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## Part 2

# LAWS AND REGULATIONS

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25 August 2021 / Volume 153

### Summary

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**PROVINCE OF QUÉBEC**

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 8 JUNE 2021

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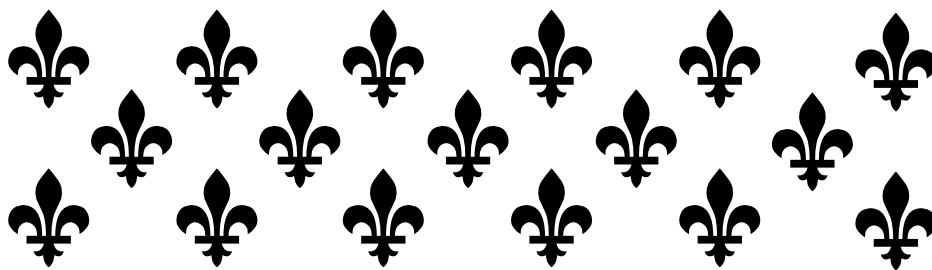
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 8 June 2021*

This day, at a quarter past nine o'clock in the morning,  
His Excellency the Lieutenant-Governor was pleased to  
assent to the following bill:

78      An Act mainly to improve the transparency of  
enterprises

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





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 78  
(2021, chapter 19)

**An Act mainly to improve the  
transparency of enterprises**

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**Introduced 8 December 2020  
Passed in principle 14 April 2021  
Passed 3 June 2021  
Assented to 8 June 2021**

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**Québec Official Publisher  
2021**

## EXPLANATORY NOTES

*This Act amends the Act respecting the legal publicity of enterprises mainly to improve the transparency of enterprises.*

*The Act provides that the enterprise registrar must take reasonable measures to optimize the reliability of the information contained in the enterprise register.*

*The Act requires registrants to declare certain information relating to the natural persons who are their ultimate beneficiaries, including their names, domiciles and dates of birth. In that regard, it establishes the conditions under which a natural person is considered to be an ultimate beneficiary and allows the Government to make regulations determining other conditions.*

*The Act adds the date of birth to the information required to be declared by a registrant about a natural person and allows a registrant to declare such a person's professional address so that the information relating to that person's domicile may not be consulted, except by a court bailiff in the practice of his or her profession.*

*The Act requires registrants to provide a copy of identification for each of the registrant's directors to the registrar.*

*The Act provides that a natural person's name may be part of a compilation of information or serve as the basis for a compilation, including for the purposes of a search in the enterprise register. However, it specifies that information that may not be consulted may not be part of such a compilation or serve as the basis for one.*

*The Act allows the Government to make regulations determining terms relating to the declaration of certain information concerning ultimate beneficiaries as well as the information contained in the enterprise register that may not be consulted.*

*The Act allows the Minister to make a regulation exempting a category of registrants from paying the registration fee.*

*The Act also amends the Act respecting parental insurance to retroactively grant recipients whose benefit period was in progress on 27 September 2020 a weekly benefit of \$500 for every week of benefits paid starting on that date.*



*Finally, the Act makes consequential amendments to the Regulation respecting the application of the Act respecting the legal publicity of enterprises, and contains amending, transitional and final provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting parental insurance (chapter A-29.011);
- Act respecting the legal publicity of enterprises (chapter P-44.1).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting the application of the Act respecting the legal publicity of enterprises (chapter P-44.1, r. 1).



## **Bill 78**

### **AN ACT MAINLY TO IMPROVE THE TRANSPARENCY OF ENTERPRISES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

**1.** The Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by adding the following chapter before Chapter I:

#### **“CHAPTER 0.1**

##### **“PURPOSES AND DEFINITIONS**

**“0.1.** This Act establishes the enterprise register and sets rules relating to the information required to be recorded in the register in order to optimize the reliability of that information and improve the transparency of enterprises.

The purpose of the Act is to enhance the protection of the public by providing public access to certain information contained in the register, particularly in the context of socio-economic relations.

A further purpose of the Act is to prevent and fight tax evasion, money laundering and corruption.

**“0.2.** For the purposes of this Act,

“government enterprise” means any enterprise listed in Schedule 3 to the Financial Administration Act (chapter A-6.001);

“legal person constituted in Québec” means a legal person constituted under the laws of Québec and includes, except for the purposes of the second paragraph of section 36, a legal person constituted under the laws of a jurisdiction other than Québec that is continued under the laws of Québec;

“registrant” means a person or group of persons registered voluntarily or any person, trust or partnership required to be registered.

**“0.3.** For the purposes of this Act, a government body includes

(1) any body referred to in the first paragraph of section 2 of the Financial Administration Act (chapter A-6.001);

(2) any body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1); and

(3) the Commission de la construction du Québec.

In addition, persons designated by the National Assembly to exercise a function under its authority and municipal bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) are considered government bodies.

**“0.4.** In this Act, a natural person who meets any of the following conditions is considered to be an ultimate beneficiary of a registrant:

(1) the person is a holder, even indirectly, or beneficiary of a number of shares or units of the registrant conferring on the person the power to exercise 25% or more of the voting rights attached to the shares or units;

(2) the person is a holder, even indirectly, or beneficiary of a number of shares or units the value of which corresponds to 25% or more of the fair market value of all the shares or units issued by the registrant;

(3) the person has any direct or indirect influence that, if exercised, would result in control in fact of the registrant;

(4) the person is the general partner of the registrant or, if a general partner of the registrant is not a natural person, the person meets one of the conditions described in subparagraphs 1 and 3 or is a party to an agreement referred to in the second paragraph in respect of the general partner; or

(5) the person is the trustee of the registrant.

Where natural persons who are holders, even indirectly, or beneficiaries of shares or units of the registrant have agreed to jointly exercise the voting rights attached to the shares or units and the agreement confers on them, together, the power to exercise 25% or more of those voting rights, each of those natural persons is considered to be an ultimate beneficiary of the registrant.

In the case of a registrant who is a natural person operating a sole proprietorship, that person, unless the person declares otherwise, is presumed to be the only ultimate beneficiary of the registrant.

For the purposes of this section, a legal person acting as a trustee is considered to be a natural person.

To determine whether there has been influence within the meaning of subparagraph 3 of the first paragraph, sections 21.25 and 21.25.1 of the Taxation Act (chapter I-3) apply, with the necessary modifications.

The Government may make regulations determining other cases and conditions according to which a natural person is considered to be an ultimate beneficiary.

**“0.5.** In the case of a registrant that is a trust, other than a trust that issues units, the following are also considered to be ultimate beneficiaries of the registrant:

- (1) natural persons who are the registrant’s beneficiaries; and
- (2) if one of the beneficiaries is not a natural person, the ultimate beneficiaries of that beneficiary, and if that beneficiary is not a registrant, those determined as if that beneficiary were a registrant.

Where, in respect of a registrant, a trustee meets one of the conditions described in subparagraphs 1 to 3 of the first paragraph of section 0.4 or is a party to an agreement referred to in the second paragraph of that section, the beneficiaries of the trust administered by that trustee that meet one of the conditions described in subparagraphs 1 and 2 of the first paragraph or in subparagraphs 1 and 2 of the first paragraph of section 0.4 are also considered to be ultimate beneficiaries of the registrant.

Despite the preceding paragraphs, the beneficiaries of a trust whose interests are dependent on the death of another person are not considered to be ultimate beneficiaries of the trust.

**“0.6.** Where, in respect of a registrant, a limited partnership meets one of the conditions described in subparagraphs 1 and 2 of the first paragraph of section 0.4 or is a party to an agreement referred to in the second paragraph of that section, the natural persons who meet one of the conditions described in subparagraph 4 of the first paragraph of the same section in respect of the limited partnership are also considered to be ultimate beneficiaries of the registrant.

**“0.7.** For the purposes of sections 0.4 to 0.6, an entity, registered or not, that belongs to one of the following categories is considered to be a natural person:

- (1) the categories referred to in subparagraphs 1 to 7 of the fifth paragraph of section 33; or
- (2) the categories exempted by regulation of the Minister from declaring the information required under subparagraphs 2.1 and 2.2 of the second paragraph of section 33.”

## **2.** Section 3 of the Act is amended

- (1) by replacing “register described in Chapter II” in paragraph 1 by “enterprise register”;

(2) by adding the following paragraph after paragraph 3:

“(4) taking reasonable measures to optimize the reliability of the information contained in the register.”

**3.** Section 18 of the Act is repealed.

**4.** Section 26 of the Act is amended by replacing “by regulation of the Minister” by “under subparagraph 1 of the second paragraph of section 148”.

**5.** Section 27 of the Act is amended by replacing “the information required under subparagraph 4 of the first paragraph of section 33 and” by “the domicile referred to in subparagraph 1 of the first paragraph of section 33 and the information required under”.

**6.** Section 31 of the Act is repealed.

**7.** Section 32 of the Act is amended by adding the following paragraph at the end:

“The Minister may make a regulation exempting a category of registrants from paying the fee referred to in the first paragraph subject to the conditions determined by the Minister.”

**8.** Section 33 of the Act is amended

(1) in the first paragraph,

(a) by striking out “Unless an exemption established by regulation of the Minister applies,” in the introductory clause;

(b) by replacing “the registrant’s name and” in subparagraph 1 by “the registrant’s name, domicile and, in the case of a natural person, date of birth as well as”;

(c) by striking out subparagraph 4;

(2) in the second paragraph,

(a) by inserting the following subparagraphs after subparagraph 2:

“(2.1) the names, domiciles and dates of birth of the ultimate beneficiaries and any other name used by the ultimate beneficiaries in Québec and by which they are identified as well as, according to the terms determined by regulation of the Government, the type of control exercised by each ultimate beneficiary or the percentage of shares or units each one holds or of which each one is a beneficiary;

“(2.2) the date on which an ultimate beneficiary became one, and that on which the ultimate beneficiary ceased to be one;”;

(b) by replacing all occurrences of “the names and domiciles” by “the names, domiciles and dates of birth”;

(3) by replacing “subparagraph 4” in the third paragraph by “subparagraph 1”;

(4) by adding the following paragraphs at the end:

“Registrants belonging to the following categories are exempted from declaring the information required under subparagraphs 2.1 and 2.2 of the second paragraph:

(1) non-profit legal persons established for a private interest;

(2) legal persons established in the public interest;

(3) reporting issuers within the meaning of the Securities Act (chapter V-1.1);

(4) financial institutions referred to in paragraphs 1 to 3 of section 4 of the Insurers Act (chapter A-32.1);

(5) trust companies governed by a provincial or federal statute or a statute of another province or territory of Canada;

(6) banks and authorized foreign banks listed in Schedules I, II and III to the Bank Act (Statutes of Canada, 1991, chapter 46); and

(7) associations within the meaning of the Civil Code.

The Minister may make regulations exempting a category of registrants from declaring certain information required under this section and under sections 34 to 35.1.”

**9.** Section 34 of the Act is amended by replacing both occurrences of “the name and domicile” and the occurrence of “the names and domiciles” in paragraph 1 by “the name, domicile and date of birth” and “the names, domiciles and dates of birth”, respectively.

