance shredding	Emissions of halocarbons attributable to the shredding of appliances for materials recovery	Halocarbons	B	Included
3 - Extraction of halocarbons	Emissions of halocarbons attributable to the removal of foam from appliances	Halocarbons	P	Included
4 – Disposal of foam in landfill	Emissions of halocarbons attributable to the disposal of foam at a landfill site	Halocarbons	B	Included
	Emissions of halocarbon degradation products attributable to the disposal of foam at a landfill site	HCFC	B	Excluded
	Fossil fuel emissions attributable to the transportation of shredded foam and disposal at a landfill site	CO ₂	B	Excluded
		CH ₄	B	Excluded
		N ₂ O	B	Excluded

5 - Transportation to the destruction facility	Fossil fuel emissions attributable to the transportation of halocarbons to the destruction facility	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
6 - Destruction of halocarbons	Emissions of halocarbons attributable to incomplete destruction at destruction facility	Halocarbons	P	Included
	Emissions attributable to the oxidation of carbon contained in the halocarbons destroyed	CO ₂	P	Included
	Fossil fuel emissions attributable to the destruction of halocarbons in a destruction facility	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
	Indirect emissions attributable to the use of electricity	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
	Emissions from the fossil fuels consumed during the circulation of mixed halocarbons	CO ₂	P	Excluded
		CH ₄	P	Excluded
		N ₂ O	P	Excluded

Figure 2 : Illustration of the project boundaries that apply to the destruction of halocarbons used or intended to be used as refrigerants



Explanatory note: The baseline scenario shows the GHG sources, sinks and reservoirs (SSRs) that are present in the absence of any project eligible for the issuance of offset credits. The project scenario shows the SSRs that are present when a project is implemented. Not all of these SSRs necessarily form part of the project eligible for the issuance of offset credits; only the SSRs within the project boundaries must be considered.

Table 2. Description of the GHG sources, sinks and reservoirs (SSRs) that apply to the destruction of halocarbons used or intended to be used as refrigerants

SSR #	Description	GHGs targeted	Applicability: Baseline scenario (B) and/or Project scenario (P)	Included in or Excluded from project boundaries
1 - Appliance collection	Fossil fuel emissions attributable to the collection and transportation of end-of-life appliances	CO ₂	B, P	Excluded
		CH ₄	B, P	Excluded
		N ₂ O	B, P	Excluded
2 - Extraction of halocarbons	Emissions of halocarbons attributable to the extraction and collection of refrigerants from end-of-life equipment or equipment undergoing maintenance	Halocarbons	B, P	Excluded
	Fossil fuel emissions attributable to the extraction and collection of refrigerants from end-of-life equipment or equipment undergoing maintenance	CO ₂	B, P	Excluded
		CH ₄	B, P	Excluded
		N ₂ O	B, P	Excluded

3 – Industrial and commercial refrigeration	Emissions of halocarbons attributable to equipment leakage and maintenance	Halocarbons	B, P	Excluded
	Fossil fuel emissions attributable to the operation of refrigeration and air-conditioning equipment	CO ₂	B, P	Excluded
		CH ₄	B, P	Excluded
		N ₂ O	B, P	Excluded
4 - Production of substitute refrigerant	Substitute refrigerant emissions during production	CO ₂ e	P	Excluded
	Fossil fuel emissions during the production of substitute refrigerants	CO ₂	P	Excluded
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
5 – Transportation to the destruction facility	Fossil fuel emissions attributable to transportation of halocarbons to the destruction facility	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
6 - Refrigeration	Emissions of halocarbons attributable to leakage and maintenance during the continuous operation of equipment	Halocarbons	B	Included
	Substitute refrigerant emissions attributable to leakage and maintenance during the continuous operation of equipment	CO ₂ e	P	Included
	Indirect emissions attributable to the use of electricity	CO ₂	B, P	Excluded
		CH ₄	B, P	Excluded
		N ₂ O	B, P	Excluded
7 - Destruction of halocarbons	Emissions of halocarbons attributable to incomplete destruction at the destruction facility	Halocarbons	P	Included
	Emissions attributable to the oxidation of carbon contained in the halocarbons destroyed	CO ₂	P	Included
	Fossil fuel emissions attributable to the destruction of halocarbons in a destruction facility	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
	Indirect emissions attributable to the use of electricity	CO ₂	P	Included
		CH ₄	P	Excluded
		N ₂ O	P	Excluded
8 - Circulation of mixed halocarbons	Emissions from the fossil fuels consumed during the circulation of mixed halocarbons	CO ₂	P	Excluded
		CH ₄	P	Excluded
		N ₂ O	P	Excluded

APPENDIX C*(sections 28 and 31)***SURVEILLANCE PARAMETERS**

1. Surveillance parameters applicable to the destruction of halocarbons contained in foam:

Parameter	Description of parameter	Unit of measurement	Method	Frequency of measurement	Equation applicable
Foam _{rec}	Total quantity of foam recovered prior to extraction of halocarbons	Metric tonnes of foam	Measured and calculated	At each reporting period	Equation 8 in section 25
BA _{final, i}	Total quantity of halocarbons contained in foam of type i extracted and sent for destruction during the project	Metric tonnes of halocarbons of type i	Measured and calculated, using the method in Appendix D	At each reporting period	Equation 4 in section 23, Equation 10 in section 25 and Equation 17 in Appendix E
N/A	Mass of each container filled with halocarbons from foam	Metric tonnes	Measured	At each reporting period	N/A
N/A	Mass of each empty container for projects to destroy halocarbons contained in foam	Metric tonnes	Measured	At each reporting period	N/A

N/A	Quantity of halocarbons contained in foam, in each container	Metric tonnes	Calculated	At each reporting period	N/A
N/A	Concentration of each type of halocarbons contained in foam, in each container	%	Measured	At each reporting period	N/A
N/A	Quantity of each type of halocarbons contained in foam, in each container	Metric tonnes of halocarbon of type i	Calculated	At each reporting period	N/A
CBA	Concentration of halocarbons in foam prior to removal from appliances	Metric tonnes of halocarbons per metric tonne of foam	Measured and calculated	At each reporting period	Equation 8 in section 25
N ₁	Number of appliances of type 1	None	Measured	At each reporting period	Equation 7 in section 23
N ₂	Number of appliances of type 2	None	Measured	At each reporting period	Equation 7 in section 23
N ₃	Number of appliances of type 3	None	Measured	At each reporting period	Equation 7 in section 23
N ₄	Number of appliances of type 4	None	Measured	At each reporting period	Equation 7 in section 23

2. Surveillance parameters applicable to the destruction of halocarbons used or intended to be used as refrigerants:

Parameter	Description of parameter	Unit of measurement	Method	Frequency of measurement	Equation applicable
N/A	Mass of each container filled with halocarbons used as refrigerants	Metric tonnes	Measured	At each reporting period	N/A
N/A	Mass of each empty container for projects to destroy halocarbons used as refrigerants	Metric tonnes	Measured	At each reporting period	N/A
N/A	Quantity of halocarbons used as refrigerants, in each container	Metric tonnes	Calculated	At each reporting period	N/A
N/A	Concentration of each type of halocarbons used as refrigerants, in each container	%	Analyzed in the laboratory	At each reporting period	N/A
N/A	Quantity of each type of halocarbons used as refrigerants, in each container	Metric tonnes of halocarbon of type i	Calculated	At each reporting period	N/A
Q_i	Total quantity of halocarbons used as refrigerants of type <i>i</i> recovered and sent for destruction	Metric tonnes of halocarbons of type i	Measured and calculated, using the method in Appendix D	At each reporting period	Equations 9, 11 et 13 in section 25

APPENDIX D

(sections 23, 25 and 35)

METHOD TO DETERMINE THE TOTAL QUANTITY OF HALOCARBONS OF EACH TYPE**1. Determination of the quantity of halocarbons in each container**

The quantity of halocarbons destroyed must be determined at the destruction facility by an authorized person, by weighing each container when it is full of halocarbons prior to destruction and after it has been emptied and its contents have been destroyed.

The quantity of halocarbons is equal to the difference between the mass of the container when full and when empty.

Each halocarbon container must be weighed at the destruction facility:

- (1) using a single scale to generate both full and empty weight tickets;
- (2) ensuring that the scale has been calibrated by the manufacturer or by a third person certified for that purpose less than 3 months before the weighing, to an accuracy of $\pm 5\%$;
- (3) weighing the full container not more than 2 days prior to commencing the destruction of the halocarbons;
- (4) weighing the empty container not more than 2 days after the destruction of the halocarbons.

2. Circulation of mixed halocarbons

For each sample that does not contain over 90% of the same type of halocarbon, the promoter must, in addition to the conditions provided for in Division 1 of this Appendix, also meet the following conditions concerning mixed halocarbon.

The circulation of the halocarbon mixture must be conducted at the destruction facility or prior to delivery of the halocarbon to such a facility, by a person who is independent of the promoter and of the destruction facility and who is properly trained to carry out this task.

Prior to sampling, the halocarbon mixture must be circulated in a container that meets all of the following conditions:

(1) the container has no solid interior obstructions other than mesh baffles or other interior structures that do not impede circulation;

(2) the container was fully evacuated prior to filling;

(3) the container has ports to sample liquid and gas phase halocarbons;

(4) the sampling ports are located in the middle third of the container and not at one end or the other;

(5) the container and associated equipment can circulate the mixture through a closed loop system from the bottom to top.

If the original mixed halocarbon container does not meet these requirements, the mixed halocarbon must be transferred into a compliant temporary container.

The mass of the halocarbon mixture transferred into the temporary container must be calculated and recorded. In addition, transfers of halocarbons between containers must be carried out at a pressure that meets the applicable standards for the place where the project is located.

