no. 4


# Part 2
# LAWS AND REGULATIONS

26 January 2022 / Volume 154

## Summary



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Part 2 – LAWS AND REGULATIONS

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# PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 9 DECEMBER 2021

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 9 December 2021*

This day, at five to noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

103 An Act to amend various legislative provisions mainly for the purpose of reducing red tape

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

*Québec Official Publisher*

# NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 103
(2021, chapter 35)

## An Act to amend various legislative provisions mainly for the purpose of reducing red tape

**Introduced 6 October 2021**
**Passed in principle 9 November 2021**
**Passed 7 December 2021**
**Assented to 9 December 2021**

**Québec Official Publisher**
**2021**

**EXPLANATORY NOTES**

*This Act proposes amendments to various Acts mainly to reduce red tape for enterprises.*

*In the mining sector, the Act proposes, among other things, to withdraw the requirement to hold a prospecting licence, to abolish staking as a mean of obtaining claims, to extend the term of a claim to three years, and to reduce the frequency of transmission of certain documents to the minister responsible for natural resources.*

*In the municipal sector, the Act withdraws municipalities' obligation to send certain reports to the minister responsible for municipal affairs. Moreover, under the Act, the supply contracts of municipal bodies may take the form of a delivery order contract, and such bodies are granted extra time when they are required to publish a list of their contracts.*

*The Act also allows municipalities to enter into an agreement with Hydro-Québec to offer a public charging service for electric vehicles within the framework of a network established by Hydro-Québec or one of its wholly-owned subsidiaries.*

*In the agricultural sector, the Act clarifies the functions and powers of the Commission de protection du territoire agricole du Québec, including that of promoting the practice of agriculture in accordance with a diversity of models requiring varying areas of land. The Act restricts access to certain documents held by the commission. The mechanism for applying for the exclusion of a lot from an agricultural zone is amended. The Act also provides that the Government may decide to include a lot from such a zone, in addition to establishing that a decision of the Government authorizing exclusion of a lot from an agricultural zone must provide for conditions to reinclude the lot in the event the project is not carried out. The Act also establishes that such a Government decision, as well as the decision authorizing the use of a lot in an agricultural zone for purposes other than agriculture may be accompanied by impact reduction measures considered sufficient by the minister responsible for agriculture.*

*In the environmental sector, the Act extends the characterization study filing time to one year from the date of cessation of an industrial or commercial activity, while authorizing the minister responsible*

*for the environment to grant additional time, and grants a 90-day period for filing a rehabilitation plan for approval if the study reveals the presence of contaminants. Moreover, the Act allows for accreditations or certifications of laboratories carrying out environmental collections, analyses and other verifications to be combined into a single accreditation or certification. It also provides that certain obligations imposed on such laboratories do not end on 23 March 2023, but instead remain applicable until the making of a regulation by the Government.*

*The Act allows syndicates of co-owners of an immovable held in divided co-ownership and cooperatives to hold meetings as well as votes by technological means. It also allows a cooperative to keep its Québec business number in the case of an amalgamation, other than an ordinary amalgamation.*

*The Act also allows the minister responsible for culture to shorten the 90-day time limit that a municipality must comply with when issuing a demolition permit for an immovable constructed before 1940.*

*The Act repeals the Act respecting stuffing and upholstered and stuffed articles.*

*Lastly, the Act makes consequential amendments, including to several regulations, and contains transitional and final provisions.*

**LEGISLATION AMENDED BY THIS ACT:**

– Civil Code of Québec;

– Act respecting land use planning and development (chapter A-19.1);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

– Cooperatives Act (chapter C-67.2);

– Hydro-Québec Act (chapter H-5);

– Mining Act (chapter M-13.1);

– Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

– Act respecting the legal publicity of enterprises (chapter P-44.1);

– Environment Quality Act (chapter Q-2);

– Act respecting public transit authorities (chapter S-30.01);

– Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4);

– Act to amend the Cultural Heritage Act and other legislative provisions (2021, chapter 10).

**LEGISLATION REPEALED BY THIS ACT:**

– Act respecting stuffing and upholstered and stuffed articles (chapter M-5).

**REGULATIONS AMENDED BY THIS ACT:**

– Regulation respecting wildlife habitats (chapter C-61.1, r. 18);

– Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2);

– Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1).

# Bill 103

## AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS MAINLY FOR THE PURPOSE OF REDUCING RED TAPE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

**1.** The Civil Code of Québec is amended by inserting the following article after article 1084:

"**1084.1.** The directors may participate in a meeting of the board of directors by the use of a means which allows all those participating to communicate directly with each other.

Directors who participate in such a meeting may vote by any means enabling votes to be cast in a way that allows them to be verified afterwards and protects the secrecy of the vote when such a ballot has been requested."

**2.** The Code is amended by inserting the following article after article 1088:

"**1088.1.** A meeting may be held by the use of a means which allows all those participating to communicate directly with each other."

**3.** The Code is amended by inserting the following article after article 1089:

"**1089.1.** Co-owners who participate in a meeting by the use of a means which allows all those participating to communicate directly with each other may vote by any means enabling votes to be cast in a way that allows them to be verified afterwards and protects the secrecy of the vote when such a ballot has been requested."

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**4.** Section 246 of the Act respecting land use planning and development (chapter A-19.1) is amended by striking out "staking or" in the first paragraph.

CITIES AND TOWNS ACT

**5.** Section 105.2 of the Cities and Towns Act (chapter C-19) is amended

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

"The first paragraph does not apply to reports of an external auditor made in respect of a chief auditor or of every legal person referred to in subparagraph 2 of the first paragraph of section 107.7 or in subparagraph 4 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35).";

(2) by replacing "second" in the third paragraph by "third".

**6.** Section 477.6 of the Act is amended by replacing "31 January" in subparagraph 2 of the second paragraph by "31 March".

**7.** Section 573 of the Act is amended by replacing "and 573.1.0.1.1" in subsection 7 by ", 573.1.0.1.1 and 573.1.0.1.3".

**8.** The Act is amended by inserting the following section after section 573.1.0.1.2:

"**573.1.0.1.3.** A supply contract may take the form of a delivery order contract when the procurement requirements are recurrent, and the quantity of goods or the rate or frequency at which they are acquired are uncertain. Such a contract, whose term may not exceed three years, may be entered into with one or more suppliers.

The call for tenders or a document to which it refers must indicate the approximate quantities of the goods that may be acquired or, failing that, the approximate value of the contract.

The tenders are evaluated according to the price or according to a system of bid weighting and evaluating in accordance with section 573.1.0.1 or 573.1.0.1.1.

If the delivery order contract is entered into with more than one supplier, the orders are awarded to the supplier who proposed the lowest price or obtained the highest score, as the case may be, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

A delivery order contract may allow any selected supplier to replace goods offered by equivalent goods or to reduce the price of goods offered. The call for tenders or a document to which it refers must then indicate the procedure applicable to make such amendments as well as the mechanism to inform the other selected suppliers of the amendments."

MUNICIPAL CODE OF QUÉBEC

**9.** Article 176.2 of the Municipal Code of Québec (chapter C-27.1) is amended

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

"The first paragraph does not apply to reports of an external auditor made in respect of every legal person referred to in subparagraph 2 of the first paragraph of article 966.2.1 or in subparagraph 4 of the first paragraph of section 85 of the Act respecting the Commission municipale (chapter C-35).";

(2) by replacing "second" in the third paragraph by "third".

**10.** Article 935 of the Code is amended by replacing "and 936.0.1.1" in subarticle 7 by ", 936.0.1.1 and 936.0.1.3".

**11.** The Code is amended by inserting the following article after article 936.0.1.2:

"**936.0.1.3.** A supply contract may take the form of a delivery order contract when the procurement requirements are recurrent, and the quantity of goods or the rate or frequency at which they are acquired are uncertain. Such a contract, whose term may not exceed three years, may be entered into with one or more suppliers.

The call for tenders or a document to which it refers must indicate the approximate quantities of the goods that may be acquired or, failing that, the approximate value of the contract.

The tenders are evaluated according to the price or according to a system of bid weighting and evaluating in accordance with article 936.0.1 or 936.0.1.1.

If the delivery order contract is entered into with more than one supplier, the orders are awarded to the supplier who proposed the lowest price or obtained the highest score, as the case may be, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

A delivery order contract may allow any selected supplier to replace goods offered by equivalent goods or to reduce the price of goods offered. The call for tenders or a document to which it refers must then indicate the procedure applicable to make such amendments as well as the mechanism to inform the other selected suppliers of the amendments."

**12.** Article 961.4 of the Code is amended by replacing "31 January" in subparagraph 2 of the second paragraph by "31 March".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**13.** Section 105.3 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by replacing "31 January" in the third paragraph by "31 March".

**14.** Section 108 of the Act is amended by replacing "and 109.1" in the twelfth paragraph by ", 109.1 and 109.3".

**15.** The Act is amended by inserting the following section after section 109.2:

"**109.3.** A supply contract may take the form of a delivery order contract when the procurement requirements are recurrent, and the quantity of goods or the rate or frequency at which they are acquired are uncertain. Such a contract, whose term may not exceed three years, may be entered into with one or more suppliers.

The call for tenders or a document to which it refers must indicate the approximate quantities of the goods that may be acquired or, failing that, the approximate value of the contract.

The tenders are evaluated according to the price or according to a system of bid weighting and evaluating in accordance with section 109 or 109.1.

If the delivery order contract is entered into with more than one supplier, the orders are awarded to the supplier who proposed the lowest price or obtained the highest score, as the case may be, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

A delivery order contract may allow any selected supplier to replace goods offered by equivalent goods or to reduce the price of goods offered. The call for tenders or a document to which it refers must then indicate the procedure applicable to make such amendments as well as the mechanism to inform the other selected suppliers of the amendments."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**16.** Section 98.3 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by replacing "31 January" in the third paragraph by "31 March".

**17.** Section 101 of the Act is amended by replacing "and 102.1" in the twelfth paragraph by ", 102.1 and 102.3".

**18.** The Act is amended by inserting the following section after section 102.2:

"**102.3.** A supply contract may take the form of a delivery order contract when the procurement requirements are recurrent, and the quantity of goods or the rate or frequency at which they are acquired are uncertain. Such a contract, whose term may not exceed three years, may be entered into with one or more suppliers.

The call for tenders or a document to which it refers must indicate the approximate quantities of the goods that may be acquired or, failing that, the approximate value of the contract.

The tenders are evaluated according to the price or according to a system of bid weighting and evaluating in accordance with section 102 or 102.1.

If the delivery order contract is entered into with more than one supplier, the orders are awarded to the supplier who proposed the lowest price or obtained the highest score, as the case may be, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

A delivery order contract may allow any selected supplier to replace goods offered by equivalent goods or to reduce the price of goods offered. The call for tenders or a document to which it refers must then indicate the procedure applicable to make such amendments as well as the mechanism to inform the other selected suppliers of the amendments."

COOPERATIVES ACT

**19.** The Cooperatives Act (chapter C-67.2) is amended by inserting the following sections after section 76.1:

"**76.2.** Subject to the by-laws, an annual meeting may be held by the use of means enabling all participants to communicate directly with each other.

"**76.3.** Subject to the by-laws, members who participate in a meeting by the use of a means enabling all participants to communicate directly with each other may vote by any means enabling votes to be cast in a way that allows them to be verified afterwards and protects the secrecy of the vote when such a ballot has been requested."

**20.** Section 79.1 of the Act is replaced by the following section:

"**79.1.** Sections 76.2 and 76.3 apply, with the necessary modifications, to a special meeting."

**21.** Section 95 of the Act is amended by adding the following paragraph at the end:

"Directors who participate in such a meeting may vote by any means enabling votes to be cast in a way that allows them to be verified afterwards and protects the secrecy of the vote when such a ballot has been requested."

HYDRO-QUÉBEC ACT

**22.** The Hydro-Québec Act (chapter H-5) is amended by inserting the following section after section 48.2:

"**48.3.** A municipality may enter into an agreement with the Company to offer a public charging service for electric vehicles within the framework of a network established by the Company or one of its wholly-owned subsidiaries.

Within the scope of this agreement, the Company may provide that the municipality must, despite the rules governing the making of contracts that are applicable to it, acquire certain equipment and services only from suppliers retained by the Company or one of its wholly-owned subsidiaries.

To retain a supplier referred to in the second paragraph, the Company or one of its wholly-owned subsidiaries must have made a call for tenders in compliance with any intergovernmental agreement on the opening of public procurement applicable to the municipality."

ACT RESPECTING STUFFING AND UPHOLSTERED AND STUFFED ARTICLES

**23.** The Act respecting stuffing and upholstered and stuffed articles (chapter M-5) is repealed.

MINING ACT

**24.** The heading of Division II of Chapter III of the Mining Act (chapter M-13.1) is amended by striking out "LICENCE".

**25.** Sections 19 to 25 of the Act are replaced by the following section:

"**19.** Any person may prospect on or may designate on a map a parcel of land on which a claim may be obtained."

**26.** Section 26 of the Act is amended

(1) by replacing "entitled to engage in prospecting or staking on that land under" by "prospecting on that land in accordance with the provisions of";

(2) by striking out "and, in the case of a licence holder, if he produces his licence".

**27.** Sections 28 and 28.1 of the Act are repealed.

**28.** Section 29 of the Act is amended

(1) by striking out “stake or”;

(2) by inserting “a claim,” after “subject to”;

(3) by replacing “mining rights” by “claims”.

**29.** Section 30 of the Act is amended by striking out both occurrences of “stake or”.

**30.** Section 30.1 of the Act is amended by striking out “stake,”.

**31.** Section 32 of the Act is repealed.

**32.** Section 33 of the Act is amended by striking out “or stake” in the introductory clause.

**33.** Sections 35 and 36 of the Act are repealed.

**34.** Section 38 of the Act is amended

(1) by striking out “stake or”, “before 7:00 a.m. in the case of staking, or” and “in the case of map designation” in the first paragraph;

(2) by striking out “stake or” in the second paragraph.

**35.** Section 39 of the Act is amended by striking out “stake or”.

**36.** Section 40 of the Act is amended

(1) by striking out “staking or” in the first paragraph;

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

“For the purposes of this division, “staked claim”, “claim obtained by staking” or “parcel of land staked”, “staked parcel of land”, or “land staked”, means a claim obtained by staking or the parcel of land on which such a claim is obtained in accordance with this Act, as it reads on 8 December 2021.”

**37.** Section 42 of the Act is amended by striking out the first and second paragraphs.

**38.** Sections 42.5 to 46 of the Act are repealed.

**39.** Section 47 of the Act is amended by striking out “map designated”.

**40.** Section 48 of the Act is repealed.

**41.** Section 49 of the Act is amended by striking out the second paragraph.

**42.** Sections 50 and 51 of the Act are repealed.

**43.** Section 52 of the Act is amended

(1) by striking out "the second paragraph of section 28 or" in subparagraph 3 of the first paragraph;

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

"The registrar shall forward, to the Minister, every notice of map designation that concerns a parcel of land

(1) referred to in section 4, where only gold and silver form part of the domain of the State;

(2) from which mineral substances referred to in section 5 have been, or are being, extracted, except sand or gravel;

(3) referred to in section 33; or

(4) where the mineral substances are reserved to the State under section 304."

**44.** Section 53 of the Act is amended

(1) by striking out "staking, notice of staking or" in the first paragraph;

(2) by striking out the second paragraph.

**45.** Section 54 of the Act is repealed.

**46.** Section 55 of the Act is amended by striking out "of staking or a notice".

**47.** Section 56 of the Act is amended by striking out the first paragraph.

**48.** Section 58 of the Act is amended by striking out "allow a post fixing the boundaries of a staked parcel of land to be moved, altered or replaced. He may also" in the second paragraph.

**49.** Section 59.1 of the Act is amended by replacing "subparagraph 1 of the second paragraph of section 49" by "the third paragraph of section 59".

**50.** Section 60 of the Act is repealed.

**51.** Section 60.1 of the Act is amended

(1) by striking out "by staking and the boundaries of the territories in which claims may be obtained" in the first paragraph;

(2) by striking out the last two sentences of the third paragraph.

**52.** Section 61 of the Act is amended

(1) by replacing "two" in the first paragraph by "three";

(2) by replacing "before the 60th day preceding its date of expiry or, on payment of the extra amount fixed by regulation, after that date but before its date of expiry" in subparagraph 1 of the second paragraph by "before its date of expiry".

**53.** Section 65 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing "il" in the French text by "le titulaire de claim";

(*b*) by adding the following sentence at the end: "In such cases, the Minister shall, within 60 days after the claim is registered, notify the owner, the lessee, the holder of the exclusive lease to mine surface mineral substances and the local municipality of the claim and publish a notice to that effect on the department's website, in the manner determined by regulation.";

(2) by replacing the third and fourth paragraphs by the following paragraph:

"With respect to lands granted or alienated by the State for purposes other than mining purposes, if the claim is in the territory of a local municipality, the claim holder must inform the municipality and the landowner of the work to be performed at least 30 days before the work begins."

**54.** Section 71.1 of the Act is replaced by the following section:

"**71.1.** The claim holder must, not later than 31 January each year, submit to the Minister a report on the work performed during the period from 1 January to 31 December of the preceding year. The report must be presented using a form supplied by the Minister and must contain the information determined by regulation.

Despite the first paragraph, the first report on the work performed during the period from the date of registration of the claim to 31 December of the year following the year of registration must be submitted within 30 days following that period."

**55.** Section 72 of the Act is amended

(1) by striking out "60 days or more" in the first paragraph;

(2) by striking out the second sentence of the second paragraph.

**56.** Section 81 of the Act is amended

(1) by striking out "staking or" in the first paragraph;

(2) by striking out the second paragraph.

**57.** Section 101 of the Act is amended by replacing "mentioned in section 22, 31.5, 164 or 201 of the Environment Quality Act (chapter Q-2) has been issued" in the second paragraph by "required under the Environment Quality Act (chapter Q-2) for mining operation work has been issued or amended".

**58.** The Act is amended by inserting the following section after section 104:

"**104.1.** The Minister may grant an increase in the area of the territory covered by the lease to the lessee who applies for one, provided

(1) the added land is contiguous to that territory;

(2) the added land is subject to one or more claims held by the lease holder;

(3) mining operations have come into production in reasonable commercial quantities;

(4) the revised rehabilitation and restoration plan has been approved in accordance with this Act, and the authorization required under the Environment Quality Act (chapter Q-2) has been issued or amended, as applicable; and

(5) the lessee has complied with any requirement prescribed by regulation and paid the annual rental for the portion of added land as well as the fees prescribed.

An application for an increase in the area of the territory covered by the lease must also be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a report presenting an estimate of mineral resources and reserves."

**59.** Section 155 of the Act is amended

(1) by replacing "On the dates fixed by regulation, the lessee shall transmit to the Minister a report" in the first paragraph by "Not later than 15 April each year, the lessee shall transmit to the Minister a report covering the period from 1 April to 31 March preceding that date";

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

"The lessee shall transmit to the Minister, at the Minister's request and within the time fixed by the Minister, a monthly or quarterly report with the same information."

**60.** Section 207 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "staking or";

(*b*) by replacing "under section 32 or 33, a report, an application for exemption from the" by "under section 33, a report or an application relating to";

(2) by striking out the second paragraph;

(3) in the third paragraph,

(*a*) by replacing "Applications for a licence, a lease or an authorization under section 32 or 33" by "Map designation notices or applications for a lease or an authorization under section 33";

(*b*) by striking out the last two sentences;

(4) by replacing "licence, lease or authorization under section 32 or 33" in the fourth paragraph by "lease or authorization under section 33".

**61.** Section 213 of the Act is amended by striking out the fifth paragraph.

**62.** Section 223 of the Act is amended

(1) by replacing "forward to the Minister, within the same time as for the report required under section 222," by ", every five years, forward to the Minister";

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

"The Minister may require that the operator provide him, within the time fixed by the Minister, with the plans prescribed by regulation.

Whenever amendments to the plans are justified by changes in the mining activities, the operator must forward the plans to the Minister within the time provided for by regulation."

**63.** Section 280 of the Act is repealed.

**64.** Section 281 of the Act is amended by striking out paragraph 4.

**65.** Section 284 of the Act is amended by replacing "in sections 280 and 281" in the second paragraph by "in section 281".

**66.** Section 285 of the Act is repealed.

**67.** Section 291 of the Act is amended by striking out ", 280".

**68.** Section 304 of the Act is amended by replacing "staking," in the second paragraph by "prospecting,".

**69.** Section 304.1 of the Act is amended by striking out "stake and" in the first paragraph.

**70.** Section 306 of the Act is amended

(1) by striking out paragraphs 6 and 7;

(2) by striking out "notices of staking," in paragraph 8;

(3) by striking out "in the second paragraph of section 72 and" in paragraph 11;

(4) by inserting the following paragraph after paragraph 12.12:

"(13) fix the amount of the fees to be paid by the lessee who applies for an increase in the area of the territory subject to the lease in accordance with section 104.1;";

(5) by striking out paragraph 14.1;

(6) by inserting "as well as the time limits for transmitting those plans to the Minister whenever amendments to the plans are justified by changes in the mining activities" at the end of paragraph 24.

**71.** Section 314 of the Act is amended by striking out "19, 20, 45," in paragraph 1.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

**72.** Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing "in the plan and technical description" in the definition of "agricultural zone" in subparagraph 17 of the first paragraph by "in the plan and in the technical description, if any,".

**73.** Section 1.1 of the Act is amended by inserting ", in accordance with a diversity of models requiring in particular varying areas of land," after "agriculture".

**74.** Section 3 of the Act is amended by inserting "and to promote, in keeping with the concept of sustainable development, the preservation and development of agricultural activities and enterprises" after "agricultural land of Québec" in the introductory clause of the second paragraph.

**75.** Section 12 of the Act is amended by inserting "while promoting the development of those activities and of agricultural enterprises" after "agricultural activities" in the first paragraph.

**76.** Section 15 of the Act is amended by adding the following at the end of the third paragraph: "However, on payment of the costs, only the following may consult the documents mentioned in the second paragraph that contain industrial, financial, commercial, scientific or technical information, such as financial statements and business plans, and obtain a copy of them:

(1) the declarant;

(2) the applicant;

(3) the owner or operator of the lot to which a declaration or an application for authorization applies;

(4) the regional county municipality, community or certified association that must transmit a recommendation under section 58.4;

(5) the regional county municipality or community, the local municipality concerned or the certified association referred to in section 59;

(6) an interested person to whom paragraph *b* of section 18.6, section 60.1, section 79.6 or the seventh paragraph of section 100.1 applies; or

(7) any other person determined by regulation."

**77.** Section 31.1 of the Act is amended by replacing "at the record office of" in the second paragraph by "with".

**78.** Section 62 of the Act is amended, in the second paragraph,

(1) by replacing "In" in the introductory clause by "In addition to the considerations provided for in section 12, in";

(2) by replacing "farming activities" in paragraph 8 by "the practice of agriculture in accordance with a diversity of models and of viable agricultural projects that may require varying areas of land".

**79.** Section 65 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "to the local municipality in whose territory the lot is situated and forward a copy of the application";

(*b*) by adding the following sentence at the end: "The regional county municipality or the community may identify more than one area for the purposes of the application for exclusion.";

(2) by striking out the second paragraph;

(3) by replacing "in the first or second paragraph" in the third paragraph by "in the first paragraph";

(4) by inserting the following paragraphs after the third paragraph:

"The applicant must transmit a copy of the application to the local municipality concerned or, as the case may be, the local municipalities concerned. Upon receipt of the copy, the clerk or secretary-treasurer of the local municipality shall advise the commission of the date of receipt.

The local municipality may require from the applicant any information and document it considers relevant.

The local municipality shall, within 45 days of receiving the copy of the application, transmit to the commission all the information required by the commission, in particular as regards the standards intended to reduce the inconvenience caused by odours resulting from agricultural activities established pursuant to the powers provided for in subparagraph 4 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1), and its recommendation, and transmit the assessment of an authorized officer as to whether the application is consistent with its zoning by-law and with the interim control measures, if any.";

(5) in the fourth paragraph,

(*a*) by replacing "58.1" by "58.2";

(*b*) by inserting "a recommendation and to" after "apply to".

**80.** The Act is amended by inserting the following section after section 65:

"**65.0.1.** Where the commission receives applications for exclusion relating to the same project and pertaining to lots situated in the territory of more than one local municipality, it may, on its own initiative or on request, group together the applications for exclusion so they are processed as a single record."

**81.** Section 65.1 of the Act is amended by replacing "local" in the first paragraph by "regional county".

**82.** Section 66 of the Act is amended

(1) by replacing "the use for purposes other than agriculture, the subdivision, the alienation and the exclusion of a lot from an agricultural zone for the purposes of a department or public agency" in the first paragraph by "and for the purposes of a department or public body, the use for purposes other than agriculture, the subdivision, the alienation, the inclusion and the exclusion of a lot";

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

"A decision of the Government authorizing the exclusion of a lot from an agricultural zone must, on such conditions as are determined in the decision, provide for its reinclusion in the event that the project is not carried out. In addition, a decision of the Government authorizing a use for purposes other than agriculture or an exclusion of a lot may be accompanied by any impact reduction measure considered sufficient by the Minister, in particular the inclusion or reinclusion of a lot in the agricultural zone."

**83.** The Act is amended by inserting the following section after section 66:

"**66.1.** The Minister may enter into any agreement relating to the implementation of the impact reduction measures provided for in the second paragraph of section 66."