**10.** Section 35 of the Act is amended by replacing “the names and domiciles” in paragraph 5 by “the names, domiciles and dates of birth”.

**11.** The Act is amended by inserting the following section after section 35.1:

“**35.2.** A registrant who must declare the domicile of a natural person under a provision of this Act may also declare a professional address for the natural person.

A natural person may have only one professional address for the purposes of this Act.”

**12.** The Act is amended by inserting the following section after section 39:

“**39.1.** A registrant who must declare information relating to the registrant’s ultimate beneficiaries must take the necessary measures to locate them and to ascertain their identities.

The same applies to any updating required by this Act for the information concerning those ultimate beneficiaries.”

**13.** Sections 41, 45 and 46 of the Act are amended by replacing “35.1” in the first paragraph by “35.2”.

**14.** The Act is amended by inserting the following section after section 68:

“**68.1.** The registrant must provide, for each of the registrant’s directors, a copy of identification issued by a government authority in support of any declaration or updating of information relating to the directors.

The copy of any identification filed in accordance with the first paragraph is kept by the registrar until the date of the registrant’s registration or of the updating of the register, as applicable. The copy is then destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

**15.** The Act is amended by inserting the following section after section 73:

“**73.1.** Despite section 73, if a registrant fails to comply with the obligation to update a professional address of a natural person, the registrant must make the required changes within 30 days after being requested to do so by the registrar.

A copy of the request is deposited in the register.

If the registrant fails to comply with the request, the information relating to the domicile declared for the person concerned may be consulted, provided the registrant does not again avail himself, herself or itself of the first paragraph of section 35.2.”

**16.** Section 98 of the Act is amended, in the first paragraph,

(1) by replacing “the registrant’s name and” in subparagraph 1 by “the registrant’s name and domicile as well as”;

(2) by striking out subparagraph 4;



(3) by inserting the following subparagraph after subparagraph 6.1:

“(6.2) the names and domiciles of the ultimate beneficiaries as well as the type of control exercised by each ultimate beneficiary or the percentage of shares or units each one holds or of which each one is a beneficiary;”;

(4) by striking out “, if applicable,” in subparagraph 7;

(5) by inserting the following subparagraph after subparagraph 7:

“(7.1) the date on which an ultimate beneficiary became one, and that on which the ultimate beneficiary ceased to be one;”;

(6) by adding the following subparagraph after subparagraph 17:

“(18) the professional address of a natural person.”

**17.** The Act is amended by inserting the following section after section 99:

**“99.1.** The following information contained in the register and that concerns a natural person may not be consulted:

(1) the person’s date of birth;

(2) the person’s domicile, if a professional address is declared for him or her under section 35.2; and

(3) the person’s name and domicile, if he or she is a minor and is an ultimate beneficiary of a registrant.

Despite the first paragraph, a court bailiff may, in the practice of his or her profession, consult the information relating to the domicile of any natural person.

The Government may make regulations determining any other information contained in the register that may not be consulted.”

**18.** Section 101 of the Act is amended by replacing the second paragraph by the following paragraphs:

“However, such a compilation may not, unless it is requested by a person or a body referred to in any of subparagraphs 1 to 3 and 5 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 67 or 68 of that Act, for the purposes set out in those provisions,

(1) be based on information that may not be consulted under this Act or on an address of a natural person; or

(2) contain information that may not be consulted under this Act.

Despite the first paragraph, the registrar may provide free of charge to any person a compilation of information based on the name of the natural person.”

**19.** Section 102 of the Act is repealed.

**20.** Section 106 of the Act is amended

(1) by replacing “paragraph 2 of section 149” in the second paragraph by “subparagraph 3 of the second paragraph of section 148”;

(2) by inserting “and any other information that may not be consulted” at the end of the last paragraph.

**21.** Section 121 of the Act is amended

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

“The Minister may enter into an agreement with a government department, body or enterprise to allow the registrar to communicate to the department, body or enterprise all or part of the information contained in the register and any subsequent updates.”;

(2) by replacing subparagraph 2 of the third paragraph by the following subparagraph:

“(2) make, for its own purposes, a compilation of information that, unless it is made for the purposes set out in any of subparagraphs 1 to 3 and 5 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 67 or 68 of that Act,

(a) is based on information that may not be consulted under this Act or on an address of a natural person; or

(b) contains information that may not be consulted under this Act.”

**22.** Section 123 of the Act is amended by striking out the second paragraph.

**23.** Section 148 of the Act is amended by adding the following paragraph at the end:

“The Minister may also

(1) in respect of a province of Canada and provided there is reciprocity with that province, make a regulation exempting certain registrants from designating an attorney in accordance with section 26;

(2) make a regulation exempting a category of registrants from paying the fee referred to in the first paragraph of section 32 subject to the conditions determined by the Minister; and

(3) make a regulation exempting a category of registrants from declaring certain information required under sections 33 to 35.1.”

**24.** Section 149 of the Act is repealed.

**25.** Section 150 of the Act is amended

(1) by adding the following paragraph before paragraph 1:

“(0.1) the cases and conditions according to which a natural person is considered to be an ultimate beneficiary;”;

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

“(5) the terms relating to the declaration of the type of control exercised by each ultimate beneficiary or of the percentage of shares or units each one holds or of which each one is a beneficiary; and

“(6) the information contained in the register that may not be consulted.”

#### ACT RESPECTING PARENTAL INSURANCE

**26.** The Act respecting parental insurance (chapter A-29.011) is amended by inserting the following chapter after section 121.1:

#### “CHAPTER VII.1

#### “TEMPORARY MEASURES

“**121.2.** A recipient whose benefit period is in progress on 27 September 2020, and whose amount of weekly benefits determined pursuant to sections 18 and 21 is less than \$500 is entitled to an adjustment so that the weekly benefit payable to the recipient is \$500 for every week of benefits paid starting on that date until the end of the recipient’s benefit period.

“**121.3.** Where a recipient referred to in section 121.2 is entitled to a weekly lump sum determined under sections 44 to 49 of the Regulation under the Act respecting parental insurance (chapter A-29.011, r. 2), the amount is added to the adjusted weekly benefit referred to in section 121.2.

“**121.4.** In the event of the death of a recipient referred to in section 121.2, the benefits payable to the surviving parent under section 17 may not be less than \$500 per week.”

## REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

**27.** Section 1 of the Regulation respecting the application of the Act respecting the legal publicity of enterprises (chapter P-44.1, r. 1) is amended by replacing “35.1” in subparagraph 1 of the first paragraph by “35.2”.

**28.** Section 5 of the Regulation is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) the domicile referred to in subparagraph 1 of the first paragraph of section 33 of the Act and the information referred to in subparagraphs 1 and 8 of the second paragraph of that section;”.

## TRANSITIONAL AND FINAL PROVISIONS

**29.** A registrant is not required to declare the date of birth of any person or the information relating to the person’s ultimate beneficiaries under sections 33 to 35 of the Act respecting the legal publicity of enterprises (chapter P-44.1), as amended by sections 8 to 10, before filing a first annual update after the date of coming into force of the provisions under which that information is required.

The same applies in respect of the registrant’s obligation to provide, for each of the registrant’s directors, a copy of identification issued by a government authority in support of any declaration concerning the directors.

**30.** The provisions of the Regulation respecting the application of the Act respecting the legal publicity of enterprises (chapter P-44.1, r. 1) made under section 149 of the Act respecting the legal publicity of enterprises are deemed to have been made under the second paragraph of section 148 of that Act.

**31.** The Minister of Employment and Social Solidarity must, not later than 90 days after five years from the date of coming into force of section 1 of this Act, report to the Government on the implementation of the provisions of the Act respecting the legal publicity of enterprises relating to ultimate beneficiaries and, if applicable, on the advisability of amending, in particular, the 25% threshold prescribed by section 0.4 of that Act.

The report is tabled in the National Assembly by the Minister within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**32.** The provisions of sections 121.2 to 121.4 of the Act respecting parental insurance (chapter A-29.011), enacted by section 26, have effect from 27 September 2020.

**33.** The provisions of this Act come into force on the date or dates to be determined by the Government, except the provisions of sections 26 and 32, which come into force on 8 June 2021.

## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 1105-2021, 11 August 2021**

**Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11)**

#### **—Coming into force of a provision**

CONCERNING the coming into force of a provision of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons

WHEREAS An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) received assent on June 3, 2020;

WHEREAS section 257 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions respecting the protection of persons, to the extent that it enacts paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), should come into force on October 1, 2021;

IT IS THEREFORE ORDERED, upon the recommendation of the Minister of Families:

THAT paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions respecting the protection of persons, to the extent that it enacts paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), come into force on October 1, 2021.

YVES OUELLET  
*Clerk of the Conseil exécutif*

105229



## Regulations and other Acts

Gouvernement du Québec

### **O.C. 1093-2021, 11 August 2021**

Education Act  
(chapter I-13.3)

#### **Other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Act**

Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act

WHEREAS, under the first paragraph of section 452.1 of the Education Act (chapter I-13.3), the Government may, by regulation, determine any conditions or procedures other than those provided for in sections 272.3 to 272.15, for the purposes of section 272.2;

WHEREAS, under subparagraph 5 of the second paragraph of section 452.1 of the Act, the regulation may prescribe or provide for the characteristics that an immovable acquired by a school service centre for the purpose of building or enlarging a school or centre must have;

WHEREAS, under section 327 of the Act to amend mainly the Education Act with regard to school organization and governance (2020, chapter 1), the first regulation made under section 452.1 is not subject to sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

#### **Regulation respecting the other conditions and procedures applicable to the scheme for the transfer of an immovable by a local municipality to a school service centre under section 272.2 of the Education Act**

Education Act  
(chapter I-13.3, section 452.1)

**1.** Land acquired by a school service centre under the scheme provided for by sections 272.2 to 272.13 of the Education Act (chapter I-13.3) must have the following characteristics:

(1) be situated inside an urbanization perimeter entered on the land use and development plan applicable to the territory of the municipality in which the land is situated and, subject to the fourth paragraph of section 272.12, in a zone usable for its intended purpose;

(2) not be situated inside a zone specified in a land use or development plan or in an interim control by-law where land occupation is subject to special restrictions for reasons of public safety such as flood zones, erosion zones or landslide zones;

(3) be served, or be served in a timely fashion, by a public road and by municipal waterworks and sewer systems of sufficient capacity to meet the needs of the school or centre whose construction or enlargement is proposed;

(4) have a sufficient area and a configuration allowing for the construction of the proposed school or centre, including the development of its outdoor facilities;

(5) have stable soil allowing for an immovable to be built in normal conditions, in particular by being free of physical characteristics that would require the implementation of exceptional measures to perform the work;

(6) be free of wetland or a body of water within the meaning of the Environment Quality Act (chapter Q-2), unless the wetland or body of water is not included in the area calculation and does not alter the configuration requirements provided for in paragraph 3, does not hinder the construction or enlargement of the proposed school or centre or the development of its outdoor facilities, and does not make those activities subject to obtaining

an authorization under subparagraph 4 of the first paragraph of section 22 of that Act or make them eligible for a declaration of compliance under section 31.0.6 of that Act;

(7) not constitute, in whole or in part, the habitat of a wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) as demarcated on a chart provided for in section 11 of the Act respecting threatened or vulnerable species (chapter E-12.01) or the habitat of a plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(8) not be a territory appearing in a register provided for in sections 5, 6.1 and 24.1 of the Natural Heritage Conservation Act (chapter C-61.01);

(9) not have been the subject of a notice of contamination in the land register, unless a notice of decontamination attesting that the quantity or concentration of contaminants does not exceed the limit values prescribed by Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) has been registered in the land register;

(10) not have been used in whole or in part as a residual materials elimination site, unless a residual materials removal notice has been registered in the land register under section 65.4 of the Environment Quality Act;

(11) not be a site where an industrial or commercial activity identified in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) has been carried on, unless a characterization study establishes that the quantity or concentration of contaminants found there does not exceed the limit values in Schedule I to the Regulation.