Once the mixed halocarbons are in a container that meets the above criteria, they must be circulated as follows:

(1) liquid mixtures must be circulated from the liquid port to the vapour port;

(2) a volume of the mixture equal to 2 times the volume in the container must be circulated;

(3) circulation must occur at a rate of at least 114 litres per minute unless the liquid mixture has been circulating continuously for at least 8 hours;

(4) the start and end times must be recorded.

3. Sampling

Sampling must be conducted for each halocarbon container:

(1) in the case of pure halocarbons, 1 sample must be taken at the destruction facility;

(2) in the case of halocarbon mixtures that have been circulated at the destruction facility, a minimum of 2 samples must be taken during the last 30 minutes of circulation and the samples must be taken from the bottom liquid port;

(3) in the case of halocarbon mixtures that have been circulated prior to delivery to the destruction facility, a minimum of 2 samples must be taken in accordance with subparagraph 2, and 1 additional sample must be taken at the destruction facility.

If more than one sample is taken for a single container, the promoter must use the results from the sample with the weighted halocarbon concentration with the least global warming potential.

The sampling must be conducted in accordance with the following conditions:

(1) the samples must be taken by a person who is independent of the promoter and of the destruction facility and has the necessary training to carry out this task;

(2) the samples must be taken with a clean, fully evacuated sample bottle with a minimum capacity of 0.454 kg;

(3) each sample must be taken in a liquid state;

(4) a minimum sample size of 0.454 kg must be drawn for each sample;

(5) each sample must be individually labeled and tracked according to the container from which it was taken;

(6) the following information must be recorded for each sample:

(a) the time and date of the sample;

(b) the name of the promoter for whom the sampling is conducted;

(c) the name and contact information of the technician who took the sample, and of the technician's employer;

(d) the volume of the container from which the sample was drawn;

(e) the ambient air temperature at the time of sampling;

(f) the chain of traceability of each sample, from the point of sampling to the accredited laboratory.

4. Analysis of samples

The quantity and type of halocarbon must be determined by having a sample from each container analyzed by one of the following laboratories:

(1) the Centre d'expertise en analyse environnementale du Québec;

(2) a laboratory that is independent of the promoter and of the destruction facility and accredited for analysis of halocarbons by the Air-Conditioning, Heating and Refrigeration Institute in accordance with the most recent version of AHRI 700 of that organization.

All the halocarbon samples for the project must be sampled to determine the following:

- (1) the type of each halocarbon;
- (2) the quantity, in metric tonnes, and concentration, in metric tonnes of halocarbon of type i per metric tonne of gas, in each type of halocarbon in the gas, using gas chromatography;
- (3) the moisture content of each sample;
- (4) the high boiling residue from the halocarbon sample, which must be below 10% of the total mass of the sample.

In the case of halocarbon mixtures, the analysis must determine the weighted concentrations of the halocarbon on the basis of their global warming potential for samples taken in accordance with subparagraph 2 of the first paragraph of Division 3 of this Appendix.

A certificate of the sampling results must be issued by the laboratory that conducted the analysis and a copy of the certificate must be included with the project report.

If the moisture content determined under subparagraph 3 of the second paragraph is above 75% of the saturation point for the halocarbon, the promoter must dry the halocarbon mixture and, in the case of mixed halocarbons, conduct the circulation again in accordance with the method provided for in Division 2 of this Appendix, and sample and analyze it in accordance with the method in Divisions 3 and 4 of this Appendix.

5. Determination of the total quantity of halocarbons of type i contained in foam extracted and sent for destruction ($BA_{\text{final}, i}$) and the total quantity of halocarbons of type i used as refrigerants that are extracted and sent for destruction (Q_i)

Based on the mass of the halocarbons in each container and the concentration of each sample, the promoter must

- (1) calculate the quantity of each type of halocarbon in each container, by deducting the weight of the high boiling residue;
- (2) add together the quantities of each type of halocarbon in each container to obtain the factor $BA_{\text{final}, i}$, namely the total quantity of halocarbons of type i contained in the foam, or the factor Q_i , namely the total quantity of halocarbons of type i used as refrigerants extracted and sent for destruction under the project.

APPENDIX E

(section 23)

METHOD TO DETERMINE THE EFFICIENCY OF THE EXTRACTION PROCESS FOR HALOCARBONS CONTAINED IN FOAM**1. Calculation methods for the initial quantity of halocarbons contained in foam**

To calculate the extraction efficiency, the promoter must first calculate the quantity of halocarbons contained in the foam prior to its removal from the appliances, based on the storage capacity of the appliances using method A, or based on foam samples using method B.

Method A - Calculation of the initial quantity of halocarbons contained in foam based on the storage capacity of the appliances

The promoter may calculate the initial quantity of halocarbons contained in foam using Equation 14 and data from Table 1:

Equation 14

$$BA_{init} = (N_1 \times M_1) + (N_2 \times M_2) + (N_3 \times M_3) + (N_4 \times M_4)$$

Where:

BA_{init} = Initial quantity of halocarbons contained in foam prior to removal from appliances, in metric tonnes;

N_1 = Number of appliances of type 1;

N_2 = Number of appliances of type 2;

N_3 = Number of appliances of type 3;

N_4 = Number of appliances of type 4;

M_1 = Metric tonnes of halocarbon per appliance of type 1;

M_2 = Metric tonnes of halocarbon per appliance of type 2;

M_3 = Metric tonnes of halocarbon per appliance of type 3;

M_4 = Metric tonnes of halocarbon per appliance of type 4.

Table 1 - Quantity of halocarbon by type of appliance

Type of appliance	Storage capacity (SC)	Metric tonnes of halocarbons per appliance
Type 1	SC < 180 litres	0.00024
Type 2	180 litres ≤ SC < 350 litres	0.00032
Type 3	350 litres ≤ SC < 500 litres	0.0004
Type 4	SC ≥ 500 litres	0.00048

Method B - Calculation of the initial quantity of halocarbons contained in foam based on samples

The initial quantity of halocarbons contained in foam may be calculated using samples from at least 10 appliances and the following method:

(1) have the initial concentration of halocarbons in the foam determined by a laboratory independent of the promoter in accordance with Division 4 of Appendix D and in the following manner:

(a) by cutting 4 foam samples from each appliance (left side, right side, top, bottom) using a reciprocating saw, each sample being at least 10 cm² and the full thickness of the insulation;

(b) by sealing the cut edges of each foam sample using aluminum tape or a similar product that prevents off gassing;

(c) by individually labelling each sample to record appliance model and site of sample (left, right, top, bottom);

(d) by analyzing the samples using the procedure in paragraph 4; the samples may be analyzed individually (4 analyses per appliance) or a single analysis may be done using equal masses of foam from each sample (1 analysis per appliance);

(e) based on the average concentration of halocarbons in the samples from each appliance, by calculating the 90% upper confidence limit of the halocarbon concentration in the foam, and using that value as the “CBA” factor in Equation 15 to calculate the initial quantity of halocarbons contained in foam from appliances;

(2) determine the quantity of foam removed from the appliances processed, namely the factor “Foam_{rec}” in equation 15, using a default value of 5.85 kg per appliance and multiplying by the number of appliances processed or using the following method:

(a) by separating and collecting all foam residual, which may be in a fluff, power or pelletized form, and by documenting the processes to demonstrate that no significant quantity of foam residual is lost in the air or other waste streams;

(b) by separating non-foam components in the residual (such as metal or plastic);

(c) by weighing the recovered foam residual prior to halocarbon extraction to calculate the total mass of foam recovered;

(3) calculate the initial quantity of halocarbons contained in foam prior to removal from appliances using equation 15:

Equation 15

$$BA_{init} = Foam_{rec} \times CBA$$

Where:

BA_{init} = Initial quantity of halocarbons contained in foam prior to removal from appliances, in metric tonnes;

$Foam_{rec}$ = Total quantity of foam recovered prior to extraction of halocarbons, in metric tonnes;

CBA = Concentration of halocarbon in foam prior to removal from appliances, in metric tonnes of halocarbon per metric tonne of foam;

(4) analyze the foam samples from appliance in accordance with the following requirements:

(a) the analysis of the content and mass ratio of the halocarbons from foam must be done at a laboratory in accordance with Division 4 of Appendix D;

(b) the analysis must be done using the heating method to extract halocarbons from the foam in the foam samples, as described in the article "Release of Fluorocarbons from Insulation Foam in Home Appliances during Shredding" published by Scheutz, Fredenslund, Kjeldsen and Tant in the Journal of the Air & Waste Management Association (December 2007, Vol. 57, pages 1452-1460), and set out below:

i. each sample must be prepared to a thickness no greater than 1 cm, placed in a 1123 ml glass bottle, weighed using a calibrated scale, and sealed with Teflon-coated septa and aluminum caps;

ii. to release the halocarbons, the sample must be incubated in an oven for 48 hours at 140 °C;

iii. when cooled to room temperature, gas samples must be redrawn from the headspace and analyzed by gas chromatography;

iv. the lids must be removed after analysis, and the headspace must be flushed with atmospheric air for approximately 5 minutes using a compressor; afterwards, the septa and caps must be replaced and the bottles subjected to a second 48-hour heating step to drive out the remaining halocarbons from the sampled foam;

v. when cooled down to room temperature after the second heating step, gas samples must be redrawn from the headspace and analyzed by gas chromatography;

(c) the quantity of each type of halocarbon recovered must then be divided by the total mass of the initial foam samples prior to analysis to determine the mass ratio of halocarbons present, in metric tonnes of halocarbons per metric tonne of foam.