**84.** The Act is amended by inserting the following section after section 79.2.3:

"**79.2.3.1.** Where a livestock facility can only be enlarged by encroaching upon the space that must be left open under separation distance requirements, the enlargement of the facility is allowed notwithstanding the separation distance requirements so long as

(1) the enlargement is necessary in order to comply with a code of practice or a standard of a certification aimed at ensuring the welfare of animals;

(2) there is no increase in the number of livestock units; and

(3) the enlargement is not erected on the side of the building used for a purpose other than an agricultural purpose whose siting would entail the greatest restriction on the potential for expanding the agricultural activities of that breeding unit if the separation distance requirements were taken into account."

**85.** Section 80 of the Act is amended, in the second paragraph,

(1) by replacing "acericultural operation or an equestrian centre" in subparagraph 1 by "agricultural operation";

(2) by inserting "or a use related to farm product processing on a farm" at the end of subparagraph 2.

**86.** The Act is amended by inserting the following section after section 96:

"**96.1.** The second paragraph of section 66 and section 66.1 apply to a decision of the Government rendered under section 96."

**87.** The Act is amended by inserting the following sections after section 105.1:

"**105.2.** The commission may, after consulting the regional county municipality concerned, prepare an adjusted plan of an agricultural zone in its territory.

For the preparation of an adjusted plan, the commission shall refer to the plan and technical description prepared and adopted in accordance with sections 49 and 50 and shall also take into account any clarifications made to the cadastre in Québec under the Act to promote the reform of the cadastre in Québec (chapter R-3.1). Moreover, the commission may

(1) more accurately reproduce the boundaries of an agricultural zone; and

(2) make the minor corrections shown on the renewal of the cadastre provided for in the Act to promote the reform of the cadastre in Québec to an agricultural zone.

"**105.3.** Sections 49 to 54 and section 69.4, adapted as required, apply to the adjusted plan.

The adjusted plan may, where appropriate, not be accompanied by a technical description."

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

**88.** Section 21 of the Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by inserting "an amalgamation involving a cooperative, where the legal person resulting from the amalgamation continues under the Cooperatives Act (chapter C-67.2), except an ordinary amalgamation within the meaning of that Act, or" after "other than" in subparagraph 6 of the first paragraph.

**89.** Section 41 of the Act is amended by inserting "an amalgamation involving a cooperative, other than an ordinary amalgamation within the meaning of the Cooperatives Act (chapter C-67.2), where the legal person resulting from the amalgamation continues under that Act, or to a legal person resulting from" and ", as applicable, the cooperative or" after "legal person resulting from" and "information concerning", respectively, in the second paragraph.

ENVIRONMENT QUALITY ACT

**90.** Section 31.51 of the Environment Quality Act (chapter Q-2) is amended

(1) by replacing "perform a characterization study of the land on which the activity was carried on within six months of the cessation or within such additional time, not exceeding 18 months, as the Minister may grant, subject to the conditions fixed by the Minister, with a view to the resumption of activity. Upon completion, the study must be transmitted to the Minister and to the owner of the land" in the first paragraph by "transmit to the Minister and to the owner of the land a characterization study of the land on which the activity was carried on, within 12 months of the cessation or within such reasonable additional time as the Minister may grant, subject to the conditions determined by the Minister";

(2) by replacing "as soon as possible after being informed of the presence of the contaminants" in the second paragraph by "not later than three months after the study is transmitted".

**91.** Section 118.6 of the Act is amended by adding the following paragraph at the end:

"Where a person or a municipality already holds an accreditation or certification, the Minister shall add to that accreditation or certification, on the conditions the Minister determines, any new activity referred to in the first paragraph if the person or municipality meets the conditions set out in subparagraphs 1 and 2 of the second paragraph."

**92.** The Act is amended by inserting the following section after section 118.7:

"**118.7.1.** The Minister may, on the terms and conditions the Minister determines, at the request of a person or municipality holding two or more accreditations or certifications or on the Minister's own initiative on an application for an accreditation or certification or its renewal, combine all the accreditations or certifications held by the person or municipality into a single one.

On issuing such an accreditation or certification, the Minister may not make any amendment to the conditions set out in the accreditations or certifications thus combined that would subject the accredited or certified person or municipality to new obligations.

As of the date of its issue, the accreditation or certification is deemed to be issued under section 118.6 and replaces the accreditations or certifications it combines, which cease to have effect without this affecting any offences committed, proceedings instituted or penalties incurred before that date in relation to those accreditations or certifications."

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**93.** Section 92.3 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing "31 January" in the third paragraph by "31 March".

**94.** Section 95 of the Act is amended by replacing "and 96.1" in the twelfth paragraph by ", 96.1 and 96.3".

**95.** The Act is amended by inserting the following section after section 96.2:

"**96.3.** A supply contract may take the form of a delivery order contract when the procurement requirements are recurrent, and the quantity of goods or the rate or frequency at which they are acquired are uncertain. Such a contract, whose term may not exceed three years, may be entered into with one or more suppliers.

The call for tenders or a document to which it refers must indicate the approximate quantities of the goods that may be acquired or, failing that, the approximate value of the contract.

The tenders are evaluated according to the price or according to a system of bid weighting and evaluating in accordance with section 96 or 96.1.

If the delivery order contract is entered into with more than one supplier, the orders are awarded to the supplier who proposed the lowest price or obtained the highest score, as the case may be, unless the supplier cannot fill the orders, in which case the other suppliers are solicited according to their respective rank.

A delivery order contract may allow any selected supplier to replace goods offered by equivalent goods or to reduce the price of goods offered. The call for tenders or a document to which it refers must then indicate the procedure applicable to make such amendments as well as the mechanism to inform the other selected suppliers of the amendments."

ACT TO AMEND THE ENVIRONMENT QUALITY ACT TO MODERNIZE THE ENVIRONMENTAL AUTHORIZATION SCHEME AND TO AMEND OTHER LEGISLATIVE PROVISIONS, IN PARTICULAR TO REFORM THE GOVERNANCE OF THE GREEN FUND

**96.** Section 287 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) is amended by striking out "or not later than five years after 23 March 2018," in the introductory clause.

**97.** Section 288 of the Act is amended, in the first paragraph,

(1) by replacing "between 23 March 2018 and 23 March 2021" by "as of 23 March 2018 and until the coming into force of the first regulation made";

(2) by replacing "of five years under the programs established by the Minister for that purpose before 23 March 2018 and published on the website of the Minister's department" by "of not more than five years".

ACT TO AMEND THE CULTURAL HERITAGE ACT AND OTHER LEGISLATIVE PROVISIONS

**98.** Section 138 of the Act to amend the Cultural Heritage Act and other legislative provisions (2021, chapter 10) is amended by adding the following paragraph at the end:

"The Minister may however shorten the time prescribed in the first paragraph by means of a notice sent to the municipality."

REGULATION RESPECTING WILDLIFE HABITATS

**99.** The Regulation respecting wildlife habitats (chapter C-61.1, r. 18) is amended

(1) by striking out "stakes a claim or" in section 9;

(2) by striking out "de jalonnement ou" in section 19 in the French text.

REGULATION RESPECTING MINERAL SUBSTANCES OTHER THAN PETROLEUM, NATURAL GAS AND BRINE

**100.** Chapter I of the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2), comprising sections 1 to 2, is repealed.

**101.** Division I of Chapter II of the Regulation, comprising sections 3 to 4, is repealed.

**102.** Section 5 of the Regulation is repealed.

**103.** Section 6 of the Regulation is amended

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

"(1) the applicant's name, address, telephone number and, where applicable, the date of birth and the name, address and telephone number of the person to whom correspondence shall be sent;

"(2) the business number assigned to the applicant under the Act respecting the legal publicity of enterprises (chapter P-44.1), where applicable;";

(2) by replacing paragraph 4 by the following paragraph:

"(4) a declaration from the applicant attesting to the accuracy of the information provided;".

**104.** Section 7 of the Regulation is repealed.

**105.** Section 10 of the Regulation is amended by striking out the third paragraph.

**106.** Section 13 of the Regulation is repealed.

**107.** Division III of Chapter VI of the Regulation, comprising section 59, is repealed.

**108.** Section 62 of the Regulation is amended by replacing "in the first paragraph of section 59 of this Regulation or on the date fixed by the Minister under the second paragraph of section 155 of the Act" in subparagraph 1 of the first paragraph by "in the first and second paragraph of that section".

**109.** Section 129 of the Regulation is amended by striking out "32 or" in the first paragraph.

**110.** Section 130 of the Regulation is repealed.

**111.** Section 130.2 of the Regulation is amended by replacing "1, 2, 3, 7, 8, 128, 129 and 130" in the first paragraph by "8, 128 and 129".

REGULATION RESPECTING THE AUTHORIZATION FOR THE ALIENATION OR USE OF A LOT WITHOUT THE AUTHORIZATION OF THE COMMISSION DE PROTECTION DU TERRITOIRE AGRICOLE DU QUÉBEC

**112.** Chapter III of the Regulation respecting the authorization for the alienation or use of a lot without the authorization of the Commission de protection du territoire agricole du Québec (chapter P-41.1, r. 1.1), comprising section 26, is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**113.** Order in Council 839-2013 dated 23 July 2013 (2013, G.O. 2, 3523, French only), concerning the making of an agreement relating to the taking of responsibility by municipalities for offering a public charging service for electric vehicles within the framework of Hydro-Québec's Electric Circuit network, and an agreement entered into between a municipality and the Minister of Natural Resources and Wildlife under that Order in Council cease to have effect on 9 December 2021.

**114.** A partnership agreement for the deployment of charging stations for electric vehicles within the framework of Hydro-Québec's Electric Circuit network between a municipality and Hydro-Québec, in force on 9 December 2021, is deemed to be an agreement entered into under the first paragraph of section 48.3 of the Hydro-Québec Act (chapter H-5), enacted by section 22. Such a partnership agreement continues to have effect until it is replaced or resiliated by the parties.

**115.** Section 65 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), as it reads on 8 December 2021, continues to apply to an application for exclusion received by the Commission de protection du territoire agricole du Québec before 9 December 2021.

**116.** The provisions of this Act come into force on 9 December 2021, except subparagraph *a* of paragraph 1 and paragraphs 4 and 5 of section 79, which come into force on the date or dates to be determined by the Government.

# Regulations and other Acts

Gouvernement du Québec

## O.C. 37-2022, 12 January 2022

Rates of contribution of municipalities with respect to the judges of Municipal Courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply

WHEREAS, under the third paragraph of section 246.26 of the Courts of Justice Act (chapter T-16), with respect to the judges of Municipal Courts to whom the pension plan provided for in Part V.1 or VI applies, the cost of that plan, except contributions paid by those judges to the pension plan provided for in Part V.1, including those transferred to it, and contributions paid by those judges for the years 1979 to 1989 to the equivalent pension plan in force in the municipality, is to be borne by each municipality, respectively;

WHEREAS the rates of contribution of municipalities to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act with respect to the judges of Municipal Courts to whom the pension plans apply were fixed from 1 January 2019 by Order in Council 51-2019 dated 29 January 2019;

WHEREAS, under the first paragraph of section 246.26 of the Courts of Justice Act, at least once every three years, Retraite Québec is to cause an actuarial valuation of the pension plans provided for in particular in Parts V.1 and VI of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS the last actuarial valuation of the pension plans was received by the Minister of Justice in October 2021;

WHEREAS, under the first paragraph of section 246.26.1 of the Courts of Justice Act, the Government determines, by order, at intervals of not less than three years, the rate of contribution of the municipalities to the pension plan provided for in Part V.1 of the Act and the rate of contribution to the pension plan provided for in Part VI of the Act, and the rates are based on each plan's experience and obtained at the time of the last actuarial valuation;

WHEREAS, under the first paragraph of section 246.26.1 of the Act, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

WHEREAS it is expedient to fix, as of 1 January 2022, the rates of contribution of municipalities to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act with respect to the judges of Municipal Courts to whom the pension plans apply;

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

THAT the rate of contribution of municipalities to the pension plan provided for in Part V.1 of the Courts of Justice Act (chapter T-16) be, with respect to the judges of Municipal Courts to whom the plan applies, fixed at the difference between 14.15% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay, and the rate resulting from the contribution paid by the judge to the plan;

THAT the rate of contribution of municipalities to the pension plan provided for in Part VI of the Courts of Justice Act be, with respect to the judges of Municipal Courts to whom the plan applies, fixed at 14.64% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay;

THAT this Order in Council have effect from 1 January 2022.

YVES OUELLET
*Clerk of the Conseil exécutif*

105486

Gouvernement du Québec

## O.C. 38-2022, 12 January 2022

Rates of contribution of municipalities to the supplementary benefits plans established under the second paragraph of section 122 of the Courts of Justice Act in respect of judges of the Municipal Courts to whom the pension plans provided for in Parts V.1 and VI of the Act apply

WHEREAS, under the second paragraph of section 122.3 of the Courts of Justice Act (chapter T-16), the cost of the supplementary benefits plan established under the

second paragraph of section 122 of the Act is to be borne, in respect of judges of the Municipal Courts to whom the pension plan provided for in Part V.1 or Part VI of the Act applies, by each municipality, respectively;

WHEREAS the rates of contribution of municipalities to the supplementary benefits plans of judges of the Municipal Courts to whom the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act apply were fixed from 1 January 2019 by Order in Council 52-2019 dated 29 January 2019;

WHEREAS, under the first paragraph of section 122.3 of the Courts of Justice Act, at least once every three years, Retraite Québec is to cause an actuarial valuation of the supplementary benefits plans established under the second paragraph of section 122 of the Act to be prepared for the Minister of Justice by the actuaries it designates;

WHEREAS the last actuarial valuation of the supplementary benefits plans was received by the Minister of Justice in October 2021;

WHEREAS, under the third paragraph of section 122.3 of the Courts of Justice Act, the Government determines, by order, at intervals of not less than three years, the rate of contribution of the municipalities to the plan, which is based on the result of the last actuarial valuation of the plan;

WHEREAS, under the third paragraph of section 122.3 of the Act, the order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order;

WHEREAS it is expedient to fix, as of 1 January 2022, the rates of contribution of municipalities to the supplementary benefits plans established under the second paragraph of section 122 of the Courts of Justice Act in respect of judges of the Municipal Courts to whom the pension plans provided for in Parts V.1 and VI of the Act apply;

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

THAT the rate of contribution of municipalities to the supplementary benefits plan established under the second paragraph of section 122 of the Courts of Justice Act (chapter T-16) be, in respect of judges of the Municipal Courts to whom the pension plan provided for in Part V.1 of the Act applies, fixed at the difference between 33.02% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay, and the sum of the municipality's rate of contribution determined under in Part V.1 of the Act and the rate resulting from the contribution paid by the judge to the pension plan provided for in Part V.1 of the Act and, if applicable, the contribution paid by the judge to the supplementary benefits plan;

THAT the rate of contribution of municipalities to the supplementary benefits plan established under the second paragraph of section 122 of the Courts of Justice Act be, in respect of judges of the Municipal Courts to whom the pension plan provided for in Part VI of the Act applies, fixed at 20.44% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge had the judge not benefited from a leave without pay or a leave with deferred pay;

THAT this Order in Council have effect from 1 January 2022.

YVES OUELLET
*Clerk of the Conseil exécutif*

105487

Gouvernement du Québec

## **O.C. 39-2022,** 12 January 2022

Courts of Justice Act
(chapter T-16)

**Schedule IV to the Act**
**— Amendment**

Regulation to amend Schedule IV to the Courts of Justice Act

WHEREAS, under section 160 of the Courts of Justice Act (chapter T-16), administrative justices of the peace exercise only the powers and functions determined in Schedule IV for the class assigned to them in their notice of appointment;

WHEREAS, under the first paragraph of section 181 of the Act, the Government may, by regulation, amend Schedule IV in particular to modify, add to or reduce the functions and powers of administrative justices of the peace;

WHEREAS, under the second paragraph of section 181 of the Act, despite sections 11 and 17 of the Regulations Act (chapter R-18.1), the regulation may be made after the expiry of 15 days from the publication of the draft regulation in the *Gazette officielle du Québec* and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS, in accordance with section 10 of the Regulations Act and section 181 of the Courts of Justice Act, a draft Regulation to amend Schedule IV to the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 29 September 2021 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend Schedule IV to the Courts of Justice Act, attached to this Order in Council, be made.

YVES OUELLET
*Clerk of the Conseil exécutif*

## Regulation to amend Schedule IV to the Courts of Justice Act

Courts of Justice Act
(chapter T-16, s. 181)

**1.** The Courts of Justice Act (chapter T-16) is amended in Schedule IV by striking out

(1) the sixth dash of class 2 of paragraph 1;

(2) the sixth dash of class 1 of paragraph 2;

(3) the sixth dash of class 2 of paragraph 2.

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

105488

Gouvernement du Québec

## **O.C. 48-2022,** 12 January 2022

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

**Safety Code for the construction industry — Amendment**

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 3, 4, 7, 9 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

— defining the properties of a substance that make it a dangerous substance;

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

— determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2020 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation at its sitting of 17 June 2021;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act 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 to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

YVES OUELLET
*Clerk of the Conseil exécutif*

## Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 3, 4, 7, 9 and 42)

**1.** The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 2.10.8

(1) by replacing "impurities" by "contaminants";

(2) by inserting "or equal to" after "lower than";

(3) by adding the following at the end:

"The employer must provide a respirator in compliance with Division VI of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) in any situation where the values referred to in the first paragraph cannot be complied with.

During periods of work on equipment referred to in section 5 of the Regulation respecting occupational health and safety, or during temporary inspection or maintenance work or work of the same nature performed sporadically on another type of equipment or facility, an employer may provide such a device without the obligation to take other measures to eliminate or reduce contaminants.".

**2.** Section 2.10.9 is revoked.

**3.** Section 3.15.9 is amended by replacing "breathing apparatus conforming to section 2.10.9" by "respirator" in subparagraph *c* of the second paragraph.

**4.** Section 3.20.1 is amended by striking out "as specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail".

**5.** Section 3.20.2 is revoked.

**6.** Section 3.21.2 is amended by replacing "protective breathing equipment" by "a respirator".

**7.** Section 3.23.14.1 is amended by striking out the following:

"that meets either of the following standards:

(1) it is specified in the Guide des appareils de protection respiratoire utilisés au Québec, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail;

(2) it is certified at a minimum FFP2 in accordance with EN-149, Respiratory protective devices — Filtering half masks to protect against particles — Requirements, testing, marking of the European Committee for Standardization, by a laboratory recognized by the latter.

That equipment shall be selected, adjusted, used and cared for in accordance with CSA Standard Z94.4-93 Selection, Use, and Care of Respirators.".

**8.** Section 3.23.15 is amended

(1) by replacing "l'employeur doit respecter, outre les obligations prévues aux articles 3.23.3 à 3.23.14" by "outre les obligations prévues aux articles 3.23.3 à 3.23.14, l'employeur doit respecter" in the French text of the part preceding paragraph 1;

(2) by replacing paragraph 1 by the following:

"(1) the employer shall ensure that any worker present in the work area is wearing a reusable protective respiratory apparatus equipped with a 100 series or HEPA high efficiency filter certified by the NIOSH;".

**9.** Section 3.23.16 is amended

(1) by replacing paragraph 1 by the following:

"(1) the employer shall ensure that any worker present in the work area during the use of electric tools not fitted with a dust collector equipped with a high-efficiency filter or during the handling of thoroughly wetted friable materials containing asbestos is wearing a full-facepiece respirator; the respirator must comply with one of the following types:";

(2) by replacing "high-efficiency" by "HEPA" in subparagraph *a* of paragraph 1;

(3) by replacing paragraph 2 by the following:

"(2) notwithstanding paragraph 1, a supplied-air and continuous-flow positive-pressure adjusted, or pressure demand and positive pressure, full-facepiece respirator must be worn by any worker who is in one of the following situations:".

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

105489

Gouvernement du Québec

## **O.C. 49-2022,** 12 January 2022

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

**Occupational health and safety — Amendment**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 3, 4, 7, 9 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— listing contaminants or dangerous substances, classifying them, identifying the biological or chemical agents and determining for each class or each contaminant a maximum permissible quantity or concentration of emission, deposit, issuance or discharge at a workplace, prohibiting or restricting the use of a contaminant or prohibiting any emission, deposit, issuance or discharge of a contaminant;

— defining the properties of a substance that make it a dangerous substance;

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every establishment or construction site in view of ensuring the health, safety and physical well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

— determining, by category of establishments or construction sites, the individual and common protective devices and equipment that the employer must put at the disposal of the workers, free of charge;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 11 March 2020 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation at its sitting of 17 June 2021;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act 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 to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

YVES OUELLET
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting occupational health and safety

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 3, 4, 7, 9 and 42)

**1.** The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition in alphabetical order:

""NIOSH" means the National Institute for Occupational Safety and Health;".

**2.** The following is inserted after section 39:

"**39.1.** The use of crocidolite, amosite or a product containing either of these substances is prohibited, except where their replacement is not reasonable or practicable.".

**3.** Sections 40 and 41 are replaced by the following:

"**40.** No worker in an establishment shall be exposed to:

(1) a concentration of airborne oxygen below 19.5% in volume at normal atmospheric pressure;

(2) gases, fumes, vapours, dusts or mists, beyond the limits provided for in Schedule I.

Subparagraph 2 of the first paragraph also applies to a work station located in a vehicle, wherever situated.

**41.** In order to comply with the values provided in section 40, the employer must control or improve the quality of the air by eliminating air contaminants or replacing dangerous substances, as provided in section 39. Failing that, the employer must take other measures favouring the following:

(1) containment, to prevent the source of contamination from reaching the worker or affecting the percentage of oxygen;

(2) the control of processes such as dust abatement, as well as the installation or improvement of an establishment's local and then general ventilation.

In addition, such measures must be taken by the employer when designing, organizing or making changes to an establishment.".

**4.** The following is inserted after section 41:

"**41.1.** Notwithstanding section 41, an employer may provide a respirator in compliance with Division VI, without taking other measures, during the period required to perform work on the equipment referred to in section 5, or during the performance of temporary work of the same nature on another type of equipment or facility.".

**5.** The heading of **DIVISION VI** is replaced by "RESPIRATOR".

**6.** Section 45 is replaced by the following:

"**45. Respirator:** The employer must provide the worker with a respirator in the following cases:

(1) during the period required to implement a measure provided for in section 41;

(2) in case of an emergency where the values provided for in section 40 are not complied with;

(3) if no measure makes it possible to comply with the values provided for in section 40.".

**7.** The following is inserted after section 45:

"**45.1.** Every respirator provided by the employer must be certified by the NIOSH.

When providing such a device, the employer must draft and apply a respiratory protection program in compliance with CAN/CSA Standard Z94.4-11, Selection, Use and Care of Respirators, as published in September 2016.".

**8.** Section 46 is amended by replacing "45" by "45.1".

**9.** Section 47 is revoked.

**10.** Section 48 is amended by striking out "referred to in section 45" in the first paragraph.

**11.** Section 69 is amended by inserting "in compliance with Division VI" after "air-supplied abrasive hood" in the first paragraph.

**12.** Section 101 is amended by replacing the last paragraph by the following:

"Except as part of work provided for in section 41.1, all work stations must be ventilated as to comply with the standards provided for in sections 40.".

**13.** Section 154 is amended by replacing "in section 41 or 69 or in paragraph 3 of section 124" by "in paragraph 3 of section 45, section 69 or paragraph 3 of section 124 and" in the first paragraph.

**14.** Section 302 is amended in the second paragraph by replacing

(1) "the respiratory protective equipment" by "a respirator";

(2) "specified in section 45" by "in accordance with Division VI".

**15.** Section 303 is amended in paragraph 3 by replacing

(1) "the respiratory protective equipment" by "a respirator";

(2) "specified in section 45" by "in accordance with Division VI".

**16.** Section 312.52 is amended by adding ", as published in September 2016" at the end.

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

105490

# Draft Regulations

## Draft Regulation

Education Act
(chapter I-13.3)

**Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year — Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for certain adaptations that it is appropriate to make to the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year, made by Order in Council 1213-2021 dated 8 September 2021, in order to take into account the current public health emergency and the impact it is having on the education network.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Caroline Palardy, executive assistant, Direction des encadrements pédagogiques et scolaires, Ministère de l'Éducation, 1035, rue De La Chevrotière, 13e étage, Québec (Québec) G1R 5A5; email: caroline.palardy@education.gouv.qc.ca.

Any interested person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Marie-Ève Chamberland, Secretary General, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15e étage, Québec (Québec) G1R 5A5; email: marie eve.chamberland@education.gouv.qc.ca.

Jean-François Roberge
*Minister of Education*

## Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year

Education Act
(chapter I-13.3, s. 447)

**1.** The Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year, made by Order in Council 1213-2021 dated 8 September 2021, is amended by adding the following after section 2:

"**2.1.** Sections 33 and 33.1 of the same basic school regulation are to be read as follows for the same school year:

**33.** On the recommendation of the school service centre, the Minister awards a pre-work training certificate to every student who has completed the training of not less than 2,275 hours and has successfully completed the work skills education program of not less than 825 hours.

**33.1.** On the recommendation of the school service centre, the Minister awards a training certificate for a semi-skilled trade, with mention of the trade, to every student who has completed the training of not less than 900 hours and has successfully completed the practical training component for the semi-skilled trade of not less than 450 hours.

On the recommendation of the school service centre, the Minister also awards a training certificate for a semi-skilled trade, with mention of the semi-skilled trade, to every student referred to in the third paragraph of section 23.4 if the student

(1) has completed the pre-work training of not less than 2,275 hours; and

(2) has successfully completed the practical training component of the training leading to a semi-skilled trade.".