**2.** The characterization study referred to in paragraph 11 of section 1 is at the expense of the local municipality in whose territory the land is situated.

**3.** This Regulation comes into force on 25 August 2021.

105227

Gouvernement du Québec

## O.C. 1101-2021, 11 August 2021

Setting aside of the Mashkiki land, situated in the Outaouais region

WHEREAS, under the first paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), the Government may, by order, set aside any land that is part of the domain of the State in order to establish a new protected area;

WHEREAS, under the second paragraph of section 12.3 of the Act, while the land is set aside, no new right, lease, permit, licence or authorization may be granted or issued for the carrying on of any of the following activities:

- (1) commercial forest development activities;
- (2) exploration for and the mining and transportation of mineral substances;
- (3) petroleum, brine or underground reservoir exploration, production and storage;
- (4) oil or gas pipeline construction;
- (5) the commercial production, processing, distribution or transmission of electricity;
- (6) wildlife harvesting activities or agricultural activities;
- (7) the construction of any infrastructure subject to an authorization of the Minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1);

WHEREAS, under the first paragraph of section 12.4 of the Natural Heritage Conservation Act, the Government's decision must specify the reasons that justify setting aside the land concerned as well as the activities listed in the second paragraph of section 12.3 that are covered by the decision;

WHEREAS, under the second paragraph of section 12.4 of the Act, the Government's decision must be accompanied by a map of the land that has been set aside;

WHEREAS the Mashkiki land is part of the domain of the State;



WHEREAS, for the purpose of establishing a new protected area, it is expedient to set aside the Mashkiki land, mapped in the Schedule to this Order in Council and situated in the Outaouais region, to protect and maintain biodiversity, in particular species in a precarious situation and their known or potential habitats, which characterize the land, as well as natural and cultural resources;

WHEREAS, for the purpose of protecting the Mashkiki land from activities that may have an impact on biodiversity, it is expedient to provide that, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act, no new right, lease, permit, licence or authorization may be granted or issued, while the land is set aside, for the carrying on of the following activities:

(1) commercial forest development activities, except

(a) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(b) the improvement, repair, maintenance and decommissioning of multi-purpose roads within the meaning of the Sustainable Forest Development Act (chapter A-18.1) and the construction, improvement, repair, maintenance and decommissioning of trails not intended for motorized all-terrain vehicles, except the construction of trails in an environment that shelters a threatened or vulnerable plant or animal species or one likely to be designated as such within the meaning of the Act respecting threatened or vulnerable species (chapter E-12.01);

(2) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances, except surface mineral substances;

(3) petroleum, brine or underground reservoir exploration, production and storage;

(4) oil or gas pipeline construction;

(5) activities carried on for the purposes of the commercial production, processing, distribution or transmission of electricity, except for electric power transmission lines at voltages below 44 kV, which are not covered;

(6) agricultural activities;

(7) the construction of any infrastructure subject to an authorization of the Minister responsible for the administration of the Act respecting the lands in the domain of the State in an environment that shelters a threatened or

vulnerable plant or animal species or one likely to be designated as such within the meaning of the Act respecting threatened or vulnerable species;

WHEREAS other activities, in particular non-commercial forest development activities, remain authorized pursuant to the Natural Heritage Conservation Act subject to being carried on with the rights, leases, permits, licences or authorizations required under the other statutes and regulations;

WHEREAS, under section 12.5 of the Act, the Government's decision comes into force on the date of its publication in the *Gazette officielle du Québec*;

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

THAT the land mapped in the Schedule to this Order in Council and situated in the Outaouais region be set aside as Mashkiki reserved land;

THAT, for the activities listed in the second paragraph of section 12.3 of the Natural Heritage Conservation Act (chapter C-61.01), no new right, lease, permit, licence or authorization be granted or issued, while the land is set aside, for the carrying on of the following activities:

(1) commercial forest development activities, except

(a) activities carried on to protect forests against fire, destructive insects and cryptogamic diseases;

(b) the improvement, repair, maintenance and decommissioning of multi-purpose roads within the meaning of the Sustainable Forest Development Act (chapter A-18.1) and the construction, improvement, repair, maintenance and decommissioning of a trail not intended for motorized all-terrain vehicles, except the construction of trails in an environment that shelters a threatened or vulnerable plant or animal species or one likely to be designated as such within the meaning of the Act respecting threatened or vulnerable species (chapter E-12.01);

(2) activities carried on for the purposes of exploration for or the mining of mineral substances and the construction of infrastructure to be used to transport such substances, except surface mineral substances;

(3) petroleum, brine or underground reservoir exploration, production and storage;

(4) oil or gas pipeline construction;

(5) activities carried on for the purposes of the commercial production, processing, distribution or transmission of electricity, except for electric power transmission lines at voltages below 44 kV, which are not covered;

(6) agricultural activities;

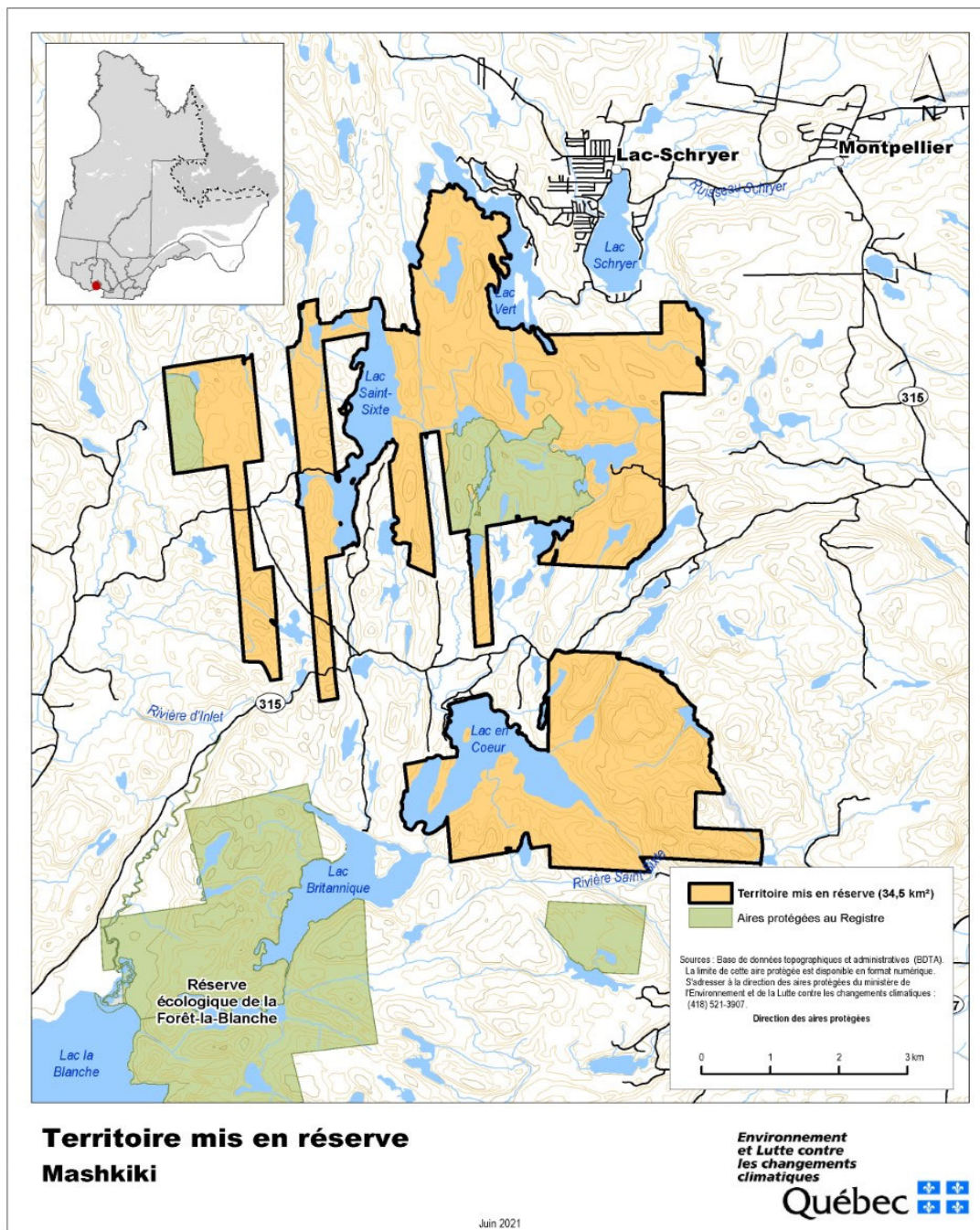
(7) the construction of any infrastructure subject to an authorization of the Minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1) in an environment that shelters a threatened or vulnerable plant or animal species or one likely to be designated as such within the meaning of the Act respecting threatened or vulnerable species.

YVES OUELLET

*Clerk of the Conseil exécutif*

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# SCHEDULE MASHKIKI LAND SET ASIDE



Gouvernement du Québec

## O.C. 1106-2021, 11 August 2021

Public Curator Act  
(chapter C-81)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11)

### Certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

CONCERNING the Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

WHEREAS the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) was assented to on June 3, 2020;

WHEREAS, under paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), as enacted by paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11), the Government may, by regulation, determine the conditions an advocate or notary must meet to be certified to perform the operations preliminary to the recognition of an assistant to a person of full age;

WHEREAS pursuant to Order in Council 1105-2021 of August 11, 2021, the Government fixed October 1, 2021 as the date on which subsection 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) comes into force, insofar as it enacts subsection 3.4 of section 68 of the Public Curator Act (chapter C-81);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation respecting the certification of an advocate or notary for the purpose of recognizing an assistant to a person of full age was published in Part 2 of the *Gazette officielle du Québec* of March 31, 2021, with a notice that it could be enacted by the Government on the expiry of a period of 45 days from that publication;

WHEREAS it is necessary to enact this regulation with amendments;

IT IS THEREFORE ORDERED, upon the recommendation of the Minister of Families:

THAT the Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age, annexed to this Order-in-Council, be enacted.