2. Calculation method for extraction efficiency

The promoter must calculate the extraction efficiency using Equations 16 and 17:

Equation 16

$$EE = \frac{BA_{final}}{BA_{init}}$$

Where:

EE = Extraction efficiency;

BA_{final} = Total quantity of halocarbons contained in foam extracted and sent for destruction, calculated using Equation 17, in metric tonnes;

BA_{init} = Initial quantity of halocarbons contained in foam prior to removal from appliances, calculated using Equation 14 or 15, as the case may be, in metric tonnes;

Equation 17

$$BA_{final} = \sum_{i=1}^n BA_{final,i}$$

Where:

BA_{final} = Total quantity of halocarbons contained in foam extracted and sent for destruction, in metric tonnes;

i = Type of halocarbon;

n = Number of types of halocarbons;

$BA_{\text{final}, i}$ = Total quantity of halocarbons of type i extracted and sent for destruction, determine in accordance with Appendix D, in metric tonnes.

104892

Draft Regulation

Environment Quality Act
(chapter Q-2)

An Act mainly to ensure effective governance of the fight against climate change and to promote electrification (2020, chapter 19)

Landfill methane reclamation and destruction projects eligible for the issuance of offset credits

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting landfill methane reclamation and destruction projects eligible for the issuance of offset credits, appearing below, may be made by the Minister of the Environment and the Fight Against Climate Change on the expiry of 45 days from the date of publication.

The contents of many of the provisions in the draft Regulation constitute an improved version of the provisions of Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1).

The draft Regulation sets out, in a manner consistent with the amendments introduced by the draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, the conditions on which a project to reclaim or destroy methane from a landfill site will be eligible for the issuance of offset credits. It also contains the general conditions that apply to such a project.

The draft Regulation introduces a system of project notices to inform the Minister that the promoter of an eligible project intends to file a request for the issuance of offset credits. This mechanism replaces project registration, which the draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances repeals for landfill methane reclamation or destruction projects.

The draft Regulation also defines the methods to be used to quantify the greenhouse gas emission reductions attributable to an eligible project, as well as the contents of the project report that the promoter must produce for each reporting period for emission reductions. It sets the conditions that apply to the verification of project reports, in particular concerning the accreditation of the verification organization and the independence of the organization, the verifier and the other members of the verification team from the promoter.

The draft Regulation sets the conditions applicable to the use, maintenance, verification and calibration of the measurement instruments used to quantify the greenhouse gas emission reductions attributable to an eligible project and to the use and maintenance of the reclamation or destruction devices used by the promoter.

Lastly, the draft Regulation includes monetary administrative penalties for failures to comply with the Regulation and penal sanctions for offences, along with transitional provisions to place under the new rules the projects that were registered under the old rules in the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

The draft Regulation has a limited impact on enterprises since it essentially simplifies the future regulatory amendments for landfill methane reclamation and destruction projects that are eligible for the issuance of offset credits.

Further information on the draft Regulation may be obtained by contacting Pierre Bouchard, Coordinator, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 30, Québec (Québec) G1R 5V7; email: pierre.bouchard@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Kim Ricard, Associate Director for Market Operations, Direction du marché du carbone, Direction générale de la réglementation carbone et des données d'émission, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, boîte 31, Québec (Québec) G1R 5V7; email: kim.ricard@environnement.gouv.qc.ca.

BENOIT CHARETTE,
*Minister of the Environment
and the Fight Against Climate Change*

Regulation respecting landfill methane reclamation and destruction projects eligible for the issuance of offset credits

Environment Quality Act

(chapter Q-2, ss. 46.1, 46.5, 46.8.2, 115.27 and 115.34).

An Act mainly to ensure effective governance of the fight against climate change and to promote electrification
(2020, chapter 19, s. 21).

CHAPTER I**OBJECT, SCOPE AND INTERPRETATION****1. The object of this Regulation is to**

- (1) determine the landfill methane reclamation and destruction projects that are eligible for the issuance of offset credits pursuant to section 46.8.2 of the Environment Quality Act (chapter Q-2);
- (2) determine the conditions and methods applicable to such projects;
- (3) determine the information and documents that a person or municipality responsible for carrying out an eligible project or a project whose eligibility for credits must be determined must keep or provide to the Minister.

2. In this Regulation, unless otherwise indicated by context,

- (1) “methane reclamation device” means any device or operation referred to in Appendix A that allows methane to be reclaimed;
- (2) “methane destruction device” means any device or operation referred to in Appendix A that allows methane to be destroyed;
- (3) “officer” means the president, chief executive officer, chief operating officer, chief financial officer or secretary of a legal person or a person holding a similar position, or any person designated as an officer by a resolution of the board of directors;
- (4) “greenhouse gas” or “GHG” means a gas referred to in the second paragraph of section 46.1 of the Environment Quality Act or in the second paragraph of section 70.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), namely carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆), nitrogen trifluoride (NF₃), chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs);
- (5) “landfill gas” means a gas resulting from the decomposition of residual materials disposed of in a landfill site;

(6) “landfill site” means a place where residual materials are permanently disposed of above or below ground;

(7) “professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any other person authorized by a professional order to carry on an activity carried on by a professional belonging to that order is also deemed to be a professional;

(8) “promoter” means a person or municipality responsible for carrying out a project eligible for the issuance of offset credits;

(9) “cap-and-trade system for emission allowances” means a cap-and-trade system for greenhouse gas emission allowances established pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1).

CHAPTER II

ELIGIBILITY

DIVISION I

ELIGIBILITY CONDITIONS

3. A project to reclaim or destroy methane from a landfill site is eligible for the issuance of offset credits pursuant to section 46.8.2 of the Environment Quality Act, for the eligibility period provided for in Division II of this Chapter, if it meets the following conditions:

(1) the project is carried out by a promoter registered for the cap-and-trade system for emission allowances in accordance with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, that is domiciled in Québec in the case of a natural person or has an establishment in Québec in other cases;

(2) the GHG emission reductions attributable to the project are achieved as an initiative of the promoter, without the promoter being required to do so, on the date of filing of the project notice or renewal notice provided for in Chapter IV, under a law or regulation, an authorization, an order made pursuant to a law or regulation or a court decision;

(3) the methane is reclaimed or destroyed using a reclamation device or destruction device referred to in Appendix A in accordance with the conditions set out in that Appendix.

4. For the purposes of section 3, a landfill site must meet the following conditions:

(1) it is located in Québec;

(2) on the date on which the project notice or renewal notice referred to in Chapter IV is filed, and for the whole of the project's eligibility period, it receives less than 50,000 metric tonnes of residual materials annually and has a capacity of less than 1.5 million cubic metres;

(3) in the case of a landfill site that is closed on the date on which the project notice or renewal notice referred to in Chapter IV is filed and that began operations or was enlarged in or after 2006, the site has received less than 50,000 tonnes of residual materials annually and has a maximum capacity of less than 1.5 million cubic metres.

Subparagraphs 2 and 3 of the first paragraph do not apply to a landfill site for residual materials from a pulp and paper mill, a sawmill or an oriented strandboard manufacturing plant.

DIVISION II

ELIGIBILITY PERIOD

5. For the purposes of this Regulation, "eligibility period" means the period during which a project remains eligible for the issuance of offset credits, subject to compliance with the eligibility conditions in force when the project notice provided for in either section 11 or the second paragraph of section 13, or the renewal notice provided for in section 14, is filed.

6. The eligibility period has a term of 10 consecutive years and begins on the project start date.

For the purposes of this Regulation, a project eligible for the issuance of offset credits is deemed to begin on the date on which the first GHG emission reductions attributable to the project occur.

The eligibility period may be renewed for the same term by filing the renewal notice provided for in section 14. The renewed eligibility period begins on the day following the end of the preceding period.

CHAPTER III

GENERAL CONDITIONS APPLICABLE TO AN ELIGIBLE PROJECT

7. A project eligible for the issuance of offset credits must be carried out in accordance with all the requirements applicable to the project based on its type and the place where it is carried out.

8. The promoter must inform the Minister within 30 days if any of the following events occurs:

(1) the promoter terminates the project permanently before the end of the eligibility period referred to in section 6;

(2) the promoter intends to transfer responsibility for carrying out the project to another person or another municipality.

The promoter must, for the purposes of the first paragraph, file a notice containing the following documents and information:

(1) in the case of a project termination referred to in subparagraph 1 of the first paragraph,

(a) the date of the project termination;

(b) the reason for the project termination;

(c) an estimate of the offset credits that will be requested by the promoter in accordance with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;

(d) a declaration by the promoter or the promoter's representative that all the information provided is complete and accurate;

(2) in the case of a transfer referred to in subparagraph 2 of the first paragraph,

(a) the scheduled date of the transfer;

(b) the name of the transferee and all the information needed to identify the transferee, including the number of the general account opened by the Minister for the transferee pursuant to section 14 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances after the transferee registers for the cap-and-trade system for emission allowances;

(c) an estimate of the offset credits that will be requested, for the reporting period during which the transfer is planned, by the promoter and by the transferee in accordance with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;

(d) a declaration by the promoter and the transferee, or their representatives that all the information provided is complete and accurate.

9. The promoter must use the forms or templates available on the website of the Ministère de l'Environnement et de la Lutte contre les changements climatiques to submit any information or document required pursuant to this Regulation.

10. The promoter must keep a copy of any information or document that must be submitted pursuant to this Regulation for the duration of the project and for a minimum period of 7 years after the project's end date.

The promoter must also keep any other information or document needed to quantify the GHG emission reductions attributable to the promoter's project pursuant to Chapter V of this Regulation for the duration of the project and for a minimum period of 7 years after the project's end date.

The documents and information referred to in this section must also be provided to the Minister on request.