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

105484

## Draft Regulation

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions
(chapter A-33.02)

**Application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions**
**— Amendment**

Notice is hereby given, in accordance with sections 10 et 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation progressively increases the number of credits that must be accumulated by an automobile manufacturer to meet its requirements in order to reach 100% of zero-emission motor vehicle sales in 2035. To that end, the draft Regulation amends the calculation used to determine the number of credits that the motor vehicles concerned provide. It also progressively reduces the ceiling for the use of credits from reconditioned motor vehicles to 0% in 2035. In addition, to reflect the amendment to the calculation of credits, the Regulation amends the calculation of the charge owed where the credits accumulated by an automobile manufacturer are insufficient to meet its credit requirements. Lastly, the draft Regulation makes other amendments, such as adjustments to the classification of motor vehicles eligible for credits and of automobile manufacturers, time limits for processing reports and methods for calculating certain environmental and electric range requirements.

Study of the matter has shown that the draft Regulation, completed by the draft Regulation to amend the Regulation respecting the limit on the number of credits that may be used by an automobile manufacturer and the confidentiality of some information, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, results in additional costs for all the actors in the transportation sector. It also reduces the Government's revenues from taxes on fuel and sales of goods and services associated with vehicles with an internal combustion engine. The draft Regulation has a positive impact on enterprises marketing charging stations and on sales of electricity. The main advantage of the draft Regulation is for consumers who will benefit from energy savings and for whom the cost of acquiring vehicles would diminish. The draft Regulation also results in major environmental gains in greenhouse gas and other pollutant emissions.

Further information on the draft Regulation may be obtained by contacting Lucie Bouchard, Director General, Direction générale de la transition climatique, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675 boulevard René-Lévesque Est, 6e étage, boîte 31, Québec (Québec) G1R 5V7; email: lucie.bouchard@environnement.gouv.qc.ca; telephone: 418 953-1028.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-François Gibeault, Assistant Deputy Minister, Bureau d'électrification et de changements climatiques, 675 boulevard René-Lévesque Est, 30e étage, Québec (Québec) G1R 5V7; email: jean-francois.gibeault@environnement.gouv.qc.ca.

Benoit Charette
*Minister of the Environment and the Fight Against Climate Change*

## Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions
(chapter A-33.02, ss. 3, 4, 6, 7, 2nd par., s. 8, 3rd and 4th pars., and s. 10)

**1.** The Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02, r. 1) is amended in section 1 by replacing "40,000" in subparagraph *b* of paragraph 3 of the definition of "reconditioned motor vehicle" by "100,000".

**2.** Section 2 is amended by replacing "SULEV20 or SULEV30 category" in paragraph 1 by "SULEV30 category or a category with a stricter standard".

**3.** Section 4 is amended

(1) in the first paragraph

(*a*) by striking out "category A" in paragraph 1;

(*b*) by striking out "category B" in paragraph 2;

(*c*) by striking out "category C" in paragraph 3;

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

"As of the 2025 model year, intermediate volume manufacturers are considered to be large volume manufacturers and no reclassification between the two categories is possible.".

**4.** Section 5 is amended

(1) by striking out the first paragraph;

(2) by replacing "that is not required to submit such report" in the second paragraph by "that is not yet classified".

**5.** Section 6 is amended by replacing "30" wherever it appears by "90".

**6.** Section 10 is amended by striking out "in accordance with section 47 of the Act" in the second paragraph.

**7.** Section 12 is amended by replacing "30" by "90".

**8.** Section 13 is amended by replacing the last line of the table in the third paragraph by the following:

"

| | |
|---|---|
| 2025 | 12.50% |
| 2026 | 17.50% |
| 2027 | 25.00% |
| 2028 | 35.00% |
| 2029 | 50.00% |
| 2030 | 65.00% |
| 2031 | 77.50% |
| 2032 | 87.50% |
| 2033 | 94.00% |
| 2034 | 98.50% |
| 2035 and subsequent | 100.00% |

".

**9.** Section 14 is amended

(1) by replacing "As of model year 2020, among the credits that a large volume automobile manufacturer must accumulate for a particular model year" at the beginning of the first paragraph by "Among the credits that a large volume automobile manufacturer must accumulate for each of the 2020 to 2024 model years ";

(2) by striking out the last line of the table in the fourth paragraph.

**10.** Section 15 is amended

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

"An automobile manufacturer may, for each period referred to in the table below, accumulate, by selling or leasing reconditioned motor vehicles, or by acquiring, from another automobile manufacturer, RZEV, RLEV, RVRE or RLSV credits, a maximum of the percentage of the total of the credits it must accumulate for each period presented in the table below:

| **Period of 3 consecutive calendar years** | **Maximum percentage** |
|---|---|
| 2022-2024 | 30% |
| 2025-2027 | 20% |
| 2028-2030 | 15% |
| 2031-2033 | 10% |
| Subsequent periods | 0% |

";

(2) by replacing "A" in the portion before subparagraph 1 of the second paragraph by "Up to the 2024 model year, a".

**11.** The following is inserted before section 20:

"***§§i.*** *Provisions applicable up to the 2024 model year*

**19.1.** This subdivision applies to zero-emission motor vehicles whose model year is 2024 or earlier.".

**12.** Section 21 is replaced by the following:

"**21.** The number of credits to which the sale or lease of a reconditioned zero-emission motor vehicle gives entitlement is determined by means of a percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement. That percentage varies depending on the difference between the number

representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

| Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year | Percentage of the number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement |
|---|---|
| 0 | 100% |
| 1 | 80% |
| 2 | 70% |
| 3 | 60% |
| 4 | 50% |

".

**13.** Section 24 is amended by inserting "in accordance with this subdivision," after "gives entitlement,".

**14.** The following is inserted after section 25:

"***§§ii.*** *Provisions applicable as of the 2025 model year*

**25.1.** This subdivision applies to zero-emission motor vehicles whose model year is 2025 or later.

**25.2.** The sale or lease of a new zero-emission motor vehicle gives entitlement to one credit.

**25.3.** The number of credits to which the sale or lease of a reconditioned zero-emission motor vehicle gives entitlement is determined on the basis of the difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

| Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year | Number of credits to which the sale or lease of a new zero-emission motor vehicle of the same model and the same model year gives entitlement |
|---|---|
| 0 | 1 |
| 1 | 0.8 |
| 2 | 0.7 |
| 3 | 0.6 |
| 4 | 0.5 |

".

**15.** The following is inserted before section 26:

"***§§i.*** *Provisions applicable up to the 2024 model year*

**25.4.** This subdivision applies to low-emission motor vehicles whose model year is 2024 or earlier.".

**16.** Section 26 is amended by replacing "between 16 and 129 km" in the table of the first paragraph by "from 16 to 129 km".

**17.** The following is inserted after section 29:

"***§§ii.*** *Provisions applicable as of the 2025 model year*

**29.1.** This subdivision applies to low-emission motor vehicles whose model year is 2025 or later.

**29.2.** The sale or lease of a new low-emission motor vehicle gives entitlement to 0.5 credits if the electric range of the vehicle is equal to or greater than 80 km.

The electric range of a low-emission motor vehicle is determined by using the 5-cycle test procedure provided for in paragraph *j* (4) of the method Determination of values for fuel economy labels, in U.S. 40 CFR, Part 600, Subpart D.

**29.3.** The number of credits to which the sale or lease of a reconditioned low-emission motor vehicle gives entitlement is determined on the basis of the difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year, according to the following table:

| Difference between the number representing the calendar year during which the vehicle was registered for the first time in Québec and the number representing its model year | Number of credits to which the sale or lease of a new low-emission motor vehicle of the same model and the same model year gives entitlement |
|---|---|
| 0 | 0.5 |
| 1 | 0.4 |
| 2 | 0.35 |
| 3 | 0.3 |
| 4 | 0.25 |

".

**18.** Section 30 is amended by adding the following at the end:

"This section applies to low-speed motor vehicles whose model year is 2024 or earlier.".

**19.** Section 31 is amended

(1) by replacing "For" at the beginning of the second paragraph by "Up to the period of 3 consecutive calendar years concerning the 2022 to 2024 model years, for";

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

"As of the period of 3 consecutive calendar years concerning the 2025 to 2027 model years, for calculating the charge, the value of a credit is set at $20,000.".

**20.** Section 35 is amended by inserting the following after the first paragraph:

"For motor vehicles whose gross weight rating is greater than 3,856 kg, the values of the carbon dioxide emissions, in grams per kilometre, are determined according to the applicable methods and calculations provided for in the Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations (SOR/201324).".

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

105485

## Draft Regulation

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs
(chapter M-30.001)

Environment Quality Act
(chapter Q-2)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5)

**Deposit system for certain containers**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the development, implementation and financial support of a deposit system for certain containers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation requires certain persons to develop, implement and contribute financially to a deposit system for certain containers to allow them to be recovered and reclaimed.

The draft Regulation determines the persons (referred to as "producers") required to fulfill those obligations and the types of containers on which a deposit must be paid.

The draft Regulation specifies that a producer must, in developing a deposit system, determine in particular

— the terms and conditions for collecting and refunding the amount of deposits, for returning containers on deposit, and for managing containers on deposit once they have been recovered, as well as for the costs of recovering and reclaiming containers;

— the terms and conditions for collecting and transporting containers on deposit to their final destination;

— the terms and conditions for communicating certain information, in particular concerning the recovery and reclamation rates achieved for containers on deposit and the percentage of containers on deposit that are re-used or disposed of;

— the measures implemented to facilitate participation by social economy enterprises and contribute to the fight against climate change.

The draft Regulation specifies the amount of the deposit for each container on deposit and the mechanism that allows a body designated in accordance with the draft Regulation to change the deposit amount.

The draft Regulation determines the requirements that apply to sites where a person may bring a container on deposit in order to obtain a refund of the deposit, and the distribution, location, layout and accessibility of those sites. The requirements may vary depending on the type of return locations, which the draft Regulation divides into 3 categories.

The draft Regulation includes an obligation for retailers operating a retail establishment in which a product is offered for sale in a container on deposit to accept containers on deposit that are returned to them, to refund the amount of the deposit and to establish return sites for that purpose.

The draft Regulation contains specific provisions for the return of containers on deposit and the refunding of the amount of the deposit in places situated in a remote or isolated territory.

The draft Regulation also contains specific provisions concerning the collection of containers on deposit in an establishment offering consumption on the premises.

The draft Regulation sets out the terms and conditions that apply to the transportation, sorting, conditioning and reclamation of containers on deposit and to the entering of the contracts needed to implement those terms and conditions.

Under the draft Regulation, the Société québécoise de récupération et de recyclage (referred to as the "Société") designates, within the time specified, a management body to assume, in place of producers, their obligations under the draft Regulation. It also sets out the rules applicable to the designation, including the content of an application for designation, the duration of designation, and the circumstance in which it may be terminated.

Lastly, the draft Regulation includes the monetary administrative penalties that apply in the event of a failure to comply with its provisions and the penal sanctions for offences, along with miscellaneous and transitional provisions.

The Regulation will have an impact on producers who commercialize, market or otherwise distribute products in containers on deposit and possibly on consumers. Producers will have to ensure the financing of the deposit system to be implemented, which could result in a transfer of costs for consumers.

Further information on the draft Regulation may be obtained by contacting Marie Dussault, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: marie.dussault@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Associate Director, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

Benoit Charette
*Minister of the Environment*
*and the Fight Against Climate Change*

## Regulation respecting the development, implementation and financial support of a deposit system for certain containers

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs
(chapter M-30.001, s. 15.4.40, 1st par., subpar. 19)

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 6, and ss. 53.30.2, 53.30.3, 95.1, 1st par., subpar. 9, and ss.115.27 and 115.34)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5, s. 21)

### CHAPTER I
GENERAL

**1.** The purpose of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers they have procured for that purpose to develop, implement and contribute financially to a deposit system for the containers to allow them to be recovered and reclaimed.

**2.** In this Regulation,

"administrative region" means a region described and delimited in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1), except the Nord-du-Québec administrative region and the territories of the regional county municipalities of Minganie and Caniapiscau and of Municipalité régionale de comté du Golfe-du-Saint-Laurent; (*régions administratives*)

"alcoholic beverage" means alcohol, spirits, wine, cider and beer, and every liquid containing ethyl alcohol and capable of being consumed by a person, provided that such liquid contains more than 0.5% of ethyl alcohol by volume. Any liquid containing more than 1 of the 5 varieties of alcoholic beverages is considered as belonging to that variety which has the higher percentage of alcohol, in the following order: alcohol, spirits, wine, cider and beer; (*boisson alcoolique*)

"container" means a recipient, except a bag or a bag-in-box package, used to commercialize, market or otherwise distribute a product in a volume of not less than 100 ml and not more than 2 litres, of a type defined in section 3; (*contenant*)

"container on deposit" means any container on which a deposit is paid; (*contenant consigné*)

"establishment offering consumption on the premises" means an establishment that is not mobile that offers meals, snacks and drinks for sale or otherwise for immediate consumption in or outside the premises; (établissement *de consommation sur place*)

"isolated or remote territory" means the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1) (including the municipalities of Chapais, Chibougamau, Matagami and Lebel-sur-Quévillon), and the territory of the regional county municipalities of Minganie and Caniapiscau and of Municipalité régionale de comté du Golfe-du-Saint-Laurent; (*territoires isolés ou* éloignés)

"major contributor" means a person who uses more than 350 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*grand contributeur*)

"medium contributor" means a person who uses between 100 and 350 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*moyen contributeur*)

"milk" means the lacteal secretion obtained from the mammary gland of a domestic animal such as a cow, goat or sheep and intended for human consumption; (*lait*)

"milk permeate" means the product obtained by removing milk proteins and milkfat from milk, partly skimmed milk, or skimmed milk by ultrafiltration; (*perméat de lait*)

"minor contributor" means a person who uses fewer than 100 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*petit contributeur*)

"multilayer container" means a container mainly made from paper in the form of paperboard, as well as thin layers of plastic and, in some cases, a thin layer of aluminum; (*contenant multicouches*)

"multiple-use container" means a container that may be used more than once to commercialize, market or otherwise distribute a product; (*contenant à remplissage multiple*)

"personal information" means any information concerning a natural person that allows that person to be identified; (*renseignement personnel*)

"product" means any liquid intended for human consumption which is sold in a sealed container and which, at the time of purchase, is ready to be drunk, except a concentrate, stock, soup, cream, milk formula, syrup and yogourt drink, and any product of the same type containing over 50% milk permeate; (*produit*)

"regional municipality" means a regional county municipality, the agglomerations of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque, Ville de Mirabel and Municipalité des Îles-de-la-Madeleine and the municipalities of Gatineau, Laval, Lévis, Rouyn-Noranda, Saguenay, Shawinigan, Sherbrooke and Trois-Rivières; (*municipalité régionale*)

"retailer" means a person who operates a retail establishment in which a product is offered for sale in a container on deposit, except a retail establishment in which a product is offered for sale only by means of one or more vending machines, a retail establishment in which a product is offered for sale only by means of a single commercial refrigerator measuring no more than 76.2 cm wide x 82.28 cm deep x 200.66 cm high and an establishment offering consumption on the premises; (*détaillant*)

"single-use container" means a container that may be used only once to commercialize, market or otherwise distribute a product; (*contenant à remplissage unique*)

"soft drink" means a non-alcoholic beverage that contains water, natural or artificial sweeteners and, in certain cases, aromatic substances and in which carbon dioxide gas is dissolved; (*boisson gazeuse*)

"unorganized territory" means a territory referred to in Chapter II of Title I of the Act respecting municipal territorial organization (chapter O-9). (*territoires non organisés*)

In the definition of "alcoholic beverage", the words "alcohol", "beer", "cider", "light cider", "spirits" and "wine" have, unless the context indicates a different meaning, the meaning assigned by the Act respecting offences relating to alcoholic beverages (chapter I-8.1).

**3.** The types of containers on deposit are as follows:

(1) single-use metal containers;

(2) single-use plastic containers;

(3) single-use glass containers and containers made of other breakable material;

(4) single-use fibre containers, including multilayer containers;

(5) single-use biobased containers;

(6) multiple-use glass containers and containers made of other breakable material;

(7) multiple-use containers made of a material other than glass or other breakable material.

Containers made of a mixture of materials, the main material of which, in weight, is any of the materials referred to in subparagraphs 1 to 4 of the first paragraph or the materials contained in a biobased container, belong to the type of containers that, in the first paragraph, is associated with that material or that contains the material.

**4.** Every person that is the owner or user of a name or trademark and has a domicile or establishment in Québec is required to develop, implement and contribute financially to a deposit system for containers in which a product is commercialized, marketed or otherwise distributed in Québec under that name or trademark.

The obligations specified in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier of the product in Québec, other than the manufacturer, if

(1) the owner or user of the name or trademark has no domicile or establishment in Québec;

(2) the owner or user of the name or trademark has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product outside Québec, and if the first supplier then commercializes, markets or otherwise distributes the product in Québec; or

(3) the product is commercialized, marketed or otherwise distributed in Québec without a name or trademark.

**5.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec that is not pursuing an organized economic activity, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligations specified in the first paragraph of section 4 apply to

(1) the person operating a transactional website used to acquire the product and which allows a person having no domicile or establishment in Québec to commercialize, market or otherwise distribute the product in Québec; and

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

**6.** Where persons referred to in section 4 or 5 do business under a single banner, whether under a franchise contract or another form of affiliation, the obligations specified in the first paragraph of section 4 apply to the owner of the banner if that owner has a domicile or establishment in Québec.

**7.** Every person to whom section 4, 5 or 6 applies, herein referred to as a "producer", must fulfill the obligations specified in those sections collaboratively with the other persons concerned, and those persons may only develop, implement and contribute financially to a single deposit system.

**8.** Every producer who commercializes, markets or otherwise distributes a product in a multiple-use container may add to the return sites provided for in Chapter II the supplementary return sites the producer chooses and for which the producer is not required to comply with sections 23 to 41. The producer must however fulfill the obligations provided for in this Regulation concerning the amount of the deposit for such containers and provide in respect of such containers, so that they may be considered in calculating the recovery and reclamation, local reclamation and recycling rates for containers on deposit pursuant to this Regulation, the information and documents that a management body designated under Division I of Chapter III requests, within the time limit set to do so, for the purpose of fulfilling its responsibilities and obligations under this Regulation. The financial responsibility of those sites falls on the producer who adds sites.

Every producer must ensure that multiple-use containers may, as part of the deposit system developed, implemented and financed pursuant to this Regulation, be returned and refunded not only at a supplementary return site chosen pursuant to the first paragraph, but also at a return site for the deposit system.

## CHAPTER II
## DEVELOPMENT OF THE DEPOSIT SYSTEM

### DIVISION I
### PARAMETERS

**9.** Every producer must, to fulfill its obligation to develop, implement and finance a deposit system and in connection with the charging and refunding of deposits, the return and management of the containers on deposit that are recovered, and the cost of implementing and operating the system,

(1) determine a mechanism for charging and refunding deposits, covering the aspects not provided for in this Regulation;

(2) ensure the presence of return sites for containers on deposit throughout Québec, in accordance with the rules set out in sections 23 to 41;

(3) determine the places where the containers on deposit that are recovered may be sorted, conditioned and reclaimed;

(4) take steps to allow the reclamation, preferably in Québec, of the containers on deposit that are recovered with the choice of reclamation process respecting, in order, reuse, conditioning to obtain a material for use as a substitute for raw materials of a similar or different nature, use for energy production, or another reclamation use, unless

(*a*) a life-cycle analysis, consistent with the applicable ISO standards and taking into account, in particular, resource sustainability and the externalities of various forms of reclamation for the containers on deposit that are recovered, shows that one form has an environmental advantage over another; or

(*b*) the existing technology or applicable laws and regulations do not allow a form of reclamation to be used in the prescribed order;

(5) take steps so that the disposal of a container on deposit is the last option chosen;

(6) determine the costs involved in the implementation and operation of the deposit system;

(7) determine a modulation of costs for each type of container on deposit, taking into account recyclability of the container, recycled content, the conditioning and reclamation possibilities available for that type of container including those, if any, available in Québec, lifespan, and the impact on the environment and on the reclamation process;

(8) determine the financial contribution to be paid by producers for the cost of implementing and operating the system;

(9) ensure the collection of containers on deposit at return sites and in establishments offering consumption on the premises, and determine the terms and conditions for the transportation, sorting and conditioning of containers or, as the case may be, for the material obtained following their conditioning as far as their final destination;

(10) ensure the traceability of containers on deposit;

(11) determine the requirements that all service providers, including subcontractors, must observe in managing the containers on deposit that are recovered, and provide for the establishment of measures to ensure compliance;

(12) ensure a research and development component on recovery and reclamation techniques for the containers on deposit that are recovered and the development of market outlets for recovered containers; and

(13) take steps to ensure that the system is not used for purposes for which it is not intended.

The final destination of a container on deposit or, as the case may be, the material obtained following its conditioning, is the place where it

(1) is reused;

(2) is used as a substitute for raw materials of a similar or different nature;

(3) is used for energy production;

(4) is reclaimed otherwise than as provided for in subparagraphs 1 to 3; or

(5) is disposed of.

**10.** The traceability of containers on deposit that are recovered and of the material obtained following their conditioning, involves using quantitative data to monitor containers on deposit that are returned to a return site, from the return site in Québec where containers on deposit are returned, and to monitor the material obtained following the conditioning of those containers, from the conditioning site, to the place where the containers and material are transported to be sorted in certain cases, and from there to their final destination.

**11.** Every producer must also, for the same purposes as those set out in section 9 and with respect to activities to inform consumers and communicate certain information,

(1) provide for information, awareness and education activities to inform consumers about the environmental advantages of recovering and reclaiming containers on deposit and about the return sites available, in order to promote their participation in the system; and

(2) use a means of communication to make public, each year, the information listed in section 74 and ensure that the information remains accessible for a minimum period of 5 years.

**12.** Every producer must, in addition, for the same purposes as those set out in section 9 and with respect to the auditing of certain activities,

(1) see to the verification, by a person who meets one of the following conditions, of the management of the containers recovered and of compliance with the requirements set out in subparagraph 11 of the first paragraph of section 9:

(*a*) the person holds certification as an environmental auditor issued by a body accredited by the Standards Council of Canada;

(*b*) the person is a member of a professional order governed by the Professional Code (chapter C-26) and

i. holds a post-secondary diploma in a field relating to environmental protection or industrial ecology;

ii. holds an undergraduate degree and has a minimum of 5 years of experience in a field of activity related to the recovery and reclamation of containers on deposit; or

iii. holds a college diploma and has a minimum of 10 years of experience in a field of activity related to the recovery and reclamation of containers on deposit; and

(2) ensure that the verification referred to in paragraph 1 is performed during the first full calendar year during which the deposit system is implemented, and at the following frequency thereafter:

(*a*) in the case of the managers of return sites, including subcontractors, at least 10%, in more than one administrative region, must be verified each year and all must be verified over a 5-year period;

(*b*) in other cases, the verification must take place at least every 3 years.

**13.** Every producer must, for the same purposes as those set out in section 9, plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) and measures to contribute to the fight against climate change.

**14.** When, as part of the implementation of a deposit system, the measures provided for in sections 9 to 13 are to be applied in an isolated or remote territory, they must be adapted to reflect the needs and particularities of the territory concerned.

**DIVISION II**
AMOUNT OF THE DEPOSIT

**15.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), the amount of the deposit for each container on deposit is

(1) $0.25 for glass containers of not less than 500 ml and not more than 2 litres that are used to commercialize, market or otherwise distribute a product; and

(2) $0.10 for all other types of containers.

Despite the first paragraph, the amount of the deposit for a fibre container, including a multilayer container, is applicable as of the third year following the year of coming into force of this Regulation.

The amounts of the deposit specified in the first paragraph may not be modified by a management body designated pursuant to Division I of Chapter III for a period of 5 years beginning in the tenth month following (*insert the date of coming into force of this Regulation*).

**16.** From the expiry of the period specified in the third paragraph of section 15, a management body designated pursuant to Division I of Chapter III may modify the amount of the deposit for a container on deposit, in accordance with the following requirements:

(1) the body may not specify more than 2 deposit amounts for all containers;

(2) the amount of a deposit may not be less than $0.10 nor more than $1.00;

(3) the body may only specify a deposit amount that is different from the amounts in force if the following conditions are met, whether or not the amounts in force have been specified by this Regulation or, after the expiry of the period mentioned in the third paragraph of section 15, by a management body designated pursuant to Division I of Chapter III:

(*a*) the recovery rate achieved for the type of container associated with the deposit amount to be modified is more than 10% below the minimum recovery rate prescribed by section 100, for the 2 consecutive years preceding the year for which the modification is planned;

(*b*) if, for one of the years preceding the year for which the modification is planned, the body was required to submit a remediation plan pursuant to section 113, it submitted the plan and implemented it as provided for.

If the modification of a deposit amount increases the deposit amount for a type of container for which the prescribed recovery rate has been achieved, the modified amount may not exceed 50% of the amount in force.

**17.** Any modification of a deposit amount considered by a management body designated pursuant to Division I of Chapter III must first be approved by the Minister, after the Minister has requested the opinion of the Société québécoise de récupération et de recyclage, herein referred to as the "Société".

The Société must submit its opinion to the Minister within 30 days of receiving a request for an opinion. If the Société submits a negative opinion, it must give the reasons for its decision.

If the Société fails to submit its opinion within the time specified in the second paragraph, it is deemed to agree with the proposed modification.

**18.** The deposit amount for a container to which the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) applies, or for a container in a private deposit system for multiple-use containers, is the amount specified in section 15 from the date of coming into force of that section. From the expiry of the period referred to in the third paragraph of section 15, the amount is the amount set pursuant to section 16, if it is modified.

**19.** A person who purchases a product in a container on deposit is required to pay the amount of the deposit for the container to the person selling the product.

**20.** The deposit amount received from a person who purchases a product in a container on deposit belongs to the person who sold the product to the person.