YVES OUELLET  
*Clerk of the Conseil exécutif*

### Regulation respecting the certification of an advocate or a notary for the purpose of recognizing an assistant to a person of full age

Public Curator Act  
(chapter C-81, s. 68, par. 3.4)

An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11, s. 153, par. 2)

**1.** To be certified by their professional order to perform operations preliminary to the recognition of an assistant to a person of full age, advocates and notaries must apply to their order and meet the following conditions:

(1) they subscribe to the professional liability insurance fund established by their professional order in accordance with section 86.1 of the Professional Code (chapter C-26);

(2) they are not subject to any suspension of their right to engage in professional activities, nor to any restriction of their right to engage in professional activities concerning a field of law or an activity related to the recognition of an assistant to a person of full age;

(3) they meet one of the following requirements:

a) in the two years preceding their application, they have taken a training course determined by their professional order, of at least six hours duration, of which:

i. at least one hour covers legal aspects of the recognition of an assistant to a person of full age;

ii. at least five hours cover the following aspects related to operations preliminary to the recognition of an assistant to a person of full age: ethical issues, psychological and social aspects, communication issues and procedure;



b) they demonstrate to their professional order that they have acquired competencies equivalent to those of an advocate or notary who has taken the training provided for in subparagraph *a*;

(4) they undertake to take at least one and a half hours of continuing education activities related to the recognition of an assistant to a person of full age and determined by their professional order among the hours of continuing education activities to which they are bound, per reference period of at least two years, pursuant to the regulation adopted by that order in accordance with paragraph *o* of the first paragraph of section 94 of the Professional Code;

(5) they agree to the following information being sent to the Public Curator through their professional order:

a) their name;

b) the address and telephone number of their professional domicile;

c) a professional e-mail address established in their name;

d) the date on which they were certified, and, where applicable, the date on which their certification was terminated;

(6) they include with their application all useful information and documents, including the document showing the undertaking provided for in paragraph 4 and the document showing the acceptance provided for in paragraph 5;

(7) they pay the fees prescribed in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

To be certified, advocates must also be registered on the roll of their professional order under the category of practising advocate.

For the purposes of subparagraph 4 of the first paragraph, continuing education activities relating to the recognition of assistants to persons of full age may not be self-learning activities. In addition, their undertaking takes effect at the start of the two-year reference period following the reference period during which the advocate or notary obtains their certification.

**2.** Advocates cease to be certified if they are no longer registered on the roll of their professional order under the category of practising advocate.

The same applies to notaries who are no longer registered on the roll of their professional order.

**3.** Advocates and notaries also cease to be certified if they no longer satisfy one of the conditions set out in subparagraph 1, 2 or 5 of the first paragraph of article 1.

The same applies if, after receiving notice from their professional order informing them that they are not complying with the undertaking provided for in subparagraph 4 of this paragraph, they do not remedy the failure within the period indicated in the notice.

**4.** To be re-certified, advocates or notaries who cease to be certified pursuant to the second paragraph of article 3 must, in addition to satisfying the conditions laid down in article 1, remedy their failure to comply and provide proof thereof to their professional order.

**5.** This regulation comes into force on October 1, 2021.  
105230

Gouvernement du Québec

**O.C. 1113-2021, 11 August 2021**

Tax Administration Act  
(chapter A-6.002)

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

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

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

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

WHEREAS Décret 960-2019 dated 11 September  
2019 authorized the Minister of International Relations  
and La Francophonie to sign alone the Agreement on  
Social Security between the Gouvernement du Québec  
and the Government of the Republic of Serbia, and the  
Administrative Arrangement and Protocol for the applica-  
tion of the Agreement;

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia and the Administrative Arrangement and Protocol for the application of the Agreement were signed in Québec and in Ottawa on 19 June 2020;

WHEREAS the Agreement on Social Security guarantees in particular to the persons concerned the advantages of the coordination regarding retirement, survivors' benefits, disability, death, health insurance, hospital insurance and other health services;

WHEREAS the terms and conditions of the Agreement are set out in an administrative arrangement and a protocol attached to the Agreement;

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

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

WHEREAS, under the third paragraph of section 10 of that Act, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS, under the second paragraph of section 215 of the Act respecting the Québec Pension Plan (chapter R-9), for the purpose of giving effect to an agreement made with a country other than Canada and with respect to matters mentioned in the first paragraph of this article, the Government may make regulations respecting the manner in which that Act is to apply to any case affected by the agreement and for adapting the provisions of this Act thereto;

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

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

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

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

WHEREAS the National Assembly approved the Agreement on 11 November 2020;

WHEREAS, under Order in Council 808-2011 dated 3 August 2011, draft regulations of the Government respecting the implementation of agreements on social security signed by the Government under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux, section 215 of the Act respecting the Québec Pension Plan and section 9 of the Tax Administration Act are, in particular, excluded from the application of the Regulations Act (chapter R-18.1);

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

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, signed in Québec and in Ottawa on 19 June 2020 and approved by the National Assembly on 11 November 2020, attached to the Regulation respecting the implementation of the Agreement mentioned hereinafter, be ratified;

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

YVES OUELLET  
*Clerk of the Conseil exécutif*

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

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

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

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

**1.** The following Acts and regulations thereunder shall apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, signed in Québec and in Ottawa on 19 June 2020 and appearing in Schedule 1:

- (1) the Hospital Insurance Act (chapter A-28);
- (2) the Health Insurance Act (chapter A-29);
- (3) the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- (4) the Act respecting the Québec Pension Plan (chapter R-9);
- (5) the Act respecting health services and social services (chapter S-4.2);
- (6) the Act respecting health services and social services for Cree Native persons (chapter S-5).

**2.** Those Acts and regulations shall apply in the manner provided for in the Agreement, the Administrative Arrangement and the Protocol for the application of the Agreement appearing in Schedules 2 and 3, respectively, signed in Québec and in Ottawa on 19 June 2020.

**3.** This Regulation comes into force on 1 February 2022.

**SCHEDULE 1**

(s. 1)

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

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF SERBIA

(hereinafter referred to as “the Parties”)

HAVING RESOLVED to coordinate their social security  
legislations;

HAVE AGREED AS FOLLOWS:

**TITLE I**  
**GENERAL PROVISIONS**

**ARTICLE 1**

*Definitions*

(1) For the purposes of the Agreement, unless the context indicates otherwise,

1. “legislation” means the existing and future Acts and regulations concerning the social security branches and plans referred to in Article 2;

2. “competent authority” means

—as regards Québec, the Minister responsible for the administration of the legislation referred to in Article 2;

—as regards the Republic of Serbia, the Ministries responsible for the legislation referred to in Article 2;

3. “competent institutions” means

—as regards Québec, the department or body responsible for the application of the legislation referred to in Article 2;

—as regards the Republic of Serbia, the competent institution for the application of the legislation referred to in Article 2;

4. “insurance period” means

—as regards Québec, any year for which contributions have been paid or a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered equivalent;

—as regards the Republic of Serbia, the period for which contributions have been paid or an equivalent period and the period recognized as such under the legislation of the Republic of Serbia;

5. “benefit” means any cash benefit or benefit in kind provided for in the legislation of the Parties;

6. “benefit in kind” means medical protection, care and benefits other than cash benefits;

7. “cash benefit” means a pension, an allowance, an indemnity, a lump sum or another cash benefit, including any additional benefit, supplement or increase;

8. “reside” means to ordinarily live in the territory of one Party with the intention to establish or maintain one’s domicile therein, while being legally authorized to do so;

9. “stay” means to be temporarily in the territory of one Party without intention of residing therein;

10. “occupational injury” means an industrial accident or occupational disease, including relapse;

11. “national” means

—for Québec, a Canadian citizen who is or has been subject to the legislation of Québec or has acquired rights under that legislation;

—for the Republic of Serbia, a national of the Republic of Serbia.

(2) A term not defined in this Agreement shall have the meaning given to it in the applicable legislation.

## ARTICLE 2

### *Material scope*

(1) The Agreement shall apply:

1. to the legislation of Québec with respect to:

1.1. the Québec Pension Plan;

1.2. occupational injuries;

1.3. the health insurance, the hospital insurance and other health services.

2. to the legislation of the Republic of Serbia with respect to:

2.1. old age and disability insurance;

2.2. industrial accidents and occupational diseases;

2.3. health insurance and medical protection.

(2) The Agreement shall also apply to any statutory or regulatory act which amends, supplements or supersedes the legislation referred to in paragraph 1.

(3) The Agreement shall also apply to a statutory or regulatory act of one Party that extends the existing plans to new categories of beneficiaries or to new benefits. The Party that carries out such amendment has three months as of the official publication of the legislation to notify the other Party that the Agreement does not apply thereto.

(4) The Agreement shall not apply to a statutory or regulatory act covering a new social security branch unless the Agreement is amended to that effect.

## ARTICLE 3

### *Personal scope*

Unless otherwise provided, the Agreement shall apply to any person who is or has been subject to the legislation of one Party or who has acquired rights under that legislation.

## ARTICLE 4

### *Equality of treatment*

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall receive, in the application of the legislation of one Party, the same treatment as the nationals of that Party.

## ARTICLE 5

### *Export of benefits*

(1) Unless otherwise provided by the Agreement, no cash benefit acquired under the legislation of one Party, with or without the application of the Agreement, may be reduced, modified, suspended, discontinued or confiscated by reason only that the beneficiary resides in the territory of the other Party.



(2) With respect to Québec:

cash benefits granted under the Agreement to a person who is or who has been subject to the legislation of both Parties, or to a person who derives rights from that person, shall also be paid when that person, or a person who derives rights from that person, resides in the territory of a third State.

(3) With respect to the Republic of Serbia:

1. cash benefits granted under the Agreement to a person who is or who has been subject to the legislation of both Parties, or to a person who derives rights from that person, shall also be paid when that person, or a person who derives rights from such a person, resides in the territory of a third State, provided that the Republic of Serbia has entered into a social security agreement with that third State;

2. paragraph 1 shall not apply to the amount of the difference between the minimum pension and the pension acquired if the amount of the pension acquired is less than the amount of the minimum pension, to the cash allowance for the assistance and care of persons and to the cash allowance for bodily impairment.

## TITLE II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

### ARTICLE 6

#### *General rule*

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9, 10 and 11, an employed person who works in the territory of one Party shall, in respect of that employment, be subject only to the legislation of that Party.

### ARTICLE 7

#### *Self-employed person*

A self-employed person who resides in the territory of one Party, subject to the legislation of the Party and works temporarily for his or her own account in the territory of the other Party, or in the territories of both Parties, that person shall, in respect of that work, be subject only to the legislation of the first Party. This provision may be maintained for a period of up to 24 months and can be extended for an additional period of 24 months with the consent of the competent institutions of Québec and the competent authority of the Republic of Serbia.

### ARTICLE 8

#### *Detached person*

(1) A person subject to the legislation of one Party and temporarily assigned, for a period not exceeding 36 months, by his or her employer to the territory of the other Party shall be subject, in respect of that employment, only to the legislation of the first Party.

(2) Notwithstanding the foregoing, if the duration of employment extends beyond 36 months, the legislation of the first Party shall remain applicable for an additional period of 24 months with the consent of the competent institutions of Québec and the competent authority of the Republic of Serbia.