CHAPTER IV

PROJECT NOTICE AND RENEWAL NOTICE

11. The promoter must, not later than the date of filing of the first issuance request for offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, file a project notice with the Minister containing the following documents and information:

- (1) the information needed to identify the promoter and the promoter's representative, if any;
- (2) the number of the general account opened by the Minister for the promoter pursuant to section 14 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances following the promoter's registration for the cap-and-trade system for emission allowances;
- (3) a summary description of the project and information about its location;
- (4) an estimate of the expected annual and total GHG emission reductions attributable to the project, in metric tonnes CO₂ equivalent;
- (5) the duration of the project and the start date for the project, when known, or in other cases an estimate of the duration and start date;
- (6) when the promoter has retained or intends to retain the services of a professional or another person to prepare or carry out the project,
 - (a) the information needed to identify that professional or person;
 - (b) a summary of the tasks that have been or will be entrusted to that professional or person;
 - (c) if applicable, a declaration by the professional or person that the information and documents provided are complete and accurate;
- (7) the information needed to identify the owner of the landfill site where the project is carried out and the owner's representative, if any, if the promoter is not the owner of the site;

(8) the information needed to identify any person or municipality involved in reclaiming the landfill gas, in particular by purchasing the gas, and a description of the role played in reclamation by that person or municipality;

(9) a declaration by the promoter or the promoter's representative that the documents and information provided are accurate.

12. On receiving a project notice, the Minister gives it a project code and communicates the code to the promoter.

13. The project described in a notice filed in accordance with section 11 must start within 2 years following the filing.

After that time, a promoter that has not yet started the project must file a new project notice containing the information and documents referred to in section 11.

14. The promoter must, between the sixth and the first month preceding the end of the eligibility period for the project, ask the Minister to renew the eligibility period by filing a renewal notice containing, in addition to what is required by section 11, the following information:

(1) the project code given to the project by the Minister pursuant to section 12;

(2) a description of any change planned to the project for the new eligibility period.

CHAPTER V

QUANTIFICATION OF GHG EMISSION REDUCTIONS ATTRIBUTABLE TO AN ELIGIBLE PROJECT

15. The object of the provisions of this Chapter is to

(1) identify the GHG sources, sinks and reservoirs forming the project boundaries and determine the GHG emission reductions attributable to the project for quantification purposes;

(2) define the period during which the GHG emission reductions attributable to the project are quantified and specify the calculation methods used for quantification;

(3) establish the conditions for project surveillance, including the conditions for collecting and recording the data needed to quantify the GHG emission reductions attributable to the project, for using, maintaining and calibrating the instruments used for data collection, and for using and maintaining the reclamation devices and destruction devices used for the project.

DIVISION I**PROJECT BOUNDARIES AND GHG EMISSION REDUCTIONS ATTRIBUTABLE TO THE PROJECT**

16. Only the GHG sources, sinks and reservoirs identified in the area of Figure 1 that lies within the dotted line and described in Table 1 of Appendix B may be used by the promoter to quantify the GHG emission reductions attributable to the promoter's project. The GHG sources, sinks and reservoirs identified in this way form the project boundaries.

17. GHG emission reductions may only be deemed to be attributable to an eligible project for quantification purposes pursuant to this Chapter if no offset credits have previously been issued for those emissions pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and if no credits have been issued under another voluntary or regulatory program for GHG emission reductions.

DIVISION II**REPORTING PERIOD AND CALCULATION METHODS FOR QUANTIFICATION****§ 1. – Reporting period**

18. For the purposes of this Regulation, “reporting period” means a continuous period of time, within an eligibility period, during which the GHG emission reductions attributable to a project eligible for the issuance of offset credits are quantified in accordance with this Chapter for the issuance of offset credits.

The reporting periods of a project eligible for the issuance of offset credits cover 12 months and succeed each other in an uninterrupted fashion during the eligibility period for the project.

Despite the second paragraph, the first reporting period covers a minimum period of one month and a maximum period of 18 months.

§ 2. – Calculation methods

19. To quantify the GHG emission reductions attributable to a project during the reporting period, the promoter uses Equation 1:

Equation 1

$$ER = BE - FFE$$

Where:

ER = GHG emission reductions attributable to the project, in metric tonnes CO₂ equivalent;

BE = GHG emissions under the baseline scenario, calculated using Equation 2, in metric tonnes CO₂ equivalent;

FFE = GHG emissions attributable to fossil fuel consumption during the project, calculated using Equation 9, in metric tonnes CO₂ equivalent.

20. To quantify the GHG emission reductions attributable to a project, the promoter must calculate the GHG emissions under the baseline scenario using Equations 2 to 8:

Equation 2

$$BE = CH_{4R-D} \times GWP_{CH_4} \times (1 - OX)$$

Where:

BE = GHG emissions under the baseline scenario, in metric tonnes CO₂ equivalent;

CH_{4R-D} = Total quantity of CH₄ reclaimed or destroyed by all landfill gas reclamation or destruction devices, calculated using Equation 4, in metric tonnes of CH₄;

GWP_{CH₄} = Global warming potential of CH₄, taken from Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15);

OX = Factor for the oxidation of CH₄ by soil bacteria, using the value established for each of the cases provided for in subparagraphs 1, 2 and 3 below.

The factor for the oxidation of CH₄ by soil bacteria is established as follows:

- (1) for closed landfill sites with a geomembrane covering the entire area of the landfill in accordance with the requirements of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), the promoter must use a CH₄ oxidation rate of zero (0%);
- (2) for operating landfills, where part of the landfill is filled and covered by a geomembrane meeting the requirements of the Regulation respecting the landfilling and incineration of residual materials, the promoter must use a CH₄ oxidation rate of zero (0%) for the zone covered by a geomembrane and a CH₄ oxidation rate of 10% for the zone not covered by a geomembrane, and must pro-rate the CH₄ oxidation factor based on the zones which are covered and uncovered by a geomembrane using Equation 3;
- (3) for all other landfill sites, the promoter must use a CH₄ oxidation factor of 10%.

Equation 3

$$OX = \frac{(0\% \times A_{CZ}) + (10\% \times A_{NCZ})}{S_{CZ} + A_{NCZ}}$$

Where:

OX = Factor for the oxidation of CH₄ by soil bacteria for the case provided for in subparagraph 2;

A_{CZ} = Area, in m², of the landfill site zone that is filled and covered by a geomembrane;

A_{NCZ} = Area, in m², of the landfill site zone that is operating and not covered by a geomembrane under final cover at the start of the reporting period.

Equation 4

$$CH_{4R-D} = \sum_{i=1}^n (CH_{4R-D,i}) \times (0.668 \times 0.001)$$

Where:

CH_{4R-D} = Total quantity of CH₄ reclaimed or destroyed by all landfill gas reclamation or destruction devices, in metric tonnes of CH₄;

n = Number of reclamation or destruction devices;

i = Reclamation device or destruction device;

CH_{4R-D,i} = Quantity of CH₄ reclaimed or destroyed by reclamation or destruction device *i*, calculated using Equation 5, in cubic metres of CH₄ at standard conditions;

0.668 = Density of CH₄, in kilograms per cubic metre at standard conditions;

0.001 = Conversion factor, kilograms to metric tonnes.

Equation 5

$$CH_{4R-D,i} = Q_i \times DE_i$$

Where:

CH_{4R-D,i} = Quantity of CH₄ reclaimed or destroyed by reclamation or destruction device *i*, in cubic metres of CH₄ at standard conditions;

Q_i = Quantity of CH₄ sent to reclamation or destruction device *i*, calculated using Equation 6, in cubic metres of CH₄ at standard conditions;

DE_i = Efficiency of reclamation or destruction device i , determined in accordance with Appendix A or using Equation 7 for destruction by biological oxidation;

i = Reclamation or destruction device.

Equation 6

$$Q_i = \sum_{t=l}^n (VLG_{i,t} \times C_{CH_4,t})$$

Where:

Q_i = Total quantity of CH_4 sent to reclamation or destruction device i , in cubic metres of CH_4 at standard conditions;

n = Number of time intervals;

t = Time interval shown in the table of monitoring parameters in Appendix D for which CH_4 flow and content measurements from the landfill gas are aggregated;

$VLG_{i,t}$ = Corrected volume of landfill gas sent to reclamation or destruction device i during time interval t , measured using a flow meter in cubic metres at standard conditions or calculated in accordance with section 21;

$C_{CH_4,t}$ = Average concentration of CH_4 in the landfill gas during time interval t , measured using a continuous CH_4 analyzer, in cubic metres of CH_4 per cubic metre of landfill gas.

Equation 7

$$DE_i = \frac{(CO_{CH_4} - CO_{dest-CH_4})}{CO_{CH_4}}$$

Where:

DE_i = Efficiency of biological oxidation destruction device i , in cubic metres of CH_4 per cubic metre of landfill gas;

CO_{CH_4} = Average CH_4 concentration of the gas entering the biological oxidation destruction device, measured using a continuous CH_4 analyzer, in cubic metres of CH_4 per cubic metre of landfill gas;

$CO_{dest-CH_4}$ = Average CH_4 concentration of the gas at the outlet of the biological oxidation destruction device, measured using a continuous CH_4 analyzer, in cubic metres of CH_4 per cubic metre of landfill gas.

21. When the flow meter used for quantification purposes does not correct for the temperature and pressure of the landfill gas at standard conditions, the promoter must measure the landfill gas pressure and temperature separately and correct the flow values using Equation 8. The promoter must then use the corrected flow values for quantification purposes.

Equation 8

$$VLG_{i,t} = VLG_{uncorrected} \times \frac{293.15}{T} \times \frac{P}{101.325}$$

Where:

$VLG_{i,t}$ = Corrected volume of landfill gas sent to reclamation or destruction device i during time interval t , in cubic metres at standard conditions;

i = Reclamation or destruction device;

t = Time interval shown in the table of monitoring parameters in Appendix D for which CH_4 flow and content measurements from the landfill gas are aggregated;

$VLG_{uncorrected}$ = Uncorrected volume of the landfill gas captured for the given time interval, measured using a flow meter, in cubic metres;

T = Measured temperature of the landfill gas for the given time interval, in Kelvin ($^{\circ}C + 273.15$);

P = Measured pressure of the landfill gas for the given time interval, in kilopascals.