**21.** Every deposit amount must be refunded in full.

**22.** The cost of recovering and reclaiming a container on deposit may be allocated only to that container and, if it is entirely included in the sale price of the product that is commercialized, marketed or otherwise distributed in the container, must be internalized in that sale price as soon as the product is commercialized, marketed or otherwise distributed.

The internalized cost may only be made visible on the initiative of the producer who commercializes, markets otherwise distributes the product, and in such a case the information must be disclosed as soon as the product is commercialized, marketed or otherwise distributed. The information must include a mention that the cost is used to ensure the recovery and reclamation of the container on deposit and the internet address where more information may be obtained.

**DIVISION III**
RETURN OF CONTAINERS ON DEPOSIT AND REFUNDING

*§1. Return sites for containers on deposit and refunding*

**23.** Every place where a person may return a container on deposit and obtain a refund for the amount of the deposit on the container, herein referred to as a "return site", must comply with the following requirements:

(1) all containers on deposit must be accepted;

(2) the site must be clean, safe and well lighted;

(3) the site must be situated inside a building or in a closed shelter, including a stand but excluding a tent or other type of shelter made of textile material;

(4) a recovery bin, other than a garbage container, for the disposal of containers rejected by the equipment used to return containers on deposit and also for the disposal of boxes or other recipients used to transport containers on deposit, must be situated in the client area and be clearly marked for that purpose;

(5) the containers on deposit that have been returned to a return site must be stored in an entirely enclosed space, separate from the client area and not visible or accessible from the client area;

(6) the site must be readily identifiable, clearly marked as being part of the deposit system and, when associated with more than one retail establishment, clearly marked as being associated with each such establishment;

(7) a sign bearing the name or logo of the system must be installed in a prominent position on the façade of the return site or near the site;

(8) the site must be accessible to persons with reduced mobility;

(9) the site must have year-round road access;

(10) the site must be situated within a radius of not more than 1 km from a retail establishment operated by a retailer, except in the case of a group referred to in section 48.

If a retailer provides a service for the return of containers on deposit and refunding the amount of the deposit only at checkout counters in a retail establishment, those counters are considered, for all of them, to be one return point and they must meet the requirements for that type of return site, in addition to the requirements of this subdivision. If a retailer provides a service for the return of containers on deposit and refunding the amount of the deposit both at checkout counters in a retail establishment and using a device situated in the establishment, the checkout counters or the device or devices are considered to form a single return point.

**24.** The only personal information that may be required from a person to whom a deposit amount is refunded electronically is the person's email address.

**25.** When a return site is situated inside an establishment, it must be open at the same times as the establishment.

In other cases, a return site must be open every day, for at least 10 hours on Mondays to Saturdays and for at least 6 hours on Sundays, except on 1 and 2 January, 24 June and 24, 25, 26 and 31 December.

**26.** The business days and hours of a return site must be posted at a place at the site that is clearly visible from outside.

**27.** Various types of return sites may be installed at the same location. In such a case they are counted as one return site for the purposes of sections 39 to 41.

**28.** Except where the requirements of this Division apply, the organization of a return site, including its location, form and accessibility, is a responsibility of the producer or, as the case may be, of the retailer referred to in the first paragraph of section 50.

**29.** Return sites are of 3 types:

(1) return points;

(2) return centres;

(3) bulk return points.

*§§1. Return points*

**30.** A return point is designed to accept up to 70 containers on deposit at each visit.

**31.** In addition to the requirements of sections 23 to 27, a return point must meet the following requirements:

(1) it must offer refunding on site, in cash, for the amount of the deposit for a container on deposit;

(2) it has enough space for 2 persons at a time;

(3) it must be at a moderate temperature and protected from the elements.

**32.** The manager of a return point may limit the number of containers that a person may return on each visit. However, that number may not be below 50.

When the producer contracts with a person for the management of a return point, the possibility of imposing a limit pursuant to the first paragraph and the conditions for doing so must be set out in the contract.

*§§2. Return centres*

**33.** A return centre is designed to accept both small and large quantities of containers on deposit at each visit. It may also, in certain cases, accept containers from other return sites.

**34.** In addition to the requirements of sections 23 to 27, a return centre must meet the following requirements:

(1) it must offer refunding of the deposit amount for a container on deposit by a secure electronic process, within 48 hours of the transaction at the centre; it may also offer refunds on site, in cash;

(2) it must be at a moderate temperature and protected from the elements;

(3) the manager of the centre must ensure that personnel members are present during business hours to provide assistance to the clients and allowing the personnel members to perform all other tasks needed to meet the requirements of subparagraphs 2 to 7 of the first paragraph of section 23.

**35.** The manager of a return centre may not limit the number of containers on deposit that may be returned on each visit.

*§§3. Bulk return points*

**36.** A bulk return point is a site where containers are returned using a recipient whose dimensions, material, colour and all other elements are determined by the person who implements the deposit system of which it forms a part.

**37.** In addition to the requirements of sections 23 to 27, a bulk return point must meet the following requirements:

(1) it must offer refunding of the deposit amount for a container on deposit by any means considered appropriate by the manager of the site;

(2) the refunding of deposit amounts by an electronic process must be secure and completed within a maximum of 7 days of the transaction completed at the site;

(3) the use of reusable transportation recipients must be encouraged.

**38.** The manager of a bulk return point may not limit the number of containers on deposit that may be returned at each visit.

*§2. Distribution of return sites*

**39.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), a producer who has developed and implemented a deposit system must ensure that a minimum of 1,500 return sites are functional across the administrative regions, with the exception of unorganized territories situated in those regions. The producer must also ensure that the return sites are functional in isolated or remote territories, without imposing a minimum number for those territories.

In each administrative region, the number of return points per inhabitant must respect the minimum number of return points distributed as follows:

(1) Montréal and Laval, 1 return point for every 15,000 inhabitants;

(2) Montérégie, Estrie, Outaouais, Laurentides, Lanaudière and Capitale-Nationale, 1 return point for every 8,000 inhabitants;

(3) Saguenay-Lac-Saint-Jean, Chaudière-Appalaches, Mauricie et Centre-du-Québec, 1 return point for every 6,000 inhabitants;

(4) Abitibi-Témiscamingue, Bas-Saint-Laurent, Gaspésie-Îles-de-la-Madeleine, and Côte-Nord, with the exception of the territories covered by the regional county municipalities of Minganie and Caniapiscau and by Municipalité régionale de comté du Golfe-du-Saint-Laurent, 1 return point for every 4,000 inhabitants.

When, in a given administrative region, the number of inhabitants is not an exact multiple of the number indicated in the second paragraph, the last group may have fewer members.

**40.** In addition to the requirements of section 39, a producer who has developed and implemented a deposit system must ensure that there are, in each regional municipality, at least 2 return sites in which there is no limit on the number of containers that may be returned per visit.

The producer must also ensure that the return sites in each regional municipality are able, globally, to accept at least 80% of the containers on deposit that are sold, donated or otherwise distributed in that regional municipality.

The total number of containers on deposit specified in the second paragraph for a regional municipality is obtained by dividing the number of containers on deposit in which a product is commercialized, marketed or otherwise distributed in the whole of Québec during the year preceding the year of the calculation by the number representing the population of Québec, established by an order made under section 29 of the Act respecting municipal territorial organization (chapter O-9), to which the number representing the population of the Aboriginal communities present in Québec, and by multiplying the result obtained by the number of inhabitants in the regional municipality.

The number of inhabitants in a regional municipality is calculated by adding the number of inhabitants of each local municipality within it, that number being established by the order made under section 29 of the Act respecting municipal territorial organization (chapter O-9) to which is added the number of inhabitants that are part of an Aboriginal community present in the local municipality.

**41.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), the number of return sites for each administrative region must be set in a way that ensures that at least 90% of the inhabitants of each administration region, except the inhabitants of unorganized territories, may have access to a return site at the following maximum distances from their place of residence:

(1) local municipality of fewer than 3,000 inhabitants: 10 km;

(2) local municipality of 3,000 to 15,000 inhabitants: 8 km;

(3) local municipality of 15,001 to 500,000 inhabitants: 6 km;

(4) local municipality of 500,001 inhabitants or more: 2.5 km.

**42.** Every producer who has developed and implemented a deposit system must draw up a list of all return sites operating throughout Québec, map them, update the list and map and make them accessible to the public via a website.

The list must show, for each return site, its type, the mode of refund it offers and, if applicable, the number of containers that may be returned per visit.

**43.** Every producer who has developed and implemented a deposit system must, not later than 1 January of the third year following the year of coming into force of this Regulation, submit to the Société and to the Minister a plan containing all the measures it intends to put in place for the return of containers on deposit in which products are consumed in a public space, including

(1) the public spaces targeted;

(2) the types of devices and recipients that will be installed;

(3) the person by whom and manner in which the operation, maintenance and replacement of the devices will be assured;

(4) the conditions for the recovery of containers on deposit; and

(5) a timeframe for the implementation of the measures, for two thirds of the public places targeted, within 2 years following the time limit set, and within 3 years for all the public places targeted.

*§3. Retailers*

**44.** Every retailer must, for each establishment the retailer operates in which products are offered for sale in a container on deposit, accept the containers on deposit that are returned to the retailer and refund the deposit amount, except if the area of the part of the establishment reserved for sale is less than 232.26 square metres.

**45.** Containers must be accepted by a retailer and the deposit amount must be refunded at a return site in accordance with sections 23 à 41.

Every producer who has developed and implemented a deposit system must ensure that a return site is installed for each establishment referred to in section 44.

**46.** From (*insert the date of coming into force of this Regulation*), every producer required to develop, implement and finance a deposit system must take steps to enter into a contract with every retailer which, once signed, must specify, without limiting the possibility to add other elements,

(1) the location, number, type and layout of the return sites that will be installed by the retailer;

(2) the terms and conditions for access to the return sites and the parking spaces available close to the sites;

(3) the types of devices that will be installed for the return of containers on deposit and the person responsible for their purchase or leasing and their maintenance and replacement;

(4) the terms and conditions for the maintenance and replacement of the devices installed;

(5) the number of containers on deposit that it will be possible to return at each visit;

(6) if the installation of a bulk return point is planned, the type of recipients that may be used to return containers on deposit;

(7) the management mode for the return sites;

(8) the terms and conditions for storing the containers returned;

(9) the mode or modes for refunding the deposit amount for containers on deposit, that will be offered to persons returning such containers;

(10) the terms and conditions for client service;

(11) the terms and conditions on which the producer refunds to the retailer the deposit amounts that the retailer has refunded for the return of containers on deposit;

(12) the management process for the containers that will be brought to a return site and are non-returnable or rejected by a device, and for the recipients used to transport containers that will be abandoned at the return site;

(13) the terms and conditions for collecting containers on deposit in the return sites, including the frequency of collection;

(14) the costs relating to

(*a*) the installation and operational and financial management of the return sites;

(*b*) if applicable, modifications to an existing establishment to allow the installation of a return site;

(*c*) the purchase or leasing, as the case may be, of the devices that will be installed in a return site;

(*d*) the maintenance and replacement of the devices;

(*e*) training for the personnel members responsible for client services and the handling of containers on deposit when they are collected from a return site;

(15) the sharing of responsibilities with respect to the costs referred to in subparagraph 14;

(16) if a single return site is installed for more than one establishment, the responsibilities of each operator of an establishment with respect to the elements in subparagraphs 1 to 15;

(17) the information and documents that must be submitted to the producer, and the frequency of the submission and the mode of each submission of information and documents;

(18) a schedule for the implementation of the obligations set out in the contract;

(19) the duration of the contract;

(20) the terms and conditions for modifying, cancelling and renewing the contract; and

(21) the dispute resolution method.

Every contract entered into under this section must comply with sections 23 to 41.

**47.** Several retailers may group together to fulfill their obligations under this subdivision, but remain individually responsible for compliance.

**48.** If, in a local municipality, retailers group together to put in place a single return site, the site must be situated within a maximum radius of 1 km from one of the associated establishments and, according to the number of inhabitants of the municipality,

(1) within a maximum radius of 5 km from the other associated establishments for a local municipality of fewer than 3,000 inhabitants;

(2) within a maximum radius of 3 km from the other associated establishments for a local municipality of 3,000 to 25,000 inhabitants;

(3) within a maximum radius of 2 km from the other associated establishments for a local municipality of 25,001 to 100,000 inhabitants; and

(4) within a maximum radius of 1 km from the other associated establishments for a local municipality of more than 100,000 inhabitants.

**49.** If, at the end of the fourth month following (*insert the date of coming into force of this Regulation*), a producer and a retailer have not succeeded in entering into a contract pursuant to section 46, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the retailer pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 46 and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of the outcome of the process.

**50.** Not later than the sixth month following (*insert the date of coming into force of this Regulation*), if a producer and a retailer have not succeeded, despite the mediation process, in entering into a contract pursuant to section 46, the retailer is required to put in place, within 3 months of that date, a return site for each establishment it operates and in which it sells a product in a container on deposit. Sections 23 to 38 apply to the retailer.

The producer must reimburse to the retailer referred to in the first paragraph, within 30 days of the filing of a claim by the retailer, the amounts spent to meet the obligation imposed on the retailer by the first paragraph, and the amounts that the retailer incurs to cover the elements listed in subparagraph 14 of the first paragraph of section 46. The claim must detail the costs claimed and include the documents that show those costs.

The retailer must provide the producer, within the time set by the producer, with all the information and documents requested by the producer in order to meet the obligations imposed by this Regulation, including those concerning the elements listed in subparagraphs 1 to 14 of the first paragraph of section 46.

In such a case, the producer must also collect the containers on deposit stored at that site at least twice per week.

**51.** Every retailer is required to post clearly, at the place where the retailer offers for sale a product in a container on deposit, the amount of the deposit for

the container. The same applies to the manager of a vending machine in which a product is offered for sale in a container on deposit.

The amount of the deposit must also appear on the invoice for the person who purchases the product, on a line just below the line indicating the amount of the sale.

**52.** Every retailer must post clearly, inside or at the entrance of every establishment in which the retailer sells a product in a container on deposit, the address of the return site for that establishment.

**53.** Despite section 50, a contract between a producer and a retailer may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the provisions of that section.

**54.** Every producer must, within 12 months following (*insert the date of coming into force of this Regulation*), submit to the Société and to the Minister a list of all the retailers subject to the obligations of this subdivision, detailing how they have fulfilled their obligations.

**55.** This subdivision does not apply in isolated or territories and unorganized territories, or to establishments offering consumption on the premises.

*§4. Isolated or remote territories and establishments offering consumption on the premises*

*§§1. Isolated or remote territories*

**56.** Every producer must offer the authorities responsible for the administration of isolated or remote territories to install, in those territories, return sites for containers on deposit in which products are sold by retailers.

For that purpose, the producer must begin a process with each authority representing such a territory to enter into a contract which, once signed, must specify, without limiting the possibility to add other elements,

(1) the location, number, type and layout of the return sites that will be installed;

(2) the person responsible for installing the return site or sites and the person responsible for managing the return site or sites;

(3) the terms and conditions for access to the return sites;

(4) the type of devices that will be installed for the return of containers on deposit and the person responsible for their purchase or, where applicable, leasing, maintenance and replacement;

(5) the terms and conditions for the maintenance and replacement of the devices installed

(6) the number of containers on deposit that it will be possible to return at each visit;

(7) if the installation of a bulk return point is planned, the types of recipients that may be used to return containers on deposit;

(8) the management mode for the return sites;

(9) the terms and conditions for storing the containers returned and the special arrangements that will be needed to prevent the inconveniences caused by odours, vermin and wildlife;

(10) the mode or modes for refunding the amount of deposit for persons returning containers on deposit;

(11) the terms and conditions for client service;

(12) the terms and conditions on which the producer refunds to the retailer the deposit amounts that the retailer has refunded for the return of containers on deposit;

(13) the management process for the containers that will be brought to a return site and are non-returnable or rejected by a device, and for the recipients used to transport containers that will be abandoned at a return site;

(14) the terms and conditions for collecting containers on deposit from the return sites, including the frequency of collection;

(15) the information, awareness and education measures that will be implemented for the inhabitants of the territory concerned, including the identification of return sites and the information that will be posted there, and the language used for that purpose;

(16) the information that must be communicated to the authority that signed the contract concerning the results achieved in the territory with respect to the recovery, reclamation, local reclamation and recycling rates for containers on deposit;

(17) a schedule for the implementation of the obligations set out in the contract;

(18) the duration of the contract;

(19) the terms and conditions for modifying, cancelling and renewing the contract; and

(20) the dispute resolution method.

**57.** If, at the end of the fourth month following (*insert the date of coming into force of this Regulation*), a producer and one or more authorities referred to in the first paragraph of section 56 have not succeeded in entering into a contract pursuant to section 56, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the authorities pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified by the producer and the authorities concerned, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 56 and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of the outcome of the process.

**58.** Not later than by the end of the sixth month following (*insert the date of coming into force of this Regulation*), if a producer and one or more authorities referred to in the first paragraph of section 56 have not succeeded, despite the mediation process, in entering into a contract pursuant to section 56, the producer is required, within 3 months of that date, to install and finance return sites in that territory or those territories, refund the amount of the deposits for containers on deposit, collect containers from the return sites, and transport, condition and reclaim them, in accordance with the following distribution:

(1) for each locality with fewer than 3,000 inhabitants situated in a territory: at least 1 return point, accessible at least 24 hours per week over a minimum period of 4 days;

(2) for each locality of 3,000 inhabitants or more situated in a territory: at least 2 return sites, including a return point, accessible at least 30 hours per week over a minimum period of 5 days.

The producer must, for each return site installed and financed pursuant to the first paragraph, provide an enclosed space at the return site, sufficiently large to store all the containers on deposit returned until they are collected, and laid out in a way that prevents the harm caused by odours, vermin and wildlife.

The producer must also, for each return site situated in a locality situated in a territory accessible year-round by road or rail, collect containers on deposit at the following minimum frequency:

(1) once per month for localities with fewer than 3,000 inhabitants;

(2) twice per month for localities with 3,000 or more inhabitants.

For a return site situated in a locality that is not accessible year-round by road or rail, the producer must collect containers on deposits at least twice per year.

**59.** Despite section 58, a contract between a producer and an authority referred to in the first paragraph of section 56 may be entered into at any time after the expiry of the time specified in section 58. In such a case, the clauses of the contract are substituted for the provisions of that section.

**60.** The producer has operational and financial responsibility for a return site referred to in this sub-subdivision.

**61.** A return site installed in an isolated or remote territory must comply with sections 23 to 38, except subparagraphs 9 and 10 of the first paragraph of section 23.

*§§2. Establishments offering consumption on the premises*

**62.** The operator of an establishment offering consumption on the premises must participate in the deposit system developed and implemented pursuant to this Regulation. The operator must, for that purpose, in addition to the requirements of sections 63 and 65, take the necessary steps to do so within the establishment.

**63.** Not later than (*insert the date of coming into force of this Regulation*), a producer must take steps to enter into a contract with the representatives of establishments offering consumption on the premises, which, once signed, must specify, without limiting the possibility of adding other elements,

(1) the types of establishments offering consumption on the premises to which a collection service for containers on deposit in which they sell or otherwise make available a product will be offered;

(2) an undertaking, by any party to the contract, to draw up a list showing the number of participating establishments offering consumption on the premises, their name and address, their type, the

particularities to be taken into account concerning access to the establishment, and the terms and conditions for updating the list;

(3) a list of the equipment and accessories needed to facilitate the collection of containers on deposit, including compactors, bins, crates or other types of recipients, the person responsible for the supply of the equipment and accessories, the terms and conditions for the emptying of containers on deposit and the on-site sorting of containers, if applicable, and the financial terms and conditions for purchasing and maintaining the equipment and those accessories;

(4) the frequency and modes of collection of containers on deposit in participating establishments offering consumption on the premises;

(5) the types of vehicles that may be used for the collection of containers on deposit in each participating establishment offering consumption on the premises;

(6) the minimum and maximum quantities of containers on deposit that may be returned at each collection, and the mode of communication for requesting or cancelling a collection if needed;

(7) the mode or modes for refunding the deposit amount for containers on deposit collected and the terms and conditions for refunds;

(8) the information, awareness and education measures to be put in place for personnel members at participating establishments offering consumption on the premises to ensure a proper management of containers on deposit in which they sell or otherwise offer a product; and

(9) an implementation schedule for collection services, which must begin not later than the tenth month and a half following (*insert the date of coming into force of this Regulation*).

**64.** If, at the end of the sixth month following (*insert the date of coming into force of this Regulation*), a producer and a representative of establishments offering consumption on the premises have not succeeded in entering into a contract pursuant to section 63, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the representative pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified by the producer and the representative concerned, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 63 and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of the outcome of the process.

**65.** If, despite the mediation process, a contract is not entered into by the end of the eighth month following (*insert the date of coming into force of this Regulation*) with a representative of establishments offering consumption on the premises, the producer must offer each establishment concerned, not later than the end of the sixth week following the expiry of the time prescribed, a collection service for containers on deposit, on the following conditions:

(1) for every establishment with a capacity of 50 or more persons at a time: 1 collection at least once per week;

(2) for every establishment with a capacity of fewer than 50 persons at a time: 1 collection at least twice per month;

(3) every collection must allow the establishment concerned to return all the containers on deposit it has stored;

(4) the producer must provide the equipment and accessories needed to facilitate the collection of containers on deposit, including compactors, bins, crates or other types of recipients, ensure the emptying of containers on deposit, and the on-site sorting of containers if applicable;

(5) the producer must refund the deposit amount for containers on deposit collected to the establishment concerned within 1 week following collection;

(6) if the refunding mode requires a digital application, the producer must assign an identification code to the establishment and provide it with a sufficient quantity of precoded labels or a device to allow the establishment to print its own labels;

(7) the producer must provide the establishment with a document showing the operation of the collection service, the containers on deposit targeted and the rules that must be observed in order to receive the service.

**66.** Despite section 65, a contract with a representative referred to in section 63 may be entered into at any time after the expiry of the time specified in section 65. In such a case, the clauses of the contract are substituted for the provisions of that section.

**DIVISION IV**
TRANSPORTATION, SORTING, CONDITIONING AND RECLAMATION OF CONTAINERS ON DEPOSIT

*§1. Obligations of producers*

**67.** Every producer must ensure that containers on deposit are transported, sorted, conditioned and reclaimed. For that purpose, the producer may enter into a contract with any service provider, taking into account the requirements of section 68.

Every contract under the first paragraph must be based on a call for tenders. The contract may be entered into by mutual agreement if, after a documented search, it is shown that the service provider is the only person able to provide the goods and or services concerned in the territory of Québec.

**68.** In selecting a service provider, the producer must take into account

(1) the ability of the service provider to meet the requirements determined by the producer for the transportation, sorting, conditioning or reclaiming of containers on deposit;

(2) the service provider's business model and the impact of that model on the community;

(3) the ability of the service provider

(*a*) to sort and condition, locally, the containers on deposit that are recovered;

(*b*) to contribute to the fight against climate change, considering for example the effort made by the service provider to reduce greenhouse gas emissions by selecting appropriate routes and modes of transportation to collect containers on deposit.

The producer must, in selecting a service provider, facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1).

*§2. Contracts*

**69.** A contract entered into pursuant to section 67 must, without limiting the possibility of adding other elements, specify

(1) the type and quantity of containers on deposit covered by the contract;

(2) the places where services will be provided;

(3) the type of equipment used to transport, sort, condition or reclaim containers on deposit and the terms and conditions relating to maintenance and replacement;

(4) the conditions for the storage of containers on deposit, at each stage of transportation, sorting, conditioning and reclamation;

(5) the management of contamination in containers on deposit;

(6) the traceability of containers on deposit from the return site where they are stored to their final destination;

(7) the expected quality of the materials following transportation, sorting, conditioning or reclamation;

(8) if applicable, the destination of the materials obtained following the conditioning of containers on deposit;

(9) the requirements that all service providers, including subcontractors, must observe in managing the recovered containers, and provide for the establishment of measures to ensure compliance

(10) the management of other residual materials collected at return sites;

(11) the financial parameters, including the price of the services provided and the terms and conditions for payment;

(12) the quality control procedure for transportation, sorting, conditioning or reclamation covered by the contract, including the methods used to characterize containers on deposit, site visits and the use of audits or an external auditor;

(13) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(14) the dispute resolution mechanism;

(15) the conditions ensuring the health and safety of workers at the site where materials are transported, sorted, conditioned or reclaimed;

(16) an undertaking by the service provider to submit to the producer, each year, the information and documents requested by the producer in order to meet its obligations under this Regulation.

**DIVISION V**
ANNUAL REPORT

**70.** Not later than 30 April each year, a producer must submit to the Société and the Minister, with respect to the deposit system, a report on its activities for the preceding calendar year along with its audited financial statements.