### ARTICLE 9

#### *Travelling personnel employed by an international carrier*

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

Notwithstanding the foregoing, persons employed in the territory of one Party by a branch or permanent agency of that undertaking shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.

### ARTICLE 10

#### *Person in government service or similar employment*

(1) A person in government service or similar employment for one of the Parties and assigned to a post in the territory of the other Party shall be subject, with respect to that employment, only to the legislation of the first Party.

(2) A person residing in the territory of one Party and being employed in that territory for the other Party shall, with respect to that employment, be subject only to the legislation of the Party in whose territory they reside.

### ARTICLE 11

#### *Derogation from the provisions on coverage*

The competent authorities of both Parties may, by mutual consent, derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any person or categories of persons.

### **TITLE III**

#### **PROVISIONS CONCERNING BENEFITS**

#### **CHAPTER 1**

##### **RETIREMENT BENEFITS, DISABILITY BENEFITS AND SURVIVOR'S BENEFITS**

#### **ARTICLE 12**

*Scope*

This Chapter shall apply to all benefits covered by the Act respecting the Québec Pension Plan and the legislation of the Republic of Serbia with respect to old age and disability insurance.

#### **ARTICLE 13**

*Principle of totalization*

(1) Where a person has completed insurance periods under the legislation of the Parties and where the person is not eligible for benefits solely under insurance periods completed under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary to establish entitlement to benefits under the legislation it is applying, the insurance periods completed under its legislation and the insurance periods under the legislation of the other Party, provided that the overlapping periods are counted only once.

(2) When paragraph 1 is applied, the increase of the insurance period provided for in the legislation of one Party will only be taken into account by the competent institution of that Party.

#### **ARTICLE 14**

*Benefits under the legislation of Québec*

(1) If persons who have been subject to the legislation of the Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants under the legislation of Québec without having recourse to the totalization referred to in Article 13, the competent institution of Québec shall determine the amount of benefits in accordance with the legislation it applies.

(2) If the persons referred to in paragraph 1 do not meet the conditions required for entitlement to benefits without the application of totalization, the competent institution of Québec shall proceed in the following manner:

1. it shall recognize a contribution year where the competent institution of the Republic of Serbia attests that a person has accomplished an insurance period of at least three months in a calendar year under the legislation of

the Republic of Serbia, provided that year is included in the contributory period as defined in the legislation of Québec;

2. it shall totalize the years recognized under subparagraph 1 with periods of insurance completed under the legislation of Québec, in accordance with Article 13.

(3) Where entitlement to benefits is acquired pursuant to the totalization referred to in paragraph 2, the competent institution of Québec shall determine the amount of the benefits payable by adding the amounts calculated in accordance with subparagraphs 1 and 2 below:

1. the amount of the part of the benefit related to earnings is calculated in accordance with the provisions of the legislation of Québec;

2. the amount of the flat-rate portion of the benefit payable under this Agreement is determined by multiplying the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan by the fraction that represents the ratio between the periods of base contributions to the Québec Pension Plan and the base contributory period as defined in the legislation relating to that Plan.

#### **ARTICLE 15**

*Benefits under the legislation of the Republic of Serbia*

(1) If a person who has been subject to the legislation of the Parties meets the conditions required for entitlement to benefits under the legislation of the Republic of Serbia without the application of the totalizing provisions of Article 13, the competent institution of the Republic of Serbia shall determine the amount of the benefit in accordance with the provisions of the legislation it applies.

(2) If the person referred to in paragraph 1 does not meet the conditions required for entitlement to benefits without the application of totalization, the competent institution of the Republic of Serbia shall:

1. recognize 12 months of insurance period according to the legislation of the Republic of Serbia for each year of insurance confirmed by the competent institution of Québec;

2. if entitlement to benefits is not acquired notwithstanding the application of the preceding subparagraph, recognize one month of insurance period under the legislation of the Republic of Serbia where that month is considered to be a month of residence within the meaning of the *Old Age Security Act* that applies in the territory of Québec, provided that the month does not overlap a period of insurance completed under the legislation of Québec;

3. totalize the periods of insurance completed under the legislation of the Republic of Serbia and the periods of insurance recognized under subparagraphs 1 and 2, in accordance with Article 13.

(3) Where the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of the Republic of Serbia shall determine the amount of the benefit payable as follows:

1. it calculates the theoretical amount of the benefit that would be paid if all the insurance periods, recognized and completed under the legislation of Québec and the legislation of the Republic of Serbia were completed exclusively under the legislation of the Republic of Serbia and

2. it determines, on the basis of that theoretical amount, the actual amount of the pension payable, in proportion with the ratio between the insurance periods completed under the legislation of the Republic of Serbia and all the insurance periods completed under the legislation of Québec and the legislation of the Republic of Serbia.

#### **ARTICLE 16**

##### *Insurance periods completed under the legislation of a third State*

If a person is not entitled to a benefit after the totalization provided for in Article 14 or Article 15, insurance periods completed under the legislation of a third State with which each of the Parties has entered into an agreement on social security containing provisions related to the totalization of insurance periods shall be taken into account to establish entitlement to benefits, according to the terms provided for in that Title.

#### **CHAPTER 2**

##### **BENEFITS IN CASE OF OCCUPATIONAL INJURY**

#### **ARTICLE 17**

##### *Scope*

This Chapter shall apply to all benefits covered by the legislation of each Party respecting occupational injuries.

#### **ARTICLE 18**

##### *Person subject to the legislation of one Party and staying or residing in the territory of the other Party*

A person who, owing to an occupational injury, is entitled to a benefit under the legislation of one Party, shall benefit from that benefit when staying or residing in the territory of the other Party.

#### **ARTICLE 19**

##### *Relapse*

(1) A person whose occupational injury has been recognized by the competent institution of one Party and who suffers a relapse of the occupational injury while staying or residing in the territory of the other Party, shall be entitled, in that territory, to benefits arising from that relapse.

(2) Entitlement to benefits is determined by taking into account the following situations:

1. if the person has performed, under the legislation of the Party in the territory of which the person is staying or residing, work that is likely to cause the relapse, the competent institution of that Party shall adjudicate on the relapse, according to the legislation it applies. In such case:

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

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

2. if the person has not performed, under the legislation of the Party in the territory of which the person is staying or residing, work that is likely to cause the relapse, benefits payable as a result of the relapse shall be provided by the competent institution of the other Party according to the legislation it applies.

(3) The term “relapse” includes recurrence and worsening.

#### **ARTICLE 20**

##### *Provision of benefits*

In the cases provided for in Articles 18 and 19:

1. benefits in kind shall be provided, on behalf and at the expense of the competent institution, by the institution of the place of stay or residence of the person, in

accordance with the legislation the latter applies as concerns the scope and terms and conditions of the provision of the benefits. The competent institution shall set forth the duration of the authorization and shall also decide on any request for an extension of benefits;

2. cash benefits shall be provided directly to the person by the competent institution, in accordance with the legislation it applies.

#### ARTICLE 21

##### *Granting of benefits of great importance*

In the cases provided for in Articles 18 and 19, the granting of prostheses, large devices and other benefits in kind of great importance shall be subject, except in emergencies, to the prior authorization of the competent institution.

#### ARTICLE 22

##### *Assessment of permanent physical or mental impairment under the legislation of Québec*

To assess the percentage of permanent physical or mental impairment resulting from an occupational injury with respect to the legislation of Québec, permanent physical or mental impairment resulting from an occupational injury that occurred previously under the legislation of the Republic of Serbia shall be taken into consideration as if it had occurred under the legislation of Québec.

#### ARTICLE 23

##### *Assessment of fitness for employment and bodily injury under the legislation of the Republic of Serbia*

To assess fitness for employment or bodily injury resulting from an occupational injury with respect to the legislation of the Republic of Serbia, occupational injuries that occurred previously under the legislation of Québec shall be taken into consideration as if they had occurred under the legislation of the Republic of Serbia.

#### ARTICLE 24

##### *Double exposure to same risk*

(1) When a person has performed, under the legislation of both Parties, work with exposure to the same risk and likely to cause an occupational disease, the rights of the person or, in case of death, those of the beneficiaries, shall be examined exclusively with regard to the legislation of the Party in whose territory the person resides or, if the person lives outside the territory of both Parties, with regard to the legislation of the last Party in whose territory the person has resided. The competent institution of that Party shall take into account the following provisions:

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

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

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

(2) The competent institution having accepted the claim for benefits shall:

1. pay the cash benefits and ensure the provision of benefits in kind, according to the legislation it applies;

2. determine the sharing of the costs of the benefits in proportion to the duration of the work periods referred to in paragraph 1 done under the legislation of each Party, in relation to the total duration of those periods accomplished under the legislation of both Parties.

(3) If the claim for benefits cannot be accepted under the legislation applied by the competent institution of the Party referred to in paragraph 1, the latter shall notify the person, or in case of death the beneficiaries, and the competent institution of the other Party in order for it to determine eligibility, under the legislation it applies, and taking into account, where applicable, subparagraphs 2 and 3 of paragraph 1.

#### ARTICLE 25

##### *Taking into account of dependants*

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

## **CHAPTER 3**

### **HEALTH BENEFITS**

#### **ARTICLE 26**

##### *Scope*

(1) This Chapter shall apply to all benefits covered by the legislation of Québec respecting health insurance, hospital insurance and other health services.

(2) This Chapter shall also apply to all benefits covered by the legislation of the Republic of Serbia respecting health insurance and medical protection.

#### **ARTICLE 27**

##### *Persons covered*

(1) This Chapter shall apply to persons insured under the legislation of the Parties.

(2) For the purposes of this Chapter, an “insured person” is

—with respect to Québec, a person who, immediately before arrival in the Republic of Serbia, was “a person who resided in Québec” within the meaning of the Health Insurance Act of Québec;

—with respect to the Republic of Serbia, the insured person under the legislation provided for in Article 2.

(3) The competent institution shall determine the status of spouse and dependants according to the legislation it applies.

#### **ARTICLE 28**

##### *Entitlement to benefits in kind*

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

(2) With respect to Québec, for the application of the preceding paragraph and paragraph 4 of Article 44, “insurance periods” means periods of residence completed under the legislation of Québec.

#### **ARTICLE 29**

##### *Application of legislation*

(1) The insured person of one Party, other than a person referred to in Articles 7 to 11, who stays in the territory of the other Party to work, shall receive benefits in kind on

the conditions set forth by the legislation that applies in the territory of the latter Party and, given the provisions of Article 28, during the entire work period in that territory.

(2) An insured person who leaves the territory of one Party to reside in the territory of the other Party shall receive benefits in kind provided by the legislation that applies in the territory of the second Party, considering the provisions of Article 28, as of the day of arrival in that territory, subject to the other conditions set forth by that legislation.

(3) Paragraphs 1 and 2 shall apply to the spouse and dependants accompanying or joining the insured person, insofar as they have acquired, before their departure, the entitlement to benefits in the territory of the Party they are leaving.

#### **ARTICLE 30**

##### *Person referred to in Article 7, 8 or 11*

An insured person referred to in Article 7, 8 or 11, who is subject to the legislation of one Party while staying in the territory of the other Party to work, shall receive, as well as the spouse and dependants accompanying the insured person, benefits in kind provided on behalf of the competent institution by the institution of the place of stay, according to the legislation that the latter applies, during the work period in that territory.