22. To quantify the GHG emission reductions attributable to a project, the promoter must calculate the quantity of GHG emissions attributable to fossil fuel consumption during the project using Equation 9:

Equation 9

$$FFE = \sum_{f=1}^n \left[FF_f \times \left[(EF_{CO_2,f} \times 10^{-3}) + (EF_{CH_4,f} \times GWP_{CH_4} \times 10^{-6}) + (EF_{N_2O,f} \times GWP_{N_2O} \times 10^{-6}) \right] \right]$$

Where:

FFE = Total GHG emissions attributable to fossil fuel consumption, in metric tonnes CO_2 equivalent;

n = Number of types of fossil fuel;

f = Type of fossil fuel;

FF_f = Total quantity of fossil fuel f consumed, expressed

- in kilograms, in the case of fuels whose quantity is expressed as a mass;
- in cubic metres at standard conditions, in the case of fuels whose quantity is expressed as a volume of gas;
- in litres, in the case of fuels whose quantity is expressed as a volume of liquid;

$EF_{CO_2,f}$ = CO₂ emission factor for fossil fuel f specified in Tables 1-3 to 1-8 of QC.1.7 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), expressed

- in kilograms of CO₂ per kilogram, in the case of fuels whose quantity is expressed as a mass;
- in kilograms of CO₂ per cubic metre at standard conditions, in the case of fuels whose quantity is expressed as a volume of gas;
- in kilograms of CO₂ per litre, in the case of fuels whose quantity is expressed as a volume of liquid;

10^{-3} = Conversion factor, kilograms to metric tonnes;

$EF_{CH_4,f}$ = CH₄ emission factor for fossil fuel f specified in Tables 1-3 to 1-8 of QC.1.7 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, expressed

- in grams of CH₄ per kilogram, in the case of fuels whose quantity is expressed as a mass;
- in grams of CH₄ per cubic metre at standard conditions, in the case of fuels whose quantity is expressed as a volume of gas;
- in grams of CH₄ per litre, in the case of fuels whose quantity is expressed as a volume of liquid;

GWP_{CH_4} = Global warming potential of CH₄ taken from Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere;

10^{-6} = Conversion factor, grams to metric tonnes;

$EF_{N_2O,f}$ = N₂O emission factor for fossil fuel f specified in Tables 1-3 to 1-8 of QC.1.7 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, expressed

- in grams of N₂O per kilogram, in the case of fuels whose quantity is expressed as a mass;

— in grams of N_2O per cubic metre at standard conditions, in the case of fuels whose quantity is expressed as a volume of gas;

— in grams of N_2O per litre, in the case of fuels whose quantity is expressed as a volume of liquid;

$\text{GWP}_{\text{N}_2\text{O}}$ = Global warming potential of N_2O taken from Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere.

§ 3. – *Missing data*

23. Where the data needed to quantify the GHG emission reductions attributable to an eligible project are missing, the promoter uses the data replacement methods set out in Appendix C if

(1) the data concern the CH_4 concentration or flow rate parameters for landfill gas, or data on gas flow rates that are discrete, non-chronic and due to unforeseen circumstances;

(2) the proper functioning of the reclamation or destruction device can be shown by thermocouple readings for a flare, or by the monitoring device for a reclamation or destruction device for any other reclamation or destruction device;

(3) the data concern either landfill gas flow data, or landfill gas CH_4 concentration, but not both;

(4) the data concern landfill gas flow rates, a continuous analyzer is used to measure the CH_4 concentration and it is shown that the CH_4 concentration was consistent with normal operations for the time when the data are missing;

(5) the data concern the measurement of CH_4 concentration and it is shown that the landfill gas flow rate was consistent with normal operations for the time when the data are missing.

DIVISION III

CONDITIONS APPLICABLE TO PROJECT SURVEILLANCE

24. The promoter is responsible for project surveillance, which includes all tasks relating to the collecting and recording of the data needed to quantify the GHG emission reductions attributable to the project, all tasks relating to the use, maintenance, verification and calibration of the measurement instruments used for data collection, and all tasks relating to the use and maintenance of reclamation and destruction devices.

The promoter measures and monitors the surveillance parameters in accordance with the table in Appendix D.

§ 1. – *Installation and use of measurement instruments and other equipment*

25. Every measurement instrument or other equipment used for quantification purposes pursuant to this Chapter must be installed and used in accordance with the manufacturer's instructions, be maintained in good working order and work reliably during operating hours.

In addition, the flow meter and the CH₄ analyzer for the landfill gas must meet the following conditions:

- (1) they must not be separated by a component that eliminates moisture;
- (2) they must be installed in a way that allows them to measure the gas flow and CH₄ concentration in the landfill gas sent to the reclamation or destruction device before any additional fuel is added.

26. The flow meter and CH₄ analyzer used by the promoter to quantify the GHG emission reductions attributable to the project must measure

- (1) the flow of landfill gas before it is sent to the reclamation or destruction device, continuously and recorded every 15 minutes or totalized and recorded at least daily, adjusted for temperature and pressure;
- (2) the CH₄ concentration of the landfill gas sent to each reclamation or destruction device, continuously, recorded every 15 minutes and totalized as a daily average.

When temperature and pressure must be measured to correct flow values at standard conditions, the parameters must be measured continuously.

§ 2. – *Maintenance, verification and calibration of measurement instruments*

27. All landfill gas flow meters and CH₄ analyzers used for quantification purposes pursuant to this Chapter must be maintained, cleaned and inspected as specified in the project's surveillance plan and at the minimum maintenance, cleaning and inspection frequency specified by the manufacturer.

In addition, not more than three months before the end date of the reporting period quantified, the promoter must

- (1) have the accuracy of every flow meter used verified by a qualified person. The person must, for that purpose, use a Type L Pitot tube or a reference flow meter with a valid calibration certificate issued by the manufacturer or by a third party certified for that purpose, and compare the values obtained using those instruments with the values measured by the flow meter used for the project;

(2) for every CH₄ analyzer used, either

(a) have the accuracy of the CH₄ analyzer verified by a qualified person. The person must, for that purpose, use a reference device with a valid calibration certificate issued by the manufacturer or by a third party certified for that purpose, and compare the values obtained using those instruments with the values measured by the CH₄ analyzer used for the project; or

(b) have the CH₄ analyzer calibrated by the manufacturer or by a third party certified for that purpose by the manufacturer.

The promoter must also have the CH₄ analyzer calibrated at the frequency specified by the manufacturer or, if that frequency is greater than 5 years, every 5 years.

The verification of the accuracy of flow meters and CH₄ analyzers performed in accordance with the second paragraph must determine if the relative error in the reading of volumetric flow or CH₄ concentration is within a +/-5% range from the reference value calculated using the following equation:

$$\text{Relative error (\%)} = \frac{M_{\text{project inst}} - M_{\text{reference inst}}}{M_{\text{project inst}}} \times 100$$

Where:

Relative error = Percentage difference between the measurements of the volumetric flow or CH₄ concentration of landfill gas by project instruments compared to the reference instruments;

$M_{\text{project inst}}$ = Measurement made by measurement instruments for the project, being the volumetric flow of landfill gas measured by the flow meter for the project or the CH₄ concentration in the landfill gas by the CH₄ analyzer for the project;

$M_{\text{reference inst}}$ = Measurement made by reference instruments, being the volumetric flow of landfill gas measured by the reference flow meter or Type L Pitot tube, or the measurement of the CH₄ concentration in the landfill gas by the reference CH₄ analyzer.

28. When the verification of the accuracy of the measurement instruments in accordance with section 27 shows that the volumetric flows of landfill gas as measured by the flow meters or the CH₄ concentration measured by the reference CH₄ analyzers have a relative error outside the +/-5% range, the promoter must take the necessary corrective action, such as cleaning or adjusting the sensor on the instruments, as specified by the manufacturer. The promoter must then verify the accuracy of the instruments again.

When the corrective actions taken by the promoter do not, following a new verification, ensure that the instruments can maintain a relative error within the +/-5% range, the promoter must have the instruments calibrated by the manufacturer or by a third party certified by the manufacturer. The calibration must be performed not more than 2 months after the end date of the quantified reporting period.

29. Data collected by a measurement instrument between the time of the last verification of the accuracy of the instrument with a relative error within the +/-5% range and the time when a calibration is performed pursuant to the second paragraph of section 28 must be used or corrected to quantify the GHG emission reductions attributable to the project as follows:

(1) when the relative error calculated using the equation referred to in the fourth paragraph of section 27 is negative, the promoter must use the measured values without correction;

(2) when the relative error calculated using the equation referred to in the fourth paragraph of section 27 is positive, the promoter must correct the measurement of the volumetric flow of the landfill gas by the project flow meters or the measurements of CH₄ concentrations de CH₄ by the project analyzers by multiplying the flow or concentration measurement by the relative error obtained using that equation.

§ 3. – Use, maintenance and monitoring of reclamation or destruction devices

30. Every landfill gas reclamation or destruction device must be used in accordance with the manufacturer's instructions, be maintained in good working order and work reliably during operating hours.

31. The operating status of landfill gas reclamation or destruction devices must be monitored and recorded at least hourly, as follows:

(1) for flares, by reading the thermocouple;

(2) for other reclamation or destruction devices referred to in Appendix A, using a monitoring device to verify the operating status of the reclamation or destruction device.