The financial statements and the data referred to in paragraphs 4, 5, and 8 to 10 of section 71 must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

**71.** The report referred to in the first paragraph of section 70 must contain the following information:

(1) the names of the producers who developed and implemented the system;

(2) the name of the system, if any;

(3) the types of products contained in the containers on deposit and, by type of container, the trademark or name associated with each type of product;

(4) for each type of container on deposit, the quantity, in units and weight, of containers on deposit used to commercialize, market or otherwise distribute a product in Québec;

(5) for each type of container on deposit, the quantity, in units, of recovered containers on deposit that were reused, reclaimed, stored or disposed of, their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(6) for each type of container on deposit, the quantity, in units and weight, of containers on deposit that are recovered, by administrative region, by isolated or remote territory, and by inhabitant;

(7) for the whole of Québec,

(*a*) for each type of container on deposit, the quantity, by weight, of containers on deposit reclaimed and their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(*b*) for each type of container on deposit, the quantity, by weight, of recovered containers on deposit reclaimed otherwise than as a substitute for raw materials of a similar or different nature and of recovered containers on deposit disposed of, along with their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(*c*) for each type of container on deposit, the percentage of the material listed in section 3 of which it is made, that was reused, reclaimed, stored or disposed of;

(*d*) for each type of container on deposit, the percentage of the material listed in section 3 of which it is made, as, that was reused, reclaimed, disposed of or stored in Québec;

(*e*) for each type of container on deposit, the quantity of products, by type, commercialized, marketed or otherwise distributed in such a container;

(*f*) the quantity, in units, of non-returnable containers and other residual materials to which this Regulation does not apply that are recovered at a return site, along with their final destination or, as the case may be, the final destination of the material obtained following conditioning; and

(*g*) the quantity, in units, of containers on deposit returned to a return site that were disposed of;

(8) for each type of container on deposit, the name and address of the persons who conditioned the containers, the name and address of the persons who reclaimed the containers, with the reclamation method, and the name and address of the persons who disposed of the containers;

(9) for each return site, its type, its address, the types of refund offered, its business hours, whether or not it is situated inside an establishment and, if not, the distance between the site and any establishment with which it is associated, the number of persons it may accommodate at the same time, the number of containers on deposit that a person may return at each visit, if a limit is set, and a description of the collection service, including its frequency;

(10) the address of the website where the list referred to in section 42 is posted;

(11) if applicable, a description of the collection service for containers on deposit in public spaces, as scheduled and carried out;

(12) if applicable, the results for the year covered by the report from studies completed by the producer, including studies to determine, by type, the quantities of containers on deposit that are recovered through a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the

first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act (chapter Q-2)(herein referred to as "Act");

(13) a description of the main information, awareness and education activities and the research and development activities completed during the year and those planned for the following year.

**72.** The financial statements referred to in the first paragraph of section 70 must contain the following information:

(1) the contributions producers were required to pay to finance the system;

(2) all forms of income resulting from the operation of the system and, if applicable, from a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act;

(3) the total of the deposit amounts for containers on deposit in which a product was sold or otherwise offered that were not refunded during the year;

(4) the costs associated with the operation of return sites

(*a*) for all the administrative regions; and

(*b*) for all isolated or remote territories;

(5) the costs associated with the collection and transportation of container on deposit from the return sites to the sorting centres then to the sites where they are conditioned and, where applicable, to the sites where the material obtained following their conditioning has been reclaimed;

(6) the costs associated with the collection of containers on deposit in establishments offering consumption on the premises;

(7) the costs associated with the sorting, conditioning and reclamation of containers on deposit, by type of containers;

(8) the costs associated with the management of containers on deposit that are recovered via a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act;

(9) the costs associated with information, awareness and education activities to inform consumers about the environmental advantages of recovering and reclaiming containers on deposit and about the return sites available, in order to promote their participation in the system;

(10) the costs associated with market research and development activities allowing the reclamation of containers on deposit, technological innovations and best practices;

(11) all other costs associated with the management of the system;

(12) any cost associated with the management of the system, that was incurred by the Société.

**73.** The Société must, within 3 months following the receipt of an annual report from a producer, send the producer the results of its analysis, including

(1) a list of the information required by section 71 that is not shown; and

(2) any other obligation of this Regulation that the producer has not fulfilled, as well as the time limit set by the Société to allow the producer to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the producer's annual report, which must include the list required under subparagraph 1 of that paragraph and make recommendations on ways to improve the deposit system.

**74.** The producer must make public annually, not later than the 45th day following the date of the submission of its annual report to the Société, the information referred to in paragraphs 1 to 6, subparagraphs *a*, *c*, *d* and *g* of paragraph 7 and paragraphs 10, 12 and 13 of section 71 for the year preceding the year of publication, and make them accessible to all persons for a minimum period of 5 years.

## CHAPTER III
MANAGEMENT BODY

### DIVISION I
DESIGNATION

**75.** During the month following the expiry of the time limit specified in section 76, the Société designates a body that meets the requirements of sections 78 and 79, for which the requirements of sections 76 and 77 have been met, and for which an application to be designated as the management body for the deposit system has been sent

to the Société, to assume, in place of producers, the obligation to develop, implement and contribute financially to a deposit system. The Société must, without delay, send confirmation of the designation to the body and to the Minister.

The designation provided for in the first paragraph is effective as of the date on which the confirmation provided for in the first paragraph is received by the body.

**76.** Every application for the initial designation of a body pursuant to section 75 or for the designation of a new body pursuant to section 89 must be filed with the Société within 2 months after the coming into force of this Regulation or, for a designation other than an initial designation, not later than the eighth week preceding the expiry of the current designation. It must contain the following information and documents:

(1) the body's name, address, telephone number and email address;

(2) the Québec business number assigned if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name of its representative;

(4) a list of the members of its board of directors;

(5) in the case of an initial designation, a plan for the development and implementation of the deposit system whose contents meet the requirements of section 77;

(6) a copy of any other document showing that the body meets the requirements of sections 78 and 79;

(7) a list of the producers who support the body's designation, signed by each producer.

A person who files an application pursuant to the first paragraph must send a copy to the Minister on the date on which the application is filed with the Société.

**77.** A development and implementation plan for a deposit system must contain

(1) a general description of the activities of the producers that, if the body is designated by the Société, will be required to become members;

(2) the terms and conditions for membership of the body;

(3) a summary description of the planned system, covering the operational and financial components for the first 5 years of implementation;

(4) with respect to the returning of containers on deposit, a template for the contracts that may be entered into with

(*a*) retailers; and

(*b*) persons operating an establishment offering consumption on the premises;

(5) a list of the measures that the body plans to implement to promote the development of markets throughout Québec for various types of containers on deposit, and the ecodesign criteria it intends to require producers to consider;

(6) a list of the information, awareness and education measures the body plans to implement to encourage consumer participation in the deposit system;

(7) a draft timeframe for the development and implementation of the deposit system;

(8) a proposal for harmonizing the deposit system with any system of selective collection of certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, which must provide for, without limiting the possibility of adding other elements, the elements provided for in section 133.

The operational component referred to in subparagraph 3 of the first paragraph includes all stages in the implementation of the deposit system, and more specifically the stages involving the return of containers on deposit and their management as far as their final destination or, as the case may be, the final destination of the material obtained following conditioning.

**78.** Any body that meets the following requirements may be designated pursuant to section 75:

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec;

(3) each of the following categories of producers classified based on the types of products they commercialize, market or otherwise distribute, is represented on its board of directors:

(*a*) producers of beer and other malt-based alcoholic beverages;

(*b*) producers of alcoholic beverages other than those referred to in subparagraph *a*;

(*c*) producers of soft drinks other than sparkling water;

(*d*) producers of water, including sparkling water;

(*e*) producers of milk and milk substitutes;

(*f*) producers of all other beverages that do not contain alcohol;

(4) each category of producers, based on the types of containers they use among those listed in section 3 mainly to commercialize, market or otherwise distribute their products, is represented on the board of directors;

(5) most of the body's activities are connected to the recovery and reclamation of residual materials;

(6) the body is able to take financial responsibility for the development of the deposit system to which this Regulation applies.

A single member of the body's board of directors may fulfill a requirement specified in both subparagraph 3 and subparagraph 4 of the first paragraph.

**79.** In addition to the requirements of section 78, a body must, to be designated, have adopted general by-laws that are in effect when the application for designation is filed and provide for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee referred to in sub-subdivision 8 of subdivision 1 of Division II of this Chapter on the agenda at the next ensuing meeting of the board of directors, at the member's request, and an invitation to the member to present it; and

(5) the possibility for producers to become members.

**80.** The Société may, if it notes that the development and implementation plan filed with an application for designation does not meet all the requirements of section 77, ask the applicant to make changes before selecting the body that will be designated pursuant to section 75.

**81.** If, among the applications filed, more than 1 body meets the requirements of sections 78 and 79, the requirements of sections 76 and 77 are met by each body and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers in each of the categories listed in subparagraph 3 of the first paragraph of section 78.

**82.** On the expiry of the time limit set in section 75, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of sections 78 and 79, or if the requirements of sections 76 and 77 have not been met for a body, the Société designates, within 30 days following the expiry of the time limit, a body which, in its opinion, is able to assume the obligations referred to in subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

The designation provided for in the first paragraph is effective as of the date on which the notice informing the body of the designation is received by the body.

**83.** If the Société has not designated a body within the time limit set in section 75 or the first paragraph of section 82, the obligation set out therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**84.** A body's designation is valid for a period of 5 years.

On expiry, it is automatically renewed for the same period, provided that

(1) the body has filed with the Société and the Minister, not later than 6 months prior to expiry, a report on the implementation and effectiveness of the deposit system during the designation in progress, which must also include consultations and discussions with environmental

groups and consumers, the dates of the consultations and discussions, the topics discussed and the follow-up action taken;

(2) the report sets out the body's strategic aims and priorities for the deposit system for the new 5-year period; and

(3) the Société declares to the designated management body that it is satisfied with the report, not later than 4 months before the expiry of designation.

**85.** Not later than 4 months before the expiry of a designation, the Société must send to the Minister the results of its analysis of the report sent by the body and, if applicable, make recommendations.

**86.** The Société may, before the expiry of the 4-month time limit set in subparagraph 3 of the second paragraph of section 84, suggest that the designated management body make changes to a report filed with the Société pursuant to subparagraph 1 of the second paragraph of section 79.

**87.** If the Société has not ruled on a 5-year report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry, with no further notice or time limit.

**88.** When a designation is not renewed because of non-compliance with a condition in the second paragraph of section 84, the Société must, at least 4 months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

**89.** When a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the 6 months prior to expiry, to designate, to ensure the operation and financing of the deposit system, a body that meets the requirements of sections 78 and 79, for which the requirements of sections 76 and 77 have been met and for which an application for designation as a management body for the deposit system has been sent. It sends confirmation of the designation to the body and to the Minister without delay.

If the Société has not designated a body within the time limit set in the first paragraph, the obligation under that paragraph is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**90.** The Société may terminate a current designation if

(1) the designated management body fails to comply with a provision of this Regulation or of its general by-laws;

(2) the designated management body ceases operations for any reason, including bankruptcy, liquidation or the assignment of its property;

(3) the designated management body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated management body request termination.

To terminate a current designation, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If the reason is the reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If the reason is a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société publishes as soon as possible, on its website, a notice informing producers that the designation of a management body is terminated.

**91.** Where the Société sends a notice referred to in the second paragraph of section 90, it must take steps, within 6 months of sending the notice, to designate a body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which the body receives the notice provided for in that paragraph.

If the Société has not designated a body within the time limit set in the first paragraph, the obligation is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**92.** Despite section 91, an application for designation as a management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 90.

Sections 75 to 79, with the necessary modifications, apply to any application filed pursuant to the first paragraph.

**93.** If the designation of a management body terminates prior to expiry or is not renewed, the body must continue to meet its obligations until a new management body has been designated.

A management body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The two bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the management body designated pursuant to this Regulation.

**DIVISION II**
OBLIGATIONS, RIGHTS
AND RESPONSIBILITIES

*§1. Of the designated management body*

**94.** A designated management body must assume, in place of the producers, the obligations of those producers under Chapters I and II.

*§§1. Governance*

**95.** The management body designated by the Société must, within 3 months following its designation, ensure

(1) that its board of directors has at least 10 members and that at least two thirds of its elected members are representatives of producers that have a domicile or establishment in Québec;

(2) that a producer is entitled to only 1 seat on the board of directors;

(3) that the number of members of its board of directors ensures a fair representation of all the sectors of activity to which the producers belong. Their representation must be proportionate to the quantity and type of containers commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers;

(4) that not more than one third of the members of its board of directors are not members of the management body;

(5) that each director on the board of directors who is not a member has experience in the field of deposits; and

(6) that at least 1 member on the board of directors is a minor contributor while at least 3 members are medium contributors.

The designated management body must also establish measures, within the same time limit, to ensure that data gathered for the development, implementation and operation of the system of selective collection are used in accordance with the applicable laws and regulations and ensure protection for the personal and confidential information of its members.

**96.** The following items must be entered on the agenda for each annual general meeting of the members of the designated management body:

(1) a presentation of the body's activities during the preceding calendar year;

(2) changes in the implementation of the system of selective collection and the costs incurred;

(3) the possibility for members to give their opinion on such topics.

*§§2. Financing of the system*

**97.** The designated management body may use, to meet its obligation to finance the deposit system pursuant to section 75, any deposit amount paid by a producer pursuant to the first paragraph of section 99.

It may also use any other form of income generated by the operation of the system.

If the amounts referred to in the first and second paragraphs are not sufficient for the financing of the system in a given year, the designated management body may require producers to pay, as contributions, the sums necessary to cover the difference. The producers are bound to pay the amounts required by the designated management body within the time limit it sets.

**98.** In determining the contributions a producer is required to pay pursuant to the third paragraph of section 97, the designated management body must take into account the type and quantity of containers on deposit used by the producer, during the year concerned, to commercialize, market or otherwise distribute a product, and the factors that affect the operating costs for the system, including the costs connected to

(1) the materials of which the containers are made;

(2) their actual recyclability;

(3) the capacity of the deposit system to take them in charge until their reclamation;

(4) the existence of markets for all the materials of which a container on deposit is made;

(5) the inclusion of recycled materials in those containers; and

(6) the effort made to reduce, at source, the materials used to manufacture the containers on deposit.

The contributions a producer is required to pay under the third paragraph of section 97 are calculated by multiplying the quantity of containers on deposit used, in 1 year, by a producer to commercialize, market or otherwise distribute a product by the amount per container set by the designated management body on the basis of the elements and factors set out in the first paragraph.

**99.** Every producer must pay to the designated management body, at the time it determines, the amount of the deposit for each container in which it commercializes, markets or otherwise distributes a product.

*§§3. Recovery rate*

**100.** The designated management body is required to achieve the following annual recovery rates for containers on deposit:

(1) for the years 2026 and 2027:

| Type of container | Annual recovery rate |
|---|---|
| Single-use metal containers | 75% |
| Single-use plastic containers | 70% |
| Single-use containers made of glass or any other breakable material | 65% |
| Single-use biobased containers | 70% |
| Multiple-use containers made of glass or any other breakable material | 85% |
| Multiple-use containers made of any material other than glass or other breakable material | 70% |
| All containers | 70% |

(2) for the years 2028 and 2029:

| Type of container | Annual recovery rate |
|---|---|
| Single-use metal containers | 80% |
| Single-use plastic containers | 75% |
| Single-use containers made of glass or any other breakable material | 75% |
| Single-use fibre containers, including multi-layer containers | 65% |
| Single-use biobased containers | 75% |
| Multiple-use containers made of glass or any other breakable material | 90% |
| Multiple-use containers made of any material other than glass or other breakable material | 75% |
| All containers | 80% |

Starting in 2030, and every 2 years thereafter, the recovery rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

**101.** The recovery rates prescribed by section 100 are calculated by dividing, for a given year, for each type of containers, the quantity of containers on deposit that are recovered at all return sites by the quantity of containers on deposit in which a product has been commercialized, marketed or otherwise distributed by a producer, and by multiplying the result obtained by 100%.

**102.** Only containers on deposit that are traceable may be considered in the calculation of the recovery rates achieved by the designated management body, which must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order concerned to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

**103.** Containers on deposit that are recovered via a system of selective collection of certain residual materials that is developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, are eligible for the calculation of recovery rates if

(1) they are not accounted for in the calculation of recovery and reclamation rates for the system of selective collection of certain residual materials;

(2) they are covered by a contract entered into, pursuant to the first paragraph of section 130, between the designated management body and a management body designated pursuant to the regulation respecting the system of selective collection of certain residual materials;

(3) they represent at most 5% of the containers on deposit in which a product is commercialized, marketed or otherwise distributed under the deposit system;

(4) the quantity of containers on deposit that are eligible is limited to 10% of the total quantity of containers on deposit that are recovered that are counted for the achievement of those rates; and

(5) they meet all the requirements applicable to containers on deposit of the same type accounted for under the deposit system.

*§§4. Reclamation rates*

**104.** The designated management body is required to achieve the following annual reclamation rates for the containers on deposit:

(1) for the years 2026 and 2027:

| Type of container | Annual reclamation rate |
|---|---|
| Single-use metal containers | 75% |
| Single-use plastic containers | 68% |
| Single-use containers made of glass or any other breakable material | 63% |
| Single-use biobased containers | 68% |
| Multiple-use containers made of glass or any other breakable material | 90% |
| Multiple-use containers of any material other than glass or other breakable material | 80% |
| All containers | 65% |

(2) for the years 2028 and 2029:

| Type of container | Annual reclamation rate |
|---|---|
| Single-use metal containers | 80% |
| Single-use plastic containers | 73% |
| Single-use containers made of glass or any other breakable material | 73% |
| Single-use fibre containers, including multi-layer containers | 60% |
| Single-use biobased containers | 73% |
| Multiple-use containers made of glass or any other breakable material | 90% |
| Multiple-use containers of any material other than glass or other breakable material | 85% |
| All containers | 75% |

Starting in 2030, and every 2 years thereafter, the reclamation rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

**105.** Only materials obtained from the conditioning of containers on deposit that are used as a substitute for raw materials of a similar or different nature, except when that material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) or for a biological treatment, are eligible for the calculation of reclamation rates.

For a material obtained following the conditioning of multiple-use containers on deposit to be eligible in the calculation of the rates prescribed by section 104, the designated management body must demonstrate that the containers have, on average, been reused at least 10 times before being conditioned, each time for the same purposes as those for which they were used for the first time to commercialize, market or otherwise distribute a product.

**106.** For each type of single-use containers referred to in section 104, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the containers on deposit of that type and that has been reclaimed, by the weight of all containers on deposit of the same type used to commercialize, market or otherwise distribute a product, and by multiplying the result obtained by 100%.

**107.** For each type of multiple-use containers referred to in section 104, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the containers on deposit of that type and that has been reclaimed, by the weight of all containers on deposit that are recovered of the same type, that may no longer be reused and before they are conditioned, and by multiplying the result obtained by 100%.

**108.** The recovered containers on deposit referred to in section 103 are eligible for the calculation of reclamation rates if the requirements of that section are met.

*§§5. Local reclamation rates*

**109.** The designated management body is required to achieve the following annual local reclamation rates for the containers on deposit to which this Regulation applies:

| Type of container | Annual local reclamation rate |
|---|---|
| Single-use metal containers | 20% starting in 2026 |
| Single-use plastic containers | 80% starting in 2026 |
| Single-use containers made of glass or other breakable material | 90% starting in 2026 |
| Single-use fibre containers, including multi-layer containers | 80% starting in 2028 |
| Single-use biobased containers | 80% starting in 2028 |
| Multiple-use containers made of glass or any other breakable material | 90% starting in 2026 |
| Multiple-use containers of any material other than glass or other breakable material | 80% starting in 2026 |

Local reclamation is the reclamation, in Québec, of a material obtained following conditioning of a container on deposit.

**110.** For each type of containers referred to in section 109, the local reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following conditioning of containers on deposit of that type and that has been reclaimed in Québec, by the quantity, also by weight, of the material obtained following the conditioning of the containers on deposit of that type and that have been reclaimed, and by multiplying the result obtained by 100%.

*§§6. Recycling rate*

**111.** The designated management body must ensure, that for each type of containers on deposit, the material obtained following conditioning of the containers that are recovered are sent, in the following percentages and for the following purposes, to a site where it is transformed to be reintegrated in an industrial process for manufacturing new products:

(1) as of 2026, at least 50% of the material obtained following the conditioning of metal containers, in order to produce new containers and packaging;

(2) as of 2026, at least 50% of the material obtained following the conditioning of plastic containers, in order to produce new containers and packaging;

(3) as of 2026, at least 50% of the material obtained following the conditioning of glass containers, in order to produce new containers;

(4) as of 2026, at least 50% of the material obtained following the conditioning of fibre containers, including multilayer containers, in order to produce new containers, packaging or paper intended for the printing field.

**112.** The rates prescribed by section 111 are calculated by dividing the quantity, by weight and by material listed in paragraphs 1 to 4 of that section, the material obtained following the conditioning of containers on deposit that were sent to site referred to in that section by quantity, by weight, of material obtained following the conditioning of the containers on deposit referred to in the first paragraph of section 104, and by multiplying the result obtained by 100%.

*§§7. Remediation plan*

**113.** The designated management body must determine each year, for each type of container referred to in section 3, if the recovery, reclamation, local reclamation and recycling rates prescribed have been achieved.

When one or more prescribed rates have not been achieved, the designated management body must, within 3 months from the date set for submitting the annual report referred to in sub-subdivision 9 of this subdivision, send to the Société and the Minister, for information purposes, only 1 remediation plan detailing, for each rate, the measures that will be taken to achieve the rate.

**114.** The measures contained in a remediation plan with respect to recovery rates and reclamation rates, except local reclamation rates, must

(1) allow the prescribed rates to be achieved within 2 years; and

(2) take into account the measures contained in a remediation plan previously submitted to the Société and the Minister.

The measures in a remediation plan for local reclamation rates and recycling rates must

(1) stimulate the development, in Québec, of markets for the material obtained following the conditioning of containers on deposit if the minimum local reclamation rate is not achieved and promote ecodesign of containers made with such material; and

(2) provide that if the local reclamation rate is not achieved during 5 consecutive years, the amount associated with the financing of the measures that the designated management body has put in place or planned to put in place to achieve the rate and that are provided for in the remediation plan will double until it is achieved.

The measures in a remediation plan are financed by the designated management body and the plan must contain the amount associated with that financing.

The amount associated with the financing provided for in the third paragraph is calculated as follows:

(1) **Recovery rate** – for the recovery rate, using the equation

MFr = Qcm x MC

where:

MFr = the amount of the financing for the measures for the year concerned;

Qcm = the quantity, by type and in units, of containers on deposit needed to achieve the prescribed recovery rates for the year concerned;

MC = an amount equivalent to the amount of the deposit for a container needed to achieve the prescribed rates;

(2) **Reclamation rate, local reclamation rate and recycling rate** – for the reclamation rates, the local reclamation rates and the recycling rates, by multiplying the quantity of materials, the weight of which is converted into the number of containers, which, for a given type of containers on deposit, is needed to achieve the prescribed reclamation rate, local reclamation rate or recycling rate by an amount equal to the amount set by container, by the designated management body, in accordance with the second paragraph of section 98.

Where, for a given year, no contribution is required from the producers for a type of containers on deposit, the quantity of material that is needed is multiplied by $0.02.

Where no reclamation rate or local reclamation rate is achieved, for a given year, for a type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.75.

Where none of the prescribed recovery, reclamation, local reclamation and recycling rates is achieved, for a given year, for a type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

Where 2 of the prescribed reclamation rates, local reclamation rates or recycling rates are not achieved, for a given year, for a material obtained following the conditioning of a same type of containers on deposit, the result obtained by adding the amounts for the financing of the measures contained in the remediation plan is multiplied by 0.75.

Where none of the reclamation rates, local reclamation rates and recycling rates are achieved, for a given year, for a material obtained following the conditioning of a same type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

**115.** If, for a given type of containers on deposit or, as the case may be, material obtained following the conditioning of that type of containers, the designated management body does not achieve the prescribed recovery and reclamation rates, except the local reclamation rates, for a period of 5 consecutive years despite the implementation of remediation plans during that period, the designated management body must make a payment to the Minister of Finance, not later than 30 April following the last of those years, in an amount equal to the amount for the financing of the measures for that type of containers, provided for in the last remediation plan sent to the Société and the Minister pursuant to the second paragraph of section 113. If the gap between the prescribed rate and the rate achieved is less than 5%, the amount of the payment is reduced by half.

The sums paid pursuant to the first paragraph are paid to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

**116.** The sums referred to in section 115 that are not paid within the prescribed time bear interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid sums is added to the sum owed if the failure to pay exceeds 60 days.

*§§8. Monitoring committee*

**117.** During the first year of the implementation of a deposit system, the designated management body must establish a monitoring committee, whose members are independent of the members of its board of directors and mandated by the following persons and bodies having a domicile or establishment in Québec to represent them:

(1) the managers of return points;

(2) the managers of bulk return points;

(3) the managers of return centres;

(4) conditioners, who must mandate 2 representatives for persons conditioning different types of containers;

(5) recyclers;

(6) transporters, who must mandate 1 representative for persons who collect containers on deposit from return sites and 1 representative for persons who collect containers on deposit from establishments offering consumption on the premises;

(7) retailers;

(8) establishments offering consumption on the premises;

(9) the authorities responsible for the administration of the isolated or remote territories;

(10) municipal bodies;

(11) a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, if such a body exists.

Each person and body listed in the first paragraph may only be represented by 1 person as member of the monitoring committee, except the persons listed in subparagraphs 4 and 6 of the first paragraph.

Four seats as observers on the monitoring committee must be reserved for the designated management body, for a designated management body, if applicable, pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1, for the Ministère du Développment durable, de l'Environnement et des Parcs and for the Société.

**118.** The members of the monitoring committee representing the persons or bodies listed in subparagraphs 1, 2, 4 to 6 and 8 of the first paragraph of section 117 serve for a term of 2 years. At the expiry of their term, the persons or bodies must mandate new representatives to sit on the monitoring committee.

**119.** The monitoring committee is responsible for

(1) monitoring the implementation and operation of the system;

(2) anticipating the issues that the designated management body may face when implementing and operating the system; and

(3) raising the issues with the designated management body and recommending ways to resolve them.

**120.** The designated management body must send to the monitoring committee, at its request, all operational and financial information on the system needed by the committee to perform its duties.

**121.** The monitoring committee must hold at least 2 meetings per year.

**122.** At least once every 5 years, before the report referred to in section 84 is sent, the designated management body must hold a meeting with environmental groups and consumers to present the development of the system and gather their comments and recommendations.