#### **ARTICLE 31**

##### *Stay for studies*

(1) A person insured under the legislation of one Party and staying in the territory of the other Party to study shall receive, if not entitled to benefits in the territory of stay, benefits which are provided to that person, on behalf of the competent institution by the institution of the place of stay, according to the legislation the latter applies, during the study period in that territory.

(2) For the purposes of paragraph 1, studying means:

—with respect to Québec, to be enrolled full-time in a program of studies leading to a diploma given by a college or university level educational institution recognized by the responsible Québec department;

—with respect to the Republic of Serbia, to pursue studies according to the legislation on higher education.

(3) Paragraph 1 shall apply by analogy to a person completing a training period recognized as part of a program of studies in a college or university level educational institution, higher education or university or post-graduate research and who cannot receive benefits under Article 29 or 30.



(4) When they have a work contract with an employer established in Québec or in the Republic of Serbia, the persons referred to in paragraph 1 or 3 shall be covered by Article 6, unless they are on assignment under Article 8. They shall receive, as well as their spouse and dependants accompanying them, benefits in kind under the conditions set out in Article 29 or 30 respectively.

#### **ARTICLE 32**

##### *Burden of benefits*

(1) The institution providing the benefits referred to in Article 29 shall bear the cost thereof.

(2) The cost of the benefits provided in accordance with Articles 30 and 31 shall be borne by the competent institution.

#### **ARTICLE 33**

##### *Protocol*

The competent authorities may waive, in a separate protocol, the reimbursement of the costs related to the benefits referred to in this Chapter.

#### **TITLE IV**

#### **MISCELLANEOUS PROVISIONS**

#### **ARTICLE 34**

##### *Administrative arrangement*

(1) An administrative arrangement, that must be agreed to by the competent authorities of the Parties, shall set out the terms and conditions of the Agreement, including the conditions for the reimbursement of the costs referred to in Chapters 2 and 3 of Title III and paragraph 1 of Article 38.

(2) The liaison agencies of the Parties shall be designated in the Administrative Arrangement.

#### **ARTICLE 35**

##### *Claim for benefits*

(1) To receive benefits under the Agreement, a person must submit a claim in accordance with the procedures set out in the Administrative Arrangement.

(2) For the purposes of Chapter 1 of Title III, a claim for benefits submitted after the entry into force of the Agreement under the legislation of one Party shall be deemed to be an application for corresponding benefits under the legislation of the other Party in the following cases:

1. if the person indicates the intention that the claim be considered a claim under the legislation of the other Party;

2. if the person indicates, at the time of the claim, that insurance periods have been completed under the legislation of the other Party.

The date on which such a claim is received is also deemed to be the date of its receipt under the legislation of the other Party.

(3) Notwithstanding paragraph 2, a person may request that the claim for benefits under the legislation of the other Party be deferred.

#### **ARTICLE 36**

##### *Payment of benefits*

All cash benefits provided for in the Agreement are payable by the competent institutions of one Party directly to beneficiaries residing in the territory of the other Party in any freely convertible currency, without any deduction for administrative expenses or any other expense that may be incurred in the payment of those benefits.

#### **ARTICLE 37**

##### *Filing deadline*

Recourse or other writing that must be filed in accordance with the legislation of one Party within a prescribed period and that is filed within that period to the authority or institution of the other Party shall be deemed to comply with the filing deadline in accordance with the legislation of the first Party. In that case, the authority or institution of the Party having received the recourse or writing shall be required to send it immediately to the corresponding authority or institution of the other Party.

#### **ARTICLE 38**

##### *Medical examinations or expert appraisals*

(1) Where the competent institution of one Party requires it, the competent institution of the other Party shall take the measures necessary to carry out the medical examinations or required expert appraisals concerning a person who resides or stays in the territory of the second Party.

(2) If the medical examination or expert appraisal is carried out only for the competent institution that requests it, that institution shall reimburse the costs of the examination or appraisal to the competent institution of the other Party. If, however, the medical examination or expert appraisal is required by both competent institutions, there shall be no reimbursement of costs.

(3) The transmission of medical or expert appraisal reports already in the possession of the competent institutions shall constitute an integral part of mutual administrative assistance and shall be performed without charge.

#### **ARTICLE 39**

##### *Fees and exemption from authentication*

(1) Any exemption from or reduction of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required for the application of that legislation shall be extended to the certificates and documents required by the other Party.

(2) Any document required for the application of the Agreement shall be exempt from authentication or from any other similar formality.

#### **ARTICLE 40**

##### *Protection of personal information*

(1) Any information from which the identity of a natural person can easily be established is personal information. Personal information is confidential.

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

(3) Personal information communicated to an agency of one Party may be used solely for the application of the Agreement.

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

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

(2) when its use is for the benefit of the person to whom it relates;

(4) Personal information communicated to an institution of one Party may only be communicated to another agency of that Party for the application of the Agreement.

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

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

(2) the communication of the information is for the benefit of the person to whom it relates.

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

(6) The agency of one Party, to which information referred to in paragraph 2 is communicated, shall protect it against unauthorized access, alteration and communication.

(7) The agency of the Party receiving the information referred to in paragraph 2 shall:

(1) take the necessary measures to ensure that the information is up to date, accurate and complete so as to serve the purposes for which it was collected;

(2) correct the information held and destroy any information whose collection or storage is not authorized;

(3) on request, destroy the information whose transmission is not authorized.

(8) Subject to the applicable laws and regulations, the information received by one Party, because of the application of this Agreement, shall be destroyed when the purposes for which it was collected or used are completed. The agencies of both Parties shall use safe and final means of destruction and shall preserve the confidential nature of the personal information awaiting destruction.

(9) The person concerned has the right to be informed of the communication of personal information referred to in paragraph 2 and of its use for purposes other than the application of this Agreement. That person may also have access to the personal information concerning him or her and have the information corrected, except as otherwise provided by the laws and regulations of the Party in whose territory the information is held.

(10) The competent authorities of the Parties shall inform each other of any amendment to the legislation concerning the protection of personal information, in particular as regards other reasons for which it may be used or communicated to other entities without the consent of the person concerned.

(11) This Article shall apply, with the necessary adaptations, to other confidential information obtained under the Agreement or by reason of the Agreement.

**ARTICLE 41***Administrative assistance*

For the purposes necessary for the application of the Agreement, the competent authorities, the liaison agencies and the competent institutions shall:

1. communicate to each other any information required;
2. assist each other free of charge in any matter concerning the application of the Agreement;
3. communicate to each other any information on measures adopted or amendments to their legislation to the extent that such amendments affect the application of the Agreement;
4. inform each other of the difficulties encountered.

**ARTICLE 42***Communications*

The competent authorities and institutions and the liaison agencies of both Parties may communicate with one another in their official language.

**ARTICLE 43***Settlement of disputes*

The competent authorities of both Parties undertake to resolve, to the extent possible, any disputes which arise in interpreting or applying this Agreement, according to its spirit and fundamental principles.

**TITLE V****TRANSITIONAL AND FINAL PROVISIONS****ARTICLE 44***Transitional provisions*

(1) The Agreement does not establish entitlement to benefits for a period prior to the date of its entry into force.

(2) For the purposes of Chapter 1 of Title III and subject to the provisions of paragraph 1:

1. an insurance period completed before the date of entry into force of the Agreement shall be taken into consideration in determining entitlement to benefits under the Agreement;
2. benefits other than death benefits are payable under the Agreement even if they relate to an event that occurred prior to the date of its entry into force;

3. where benefits are payable pursuant to Article 13 and a claim for such benefits is filed within two years from the date of entry into force of the Agreement, rights arising from the Agreement shall be acquired as of that date or the date of entitlement to a retirement, survivor or disability benefit, if such date is later than that of the entry into force of the Agreement;

4. benefits that, by reason of residence, have been refused, reduced or suspended are, on application by the person in question, awarded or restored from the date of entry into force of the Agreement;

5. benefits awarded before the date of entry into force of the Agreement are revised, on application by the person in question or ex officio. If revision results in benefits that are less than those paid before the entry into force of the Agreement, the benefits are maintained at their previous level;

6. if the application referred to in subparagraphs 4 and 5 of this paragraph is submitted within two years following the date of entry into force of the Agreement, the rights established under the Agreement are acquired from the date of its entry into force. If the application is submitted after that period, the rights are acquired as of the date on which the application is filed.

(3) For the purposes of Chapter 2 of Title III, any work involving exposure to risk accomplished under the legislation of one Party before the entry into force of the Agreement shall be taken into account in determining the eligibility to benefits and its cost apportionment between the competent institutions.

(4) For the purposes of Chapter 3 of Title III, any insurance or residence period accomplished before the date of entry into force of the Agreement shall be taken into account for entitlement to a benefit.

(5) For the purposes of Article 8, a person shall be presumed to have been on assignment only from the date of entry into force of the Agreement.

**ARTICLE 45***Entry into force and term of the Agreement*

(1) The Agreement shall enter into force on the first day of the third month following the month in which the Parties exchange official notes confirming that they have fulfilled all requirements for its entry into force.

(2) The Agreement is entered into for an indeterminate period and may be terminated by one of the Parties by notice, after which the Agreement ends on December 31 of the year following the year in which it was terminated.



(3) If the Agreement is terminated, rights acquired under its provisions shall be maintained and applications filed before the date on which it was terminated are settled in accordance with its provisions.

In witness whereof, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done in duplicate in the French and Serbian languages, each text being equally authentic.

FOR THE  
GOUVERNEMENT  
DU QUÉBEC

FOR THE  
GOVERNMENT OF  
THE REPUBLIC OF SERBIA

In Québec, 19 June 2020

In Ottawa, 19 June 2020

NADINE GIRAULT  
*Minister of International  
Relations and  
La Francophonie*

MIHAİLO PAPAZOGLU  
*Ambassador of the Republic  
of Serbia in Ottawa*

## SCHEDULE 2

(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR  
THE APPLICATION OF THE AGREEMENT  
ON SOCIAL SECURITY BETWEEN THE  
GOUVERNEMENT DU QUÉBEC AND THE  
GOVERNMENT OF THE REPUBLIC OF SERBIA

THE COMPETENT AUTHORITY OF QUÉBEC

AND

THE COMPETENT AUTHORITY OF  
THE REPUBLIC OF SERBIA,

IN ACCORDANCE WITH Article 34 of the Agreement  
on Social Security between the Gouvernement du  
Québec and the Government of the Republic of Serbia;

HAVE AGREED TO THE FOLLOWING PROVISIONS:

## TITLE I

### GENERAL PROVISIONS

#### ARTICLE 1

##### *Definitions*

In this Administrative Arrangement:

1. the term “Agreement” shall mean the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia;

2. the other terms used shall have the meaning given to them in Article 1 of the Agreement.

#### ARTICLE 2

##### *Liaison agencies*

In accordance with the provisions of paragraph 2 of Article 34 of the Agreement, the liaison agencies shall be:

— for Québec, the Bureau des ententes de sécurité sociale of Retraite Québec or any other body that the Gouvernement du Québec could subsequently designate;

— for the Republic of Serbia, the Social Insurance Institute (за Републику Србију, Завод за социјално осигурање).