Where landfill gas is injected into a natural gas distribution network, or compressed or liquefied before being injected into a natural gas distribution network, the monitoring device used must be placed at the injection station of the natural gas distribution network.

32. If the thermocouple referred to in subparagraph 1 of the first paragraph of section 31 records a reading below 260°C, no GHG emissions reduction may be credited for quantification purposes pursuant to this Chapter for the period during which the temperature remains below 260°C.

If a monitoring device for any other reclamation or destruction device, or the reclamation or destruction device itself, is not in good working order, no GHG emission reductions may be credited for quantification purposes pursuant to this Chapter for the period during which the device is not in good working order.

33. In the case of a project to reclaim landfill gas, the quantity of landfill gas emitted into the atmosphere between the measurement of the landfill gas by the promoter at the landfill site and the reclamation device, in particular because of an emergency shutdown, must be measured, and this quantity of landfill gas must be excluded from the quantification of GHG emission reductions attributable to the project.

If gas from other sources is mixed with the landfill gas between the measurement of the landfill gas by the promoter at the landfill site and the reclamation device, the quantity of gas emitted into the atmosphere, in particular because of an emergency shutdown, must be measured, and this quantity must be excluded from the quantification of GHG emission reductions attributable to the project in proportion to the quantity of gas from each gas source. If the quantification of the gases from various sources is not possible, the total quantity of landfill gas emitted into the atmosphere must be excluded.

34. When the landfill gas is reclaimed by a person or municipality other than the promoter, the promoter must ensure that the conditions of this Division are complied with.

§ 4. – *Surveillance plan*

35. To ensure surveillance of the project, the promoter must establish a project surveillance plan, which must

- (1) specify the methods used to collect and record the data required for all the parameters in Appendix D, and specify the frequency of data acquisition;
- (2) specify
 - (a) the maintenance, cleaning and inspection frequency specified by the manufacturer;
 - (b) the frequency of the maintenance, cleaning and inspection of the equipment used for the project;
 - (c) the frequency of the verification of measurement instrument accuracy and calibration, in accordance with subdivision 2 of this Division;
 - (d) the methods used to replace missing data, if applicable, in accordance with subdivision 3 of Division II of this Chapter;

(3) include the role of the person responsible for each monitoring activity, as well as the quality assurance and quality control measures taken to ensure that data acquisition and the verification of measurement instrument accuracy and calibration are carried out consistently, precisely and in accordance with this Chapter; and

(4) include a template for the maintenance logs for project components.

CHAPTER VI

PROJECT REPORT

DIVISION I

GENERAL CONDITIONS

36. The promoter must produce a project report for each reporting period referred to in section 18 not later than 4 months following the end of the reporting period concerned, with the content specified in Division II of this Chapter.

A promoter whose project ends during a period covering a reporting period is not bound by the requirement in the first paragraph for that reporting period. The promoter must notify the Minister of the situation within 30 days following the end of the reporting period.

37. Every project report verified in accordance with Chapter VII in which the verifier has noted errors, omissions or inaccuracies must be corrected by the promoter before any issuance request for offset credits is made under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

38. The promoter must, on request, provide the Minister with the project reports produced.

DIVISION II

CONTENTS OF THE PROJECT REPORT

39. The project report produced for the first reporting period must contain the following information and documents:

- (1) the information needed to identify the promoter and the promoter's representative, if any;
- (2) where the promoter has retained the services of a professional or of another person to prepare or carry out the project,
 - (a) the information needed to identify the professional or person;
 - (b) a summary of the tasks entrusted to the professional or person;

- (c) where applicable, a declaration by the professional or person that the information and documents produced are complete and accurate;
- (3) the project code given to the project by the Minister after receiving the project notice referred to in Chapter IV;
- (4) a detailed description of the project;
- (5) information about the location of the project;
- (6) the information needed to identify the owner of the project site and the owner's representative, if any, if the promoter is not the owner;
- (7) a demonstration that the project meets the conditions set out in Division I of Chapter II, including a copy of any relevant document;
- (8) a description of the GHG sources, sinks and reservoirs for the project, with a definition of the project boundaries;
- (9) when an analysis of the environmental impacts of the project has been performed, a summary of the analysis and its conclusions;
- (10) a copy of any authorization needed to carry out the project;
- (11) information about financial assistance received for the project under any other program for GHG emission reductions;
- (12) the project surveillance plan referred to in subdivision 4 of Division III of Chapter V;
- (13) a detailed plan showing the layout of the various project components, in particular the measurement instruments and equipment connected with the GHG sources, sinks and reservoirs defining the project boundaries;
- (14) information on the flow meters, CH₄ analyzers and landfill gas destruction devices used for the project, including their type, model number, serial number and most recent calibration certificate;
- (15) in the case of a project for a closed landfill site where the entire landfill zone is covered by a geomembrane, a demonstration that the geomembrane and its installation meet the requirements of the Regulation respecting the landfilling and incineration of residual materials;
- (16) a description of any problem occurring during the operation of the project that may affect the quantity of GHG emission reductions attributable to the project;
- (17) the start and end dates for the reporting period covered by the project report;

- (18) the GHG emission reductions attributable to the project for the reporting period, quantified annually in accordance with Chapter V, in metric tonnes CO₂ equivalent, along with the calculation methods and all the information and documents used to make the quantification, including a copy of the raw measurement data used for quantification purposes;
- (19) in the case of a project for an operating landfill site, a demonstration that the site received less than 50,000 tonnes of residual materials annually during the reporting period covered by the project report, in accordance with subparagraph 2 of the first paragraph of section 4, including a copy of the operating log for the landfill site project kept by the operator pursuant to the Regulation respecting the landfilling and incineration of residual materials;
- (20) in the case of a project for an operating landfill site, part of which is filled and covered by a geomembrane,
- (a) a demonstration that the geomembrane meets the requirements of the Regulation respecting the landfilling and incineration of residual materials;
- (b) the method used to determine the covered zone and the uncovered zone, in accordance with Equation 3 in subdivision 2 of Division II of Chapter V of this Regulation;
- (21) periods of missing data, the nature of the missing data and the methods used to replace them in accordance with section 23;
- (22) a demonstration that the thermocouple or monitoring device has successfully monitored and confirmed the proper operation of the reclamation or destruction device;
- (23) a copy of the maintenance and monitoring log for all measurement instruments, devices and other project equipment;
- (24) a copy of the verification reports showing the accuracy of all measurement instruments and the calibration certificates referred to in subdivision 2 of Division III of Chapter V;
- (25) where a flow meter has been calibrated, a demonstration that the calibration was performed in variable flow conditions matching the conditions of the landfill site;
- (26) where a CH₄ analyzer has been calibrated, a demonstration that the calibration was performed in temperature and pressure conditions matching the conditions of the landfill site;

(27) where the promoter is not the owner of the project site, a declaration signed by the owner attesting that the owner has authorized the carrying out of the project by the promoter and undertakes, with respect to the GHG emission reductions covered by the project report, not to make a request for offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances or a request for credits under another voluntary or regulatory program for GHG emission reductions;

(28) a declaration signed by the promoter or the promoter's representative that no offset credits for the GHG emission reductions covered by the project report have been issued pursuant to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and that no credits have been or will be issued under another voluntary or regulatory program for GHG emissions reduction;

(29) a declaration signed by the promoter or the promoter's representative that the project is carried out in accordance with this Regulation and that the documents and information provided are complete and accurate.

40. Where landfill gas is reclaimed, the project report produced for the first reporting period must also include

(1) the information needed to identify any person or municipality involved in reclaiming the landfill gas, in particular the person or municipality that purchases the gas, along with a description of the role played in the reclamation by the person or municipality;

(2) a detailed plan showing the layout of all the project components associated with landfill gas reclamation, including the location of all measurement instruments and equipment connected with the GHG sources, sinks and reservoirs defining the project boundaries, if applicable as far as the station where the landfill gas is injected into the natural gas distribution network;

(3) a copy of the contract for the sale of the landfill gas and, where applicable, of any gas that was processed, compressed or liquefied before being reclaimed;

(4) evidence of the sale of the landfill gas and of the sale of the gas injected, if applicable, including the actual quantities sold during the reporting period;

(5) a declaration by any person or municipality involved in reclaiming the landfill gas, in particular the person or municipality that purchases the gas, in which the person or municipality undertakes, with respect to the GHG emission reductions covered by the project report, not to make a request for offset credits under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances or a request for credits under another voluntary or regulatory program for GHG emission reductions.

41. Every subsequent project report must include the following information and documents:

- (1) the information and documents listed in paragraphs 1 to 3 and 16 to 29 of section 39;
- (2) a detailed description of any change made to the project since the end of the preceding reporting period or to the information contained in the project report produced for that period and, where applicable, a demonstration that the project still meets the requirements of Division I of Chapter II and of the project surveillance plan if that plan has been amended.

42. Where landfill gas is reclaimed, every subsequent project report subsequent must also include the information and documents listed in paragraphs 4 and 5 of section 40.

CHAPTER VII

VERIFICATION

DIVISION I

GENERAL CONDITIONS

43. The promoter must entrust every verification of a project report to a verification organization accredited under ISO 14065 by a member of the International Accreditation Forum in Canada or the United States and according to an ISO 17011 program, with respect to the sector of activity for the project.

Despite the first paragraph, the verification of a project report may be entrusted to a verification organization that is not yet accredited, provided it is accredited in accordance with the first paragraph in the year following the verification of the project report.

44. The promoter may entrust the verification of a project report to a verification organization in accordance with section 43 if the organization, the verifier designated by that organization and the other members of the verification team

- (1) have not acted for the promoter, in the 3 preceding years, as a consultant for the purpose of developing the project or calculating the GHG emission reductions attributable to the project;
- (2) have not verified project reports covering more than six consecutive reporting periods for the project being verified.