*§§9. Annual report*

**123.** Not later than 30 April each year, the designated body must send to the Société and the Minister, with respect to the deposit system, a report on its activities for the preceding calendar year along with its audited financial statements.

The financial statements and the data referred to in the second paragraph of section 124 must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

**124.** The report referred to in the first paragraph of section 123 must contain, with the necessary modifications, the information referred to in section 71 and the following information:

(1) the name of the body;

(2) the name and professional contact information of each of its directors;

(3) the category of producers to which each director belongs, from among those listed in subparagraphs *a* to *f* of subparagraph 3 of the first paragraph of section 78;

(4) a list of its members;

(5) a list of its committees, the mandate of each committee, and the names of its members;

(6) more specifically, with respect to the monitoring committee, the dates of its meetings, the items on the agenda at each meeting, and the recommendations made by the committee to the board of directors;

(7) the actions taken on the recommendations made by the monitoring committee and, if applicable, the reason for which no action is taken on a recommendation;

(8) a description of the collection services in the return sites and in the establishments offering consumption on the premises.

The report must also contain the following information for the whole of Québec:

(1) the detailed calculations for the amounts producers are required to pay;

(2) the recovery rates for containers on deposit, as a percentage, based on data by unit and weight and by type;

(3) for each type of container on deposit, the rate, as a percentage, of container reclamation and the gap between the rate achieved and the prescribed rate.

**125.** The report referred to in the first paragraph of section 123 must, in addition, contain

(1) a summary showing the income collected from its members as the contributions producers are required to pay to finance the system and all other forms of income generated by the operation of the system;

(2) a list of the contracts entered into by the designated management body and their contents and, if applicable, a list of any changes made to current or renewed contracts;

(3) a description of the measures put in place to promote the design of containers using an approach that reduces negative impacts on the environment throughout their life cycle and contributes to the fight against climate change;

(4) an explanation of how the designated management body has ensured, with respect to the management of the containers on deposit that are recovered, that the selection of a form of reclamation complies with the order of priority set out in subparagraph 4 of the first paragraph of section 9;

(5) an explanation of how the body has, in developing and implementing the deposit system, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

(6) if applicable, the amount internalized in the sale price of products sold in a container on deposit that a purchaser of a product is required to pay to cover some or all of the system costs that producers must bear;

(7) any change to the system made or planned for the year following the year covered by the report; and

(8) for the first annual report, a description of the harmonization mechanism with a system of selective collection of certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act with respect to the treatment of containers on deposit that are recovered during the selective collection of certain materials targeted by that system.

**126.** Where a remediation plan must be produced by the designated body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report, along with the costs incurred or to be incurred for the implementation of the measures.

**127.** The financial statements referred to in the first paragraph of section 123 must contain the information listed in section 72.

**128.** The designated management body must make the following information public each year, in addition to the information listed in section 74, for the same year as the year specified in that section and in accordance with the same requirements:

(1) its name;

(2) the names of its directors;

(3) the summary referred to in paragraph 1 of section 125.

**129.** The Société must, within 3 months following receipt of the designated management body's annual report, send to it the results of its analysis of the report, including

(1) a list of the information required by sections 124 to 126 that is not shown; and

(2) any other obligation of this Regulation that the body has not fulfilled, as well as the time limit set by the Société to allow the body to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the body's annual report, which must include the list required under subparagraph 1 of that paragraph and make recommendations on ways to improve the deposit system.

*§§10. Inter-system harmonization*

**130.** A management body designated pursuant to Division I of Chapter III must enter into a contract with a management body designated pursuant to a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, ensuring the harmonization of the systems developed, implemented and financially supported under both regulations.

The contract referred to in the first paragraph must be signed within 5 months following the designation of the bodies referred to in the first paragraph.

**131.** Any dispute preventing, within the time limit set in the second paragraph of section 130, the entering into a contract between the bodies referred to in that section must be submitted to a mediator within 14 days of the time limit set in the second paragraph of section130.

The Minister and the Société must be notified by the bodies, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in the first paragraph of section 130 and of the choice of a mediator, who must be a member of the Institut de mediation et d'arbitrage du Québec.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of the outcome of the process.

The maximum duration of the mediation process is 3 months.

**132.** If, at the end of the time limit set in the fourth paragraph of section 131, the mediation process has not allowed the designated management bodies to come to an agreement, they must submit their dispute to arbitration.

Arbitration pursuant to the first paragraph is governed by the rules of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01).

**133.** A contract entered into pursuant to section 130 must contain, without limiting the possibility for the parties to add other elements,

(1) an identification of the types of containers or residual materials that each system may be required to deal with despite them not being covered by any of the systems, including in particular,

(*a*) with respect to containers on deposit that the system of selective collection may be required to deal with, the types of containers on deposit, including the elements referred to in the second paragraph of section 140; and

(*b*) with respect to containers or residual materials that the deposit system may be required to deal with, cardboard, containers not covered by the deposit system, recipients and plastic film used to transport containers on deposit;

(2) the methods used to determine the quantities of containers or residual materials not covered by a system that must be dealt with by the other system, such as the criteria used for sampling, and an identification of the persons responsible for determining the quantities and those responsible for ensuring the follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials not covered by a system that must be dealt with by the other system, in particular concerning traceability to their final destination or, as the case may be, the final destination of the material obtained following the conditioning of containers on deposit, and as regards, where applicable, the manner in which they may be dealt with by the system by which they are covered;

(4) the financial terms and conditions for the performance of the obligations in the contract;

(5) the terms and conditions for communications between the parties to the contract;

(6) the duration of the contract and the conditions for its amendment, renewal or cancellation; and

(7) the dispute resolution mechanism selected by the parties.

**134.** A copy of the contract entered into pursuant to section 130 must be sent to the Minister and the Société within 15 days of signing.

*§2. Of producers towards the body*

**135.** A producer must be a member of the designated management body not later than the third month following the date of its designation.

**136.** The terms and conditions for membership of the body may in no case include as a membership condition the payment of a contribution by the member or impose the entering into a contract between a member and the body.

**137.** As a member of the designated management body, the producer must provide the following information:

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if the enterprise is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name and contact information of its representative;

(4) for each product to which this Regulation applies that the producer commercializes, markets or otherwise distributes, the associated trademark or name, if applicable;

(5) its status in connection with the product, in other words if the producer is the owner or user of the trademark or name associated with it, if the producer is the first supplier of the product in Québec or if the producer sells a product in one of the situations referred to in section 5.

**138.** Every member of the designated management body is bound to comply with the terms and conditions determined by the body with respect to every stage in the deposit system.

**139.** Every member of the designated management body must keep a register containing the following information:

(1) the quantity of containers on deposit returned each month to each return site under their responsibility;

(2) the quantity of non-returnable containers returned each month to each return site under their responsibility;

(3) the quantity of containers, on deposit or not, sent each month to a place where they are conditioned;

(4) the final destination of the materials obtained from the conditioning of containers.

**140.** Every member of the designated management body must provide, within the time limit it sets, the documents and information it requests in order to fulfill its responsibilities and obligations under this Regulation, including the quantity and weight of the containers on deposit used to commercialize, market, or otherwise distribute a product in the course of a year.

The following are included in the calculation of the weight of containers on deposit referred to in the first paragraph:

(1) for plastic containers, fibre containers, including multilayer containers, and biobased containers: the caps;

(2) for metal containers, plastic containers, single-use or multiple-use glass containers: labels and shrink sleeves.

**141.** The designated management body must pay an amount to the Société annually corresponding to its management costs and other expenses incurred for fulfilling the obligations imposed under this Regulation.

To allow the designated management body to make the payment referred to in the first paragraph, the Société must send to the body, not later than 1 September each year, a detailed list, for the year in progress, of the costs and other expenses referred to in that paragraph that it has incurred up to that date and those it expects to incur until

the end of the year. It must also send to the body, after receiving it, the auditor general's report provided for in section 30 of the Act respecting the Société Québécoise de récupération et de recyclage (chapter S-22.01), with its activities report and financial statements for the year concerned by the payment.

Not later than 31 December of the year concerned by the payment, the designated management body must pay to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses indicated in the list required in the second paragraph. After the other documents referred to in that paragraph have been received, if the amount of the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated management body pays the difference to the Société within 30 days after the documents are received. If the amount of the indemnity already paid is greater than the amount of the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equal to the overpayment.

The indemnity is calculated using the activity-based costing method.

**142.** The indemnity owed to the Société on the date provided for in section 141 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

**CHAPTER IV**
MONETARY ADMINISTRATIVE PENALTIES

**143.** A monetary administrative penalty of $250 in the case of a natural person or $1,000 in other cases may be imposed on any person who

(1) fails to submit an opinion within the time set out in the second paragraph of section 17;

(2) fails to give reasons for an opinion submitted pursuant to the second paragraph of section 17;

(3) fails to comply with the requirements of the second paragraph of section 22 or of section 26, the second paragraph of section 51 or section 54;

(4) fails to allocate the cost of recovering and reclaiming a container on deposit only to that container, in contravention of the first paragraph of section 22;

(5) fails to draw up the list provided for in section 42;

(6) fails to post the amount of the deposit, in contravention of the first paragraph of section 51, or the address of the return site, in contravention of section 52;

(7) fails to send to the Minister a copy of the application referred to in the first paragraph of section 76, in contravention of the second paragraph of that section;

(8) fails to send a report referred to in section 123 containing all the elements listed in section 124 or 125;

(9) fails to send a report referred to in section 123 containing the required information listed in section 126;

(10) fails to send to the Minister and the Société the document provided for in section 134 or fails to send the document within the time limit set therein;

(11) fails to provide the information provided for in section 137;

(12) fails to send to the Minister a document or information requested by the Minister, in contravention of section 157, or fails to send the document or information within the time limit set therein; or

(13) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

**144.** A monetary administrative penalty of $1,500 may be imposed on any designated management body who

(1) fails to establish a monitoring committee provided for in the first paragraph of section 117; or

(2) fails to comply with the time limit set in section 123 for sending the report referred to therein.

**145.** A monetary administrative penalty of $500 in the case of a natural person or $2,500 in other cases may be imposed on any person who

(1) fails to comply with the requirements of the third paragraph of section 50 and the second paragraph of section 58;

(2) fails to collect containers on deposit at the frequency provided for in the fourth paragraph of section 50 or the third or fourth paragraph of section 58;

(3) fails to send confirmation as provided for in section 75 or fails to send it within the time limit set therein;

(4) fails to establish measures as provided for in the second paragraph of section 95;

(5) fails to submit a remediation plan, in contravention of the second paragraph of section 113;

(6) fails to hold the meeting referred to in section 122 and to gather the comments and recommendations provided for therein;

(7) fails to send the report provided for in section 123, fails to send with the report the audited financial statements and the data referred to in the second paragraph of section 124 or fails to send financial statements and the data referred to in the second paragraph of section 124 that are audited by a person referred to in the second paragraph of that section;

(8) fails to send the results referred to in section 129 or fails to send them within the time limit set; or

(9) fails to comply with the time limits set in the second paragraph of section 130 or 140.

**146.** A monetary administrative penalty of $750 in the case of a natural person or $3,500 in other cases may be imposed on any person who fails to comply with the distances provided for in section 48.

**147.** A monetary administrative penalty of $1,000 in the case of a natural person or $5,000 in other cases may be imposed on any person who

(1) fails to comply with the requirements of the first or second paragraph of section 8, or those provided for in the first or second paragraph of section 16, the first paragraph of section 50, section 61 or section 98;

(2) fails to submit the plan referred to in section 43 or submits such plan without the plan containing all the measures listed in that section;

(3) fails to ensure that a return site is installed for each retailer bound to comply with the obligations of section 44;

(4) offers to take back and refund a container on deposit without complying with sections 23 to 41, in contravention of the first paragraph of section 45;

(5) enters into a contract that does not contain all the elements provided for in the first paragraph of section 46, the second paragraph of section 56, section 63, 69 or 133;

(6) enters into a contract without complying with sections 23 to 41, in contravention of the second paragraph of section 46;

(7) fails to provide all the documents and information requested pursuant to the third paragraph of section 50 or section 140 or fails to provide them within the time limit set therein;

(8) does not offer the installation of return sites for containers on deposit, in contravention of the first paragraph of section 56;

(9) fails to fulfill the obligation set out in section 62;

(10) fails to offer a collection service, in contravention of section 65, or does so without complying with the conditions in that section;

(11) enters into a contract otherwise than as provided for in the second paragraph of section 67;

(12) fails to take into account the elements set out in the first paragraph of section 68 in selecting a service provider;

(13) designates a management body without the conditions of the first paragraph of section 76 being met;

(14) designates a management body pursuant to section 75 despite the fact that it does not meet the requirements of section 78 or those of section 79;

(15) designates a management body that does not meet the requirements of section 81;

(16) fails to send to the Minister the results provided for in section 85;

(17) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 91;

(18) does not ensure compliance with the requirements of the first paragraph of section 95;

(19) fails to pay the amounts provided for in the third paragraph of section 97 within the time limit set pursuant to that paragraph;

(20) fails to pay the amount provided for in section 99 at the time determined by the designated management body;

(21) does not make the payment provided for in section 115;

(22) fails to enter into a contract referred to in section 130;

(23) fails to keep the register provided for in section 139; or

(24) fails to comply with each clause of a contract entered into pursuant to this Regulation to which it is a party, in contravention of section 158.

**148.** A monetary administrative penalty of $1,500 in the case of a natural person or $7,500 in other cases may be imposed on any person who

(1) fails to take back the containers on deposit that are returned to it or to refund the amount of the deposit, in contravention of section 44; or

(2) fails to comply with the requirements of the first paragraph of section 58.

**149.** A monetary administrative penalty of $2,000 in the case of a natural person or $10,000 in other cases may be imposed on any person who

(1) fails to develop, fails to implement or fails to contribute financially to a deposit system, in contravention of sections 4 to 6;

(2) fails to prepare only 1 deposit system, in contravention of section 7;

(3) fails to fulfill the obligations of sections 9 to 14;

(4) fails to take steps as provided for in the first paragraph of section 46 or those provided for in the second paragraph of section 56 or section 63;

(5) fails to ensure that containers on deposit are transported, sorted, conditioned and reclaimed, in contravention of the first paragraph of section 67;

(6) fails to designate a body, in contravention of section 75, 82 or 89;

(7) fails to assume the obligations provided for in section 94;

(8) fails to make the payment provided for in the third paragraph of section 97;

(9) fails to make the payment provided for in section 99;

(10) fails to fulfill the obligation set out in section 135;

(11) fails to fulfill the obligations and conditions set out in section 138.

**CHAPTER V**
OFFENCES

**150.** Any person who

(1) fails to submit an opinion within the time set out in the second paragraph of section 17,

(2) fails to give reasons for an opinion submitted pursuant to the second paragraph of section 17,

(3) fails to comply with the requirements of the second paragraph of section 22 or of section 26, the second paragraph of section 51 or section 54,

(4) fails to allocate the cost of recovering and reclaiming a container on deposit only to that container, in contravention of the first paragraph of section 22,

(5) fails to draw up the list provided for in section 42,

(6) fails to post the amount of the deposit, in contravention of the first paragraph of section 51, or the address of the return site, in contravention of section 52,

(7) fails to send the Minister a copy of the application referred to in the first paragraph of section 76, in contravention of the second paragraph of that section,

(8) fails to submit a report referred to in section 123 containing all the elements listed in section 124 or 125,

(9) fails to submit a report referred to in section 123 containing the required information listed in section 126,

(10) fails to send to the Minister and the Société the document provided for in section 134 or fails to send the document within the time provided for therein,

(11) fails to provide the information provided for in section 137,

(12) fails to send to the Minister a document or information requested by the Minister, in contravention of section 157, or fails to send the document or information within the time provided for therein, or

(13) fails to comply with a provision of this Regulation for which no fine is otherwise provided for,

is liable, in the case of a natural person, to a fine of $1,000 to $100,000 and, in other cases, to a fine of $3,000 to $600,000.

**151.** Any person who

(1) fails to establish the monitoring committee provided for in the first paragraph of section 117, or

(2) fails to comply with the time limit set in section 123 for sending the report referred to therein,

is liable, in the case of a natural person, to a fine of $2,000 to $100,000 and, in other cases, to a fine of $6,000 to $600,000.

**152.** Any person who

(1) fails to comply with the requirements of the third paragraph of section 50 or those of the second paragraph of section 58,

(2) fails to collect containers on deposit at the frequency provided for in the fourth paragraph of section 50 or the third or fourth paragraph of section 58,

(3) fails to send confirmation as provided for in section 75 or fails to send it within the time provided for therein,

(4) fails to establish measures as provided for in the second paragraph of section 95,

(5) fails to submit a remediation plan, in contravention of the second paragraph of section 113,

(6) fails to hold the meeting referred to in section 122 and to collect the comments and recommendations referred to therein;

(7) fails to send the report provided for in section 123, fails to send with the report audited financial statements and the data referred to in the second paragraph of section 124 or fails to send financial statements and the data referred to in the second paragraph of section 124 that are audited by a person referred to in the second paragraph of that section;

(8) fails to send the results referred to in section 129 or fail to send the results within the time set, or

(9) fails to comply with the time limit set in the second paragraph of section 130 or the time limit set in section 140,

is liable, in the case of a natural person, to a fine of $2,500 to $250,000 and, in other cases, to a fine of $7,500 to $1,500,000.

**153.** Any person who fails to comply with the distances provided for in section 48 is liable, in the case of a natural person, to a fine of $4,000 to $250,000 and, in other cases, to a fine of $12,000 to $1,500,000.

**154.** Any person who

(1) fails to comply with the requirements of the first or second paragraph of section 8 or those of the first or second paragraph of section 15, the first paragraph of section 50, section 61 and section 98,

(2) fails to send the plan provided for in section 43 or fails to send such a plan that does not contain all the measures listed in that section,

(3) does not ensure that a return site is installed for each retailer bound to comply with the obligations of section 44,

(4) offers to take back and refund a container on deposit without complying with sections 23 to 41, in contravention of the first paragraph of section 45,

(5) enters into a contract that does not contain all the elements provided for in the first paragraph of section 46, the second paragraph of section 56, section 63, 69 or 133,

(6) enters into a contract without complying with the provisions of sections 23 to 41, in contravention of the second paragraph of section 46,

(7) fails to provide all the documents and information requested pursuant to the third paragraph of section 50 or section 140 or fails to provide them within the time limit set therein,

(8) does not offer the installation of return sites for containers on deposit, in contravention of the first paragraph of section 56,

(9) fails to fulfill the obligation set out in section 62,

(10) fails to offer a collection service, in contravention of section 65, or does so without complying with the conditions in that section,

(11) enters into a contract otherwise than as provided for in the second paragraph of section 67,

(12) fails to take into account the elements set out in the first paragraph of section 68 in selecting a service provider,

(13) designates a management body without the conditions of the first paragraph of section 76 being met,

(14) designates a management body pursuant to section 75 despite the fact that it does not meet the requirements of section 78 or those of section 79,

(15) designates a management body that does not meet the requirements of section 81,

(16) fails to send to the Minister the result provided for in section 85,

(17) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 91,

(18) does not ensure compliance with the requirements of the first paragraph of section 95,

(19) fails to pay the amounts provided for in the third paragraph of section 97 within the time limit set in that paragraph,

(20) does not make the payment provided for in section 99 within the time limit set in that section,

(21) does not make the payment provided for in section 115,

(22) fails to enter into a contract provided for in section 130,

(23) fails to keep the register provided for in section 139, or

(24) fails to comply with each clause of a contract entered into pursuant to this Regulation to which it is a party, in contravention of section 158,

is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, in other cases, to a fine of $15,000 to $3,000,000.

**155.** Any person who

(1) fails to take back the containers on deposit that are returned to it or to refund the amount of the deposit, in contravention of section 44, or

(2) fails to comply with the requirements of the first paragraph of section 58,

is liable, in the case of a natural person, to a fine of $8,000 to $500,000 or, in other cases, to a fine of $24,000 to $3,000,000.

**156.** Any person who

(1) fails to develop, implement or contribute financially to a deposit system, in contravention of sections 4 to 6,

(2) fails to develop only 1 deposit system, in contravention of section 7,

(3) fails to fulfill the obligations of sections 9 to 14,

(4) fails to take steps as provided for in the first paragraph of section 46 or those provided for in the second paragraph of section 56 or section 63,

(5) fails to ensure that containers on deposit are transported, sorted, conditioned and reclaimed, in contravention of the first paragraph of section 67,

(6) fails to designate a body, in contravention of section 75, 82 or 89,

(7) fails to assume the obligations provided for in section 94,

(8) does not make the payment provided for in the third paragraph of section 97,

(9) does not make the payment provided for in section 99,

(10) fails to fulfill the obligation set out in section 135,

(11) fails to fulfill the obligations and conditions set out in section 138,

is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 or, in other cases, to a fine of $30,000 to $6,000,000.

## CHAPTER VI
## MISCELLANEOUS

**157.** Any document and any information obtained pursuant to this Regulation must be sent to the Minister not later than 15 days following a request to that effect.

**158.** Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

**159.** Producers are exempted from the obligations of Chapter II until the expiry of the time available to the Société to designate a management body pursuant to section 75 or, as the case may be, until the expiry of the time limit set in section 82.

**160.** Section 118.3.3 of the Act does not apply to a municipality regulating one of the materials referred to in sections 23 to 38 and 43, for the purposes of the by-law concerned.

**CHAPTER VII**
TRANSITIONAL AND FINAL

**161.** Every permit issued pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) that is in force on (*insert the date of coming into force of this Regulation*) ceases to have effect on the first day of the tenth month following that date.

Every agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in effect on (*insert the date of coming into force of this Regulation*) terminates on the first day of the tenth month following that date.

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

105494

## Draft Regulation

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions
(chapter A-33.02)

**Limit on the number of credits that may be used by a motor vehicle manufacturer and confidentiality of some information**
**— Amendment**

Notice is hereby given, in accordance with sections 10 et 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the limit on the number of credits that may be used by a motor vehicle manufacturer and the confidentiality of some information, appearing below, may be made by the Minister of the Environment and the Fight Against Climate Change on the expiry of 45 days following this publication.

The draft Regulation progressively reduces the ceiling for the use of credits by an automobile manufacturer, accumulated during a preceding compliance period, during a subsequent period to 0% in 2035. It also amends the time when motor vehicle manufacturers must indicate to the Minister the number of credits they wish to use in order to be able to make a decision based on an update of their accumulated credits. Lastly, the draft Regulation makes minor adjustments to the information entered in the name of a motor vehicle manufacturer in the register referred to in section 11 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02) that is not public.

Study of the matter has shown that the draft Regulation governs the manner in which motor vehicle manufacturers will be able to meet the requirements of the zero-emission vehicle standard after the 2025 model year, particularly with the credits accumulated during the various compliance periods which will affect the marketing of electric vehicles in Québec. The changes are complementary to the amendments provided for the draft Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, and tighten the zero-emission motor vehicle standard, a commitment made under the 2030 Plan for a Green Economy.

Further information on the draft Regulation may be obtained by contacting Josée Michaud, Directrice des programmes et de la mobilisation, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675 boulevard René-Lévesque Est, 6e étage, boîte 31, Québec (Québec), G1R 5V7; email: josee.michaud@environnement.gouv.qc.ca; telephone: (418) 805-7882.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-François Gibeault, Assistant Deputy Minister, Bureau d'électrification et de changements climatiques, 675 boulevard René-Lévesque Est, 30e étage, Québec (Québec), G1R 5V7; email: jean-francois.gibeault@environnement.gouv.qc.ca.

Benoit Charette
*Minister of the Environment and the Fight Against Climate Change*

## Regulation to amend the Regulation respecting the limit on the number of credits that may be used by a motor vehicle manufacturer and the confidentiality of some information

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions
(chapter A-33.02, s. 9, 2nd par., and s. 15, 2nd par.)

**1.** The Regulation respecting the limit on the number of credits that may be used by a motor vehicle manufacturer and the confidentiality of some information (chapter A-33.02, r. 2) is amended in section 1

(1) by replacing "25% of the total of the credits it must accumulate for that period." at the end of the first paragraph by "the maximum percentage of the total credits it must accumulate for that period indicated in the table below:

| Period of 3 consecutive calendar years | Maximum percentage of the total credits that a manufacturer must accumulate |
|---|---|
| 2022-2024 | 25% |
| 2025-2027 | 20% |
| 2028-2030 | 15% |
| 2031-2033 | 10% |
| Subsequent periods | 0% |

";

(2) by replacing "before the date set in the first paragraph of section 8 of the Act" in the second paragraph by "following the notification of the Minister's decision with regard to the number of credits the Minister intends to enter in the register, in accordance with the second paragraph of section 12 of the Act".

**2.** Section 3 is amended in paragraph 3

(1) by striking out "trademark, model, type of model," and "model year,";

(2) by adding ", except its trademark, model, type of model and model year" at the end.

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

105492

## Draft Regulation

Act respecting the Ministère du Développement durable, de l'Environment et des Parcs
(chapter M-30.001)

Environment Quality Act
(chapter Q-2)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5)

**System of selective collection of certain residual materials**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting a system of selective collection of certain residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to require certain persons to develop, implement and contribute financially to a system of selective collection of certain residual materials.

The draft Regulation determines the persons concerned by the requirement (referred to herein as "producers"), along with the containers, packaging and printed matter that generate residual materials that must be collected, transported, sorted and reclaimed through the system of selective collection following its implementation.