#### ARTICLE 3

##### *Competent institutions*

The competent institutions for the purposes of Title III of the Agreement shall be:

For Québec:

— Retraite Québec, for retirement, disability and survivor's benefits;

— the Commission des normes, de l'équité, de la santé et de la sécurité du travail, for benefits in case of occupational injury; and

— the Régie de l'assurance maladie du Québec, hereinafter referred to as “RAMQ”, for health benefits.

For the Republic of Serbia:

— the Pension and Disability Fund of the Republic of Serbia (Републички фонд за пензијско и инвалидско осигурање), for old age and disability insurance benefits for workers and benefits in case of industrial accidents and occupational diseases;

— the Health Insurance Fund of the Republic of Serbia (Републички фонд за здравствено осигурање), for health insurance benefits and benefits in case of industrial accidents and occupational diseases; and

— the Fund for Military Social Insurance (Фонд за социјално осигурање војних осигураника), for social insurance benefits for insured military personnel.

## **TITLE II**

### **PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

#### **ARTICLE 4**

##### *Certificate of coverage*

(1) For the purposes of Articles 7, 8, 9 and 11 of the Agreement, a certificate of coverage shall be issued:

—by the liaison agency of Québec, when a person remains subject to the legislation of Québec;

—by the organization unit of the competent institution for health insurance of the Republic of Serbia, where a person remains subject to the legislation of the Republic of Serbia.

(2) The liaison agency or the competent institution that issues the certificate of coverage shall give that certificate to the applicant and shall send a copy to the liaison agency or the competent institution of the other Party referred to in paragraph 1 of this Article.

(3) For the purposes of Article 11 of the Agreement, the liaison agency of Québec and the competent authority of the Republic of Serbia shall send each other any application for derogation from the provisions on coverage. The liaison agency of Québec shall be responsible for obtaining the decision of its competent authorities and shall so inform the competent authority of the Republic of Serbia.

## **TITLE III**

### **PROVISIONS CONCERNING BENEFITS**

#### **CHAPTER 1**

##### **RETIREMENT BENEFITS, DISABILITY BENEFITS AND SURVIVORS' BENEFITS**

#### **ARTICLE 5**

##### *Filing and processing of claim*

(1) For the purposes of Chapter 1 of Title III of the Agreement, the competent institution or the liaison agency of one Party may receive a claim for benefits under the legislation of either Party. Where the claim is submitted, the competent institution or liaison agency shall require from the claimant the supporting documents required for processing the claim.

(2) Where the claim for benefits referred to in paragraph 1 is submitted to a competent institution or a liaison agency of one Party, the application shall be forwarded to the competent institution of the Party whose legislation is applicable, together with copies that the institution or

agency has certified true to the original of the supporting documents required. A bilingual liaison form shall accompany the application and supporting documents referred to in this paragraph.

(3) A copy of the claim for benefits and supporting documents shall be kept by the competent institution or the liaison agency that initially received the claim. A copy of those documents shall be made available, on request, to the competent institution of the other Party.

(4) Any information respecting civil status entered on the claim form for benefits shall be certified on the liaison form by the competent institution or by the liaison agency that forwards the application, which exempts it from sending the supporting documents.

(5) Where a claim for benefits is submitted or where the competent institution or the liaison agency of one Party so requires, the competent institution or the liaison agency of the other Party shall indicate on a bilingual form the insurance periods recognized under the legislation it applies.

(6) As soon as it has made a decision under the legislation it applies, the competent institution shall so notify the claimant and inform the claimant of the means and periods of appeal prescribed by that legislation; it shall also inform the competent institution or the liaison agency of the other Party, using the liaison form.

(7) Where the competent institution or the liaison agency of one Party observes a change likely to affect the entitlement of a recipient to a benefit under the legislation of the other Party, the institution or agency shall so inform the competent institution of that other Party.

#### **CHAPTER 2**

##### **OCCUPATIONAL INJURY BENEFITS**

#### **ARTICLE 6**

##### *Person covered by the legislation of one Party and staying or residing in the territory of the other Party*

(1) For the purposes of Article 18 of the Agreement, where an occupational injury occurs while the person subject to the legislation of one Party stays or resides in the territory of the other Party, the institution of the place of stay or residence, when it receives a claim for that person, shall send it to the competent institution so that the latter may determine if the occupational injury is covered by the legislation it applies. If it is established that it is an occupational injury under the legislation applied by the competent institution, that institution shall issue, where applicable, a service entitlement form whereby the institution in the place of stay or residence is to provide the benefits in kind.

(2) If the person is entitled to a benefit before going to the territory of the other Party to stay or reside in the territory, the person is required to submit a form to the institution of the place of stay or residence attesting that the competent institution authorizes the person to maintain entitlement to benefits in kind. If the form could not be established prior to departure, the competent institution may, on request from the person or the institution of the place of stay or residence, issue the form.

(3) Where the person referred to in paragraph 1 or 2 requests that the entitlement to benefits in kind be extended beyond the period indicated in the form that is issued, the person shall address the claim to the competent institution either directly or through the institution of the place of stay or residence. The competent institution shall issue, where applicable, a new form attesting the person's right for an extension of the benefits in kind.

#### **ARTICLE 7**

##### *Relapse*

(1) To receive benefits in case of relapse, the person referred to in Article 19 of the Agreement shall submit a claim to the institution of the place of stay or residence, along with a medical report and a declaration signed by the person describing the location and circumstances of the relapse, specifying that the person has already received benefits from the competent institution of the other Party following an industrial accident or an occupational disease. In addition, the person shall be required to provide the institution of the place of stay or residence with the necessary information relating to benefits previously granted for that accident or occupational disease. If deemed necessary, the institution of the place of stay or residence may inquire upon the competent institution which provided the benefits in order to obtain any relevant details.

(2) For the purposes of subparagraph 1.2 of subparagraph 1 of paragraph 2 of Article 19 of the Agreement, the competent institution of the place of stay or residence which bears the additional benefits corresponding to the relapse shall notify the competent institution of the other Party.

(3) For the purposes of subparagraph 2 of paragraph 2 of Article 19 of the Agreement, a copy of the decision of refusal by the institution of the place of stay or residence shall be forwarded to the competent institution of the other Party, along with the claim and the documents referred to in paragraph 1 so that it may make a decision on the relapse, according to the legislation it applies.

#### **ARTICLE 8**

##### *Granting of benefits in kind of great importance*

(1) For the purposes of Article 21 of the Agreement, when the institution of the place of stay or residence provides for the granting of prostheses, large devices or other benefits in kind of great importance, of a value greater than 500 euros, converted in Canadian dollars or Serbian dinars, it shall ask the competent institution to transmit its decision on such benefits, using the prescribed form. If, however, the benefits have already been granted because of an emergency, the institution of the place of stay or residence shall notify the competent institution and the acknowledgement of receipt of the notice shall then be considered as retroactive authorization.

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

(3) The competent authorities shall revise, every five years following the date of entry into force of the Agreement, the amount mentioned in paragraph 1 to take into account the increase of the costs of benefits in kind of great importance, which shall be set by an exchange of letters.

#### **ARTICLE 9**

##### *Assessment of the degree of disability*

For the purposes of Articles 22 and 23 of the Agreement, the person and the competent institution to which the person was previously affiliated shall provide the competent institution dealing with the claim, insofar as it is required to process the claim, with information on occupational injuries that occurred under the previous legislation.

#### **ARTICLE 10**

##### *Double exposure to same risk*

(1) The competent institution that examines a claim filed pursuant to paragraph 1 of Article 24 shall request confirmation from the competent institution of the other Party, using the appropriate form, of the duration of the work periods involving contributory exposure, given the occupational disease diagnosed, and completed under the legislation it applies.

(2) When the competent institution that examines the claim concludes that it cannot, in accordance with the legislation it applies, grant the claim, even taking into

account the provisions of paragraph 1 of Article 24 of the Agreement, that institution shall notify the person or, in case of death, the beneficiaries, of its decision indicating the reasons for refusal and the procedures and time limits for legal remedies provided for by law. That institution shall notify the person or, in case of death, the beneficiaries, of the possibility to consent to the transmission, to the competent institution of the other Party, of a copy of the decision and its accompanying documents so that the latter may make its own decision on the claim. If there is consent, that institution shall forward without delay, to the competent institution of the other Party, a copy of the decision and its accompanying documents.

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

#### **ARTICLE 11**

##### *Notice of shared costs*

For the purposes of subparagraph 2 of paragraph 2 of Article 24 of the Agreement, the competent institution that ensures the provision of benefits shall forward to the competent institution of the other Party a form on which it indicates the amount of the benefits provided to the person or the person's beneficiaries, the period of work that caused the occupational disease performed in the territory of each Party, as confirmed according to the form provided for in paragraph 1 of Article 10 of this Administrative Arrangement, and the share to be paid by each of the competent institutions. The invoicing and reimbursement shall be done according to the terms and conditions of Article 15 of this Administrative Arrangement.

### **CHAPTER 3**

#### **HEALTH BENEFITS**

#### **ARTICLE 12**

##### *Procedure respecting entitlement to benefits in kind*

(1) For the purposes of Articles 28 and 29 of the Agreement, information on the insurance periods completed previously shall be provided by the institution of the Party whose legislation the person has been subjected to earlier by means of a form attesting to the insurance periods.

(2) To receive benefits in kind in the territory of Québec, persons shall register with the RAMQ by using the registration form intended for that purpose and submitting, in addition to the document relating to their

immigration status in Québec and, where applicable, proof of establishment of domicile, the attestation referred to in paragraph 1. Entitlement to benefits shall be established upon receipt of those documents by the RAMQ with retroactive effect to the day of arrival.

(3) To receive benefits in kind in the territory of the Republic of Serbia, persons shall register with the organization unit of the competent institution for health insurance under the conditions set out in the legislation of the Republic of Serbia by submitting the attestation referred to in paragraph 1. The benefits shall be granted from the day of arrival.

#### **ARTICLE 13**

##### *Procedure preceding the provision of benefits to detached persons, spouse and dependants*

(1) For the purposes of Article 30 of the Agreement:

—in Québec, persons shall register with the RAMQ by using the form intended for that purpose and submitting the document relating to their immigration status in Québec and the certificate of coverage;

—in the Republic of Serbia, persons shall register with the organization unit of the health insurance institution by using the form prescribed and submitting a certificate of coverage.

(2) Paragraph 1 shall also apply to the spouse and the dependants accompanying or joining the person as long as their names appear on the certificate of coverage that was issued to the person.

#### **ARTICLE 14**

##### *Procedure preceding the provision of benefits during a stay for studies*

For the purposes of Article 31 of the Agreement:

—in Québec, persons shall register with the RAMQ by using the form intended for that purpose and submitting the document relating to their immigration status in Québec and the form attesting to their status of insured person established by the competent institution of the Republic of Serbia;

—in the Republic of Serbia, persons shall register with the organization unit of the health insurance institution under the conditions set out in the legislation of the Republic of Serbia, by submitting the form attesting to their status of insured person established by the RAMQ.