In addition, when the promoter wishes to have the project report verified by a verification organization other than the organization that verified the report for the preceding reporting period, the verification organization to which the verification is entrusted, the verifier designated by that organization to carry out the verification and the other members of the verification team, must not have verified a project report covering the three preceding project periods for that project.

45. In addition to the requirements of the standards ISO 14064-3 and ISO 14065 concerning conflicts of interest, the promoter must ensure that none of the following situations exists between the promoter, its officers, the verification organization and the members of the verification team referred to in section 44:

- (1) a member of the verification team or a close relative of that member has personal ties with the promoter or one of its officers;
- (2) during the 3 years preceding the year of the verification, one of the members of the verification team was employed by the promoter;
- (3) during the 3 years preceding the year of the verification, one of the members of the verification team provided the promoter with one of the following services:
 - (a) the design, development, commissioning or maintenance of a data inventory or data management system for GHG emissions from the establishment or facility of the promoter or, where applicable, for data on electricity or fuel transactions;
 - (b) the development of GHG emission factors, or the design and development of other data used for quantification purposes for any GHG emission reductions;
 - (c) a consultation concerning GHG emission reductions or GHG withdrawals from the atmosphere, in particular the design of an energy efficiency or renewable energy project and the assessment of assets relating to greenhouse gas sources, sinks and reservoirs;
 - (d) the preparation of manuals, guides or procedures connected with the reporting of the promoter's GHG emissions under the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere;
 - (e) consultation in connection with a GHG allowances market, including
 - i. brokerage, with or without registration, while acting as a promoter or subscriber on behalf of the promoter;
 - ii. advice concerning the suitability of a GHG emissions transaction;
 - iii. the holding, purchase, sale, negotiation or withdrawal of emission allowances referred to in the second paragraph of section 46.6 of the Environment Quality Act;
 - (f) a consultation in the field of health and safety and environmental management, including a consultation leading to ISO 14001 certification;
 - (g) actuarial consulting, bookkeeping or other consulting services relating to accounting documents or financial statements;

- (h) a service connected with the management systems of data related to a project of the promoter that is eligible for the issuance of offset credits;
 - (i) an internal audit of GHG emissions;
 - (j) a service provided in connection with litigation or an inquiry into GHG emissions;
 - (k) a consultation for a GHG emissions reduction project carried out in accordance with this Regulation or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;
- (4) the independent verification examiner has previously provided the promoter with a verification service or other services referred to in subparagraph 3 for the reporting periods covered by the verification.

The existence of one of the situations described in the first paragraph or in section 44 is considered to be a conflict of interest that invalidates the verification.

For the purposes of this section, a close relative of a member of the verification team is that person's spouse, child, spouse's child, mother or father, mother's or father's spouse, child's spouse or spouse's child's spouse.

DIVISION II

CONDUCT OF THE VERIFICATION

46. The verification of a project report must be conducted in accordance with ISO 14064-3 and also in accordance with the terms and conditions of this Division, and in compliance with the provisions of the Professional Code.

47. For the purposes of a verification the promoter and, where applicable, the owner of the site, must provide the verifier with any information or document needed for the conduct of the verification and give access to the site where the project is carried out.

The verification of a project report must include a project site visit by the verifier, except if such a visit was carried out for the purposes of a verification conducted during the two preceding reporting periods within the same eligibility period.

The site visit must allow the verifier, in particular, to observe the proper conduct and operation of the project and any change made to the project since the preceding verification. During the site visit, the verifier must be accompanied by the promoter.

In cases where the landfill gas is reclaimed by a person or municipality other than the promoter, the promoter must ensure that the verifier has access to all the equipment, facilities and documentation needed to conduct the verification of the project in accordance with this Division.

48. The verifier must conduct the verification in a way that supports a conclusion, with reasonable assurance, that the project report meets the conditions set out in this Regulation and that the GHG emission reductions attributable to the project are quantified and recorded in the project report with no significant errors, omissions or inaccuracies.

For the purposes of this Regulation, “significant errors, omissions or inaccuracies” means any errors, omissions or inaccuracies in the GHG emission reductions quantified and recorded in the project report for a reporting period that, individually or as an aggregate, result in an over-estimate or under-estimate of GHG emission reductions greater than 5%.

49. A verifier who, during a verification, observes an error, omission or inaccuracy in the quantification of the GHG emission reductions attributable to the project, or a failure to comply with a condition of this Regulation, must inform the promoter.

50. A verifier who, following the verification of a project report, concludes that the report meets the conditions of this Regulation and contains no significant errors, omissions or inaccuracies, must give the promoter a notice of positive verification attesting, with reasonable assurance, that the quantification of the GHG emission reductions attributable to the project is free of any significant error, omission or inaccuracy and that the project report meets the conditions of this Regulation.

A verifier who, following the verification of a project report, observes a failure to comply with a condition for the quantification of GHG emission reductions that cannot be corrected by the promoter must assess its impact on the GHG emission reductions recorded in the project report and determine if it leads to significant errors, omissions or inaccuracies. If a failure to comply with a condition for the quantification of GHG emission reductions cannot be corrected by the promoter but does not lead to significant errors, omissions or inaccuracies, and if the verifier concludes that the other conditions of the Regulation have been complied with and that there are no significant errors, omissions or inaccuracies, the verifier gives the promoter a notice of positive verification.

DIVISION III

VERIFICATION REPORT

51. The verification of a project report must be recorded in a verification report. A verification report may record the verification of several project reports.

The verification report must include the following information and documents:

- (1) the information needed to identify the verification organization and the verifier designated to conduct the verification, the other members of the verification team and the independent examiner;

- (2) the information needed to identify the accrediting organization that accredited the verification organization for the verification, the sector of activity covered by the accreditation of the verification organization, and the period of validity of the accreditation;
- (3) information about the project, the project report or reports covered by the verification, and the quantity of GHG emission reductions attributable to the project for each reporting period concerned;
- (4) the verification plan and a description of the activities completed by the verifier to verify the project report or reports, along with all exchanges of information between the verifier and the promoter for the purposes of the verification;
- (5) the period during which the verification was conducted, and the date of any project site visit;
- (6) a list of any errors, omissions or inaccuracies observed in the quantification of the GHG emission reductions attributable to the project, and of any conditions of this Regulation that have not been met, including the following information concerning the error, omission, inaccuracy or condition:
 - (a) its description;
 - (b) the date on which the promoter was informed of it;
 - (c) where applicable, a description of any action taken by the promoter to correct it, and the date of that action;
 - (d) in the case of a failure to comply with a condition governing the quantification of the GHG emission reductions attributable to the project that cannot be corrected by the promoter, an assessment of the impact of each failure on the quantification of GHG emission reductions and a notice from the verifier concerning any significant errors, omissions or inaccuracies within the meaning of the second paragraph of section 48 that may result from that failure;
- (7) if applicable, the version and date of each project report revised following the verification;
- (8) where the verifier observes errors, omissions or inaccuracies in the quantification of GHG emission reductions attributable to the project made by the promoter, the annual and total quantity of GHG emission reductions which, according to the verifier, are actually attributable to the project, expressed in metric tonnes CO₂ equivalent;
- (9) the verification notice given to the promoter pursuant to section 50, along with the justification for the notice;

- (10) a declaration by the verification organization and verifier that the verification was conducted in accordance with this Regulation and ISO 14064-3;
- (11) a declaration concerning conflicts of interest, including
 - (a) the information needed to identify the verification organization, the members of the verification team and the independent examiner, and the sectors of activity covered by the accreditation of the verification organization;
 - (b) a copy of the organization chart for the verification organization;
 - (c) a declaration signed by a representative of the verification organization that the conditions of sections 44 and 45 of this Regulation have been met and that the risk of conflict of interest is acceptable.

CHAPTER VIII

ADMINISTRATIVE AND PENAL

DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

52. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

- (1) in contravention of this Regulation, refuses or fails to file any notice, information, report or other document, or fails to produce it within the required time;
- (2) contravenes the first and second paragraphs of section 10, the first paragraph of section 43 or the first paragraph of section 47;
- (3) contravenes any other requirement of this Regulation, if no other monetary administrative penalty is otherwise specified for that contravention by this Chapter or by the Environment Quality Act.

53. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who contravenes the first paragraph of section 25, section 30 or section 44.

DIVISION II

PENAL SANCTIONS

54. Every person who

- (1) refuses or fails to file any notice, information, report or other document, or fails to produce it within the required time;
- (2) contravenes the first and second paragraphs of section 10, the first paragraph of section 43 or the first paragraph of section 47;

(3) contravenes any other requirement of this Regulation, if no other penal sanction is otherwise specified for that contravention by this Chapter or by the Environment Quality Act;

commits an offence and is liable, in the case of a natural person, to a fine of \$3,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

55. Every person who contravenes the first paragraph of section 25, section 30 or section 44 commits an offence and is liable, in the case of a natural person, to a fine of \$6,000 to \$250,000 and, in other cases, to a fine of \$25,000 to \$1,500,000.

56. Every person who, for the purposes of this Regulation, communicates to the Minister information that is false or misleading commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, and, in other cases, to a fine of \$15,000 to \$3,000,000.

CHAPTER IX

TRANSITIONAL AND FINAL

DIVISION I

TRANSITIONAL

57. Projects to reduce GHG emissions by the destruction or treatment of methane captured at a landfill site, referred to in Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and registered in accordance with Chapter IV of Title III of that Regulation as it read on (*insert the date preceding the date of coming into force of this Regulation*), are deemed to be projects eligible for the issuance of offset credits for which a project notice has been filed with the Minister in accordance with section 11 of this Regulation, and the provisions of this Regulation, adapted as required, apply to such projects.