The draft Regulation also determines the terms and conditions that apply to the collection, transportation, sorting, conditioning and reclamation of the residual materials targeted including, in particular, those applicable to

— the collection, transportation, sorting, conditioning and reclamation of residual materials from the residential sector, institutions, businesses, industries and outdoor public spaces, and the entering into of the necessary contracts;

— measures to promote the eco-design of containers, packaging and printed matter, information, awareness and education activities, and research and development activities included in the system of selective collection implemented by producers;

— communications to make public information about the total quantity of containers, packaging and printed matter marketed, commercialized or otherwise distributed,

the quantity of residual materials generated by such containers, packaging and printed matter and recovered, and the quantity of residual materials reclaimed;

— the determination of the costs of recovering and reclaiming the residual materials targeted and the characteristics of containers, packaging and printed matter that must be taken into account to modulate those costs;

— the resolution of disputes that occur in connection with the entering into of the contracts needed to implement the system of selective collection.

The draft Regulation specifies that the Société québécoise de récupération et de recyclage (referred to herein as the "Société") designates a body to assume the obligations of producers under the Regulation, within the time provided for in the draft Regulation. It also sets out the rules for designation, including the contents of an application for designation, the duration of designation, and the circumstance in which it can be terminated.

In addition to the obligations assumed in place of producers by the designated body, the draft Regulation sets out the body's obligations, rights and responsibilities, including in particular

— an obligation to ensure that the composition of its board of directors and its general by-laws meet the conditions set out in this Regulation;

— an obligation to establish various committees, including a committee to monitor the implementation of local services and a committee to monitor the collection of materials, whose members must be in both cases independent from the board of directors;

— an obligation to submit an annual report with the Minister, not later than 30 April each year, detailing all the measures implemented for the system of selective collection and the indicators needed to assess system performance;

— an obligation to achieve minimum recovery and reclamation rates, including a local reclamation rate and, if the body is unable to achieve those rates, an obligation to submit a remedial plan to the Minister setting out the measures, including financial measures, that will allow the rates to be achieved;

— an obligation to enter into contracts with a body given responsibility, if such is the case, by a regulation made under section 53.30.3 of the Environment Quality Act (chapter Q-2), for developing, implementing and contributing financially to a deposit system in order to harmonize the system of selective collection with the deposit system;

— an obligation to pay an amount to the Société annually for the costs borne by the Société with respect to the system of selective collection, on the conditions determined by the draft Regulation;

— a right to require producers to provide all the documents and information it requests to allow the body to perform its responsibilities and obligations pursuant to the draft Regulation.

The draft Regulation includes an obligation for every institution, business and industry to participate in the system of selective collection by ensuring, in particular, that the residual materials generated by containers, packaging and printed matter, if used for their activities or by persons who attend it, can be dealt with by the system.

The draft Regulation also requires the owners or managers of multiple-unit residential complexes and syndicates of immovables under divided co-ownership to make recovery bins available to occupants and co-owners in the common areas, on the conditions set out in the draft Regulation.

Lastly, the draft Regulation includes monetary administrative penalties for failures to comply with the provisions of the Regulation and penal sanctions for offences, along with miscellaneous provisions.

The draft Regulation will have an impact on persons that commercialize, market or otherwise distribute products in containers or packaging or that commercialize, market or otherwise distribute containers, packaging and printed matter, due in particular to the new responsibilities entrusted to them. The new responsibilities, including the achievement of the minimum recovery and reclamation rates for the residual materials covered by the draft Regulation, mean that the persons develop, implement and contribute financially to a system of selective collection more efficient than those currently implemented.

Further information on the draft Regulation may be obtained by contacting Valérie Lephat, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: valerie.lephat@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Associate Director, 3RV-E, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie Guyart, 9e étage, boîte 71,

675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

Benoit Charette
*Minister of the Environment*
*and the Fight Against Climate Change*

## Regulation respecting a system of selective collection of certain residual materials

Act respecting the Ministère du Développement durable, de l'Environment et des Parcs
(chapter M-30.001, s. 15.4.40, 1st par., subpar. 19)

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 6, and ss. 53.30.1, 53.30.3, 115.27 and 115.34)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5, s. 20)

### CHAPTER I
GENERAL

**1.** The object of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers or packaging or commercialize, market or otherwise distribute containers, packaging and printed matter to develop, implement and contribute financially to a system of selective collection of residual materials generated to allow them to be recovered and reclaimed.

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

"Aboriginal community" means any Aboriginal community represented by its band council; (*communauté autochtone*)

"conditioning" means any stage in the treatment of residual materials subsequent to sorting that involves dismantling, shredding, reassembling, cleaning or transforming them in any other way in order to reclaim them; (*conditionnement*)

"containers and packaging" means a product made of flexible or rigid material such as paper, cardboard, plastic, glass or metal, and any combination of such materials, excluding pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings, that

(1) is used to contain, protect, wrap, support or present products at any stage in the movement of the product from the producer to the ultimate user or consumer; or

(2) is intended for a single or short-term use of less than 5 years and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups, or to be used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils.

"establishment offering consumption on the premises" means any establishment that is not mobile that offers meals, snacks or drinks for sale for immediate consumption in or outside the premises, with no table service; (établissement de consummation sur place)

"municipal body" means a municipality, the metropolitan community of Montréal, the metropolitan community of Québec, an intermunicipal board or any group of municipalities; (*organismes municipaux*)

"printed matter" means any product made of paper and other cellulosic fibres, whether or not used as a medium for text or images, except books with a useful life of more than 5 years; (*imprimés*)

"trademark" means a sign or combination of signs that is used by a person for the purpose of distinguishing or so as to distinguish products or services manufactured, sold, leased, hired or performed by that person from those manufactured, sold, leased, hired or performed by others. However, "trademark" does not include a certification mark within the meaning of section 2 of the Trademarks Act (R.S.C. 1985, c. T-13). (*marque de commerce*)

In this Regulation, the use of the term "sorting, conditioning and reclamation" includes the transfers required for those operations, unless otherwise indicated by context.

### CHAPTER II
DEVELOPMENT, IMPLEMENTATION AND FINANCIAL SUPPORT OF A SYSTEM OF SELECTIVE COLLECTION

#### DIVISION I
DEVELOPMENT, IMPLEMENTATION AND FINANCING OBLIGATION

**3.** In this Regulation, every person referred to in sections 4 to 6 or 8 to 9 is a "producer".

The residual materials generated by the containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9 are "residual materials".

*§1. Containers and packaging*

**4.** Every person that is the owner or user of a name or trademark and has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by

(1) the containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of a product under that name or trademark; and

(2) the containers and packaging identified by that name or trademark.

The obligations set out in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier in Québec, other than the manufacturer,

(1) of a product the owner or user of the name or trademark for which has no domicile or establishment in Québec;

(2) of a product the owner or user of the name or the trademark for which has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product outside Québec, following which the product is commercialized, marketed or otherwise distributed in Québec;

(3) of a product that is commercialized, marketed or otherwise distributed without a name or trademark in a container or packaging; and

(4) of a container or packaging that is not identified by a name or trademark.

**5.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec that is not pursuing an organized economic activity, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated, the containers and packaging used for its commercialization or marketing, or, where the product is a container or packaging, the residual materials generated by the container or packaging, applies to

(1) the person operating a transactional website used to acquire the product and which allows a person having no domicile or establishment in Québec to commercialize, market or otherwise distribute the product in Québec; and

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

**6.** Where the persons referred to in the second paragraph of section 4 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 4 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

**7.** Despite sections 4 to 6, a person is not required to develop, implement and contribute financially to a system of selective collection of residual materials generated by containers or packaging for which

(1) the person is already required, pursuant to a regulation made under the Environment Quality Act (chapter Q-2), to develop, implement or financially contribute to measures to recover and reclaim the containers or packaging;

(2) the person is already required, pursuant to a deposit system established pursuant to another law in Québec, to implement or contribute financially to measures to recover and reclaim the containers covered by the system, such as non-returnable containers used for beer and soft drinks; or

(3) the person is able to show a direct contribution to another system to recover and reclaim the containers and packaging to which this Regulation applies that operates on a stable and regular basis in Québec and that

(*a*) ensures the recovery of the residual materials concerned throughout the province of Québec; and

(*b*) enables the recovery and reclamation rates provided for in this Regulation to be achieved, with the exception of the local reclamation rate.

*§2. Printed matter*

**8.** Every person who owns or uses a name or trademark and that has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by printed matter identified by that name or trademark.

Despite the first paragraph, the obligation it specifies applies to the person having a domicile or establishment in Québec that acts as the first supplier, in Québec,

(1) of printed matter identified by a name or trademark the owner of which has no domicile or establishment in Québec;

(2) of printed matter the owner or user of the name or the trademark for which has a domicile or establishment in Québec but sells the printed matter outside Québec, following which the printed matter is marketed, commercialized or otherwise distributed in Québec; or

(3) of printed matter that is not identified by a name or trademark.

**9.** Where printed matter is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec that is not pursuing an organized economic activity, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated by that printed matter, including the containers and packaging used for its commercialization or marketing, applies to

(1) the person operating a transactional website used to acquire the printed matter and which allows a person having no domicile or establishment in Québec to commercialize, market or distribute the printed matter; and

(2) the person from which the printed matter was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

**10.** Where the persons referred to in the second paragraph of section 8 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 8 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

**11.** The obligations set out in sections 4 to 10 must be performed collaboratively by the persons concerned and they may only develop, implement and contribute financially to a single system of selective collection for all such persons.

**DIVISION II**
SYSTEM CONTENT

**12.** Producers must, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection with respect to the collection and transportation of residual materials,

(1) collect and transport, in accordance with the terms and conditions set out in Division III of this Chapter, residual materials from

(*a*) the residential sector, from institutions, businesses and industries whose residual materials and volumes are similar to those of the residential sector, from educational institutions, and from institutions, businesses and industries whose residual materials are collected and transported, on the date preceding the date of coming into force of this Regulation, by a municipal body or an Aboriginal community;

(*b*) not later than 5 years after the coming into force of this Regulation, all institutions and businesses;

(*c*) not later than 2 years after the submission of the plan referred to in section 56, two thirds of the outdoor public spaces identified in the plan;

(*d*) not later than 3 years after the submission of the plan referred to in section 56, all the outdoor public spaces identified in the plan; and

(*e*) not later than 10 years after the coming into force of this Regulation, all industries;

(2) define the terms and conditions for the collection and transportation of the residual materials from the places listed in paragraph 1 to the place where they are sorted and from there to a place where they are conditioned, reclaimed or disposed of;

(3) promote the entering into the contracts referred to in Division III of this Chapter with groups of municipalities when

(*a*) residual materials are collected in a territory with more than 25,000 inhabitants; or

(*b*) residual materials are collected in a territory from at least 10,000 dwellings, institutions or businesses;

(4) promote the entering into the contracts referred to in Division III of this Chapter, where they concern the collection and transportation of residual materials in the territory of Îles-de-la-Madeleine, in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), and in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act" (chapter D-8.0.1) with, as the case may be, the agglomeration of Îles-de-la-Madeleine, the Kativik Regional Government or the Eeyou Istchee James Bay Regional Government;

(5) promote the entering into the contracts provided for in Division III of this Chapter with service providers operating at the time when a producer must take steps to enter into contracts pursuant to sections 18 and 20; and

(6) provide, with respect to services to collect and transport residual materials referred to in this Regulation, client services to allow, in particular, for the filing and processing of complaints from clients of those services.

**13.** Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, with respect to the sorting, conditioning and reclamation of residual materials,

(1) manage residual materials in a way that gives priority to reclamation, with the choice of reclamation processes respecting the following order:

(*a*) reuse;

(*b*) recycling, with the exception of biological treatment;

(*c*) any other form of reclamation by which residual materials are treated for use as a substitute for raw materials;

(*d*) energy production;

(2) define the places where residual materials may be stored for processing and reclamation;

(3) promote the local sorting, conditioning and reclamation of residual materials and give priority to, in the following order, maintaining, optimizing and developing players in the value chain in Québec;

(4) plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1); and

(5) sort and condition the residual materials recovered in accordance with the terms and conditions set out in Division IV of this Chapter.

**14.** Producers must ensure that the system of selective collection they develop, implement and finance allows residual materials to be traced from collection to final destination.

The traceability of residual materials involves using quantitative data to monitor quantities of residual materials covered by the system of selective collection throughout Québec and in each administrative region, at each stage in the collection, transportation, sorting and conditioning process until their final destination.

**15.** Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, ensure that the system of selective collection they develop

(1) includes operating rules, criteria and requirements that all service providers, including subcontractors, must comply with for the purpose of the management of the residual materials recovered and provides for the establishment of measures to ensure compliance;

(2) includes measures to promote the ecodesign of containers, packaging and printed matter to ensure that they are compatible with the system of selective collection, in particular concerning

(*a*) their recyclability;

(*b*) the existence of market outlets for the residual materials;

(*c*) the inclusion of recycled materials in containers, packaging and printed matter;

(*d*) the effort made to reduce, at source, the materials used to manufacture containers, packaging and printed matter; and

(*e*) the quantities of containers, packaging and printed matter marketed;

(3) includes information, awareness and education activities, in particular to inform consumers about the environmental benefits of recovering and reclaiming the residual materials concerned and the types of residual materials targeted by the system of selective collection;

(4) includes a research and development component on

(*a*) techniques to recover and reclaim the residual materials generated by containers, packaging and printed matter;

(*b*) the development of market outlets allowing the reclamation of the materials, which must be situated in the following areas, by order of priority: Québec, regions adjacent to Québec, elsewhere in Canada and the United States; and

(*c*) the measures that may be implemented to ensure that the system of selective collection contributes to the fight against climate change, in particular by reducing the greenhouse gas emissions attributable to the system;

(5) includes a means of communication to make public the following information, each year, and ensure access for a minimum period of 5 years:

(*a*) the name of the person or body designated pursuant to section 31 to implement the system;

(*b*) the name of the system, if any;

(*c*) the quantity of materials making up the containers, packaging and printed matter covered by this Regulation, by weight and type of material;

(*d*) the quantity of materials referred to in subparagraph *c* that are recovered;

(*e*) the quantity of materials referred to in subparagraph *c* that are

i. reclaimed in a place referred to in subparagraph 1 of the first paragraph of section 77;

ii. reclaimed in a place referred to in subparagraph 2 of the first paragraph of section 77;

iii. otherwise reclaimed;

iv. stored for more than 30 days and the address of each storage site and the name of the person operating the site; or

v. disposed of;

(*f*) a description of the main activities completed during the preceding year pursuant to subparagraphs 3 and 4;

(*g*) if applicable, a description of the remedial plan referred to in the second paragraph of section 82, the amount of financing for the measures included in the plan, the implementation schedule and a list of the measures completed during the year;

(*h*) in the case of a system implemented by a body designated pursuant to section 31,

i. the name of the body;

ii. the names of the body's members;

iii. the composition of the body's board of directors;

iv. a list of the committees set up by the body, their composition and their mandate;

v. with reference to the information referred to in subparagraph *d* of this subparagraph, the recovery rate achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 73;

vi. with reference to the information referred to in subparagraph *e* of this subparagraph, the reclamation rate achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 75; and

vii. a report setting out the income resulting from the collection, from its members, of amounts to cover the costs of developing and implementing the system of selective collection and the costs themselves, detailed as follows:

(*I*) the costs relating to the collection and transportation of residual materials covered by this Regulation, including costs for client services;

(*II*) the costs relating to the sorting, conditioning and reclamation of the residual materials concerned;

(*III*) the costs referred to in subparagraphs *I* and *II*, per inhabitant and by industry, business or institution served;

(*IV*) the management costs of the designated body and the costs incurred by the Société québécoise de récupération et de recyclage (referred to herein as the "Société") for the system of selective collection;

(*V*) the costs for the collection and transportation of containers or residual materials not covered by the system of selective collection but nevertheless collected;

(*VI*) the costs for the activities referred to in subparagraphs 3 and 4;

(*VII*) the other costs;

(6) provides for the determination of the costs involved in the recovery and reclamation of residual materials generated by the containers, packaging and printed matter covered by this Regulation, after subtraction of any income or gain derived from those materials;

(7) provides for the modulation of the costs referred to in subparagraph 6 based on characteristics such as those referred to in subparagraphs *a* to *d* of subparagraph 2 and taking into account the percentage of recycled materials of which the containers, packaging and printed matter are made as certified by a certification body accredited under ISO 14040 by a member of the International Accreditation Forum in Canada;

(8) provides for the verification, by a person who meets any of the following conditions, of the management of the residual materials generated by the containers, packaging and printed matter covered by this Regulation and of compliance with the requirements of subparagraph 1:

(*a*) the person holds certification as an environmental auditor issued by a body accredited by the Standards Council of Canada;

(*b*) the person is a member of a professional order governed by the Professional Code (chapter C-26) and

i. holds a post-secondary diploma in a field relating to environmental protection or industrial ecology;

ii. holds an undergraduate degree and has a minimum of 5 years of experience in a field of activity related to the recovery and reclamation of residual materials; or

iii. holds a college diploma and has a minimum of 10 years of experience in a field of activity related to the recovery and reclamation of residual materials; and

(9) is not used for purposes for which it is not intended.

The cost of recovering and reclaiming residual materials generated by a container, packaging or printed matter referred to in subparagraph 6 of the first paragraph may only be allocated to a product commercialized, marketed or otherwise distributed using that container, packaging or printed matter, or to the container, packaging or printed matter, and must be internalized in the sale price as soon as it is commercialized, marketed or otherwise distributed.

This internalized cost may only be made visible on the initiative of the producer who commercializes, markets or otherwise distributes the product, container, packaging or printed matter, and in such a case the information must be disclosed as soon as its product is commercialized, marketed or otherwise distributed. The information must include a mention that the cost is used to ensure the recovery and reclamation of the residual materials covered by this Regulation and the address of the website where more information can be obtained.

**16.** Where the system provides for the management of the residual materials concerned in a territory referred to in paragraph 4 of section 12, the producer must ensure that the measures set out in this Division are adapted to the needs and particularities of that territory.

**DIVISION III**
CONTRACTS FOR THE COLLECTION AND TRANSPORTATION OF RESIDUAL MATERIALS

*§1. Object of contracts*

**17.** This Division concerns the time limits, terms and conditions that apply to the contracts entered into by producers for the collection and transportation of residual materials referred to in this Regulation and their minimum content.

*§2. Time limits, terms and conditions applicable to the entering into contracts*

**18.** Where, on (*insert the date of coming into force of this Regulation*), a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends not later than 31 December 2024, a producer must, not later than 8 months after (*insert the date of coming into force of this Regulation*), take steps to enter into, with that municipal body or Aboriginal community or with any other municipal body, a contract for, as a minimum, the collection and transportation of residual materials from the residential sector and from the territory covered by that contract with the minimum content set out in section 25.

Where, 14 months after (*insert the date of coming into force of this Regulation*), no contract has been entered into pursuant to the first paragraph, the producer and the municipal body or Aboriginal community, as the case may be, may, within 14 days after the time limit, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified by the producer, within the same time limit, of the reasons of the dispute preventing the entering into the contract referred to in the first paragraph and of the selection of a mediator, if applicable.

The Minister and the Société must be notified in writing of the outcome by the mediator within 30 days of the end of the mediation process.

If the municipal body or Aboriginal community and the producer opt to begin the mediation process referred to in the second paragraph, it may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the third paragraph.

**19.** If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph of section 18 despite the mediation process undertaken pursuant to the second paragraph of that section, or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract, the producer may choose

(1) before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party, to enter into a contract containing, as a minimum the elements set out in section 25 with the exception of the elements listed in subparagraphs 8 to 9 and 15 to 17 of the first paragraph of that section, in order to ensure the collection and transportation of those residual materials; or

(2) starting on the date referred to in subparagraph 1, to undertake to collect and transport the residual materials itself.

Where, pursuant to the first paragraph, the producer enters into a contract for the collection and transportation of residual materials with a person, or undertakes to collect and transport the residual materials itself, the producer must send a notice to the municipal body or Aboriginal community, as the case may be, indicating the date from which the residual materials will be collected and transported by that person or by the producer.

The notice referred to in the second paragraph must be sent before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party and which is referred to in the first paragraph of section 18.

**20.** Where, on (*insert the date of coming into force of this Regulation*), a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends on a date after 31 December 2024, a producer must, not later than 18 months before 31 December 2024 choose to

(1) enter into, with the municipal body or Aboriginal community, as the case may be, a contract specifying compensation for the body or Aboriginal community for the services referred to in 53.31.1 of the Environment Quality Act (chapter Q-2), as it read prior to 31 December 2024 provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party; or

(2) enter into, with the municipal body or Aboriginal community, as the case may be, a contract in which

(*a*) the municipal body or Aboriginal community agrees to cancel the contract for the collection and transportation of residual materials to which it is a party; and

(*b*) the producer undertakes to compensate the municipal body or Aboriginal community for the costs, penalties or other claims resulting from the cancellation referred to in subparagraph *a* of this paragraph.

Not later than 18 months before the expiry of a contract referred to in subparagraph 1 of the first paragraph, the producer must take steps to enter into, with the municipal body or Aboriginal community concerned, as the case may be, or with any other municipal body, a contract for, as a minimum, the collection and transportation of residual materials from the residential sector and from the territory covered by the contract with the minimum content set out in section 25.

Where the producer chooses to enter into a contract referred to in subparagraph 2 of the first paragraph, the producer must, not later than 18 months before the cancellation referred to in subparagraph *a* of that subparagraph takes effect, enter into, with the municipal body or Aboriginal community concerned, as the case may be, or with any other municipal body, a contract for, as a minimum, the collection and transportation of residual materials from the residential sector covered by the cancelled contract and in the territory covered by the contract with the minimum content set out in section 25.

**21.** Where, 12 months before the contract referred to in the portion before subparagraph 1 of the first paragraph of section 20 expires, no other contract has been entered into pursuant to that section, the producer and the municipal body or Aboriginal community, as the case may be, must, within 14 days, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified, within the same time limit, of the reasons for the dispute preventing the entering into the contract referred to in section 20 and of the selection of a mediator.

The Minister and the Société must be notified in writing of the outcome by the mediator within 14 days of the end of the mediation process.

The mediation process referred to in the first paragraph may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the second paragraph.

**22.** Where, 10 months before the contract referred to in the portion before subparagraph 1 of the first paragraph of section 20 expires, despite the mediation process undertaken in accordance with section 21, no other contract referred to in section 20 has been entered into by the producer and the municipal body or Aboriginal community, as the case may be, the producer must pay annually to the municipal body or Aboriginal community, as compensation for the services referred to in section 53.31.1 of the Environment Quality Act (chapter Q-2) as it read prior to 31 December 2024 and provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials, an amount corresponding to the average compensation received by the body or community for services provided during the years 2022 to 2024 under the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10).

The amount corresponding to the average compensation paid annually by the producer pursuant to the first paragraph is determined using the information forwarded by the Société to the municipal body or Aboriginal community and to the producer at their request.

**23.** Where, on (*insert the date of coming into force of this Regulation*), no service to collect and transport residual materials covered by this Regulation is provided in the territory of a municipal body or Aboriginal community, a producer must, not later than 18 months prior to 31 December 2024, take steps to enter into a contract for the collection and transportation of residual materials on the conditions set out in subparagraphs 1 to 4 of the first paragraph of section 24 with the minimum content set out in section 25.

If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph, section 19 applies, with the necessary modifications.

**24.** In addition to the collection and transportation of residual materials covered by a contract entered into pursuant to sections 18 and 20, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must cover the collection and transportation of the following residual materials:

(1) residual materials generated by containers, packaging and printed matter covered by this Regulation, with the exception of

(*a*) residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils, and residual materials generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer; and

(*b*) residual materials consisting of

i. rigid plastic belonging to the polystyrene category;

ii. flexible plastic; or

iii. compostable, biodegradable or biobased plastic;

(2) not later than 1 January 2027, residual materials consisting of rigid plastic belonging to the polystyrene category or flexible plastic, and residual materials generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer;

(3) not later than 1 January 2029, residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils;

(4) not later than 1 January 2031, residual materials consisting of compostable, biodegradable or biobased plastic.

Despite the first paragraph, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must allow the collection of residual materials whose collection was provided for before the contract takes effect.

*§3. Minimum content*

**25.** A contract entered into pursuant to section 18 or 19, the second or third paragraph of section 20 or section 23 must contain, as a minimum, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

(2) the clients to whom residual material collection services are provided;

(3) the locations in which residual materials are collected, including outdoor public places;

(4) the territory in which residual materials are collected;

(5) all the parameters for the collection and transportation of residual materials, such as those relating to

(*a*) the type of equipment used for collection and transportation and the parameters relating to its origin and maintenance; and

(*b*) the conditions for the storage and transfer of residual materials during transportation, if applicable;

(6) the destination of the residual materials collected and the conditions for their transfer, if applicable;

(7) the financial parameters of the contract, including prices and terms of payment;

(8) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(9) the procedure for client service, in particular concerning complaint processing;

(10) the conditions for the awarding of contracts by the municipal body or Aboriginal community, if applicable, covering some or all of the collection and transportation of residual materials under its responsibility;

(11) the traceability of residual materials during their transportation to the place where they are sorted;

(12) the mechanism for resolving disputes arising from the performance of the contract, as selected by the parties;

(13) the conditions ensuring the health and safety of workers during the collection and transportation of residual materials;

(14) the parameters for communications between the parties;

(15) the quality control procedure for the collection and transportation of residual materials covered by the contract, including the methods used to characterize the residual materials, site visits, and reliance on audits or an external auditor;

(16) the terms and conditions for adding a party to the contract;

(17) the information, awareness and education measures that the municipal body or Aboriginal community intends to implement to garner the support of system of selective collection clients;

(18) the conditions for optimizing the procedure for collecting residual materials in order, in particular, to facilitate citizens' access to collection equipment.