**TITLE IV****MISCELLANEOUS PROVISIONS****ARTICLE 15***Reimbursement between institutions*

(1) For the reimbursement of the benefits referred to in Chapter 2 of Title III and Articles 30 and 31 of the Agreement:

1. The institution that provided benefits in kind shall forward to the competent institution a claim for reimbursement at the end of a calendar year.

2. The institution that provided benefits in kind shall address to the competent institution the claim for reimbursement with two copies of the individual cost statements on the bilingual form established and the summary.

3. The competent institution shall reimburse expenses within six months following the date on which the request for reimbursement is received.

4. If an expense is contested, the competent institution shall submit a notice to the institution that provided benefits in kind within six months following the date on which the request is received.

5. If the amount of the reimbursement is contested or payment is not made, the institution that provided benefits in kind shall submit a notice to the competent institution within six months following the date of reimbursement or the expiry of the period mentioned in subparagraph 3.

6. In the cases referred to in subparagraphs 4 and 5, if the notice remains unanswered for six months, it shall be considered accepted.

7. Claims for reimbursement shall be established in the currency in effect in the territory in which the costs were incurred.

8. For Québec, the reimbursement shall be in Canadian dollars. For the Republic of Serbia, the amount of the reimbursement shall be converted in euros at the average exchange rate of the National Bank of Serbia, on the date on which the statement is established. A document indicating the exchange rate used shall be attached.

9. Claims for reimbursement shall be submitted to the competent institution by the institution that provided the benefits in kind not later than the fifth year following the year in which the benefits were provided.

(2) For the reimbursement of the medical examinations and expert appraisals referred to in Article 38 of the Agreement, subparagraphs 1, 2, 3, 7 and 8 of paragraph 1 shall apply by analogy with the necessary adaptations.

**ARTICLE 16***Forms*

The model of the attestations and forms necessary for the application of the Agreement and of this Administrative Arrangement shall be prescribed by common agreement, by the liaison agencies and by the competent institutions of both Parties.

**ARTICLE 17***Statistical data*

The liaison agencies of both Parties shall exchange, during the year, statistical data concerning the previous calendar year as soon as it is available. Such data shall include the number of certificates of coverage issued under Title II of the Agreement and the payments made to the beneficiaries under Chapter 1 of Title III of the Agreement, including the number of beneficiaries and the total amount of benefits by category.

**ARTICLE 18***Entry into force and term*

This Administrative Arrangement shall enter into force on the same date as the Agreement and applies for as long as the Agreement is in force.

Done in two copies, in the French and Serbian languages, both texts being equally authentic.

FOR THE COMPETENT  
AUTHORITY OF  
QUÉBEC

FOR THE COMPETENT  
AUTHORITY OF THE  
REPUBLIC OF SERBIA

In Québec, 19 June 2020

In Ottawa, 19 June 2020

NADINE GIRAULT  
*Minister of International  
Relations and  
La Francophonie*

MIHAÏLO PAPAZOGLU  
*Ambassador of the Republic  
of Serbia in Ottawa*



**SCHEDULE 3**

(s. 2)

**PROTOCOL FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE GOVERNMENT OF THE REPUBLIC OF SERBIA**

Considering Article 33 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, the competent authorities of Québec and of the Republic of Serbia have agreed as follows:

**ARTICLE 1**

The competent authorities shall reciprocally renounce to the reimbursement of the costs of benefits in kind provided for in Chapter 3 of Title III of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia (hereinafter referred to as the “Agreement”) and Chapter 3 of Title III of the Administrative Arrangement for the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia (hereinafter referred to as the “Administrative Arrangement”).

**ARTICLE 2**

This Protocol shall have a term of three years and shall enter into force on the same date as the Agreement and the Administrative Arrangement.

**ARTICLE 3**

After the expiry of the period referred to in Article 2 of the Protocol, the Protocol shall be renewed automatically for an indeterminate period. The competent authorities may, however, terminate the Protocol by sending a notice following which the Protocol shall end on December 31 of the year following the year of the termination.

Done in two copies, in the French and Serbian languages, both texts being equally authentic.

FOR THE COMPETENT  
AUTHORITY OF  
QUÉBEC

In Québec, 19 June 2020

NADINE GIRAULT  
*Minister of International  
Relations and  
La Francophonie*

FOR THE COMPETENT  
AUTHORITY OF THE  
REPUBLIC OF SERBIA

In Ottawa, 19 June 2020

MIHAİLO PAPAZOGLU  
*Ambassador of the Republic  
of Serbia in Ottawa*

105231

Gouvernement du Québec

**O.C. 1123-2021, 11 August 2021**

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

**Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia****—Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases**

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

WHEREAS the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia and the resulting Administrative Arrangement and Protocol were signed in Québec and in Ottawa on 19 June 2020;

WHEREAS the National Assembly approved the Agreement on 11 November 2020;

WHEREAS, under the second paragraph of section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), notwithstanding any other legislative or regulatory provision, where an agreement extends benefits arising out of Acts or regulations administered by the Commission to any person contemplated in the agreement, the Commission des normes, de l'équité, de la santé et de la sécurité du travail may, by regulation, to make it effective, take the measures necessary for its application;

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

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia at its sitting of 22 April 2021;

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

WHEREAS it is expedient to approve the Regulation;

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

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

YVES OUELLET  
*Clerk of the Conseil exécutif*

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

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

**1.** Benefits under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) and the regulations thereunder are extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, signed in Québec and in Ottawa on 19 June 2020 and appearing as Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Serbia, made by Order in Council 1113-2021 dated 11 August 2021.

**2.** The Act and the regulations thereunder apply in the manner provided for in the Agreement, the Administrative Arrangement and the Protocol for the implementation of the Agreement, which appear in Schedules 2 and 3, respectively.

**3.** This Regulation comes into force on 1 February 2022.

105232

Gouvernement du Québec

**O.C. 1134-2021, 18 August 2021**

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

**Contribution of users taken in charge by family-type resources or by intermediate resources persons  
— Amendment**

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

**Regulation  
— Amendment**

Regulation to amend the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons

WHEREAS, under section 65 of the Youth Protection Act (chapter P-34.1), the parents of a child entrusted to an alternative living environment are subject to the contribution fixed by regulation made under section 159 of the Act respecting health services and social services for Cree Native persons (chapter S-5) or under section 512 of the Act respecting health services and social services (chapter S-4.2), except in certain cases;

WHEREAS, under the first paragraph of section 512 of the Act respecting health services and social services, the Government determines, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource;

WHEREAS, under the first paragraph of section 159 of the Act respecting health services and social services for Cree Native persons, the Government determines, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family;

WHEREAS the Government made the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources (chapter S-4.2, r. 7) and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons was published in Part 2 of the *Gazette officielle du Québec* of 28 April 2021 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

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

THAT the Regulation to amend the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources and the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons**

Act respecting health services and social services  
(chapter S-4.2, ss. 512 to 514)

Act respecting health services and social services for  
Cree Native persons  
(chapter S-5, s. 173)

**1.** The Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources (chapter S-4.2, r. 7) is amended by revoking section 3.

**2.** The Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended by revoking Subdivision 1 of Division VII of Part VI and Schedule V.

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

105233

**M.O., 2021**

**Order number 2021-17 of the Minister of Transport  
dated 13 August 2021**

Highway Safety Code  
(chapter C-24.2)

Amendments to and extension of the Pilot project  
concerning electric scooters

THE MINISTER OF TRANSPORT,

CONSIDERING the second paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that, after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport may, by order, authorize the implementation of pilot projects to study, test or innovate in respect of any matter relevant to the Code, for the purposes of road safety, the Minister may in particular develop new rules on traffic or vehicle use, the Minister sets the rules and conditions for the implementation of a pilot project, the Minister may also, as part of a pilot project, authorize any person or body to use a vehicle in compliance with the standards and rules prescribed by the Minister, and the provisions of a pilot project prevail over any inconsistent provision of the Code and its regulations;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary, the Minister may modify or terminate a pilot project at any time, and the Minister may also determine the provisions of an order made under the section the violation of which is an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000;

CONSIDERING the fifth paragraph of section 633.1 of the Code, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under section 633.1 of the Code and an order under the second or third paragraph of the section is published in the *Gazette officielle du Québec*;



CONSIDERING the Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2), which authorizes, under certain conditions, the use of electric scooters on certain public highways;

CONSIDERING the Government's orientation to promote electric transportation and the use of electric scooters on public highways is consistent with the orientation;

CONSIDERING that the three-year pilot project ends on 13 September 2021;

CONSIDERING that the Minister deems it necessary to extend the Pilot project by two years, since it could not be deployed in an optimal manner due to the COVID-19 pandemic;

CONSIDERING that the Pilot project must continue to be deployed in accordance with the rules set out initially, subject to certain amendments to the conditions related to the riding of the vehicle and the traffic rules that apply to it, in order to take full stock of the project while maintaining a safe riding environment;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted on the extension of the Pilot project by two years under the conditions provided for therein, with the amendments that follow;

#### ORDERS AS FOLLOWS:

1. The Pilot project concerning electric scooters (chapter C-24.2, r. 39.1.2) is amended in section 6

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

“The practical component of the training may also be provided by a person who was specifically trained for that purpose by the manufacturer or distributor.”;

(2) by replacing “having provided the training referred to in the first paragraph” in the last paragraph by “the training has been provided”.

2. Section 7 is amended

(1) by adding “or, if not, holds a licence to drive a moped and is at least 16 years of age” after “age” in paragraph 1;

(2) by replacing paragraph 2 by the following:

“(2) has received the appropriate training provided for in section 6;”.

3. Section 14 is replaced by the following:

“14. No person may ride an electric scooter on a public highway on which the maximum speed allowed is greater than 70 km/h, unless

(1) the person crosses the public highway at an intersection;

(2) the person rides on the roadway of a traffic circle to go from a public highway on which the maximum speed allowed is 70 km/h or less to another; or

(3) the person uses a cycle lane separated from the roadway and specially laid out to prevent vehicles from crossing over from the roadway to the cycle lane or vice versa, or having that effect.”.

4. Section 16 is amended by adding the following paragraph at the end:

“Despite the foregoing, the rider of an electric scooter may pull a trailer if

(1) the trailer's width is 80 cm or less, its height from the ground is 1 metre or less, and its length from the coupling device to the rear is 2 metres or less;

(2) the trailer, including its coupling device, is designed specifically for that use and is not made by hand;

(3) the trailer carries a reflector or a reflective strip, in accordance with subparagraph 4 of the first paragraph of section 232 of the Highway Safety Code (chapter C-24.2);

(4) the trailer is used without exceeding the towing capability and load capacity established by the electric scooter's manufacturer or the load capacity established by the trailer's manufacturer; and

(5) the width and length of the trailer's load do not exceed those of the trailer, and the height of the trailer's load from the ground is 1 metre or less.”.

5. Section 24 is amended by replacing “2021” by “2023”.

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

Québec, 13 August 2021

FRANÇOIS BONNARDEL  
Minister of Transport

105234