58. Despite section 57, for the application of subparagraph 2 of the first paragraph of section 3 of this Regulation to such projects, the “date of filing of the project notice or renewal notice provided for in Chapter IV” means the date on which it is registered or renewed pursuant, as the case may be, to section 70.2 or 70.5 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances as it read on (*insert the date preceding the date of coming into force of this Regulation*) until the end of the eligibility period during which this Regulation comes into force.

59. Despite section 57, for the application of subdivision 2 of Division III of Chapter V of this Regulation, the conditions for the maintenance, verification and calibration of the measurement instruments used by a promoter whose project is deemed to be a project eligible for the issuance of offset credits under that section are the conditions set out in section 7.3 of Part I of Protocol 2 in Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission

allowances as it read on (*insert the date preceding the date of coming into force of this Regulation*) until the end of the reporting period during which this Regulation comes into force.

60. Despite the provisions of the Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (*reference to the G.O.*), for the purposes of protocols 1, 4 and 5 of Appendix D of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), the provisions of sections 70.1, 70.2, 70.3, 70.4, 70.5, 70.7, 70.8, 70.10, 70.11, 70.12, 70.13, 70.14 insofar as it provides for the contents of a project report, 70.15, 70.15.1, 70.16, 70.17, 70.18, 70.19, 70.22, 71, 72, 74, 75 and 75.2 of that Regulation, as they read on (*insert the date preceding the date of coming into force of this Regulation*), continue to apply to the projects covered by those protocols until the latter are replaced.

DIVISION II

FINAL

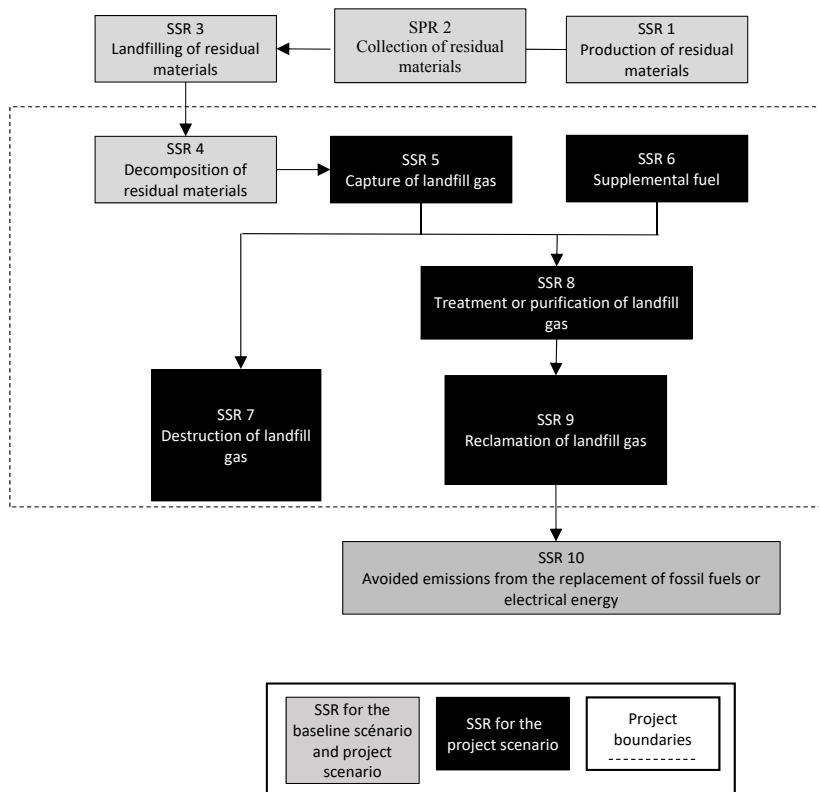
61. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Appendix A – Reclamation and destruction devices, conditions of use and efficiency

Destruction device	Condition of use	Efficiency
Open flare		0.96
Enclosed flare		0.995
Biological oxidation	The concentration of methane to be destroyed in the landfill gas must be equal to or below 20%	To be calculated using Equation 8
Reclamation device		Efficiency
Internal combustion engine		0.936
Boiler		0.98
Microturbine or large gas turbine		0.995
Station for injection into a natural gas distribution network		0.98
Compression or liquefaction station for injection into a natural gas distribution network		0.95

Appendix B – Project boundaries

Figure 1: Illustration of project boundaries



Explanatory note: The baseline scenario shows the GHG sources, sinks and reservoirs (SSRs) that are present in the absence of any project eligible for the issuance of offset credits. The project scenario shows the SSRs that are present when a project is implemented. Not all of these SSRs necessarily form part of the project eligible for the issuance of offset credits; only the SSRs within the project boundaries must be considered.

Table 1 – Description of GHG sources, sinks and reservoirs (SSRs)

# SSR	Description	GHG targeted	Applicability: Baseline scenario (B) and/or Project scenario (P)	Included in or Excluded from project boundaries
1	GHG emissions resulting from the production of residual materials	NA	B, P	Excluded
2	GHG emissions resulting from the collection of residual materials	CO ₂	B, P	Excluded
		CH ₄		Excluded
		N ₂ O		Excluded
3	GHG emissions resulting from the landfilling of residual materials	CO ₂	B, P	Excluded
		CH ₄		Excluded
		N ₂ O		Excluded
4	GHG emissions resulting from the decomposition of residual materials in the landfill site	CO ₂	B, P	Excluded
		CH ₄		Included
5	GHG emissions resulting from the operation of the landfill gas capture system	CO ₂	P	Included
		CH ₄		Excluded
		N ₂ O		Excluded
6	GHG emissions resulting from the use of supplemental fuel	CO ₂	P	Included
		CH ₄		Included
		N ₂ O		Included
7	Destruction of landfill gas using a destruction device, calculated using the efficiency determined in Appendix A	CO ₂	P	Excluded
		CH ₄		Included
		N ₂ O		Excluded
8	GHG emissions resulting from the use of supplemental energy sources to treat or purify landfill gas before it is reclaimed, if any	CO ₂	P	Included
		CH ₄		Excluded
		N ₂ O		Excluded

9	Reclamation of landfill gas using a reclamation device, calculated using the efficiency determined in Appendix A	CO ₂	P	Excluded
		CH ₄		Included
		N ₂ O		Excluded
10	Avoided GHG emissions from use of project-generated landfill gas to replace fossil fuel	CO ₂	P	Excluded
		CH ₄		Excluded
		N ₂ O		Excluded

Appendix C – Replacement methods for missing data

Missing data period	Replacement method
Less than 6 hours	Use the average of the 4 hours immediately prior to and after the missing data period
6 to less than 24 hours	Use the 90% upper or lower confidence limit of the 24 hours prior to and after the missing data period, whichever results in greater conservativeness
1 to 7 days	Use the 95% upper or lower confidence limit of the 72 hours prior to and after the missing data period, whichever results in greater conservativeness
More than 7 days	<p>No data may be replaced and no reduction may be credited, except if the landfill gas from the project is injected into a natural gas distribution network, when the missing data may be replaced for a period of more than 7 days but not more than 2 months using the following equation. This method allows the replacement of both the missing flow data and the missing methane concentration data.</p> $Q_i = \frac{E_{NG}}{HHV_{CH_4}}$ <p>Q_i = Total quantity of CH₄ sent to reclamation device <i>i</i> during the reporting period, in cubic metres of CH₄ at standard conditions; E_{NG} = Quantity of combustible energy injected into the natural gas distribution network, in GJ HHV = High heat value of CH₄, or 0.03982 GJ / m³</p>

APPENDIX D – Surveillance parameters

Parameter	Description of parameter	Unit of measurement	Method	Frequency of measurement	Equation applicable
A_{CZ}	Area of the landfill site zone that is filled and covered by a geomembrane	Square metre	Measured	At the start of each reporting period	3
A_{NCZ}	Area of the landfill site zone that is operating and not covered by a geomembrane under final cover	Square metre	Measured	At the start of each reporting period	3
$VLG_{i,t}$	Corrected volume of landfill gas sent to reclamation or destruction device i , during time interval t	Cubic metre at standard conditions	Measured	Continuous and recorded at least every 15 minutes and totaled as an average at least daily	6
$C_{CH_4,t}$	Average concentration of CH_4 in landfill gas during time interval t	Cubic metre of CH_4 at standard conditions per cubic metre of landfill gas at standard conditions	Measured	Continuous and recorded at least every 15 minutes and totaled as an average at least daily	6
CO_{CH_4}	CH_4 concentration of gas entering the biological oxidation destruction device	In cubic metres of CH_4 per cubic metre of landfill gas	Measured	Continuous	7
$CO_{dest-CH_4}$	CH_4 concentration of gas leaving the biological oxidation destruction device	In cubic metres of CH_4 per cubic metre of landfill gas	Measured	Continuous	7
$VLG_{uncorrected}$	Uncorrected volume of landfill gas captured for the given time interval	Cubic metre	Measured	Only where flow data are not adjusted at standard conditions	8
T	Temperature of landfill gas	°C	Measured	Continuous	8

P	Pressure of landfill gas	KPa	Measured	Continuous	8
CF _r	Total fossil fuels f consumed	Kilogram (solid) Cubic metre at standard conditions (gas) Litres (liquid)	Calculated using purchasing register for fossil fuels	At each reporting period	9
N/A	Annual tonnage of residual materials	Metric tonnes	Calculated using operating logs	Annual	N/A
N/A	Operating status of reclamation or destruction devices	Degree Celsius or other, in accordance with this Division	Measured for each reclamation or destruction device	Hourly	N/A
N/A	Operating status of thermocouple or monitoring device for a reclamation or destruction device		Measured	Hourly for a thermocouple and indeterminate for other monitoring devices	N/A