Where a contract entered into pursuant to section 18 or 19, the second or third paragraph of section 20 or section 23 concerns the collection and transportation of residual materials in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1), or in the territory of the regional municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent, it must include as a minimum, in addition to the elements listed in the first paragraph,

(1) the conditions for the storage or conditioning of residual materials prior to transportation, if applicable;

(2) details on training for the local workforce; and

(3) consideration for cultural and linguistic particularities, in connection with the collection and transportation of residual materials, client service, and information, awareness and education measures.

**DIVISION IV**
CONTRACTS FOR THE SORTING, CONDITIONING AND RECLAMATION OF RESIDUAL MATERIALS

*§1. Object of contracts*

**26.** This Division concerns the time limits, terms and conditions that apply to the entering, by producers, into contracts for the sorting, conditioning and reclamation of residual materials covered by this Regulation and their minimum content.

*§2. Time limits, terms and conditions applicable to the entering into contracts*

**27.** Producers must enter into all the contracts needed to ensure the sorting, conditioning and reclamation of residual materials covered by this Regulation.

Where, on (*insert the date of coming into force of this Regulation*), a municipal body or Aboriginal community is a party to a contract for the sorting or conditioning of residual materials, sections 18 to 22 apply, with the necessary modifications, to the entering into the contract referred to in the first paragraph.

**28.** No contract referred to in the first paragraph of section 27 may, for a period of 5 years beginning on (*insert the date of coming into force of this Regulation*), be entered into following a call for tenders.

On the expiry of the period provided for in the first paragraph, all contracts entered into pursuant to the first paragraph of section 27 must be entered into following a call for tenders.

**29.** In selecting a service provider to enter into a contract pursuant to section 27, a producer must take into account

(1) the ability of the service provider to meet the determined requirements for the sorting, conditioning or reclamation of the residual materials targeted and to ensure local management of the residual materials recovered;

(2) the presence of a service provider able to provide the necessary services in the territory concerned;

(3) the system's accessibility for various types of service providers; and

(4) the business model selected by the service provider and the benefits generated for the community.

In making a selection, the producer must, when entering into a contract pursuant to the first paragraph of section 28, give priority to service providers that are already operating when steps are taken to enter into the contract.

*§3. Minimum content*

**30.** A contract entered into pursuant to section 27 must contain, as a minimum, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

(2) the origin of the residual materials;

(3) all the parameters for the sorting and conditioning of the residual materials, such as those relating to

(*a*) the type of equipment used to sort, condition or reclaim the residual materials and the parameters relating to their origin and maintenance;

(*b*) the types of bales of materials produced;

(*c*) the conditions for the storage and transfer of residual materials, at each state of sorting, conditioning or reclamation;

(*d*) the management of residual materials taken in charge by the system of selective collection without being covered by this Regulation;

(*e*) the expected quality of the materials following sorting or conditioning; and

(*f*) the traceability of residual materials at each stage leading from sorting to conditioning and from conditioning to reclamation;

(4) if applicable, the destination for the materials once sorted or conditioned;

(5) the management of containers on deposit in the residual materials transported;

(6) the financial parameters for the contract, including prices and terms of payment;

(7) the quality control procedure for the sorting, conditioning or reclamation covered by the contract, including the methods used to characterize residual materials, site visits, and reliance on audits or an external auditor;

(8) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(9) the mechanism for resolving disputes relating to the performance of the contract selected by the parties;

(10) the conditions ensuring the health and safety of workers at the site where materials are sorted, conditioned or reclaimed;

(11) the parameters for communications between the parties.

## CHAPTER III
## MANAGEMENT BODY

### DIVISION I
### DESIGNATION

**31.** Within 3 months after the coming into force of this Regulation, the Société designates, to assume, in place of the producers, the obligations of developing, implementing and financially supporting a system of selective collection, a body that meets the requirements of section 32 and for which the requirements of sections 33 and 34 have been met and for which an application for designation has been sent. The Société must, without delay, send to the body and to the Minister a written confirmation of the designation.

**32.** Any body may be designated pursuant to section 31 if

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec;

(3) its board of directors has at least 10 members and at least two thirds of its elected members are producers having their domicile or an establishment in Québec;

(4) the number of members of the board of directors mentioned in paragraph 3 ensures a fair representation of all the sectors of activity to which the producers belong. Their representation is in proportion to the quantity and type of containers, packaging and printed matter commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers, packaging and printed matter;

(5) it pursues its activities in the field of selective collection and the management of systems to recover and reclaim residual materials; and

(6) it is able to bear financial responsibility for developing a system of selective collection in accordance with this Regulation.

**33.** Every application for the designation of a body must be sent to the Société not later than (*insert the date occurring 2 months after the date of coming into force of this Regulation*) or, for a designation other than an initial designation, at least 2 months before the expiry of the current designation, and must include the following information and documents:

(1) a list of the members of the board of directors, with information allowing them to be identified;

(2) in the case of a first designation, a plan for the development and implementation of a system referred to in section 34;

(3) a copy of any document showing that the body meets the requirements of section 32;

(4) a list of the producers supporting the designation of the body and any document showing support from producers;

(5) a list of its members.

Every person sending an application under the first paragraph must forward a copy of the application to the Minister on the same date as the date on which the application has been sent to the Société.

In cases other than an initial designation, the Société designates a body that meets the requirements of section 32 and for which the requirements of sections 33 and 34 are met and for which an application for designation has been sent, within 30 days of receiving the application.

**34.** A plan for the development and implementation of a system of selective collection must contain

(1) a general description of the activities of the body's members;

(2) the terms and conditions of membership in the body, which may not require the payment of a contribution;

(3) a summary description of the planned system, covering the operational and financial components for the first 5 years of implementation;

(4) the model contracts that will be used by the body to comply with the obligations of Divisions III and IV of Chapter II of this Regulation;

(5) a list of the measures that the body plans to implement to promote ecodesign and the development of market outlets for various containers, packaging and printed matter;

(6) a list of the information, awareness and education measures the body plans to implement, in particular to facilitate the commissioning of the system of selective collection;

(7) a draft timeframe for the development and implementation of the system, detailing in particular the implementation stages referred to in paragraph 1 of section 12; and

(8) a proposal for harmonizing the system of selective collection with any deposit system developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and of section 53.30.2 of the Environment Quality Act (chapter Q-2), which must contain, without limiting the possibility to provide for other elements, the elements of section 90.

**35.** The Société may, if it notes that the development and implementation plan submitted to it with an application for designation pursuant to section 33 does not meet all the requirements of section 34, ask the applicant to make changes.

**36.** If, among the applications sent, more than one body meets the requirements of section 32, the requirements of sections 33 and 34 are met and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers.

**37.** On the expiry of the time limit set in section 33, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of section 32, or if the requirements of sections 33 and 34 have not been met, the Société designates, within 30 days of the expiry of the time limit, any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

**38.** If the Société has not designated a body within the time allowed in section 31 or the first paragraph of section 37, the obligation provided for therein falls, as of the expiry of the time, on the Minister, who must act as soon as possible.

**39.** A body is designated for a period of 5 years.

On expiry, it is automatically renewed for the same period, provided that the body has filed with the Société and with the Minister, not later than 6 months prior to expiry, a report on the implementation and effectiveness of the system of selective collection and that the Société has indicated that it is satisfied with the report not later than 4 months prior to expiry.

**40.** The report referred to in section 39 must contain at least the following information on the current designation period:

(1) an overview of the progress of the types of materials taken in charge by the system of selective collection;

(2) a description of the main problems encountered in the implementation of the system and the manner in which the designated body solved them;

(3) a description of the elements that, according to the body, allowed the system to generate positive benefits on the management of residual materials in Québec;

(4) a description of the progress of the percentages of recovery and reclamation achieved;

(5) an estimate of the quantities of greenhouse gas emissions that the measures implemented by the system of selective collection allowed to prevent;

(6) if applicable, a description of the measures contained in a remedial plan sent pursuant to section 82;

(7) the proportion of residual materials sent to a reclamation site within the meaning of section 77, per type of material, that were processed and transformed for reintroduction into an industrial process to manufacture new products within the meaning of subparagraph 1 of the first paragraph of section 77.

The report referred to in the first paragraph must set out the aims and priorities of the designated body for the following 5 years, which must describe in particular, for those years, the elements referred to in subparagraphs 3 to 7 of the first paragraph of section 34.

The report must also state the comments and recommendations made by environmental groups, in particular during the consultations held pursuant to section 65. Where the body decides not to act on certain recommendations, it must justify its position in the report.

**41.** The Société may, within the month following the submission of the report referred to in the second paragraph of section 39, suggest changes to the body that submitted the report.

The Société informs the Minister, within the time limit set in the first paragraph, of the changes it has suggested to the body.

The body has 2 weeks from the receipt of the proposed changes from the Société to make changes to the report or justify its decision not to make a suggested change.

**42.** If the Société has not ruled on a report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry with no further notice or time limit.

The Société must, without delay, send to the body and to the Minister written confirmation of the renewal of the designation.

**43.** A body's designation is not renewed if

(1) the body has failed to submit its report within the time limit set in the second paragraph of section 39; or

(2) the body has submitted a report within the time limit set in the second paragraph of section 38, but the Société has stated that it is not satisfied with the report within the time limit set in the second paragraph of that section.

Where a designation is not renewed for a reason set out in the first paragraph, the Société must, at least 6 months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

The Société must also, as soon as possible, post on its website a notice informing producers that the body's designation has not been renewed.

**44.** Where a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the 6 months prior to expiry, to designate, to ensure the implementation and financing of a system of selective collection developed and implemented by another body, any body that meets the requirements of section 32, for which the requirements of sections 33 and 34 have been met and for which an application for designation as a management body for the system of selective collection has been filed. It sends confirmation of the designation to the body and to the Minister without delay.

If the Société has not designated a body within the time limit in the first paragraph, the obligation provided for therein falls, as of the expiry of the time limit, on the Minister, who must act as soon as possible.

**45.** The Société may terminate a current designation if

(1) the designated body fails to comply with a provision of this Regulation or of its general by-laws;

(2) the designated body ceases operations for any reason, including bankruptcy, liquidation or the assignment of its property;

(3) the designated body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated body request termination.

For this purpose, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If termination is for a reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If termination is for a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société must post on its website, as soon as possible, a notice informing producers that the body's designation has been terminated.

**46.** Where the Société sends a notice referred to in the second paragraph of section 45, it must take steps, within 6 months of sending the notice, to designate any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which a notice informing the body of the designation is received by the body.

**47.** Despite section 46, an application for designation as management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 45.

Sections 31 to 36 apply, with the necessary modifications, to any application filed pursuant to the first paragraph.

The designation of a body whose application was filed pursuant to the first paragraph and which meets the conditions of section 32 must be given priority over the designation of a body pursuant to the first paragraph of section 46.

**48.** If the designation of a body ends prior to expiry or is not renewed, the body must continue to meet its obligations until a new body has been designated.

A body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The 2 bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the body whose designation is terminated.

**DIVISION II**
OBLIGATIONS, RIGHTS AND RESPONSIBILITIES

*§1. Of the designated body*

**49.** Every body designated pursuant to Division I of this Chapter must assume, in place of the producers, the obligations of those producers under this Regulation.

*§§1. Rules of governance*

**50.** A designated body must, within 8 months after its designation, ensure that

(1) in addition to the conditions set out in paragraphs 3 and 4 of section 32, the board of directors of the body has enough members to ensure representation in proportion to the financial contribution made by producers to the system of selective collection;

(2) each producer is entitled to only one seat on the board of directors;

(3) each member of the board of directors who is not a member of the body pursues or has pursued activities in the field of selective collection.

**51.** A body must, within 8 months after its designation, adopt general by-laws providing for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the necessary quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee established pursuant to section 66 on the agenda at the next ensuing meeting of the board of directors, at the member's request, and the presence of the member to present it.

The body must also implement measures, within the same time limit, to ensure that data gathered for the development, implementation and management of the system of selective collection are used in accordance with the applicable laws and regulations and ensure protection for the personal and confidential information of its members.

**52.** The following items must be entered on the agenda for each annual general meeting of the members of a designated body:

(1) a presentation of the body's activities during the preceding calendar year;

(2) changes in the implementation of the system and the costs incurred;

(3) the possibility for members to give their opinion on those topics.

**53.** Within 15 days following its designation, the designated body must establish a committee to select mediators pursuant to the second paragraph of section 18 or section 21.

The committee referred to in the first paragraph must include 2 persons chosen by the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), and 2 persons who are members of the designated body, chosen by the body.

The selection committee must, within 2 months of its establishment, draw up a list of 20 mediators accredited by the Institut de médiation et d'arbitrage du Québec.

If training on the operation of the system of selective collection is needed to allow the mediators referred to in the third paragraph to perform their duties, the costs of the training are borne jointly and equally by the designated body and the municipal federations referred to in the second paragraph.

**54.** The list of mediators drawn up pursuant to section 53 is sent to the Minister, the Société and the Institut de médiation et d'arbitrage du Québec within 14 days of being drawn up.

**55.** Within 3 months after its designation, the designated body must set up a contingency fund that allows it to meet its obligations under this Regulation, and maintain it for the duration of its designation.

Within the same time limit, the body must establish the terms and conditions for contributions to the contingency fund by its members.

*§§2. Submission of plans and reports and monitoring committees*

**56.** Not later than 2 years following its designation, the designated body must submit a plan to the Société describing how it intends to fulfill its obligation to collect and transport residual materials from all outdoor public spaces in municipalities of over 25,000 inhabitants referred to in subparagraphs *c* and *d* of paragraph 1 of section 12, when those public spaces are not covered by a contract to collect and transport residual materials entered into pursuant to sections 18 to 24.

**57.** The plan referred to in section 56 must contain

(1) an identification and a map of all the outdoor public spaces concerned; and

(2) a description of the way in which the designated body intends to collect and transport residual materials from the outdoor public spaces, which must have a minimum of 2 phases.

**58.** Not later than 30 April each year, the designated body must send to the Société and the Minister, with respect to the system of selective collection, a report on its activities for the preceding calendar year along with its audited financial statements.

The financial statements must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order of which the professional is a member to complete an audit mission. The financial statements may also be audited by any other person legally authorized to perform such an activity in Québec.

**59.** The report referred to in the first paragraph of section 58 must contain

(1) the name and professional contact information of each of its directors;

(2) a list of its members and of the persons referred to in section 7;

(3) the name of the system of selective collection, if any;

(4) a description of the selective collection services, detailing the collection services provided for the residential sector, industries, businesses and institutions as well as public spaces;

(5) the information referred to in subparagraph *c* of subparagraph 5 of the first paragraph of section 15, by type of material, by administrative region and by inhabitant;

(6) the information referred to in subparagraphs *d* and *e* of subparagraph 5 of the first paragraph of section 15 by type of material, by administrative region and by inhabitant;

(7) the quantity of residual materials generated by containers, packaging and printed matter covered by this Regulation that was disposed of or used to produce energy, by administrative region and by inhabitant;

(8) the recovery and reclamation rates referred to in sections 73, 75 and 79 that are achieved;

(9) the final destination of the residual materials referred to in subparagraph *c* of subparagraph 5 of the first paragraph of section 15 and the name and address of the persons who recovered them, conditioned them, stored them, reclaimed them or disposed of them;

(10) for each type of container, packaging and printed matter, the criteria for modulating the cost of collecting, transporting, sorting, conditioning and reclaiming them, taking into account criteria such as those set out in subparagraphs *a* to *d* of subparagraph 2 of the first paragraph of section 15;

(11) the amounts charged to producers by the designated body, which must correspond to the net costs of implementing the system in cost per kilogram of material involved and, if the costs are internalized in the sale price of a product, the cost of recovering, recycling and reclaiming the containers concerned whose cost is internalized in the sale price of the product; and

(12) the quantity of compostable, biobased or degradable materials referred to in the first paragraph of section 86 and, if applicable, the amount of the sum paid pursuant to the second paragraph of section 86 and the measures the body put in place to discourage the use of those materials.

**60.** The report referred to in the first paragraph of section 58 must, in addition, contain

(1) a list of the contracts entered into by the designated body and a summary of their contents and, if applicable, a list of any changes made to current or renewed contracts;

(2) a description of the measures put in place to promote the eco-design of containers, packaging and printed matter and to allow the system of selective collection to contribute to the fight against climate change, in particular by reducing the greenhouse gas emissions attributable to the system;

(3) a description of the way in which the body has ensured, with respect to the management of the residual materials generated by containers, packaging and printed matter that have been recovered, that the selection of a form of reclamation complies with the order of priority set out in paragraph 1 of section 13, or a justification for failing to respect that order;

(4) a description of the way in which the body has, in developing and implementing the system of selective collection, taken into account the principles forming the

basis for the circular economy and the social economy within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1);

(5) a description of its information, awareness and education activities and of the research and development activities completed during the year or scheduled for the following year;

(6) the results of all the studies carried out during the year, in particular the studies of the sampling of residual materials carried out pursuant to section 81;

(7) a list of its committees, the mandate of each committee and the names of its members;

(8) more specifically, with respect to the monitoring committees, their composition, the name of their members, the dates of their meetings, the topics on the agenda at each meeting, and the recommendations made by the committees to the board of directors;

(9) the actions taken on the recommendations made by the monitoring committees and, if applicable, the reason for which no action is taken on a recommendation;

(10) a list of the mediators selected pursuant to section 53;

(11) a report containing the information listed in subparagraph *vii* of subparagraph *h* of subparagraph 5 of the first paragraph of section 15;

(12) any change made to the system and any change planned for the following year; and

(13) the way in which the system of selective collection has been harmonized with a deposit system developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2).

**61.** The financial statements referred to in the first paragraph of section 58 must contain

(1) the contributions required from the producers for the financing of the system;

(2) any form of income from the operation of the system and, if applicable, of a deposit system developed, implemented and financed under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2);

(3) the expenses associated with the recovery and reclamation of the residual materials referred to in the Regulation;

(4) the expenses associated with the information, awareness and education activities aimed in particular at informing consumers on the environmental benefits of recovery and reclamation of the residual materials concerned and on the types of residual materials involved in the system of selective collection;

(5) the expenses associated with the research and development activities on the elements referred to in subparagraph 4 of the first paragraph of section 15;

(6) the expenses paid by the Société for fulfilling its obligations under this Regulation; and

(7) any other expenses associated with the implementation of the system of selective collection.

**62.** Where a remedial plan referred to in the second paragraph of section 82 must be produced by the designated body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report, along with the costs incurred and that have not yet been incurred for the implementation of the measures.

**63.** The Société must, within 3 months after receipt of the designated body's annual report, send to the body the results of its analysis of the report including

(1) a list of the information required by sections 59 to 62 that do not appear; and

(2) any other obligation provided for in this Regulation that has not been complied with by the body and the time limit set for indicating how the situation is to be remedied and the schedule to do so.

It must also, in the same time limit as that set in the first paragraph, send to the Minister a written summary of the results of the analysis it made of the body's annual report, which must include the list provided for in subparagraph 1 of the first paragraph, and formulate its recommendations on the manner in which the system of selective collection could be improved.

**64.** The information in the annual report is public information.

**65.** At least every 5 years, the designated body must consult with environmental groups and consumers to present the development of the system of selective collection and gather their comments and recommendations.

**66.** During 2025, the designated body must establish a committee to monitor the implementation of local services and a committee to monitor the collection of materials.

The members of the committees must be independent from the members of the designated body's board of directors.

**67.** The designated body must ensure that the members of each committee meet at least twice during the first year of development of the system of selective collection and at least 3 times per year thereafter.

**68.** The members of the committee monitoring the implementation of local services represent the following persons and bodies, taking regional or territorial particularities into account:

(1) municipal bodies that are parties to contracts entered into pursuant to Divisions III and IV of Chapter II of this Regulation;

(2) the suppliers of services to collect and transport residual materials covered by this Regulation.

A person or body referred to in the first paragraph may only be represented on the committee by a single person.

Three seats as observers on the monitoring committee are held by the designated body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

**69.** The members of the committee monitoring the collection of materials represent the following persons and bodies having a domicile or establishment in Québec, taking into account the range of business models and the various types of material making up the containers, packaging and printed matter:

(1) the managers of sorting centres for the sorting of residual materials;

(2) residual material conditioners;

(3) residual material reclaimers;

(4) persons acting as intermediaries in the buying or selling of residual materials, such as brokers;

(5) if applicable, a member of the board of directors of a body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2).

A person or body referred to in the first paragraph may only be represented on the committee by a single person

Three seats as observers on the monitoring committee are held by the designated body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

**70.** Every 2 years, one third of the members of each committee referred to in sections 68 and 69 must be replaced by new members who meet the conditions in those sections.

**71.** The monitoring committees are responsible for

(1) monitoring the implementation and management of the system;

(2) anticipating the issues that may arise when implementing and managing the system; and

(3) raising the issues with the designated body and recommending ways to resolve them.

**72.** The designated body must follow up on all the issues raised and all ways to resolve them recommended by a monitoring committee.

The designated body must send to the monitoring committees, at their request, any operational and financial information for the system that they need to fulfill their mandate.

*§§3. Recovery and reclamation rates*

**73.** **Recovery rates** - A body designated pursuant to section 31 is required to achieve the recovery rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in the year 2027 are as follows:

| Type of material | Minimum annual recovery rate to be achieved beginning in year 2027 |
|---|---|
| 1- Cardboard | 85%, increased to 90% after 5 years |
| 2- Printed matter, containers and packaging made of fibres other than cardboard | 80%, increased to 85% after 5 years |
| 3- Rigid plastics of the high-density polyethylene (HDPE) type | 80%, increased by 5% every 5 years until the rate reaches 90% |
| 4- Rigid plastics of the polyethylene terephthalate (PET) type | 80%, increased by 5% every 5 years until the rate reaches 90% |
| 5- Other rigid plastics | 75%, increased by 5% every 5 years until the rate reaches 85% |
| 6- Flexible plastics | 50%, increased by 5% every 5 years until the rate reaches 65% |
| 7- Glass | 70%, increased to 75% after 5 years |
| 8- Metals other than aluminum | 75%, increased by 5% every 5 years until the rate reaches 90% |
| 9-Aluminum | 55%, increased by 5% every 5 years until the rate reaches 70% |

**74.** The recovery rates for residual materials listed in section 73 are calculated by dividing, for each type of material, the weight of the materials recovered by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation are made multiplied by 100.

For the purposes of the first paragraph, the weight of the materials recovered is determined by the designated body through sampling carried out in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced may be considered in the calculation referred to in the first paragraph.

**75.** A body designated pursuant to section 31 is required to achieve the reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved are as follows:

(1) for the years 2027 to 2029:

| Type of material | Minimum annual reclamation rate to be achieved for years 2027 to 2029 |
|---|---|
| 1- Cardboard | 75% |
| 2- Printed matter, containers and packaging made of fibres other than cardboard | 70% |
| 3- Rigid plastics of the high-density polyethylene (HDPE) type | 65% |
| 4- Rigid plastics of the polyethylene terephthalate (PET) type | 70% |
| 5- Other rigid plastics | 65% |
| 6- Flexible plastics | 40% |
| 7- Glass | 65% |
| 8- Metals other than aluminum | 70% |
| 9-Aluminum | 50% |

(2) for the years 2030 and following:

| Type of material | Minimum annual reclamation rate to be achieved beginning in the year 2030 |
|---|---|
| 1- Cardboard | 75%, increased by 5% every 5 years until the rate reaches 85% |
| 2- Printed matter, containers and packaging made of fibres other than cardboard | 70%, increased by 5% every 5 years until the rate reaches 85% |
| 3- Rigid plastics of the high-density polyethylene (HDPE) type | 65%, increased by 10% every 5 years until the rate reaches a minimum of 85% |
| 4- Rigid plastics of the polyethylene terephthalate (PET) type | 65%, increased by 10% every 5 years until the rate reaches 85% |
| 5- Other rigid plastics | 65%, increased by 10% every 5 years until the rate reaches 85% |
| 6- Flexible plastics | 50%, increased by 10% every 5 years until the rate reaches 80% |

| Type of material | Minimum annual reclamation rate to be achieved beginning in the year 2030 |
|---|---|
| 7- Glass | 65%, increased by 10% every 5 years until the rate reaches 85% |
| 8- Metals other than aluminum | 70%, increased by 10% every 5 years until the rate reaches 80% |
| 9-Aluminum | 50%, increased by 10% every 5 years until the rate reaches 80% |

**76.** The reclamation rates for residual materials listed in section 75 are calculated as follows:

(1) for the rates referred to in subparagraph 1 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent after sorting to a conditioner by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation are made multiplied by 100;

(2) for the rates referred to in subparagraph 2 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent by a conditioner to a reclamation site by the weight of the materials of which containers, packaging and printed matter covered by this Regulation are made multiplied by 100.

For the purposes of the first paragraph, the weight of materials sent to a conditioner or to a reclamation site, as the case may be, is determined by the designated body through sampling carried out in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced within the meaning of section 14 may be considered in the calculation referred to in the first paragraph.

**77.** The following sites are reclamation sites for the purposes of section 76:

(1) sites where the materials sent are processed and transformed for reintroduction into an industrial process to manufacture new products;

(2) sites where the materials sent are processed to be used as a substitute for raw materials.

The following sites are not reclamation sites for the purposes of section 76:

(1) sites where the materials sent are used to produce a fuel, heat or any other form of energy;

(2) sites where the materials sent are used as backfill or cover or for the landscaping of a landfill site;

(3) sites where the materials sent are subjected to biological processing, except those situated in the territories referred to in paragraph 5 of section 12.

**78.** The rates listed in sections 73 and 75 that are achieved by a producer must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order of which the professional is a member to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

**79.** A body designated pursuant to section 31 is required to achieve the local reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in 2030 are as follows:

| Type of material | Minimum annual local reclamation rate to be achieved beginning in 2030 |
|---|---|
| 1- Cardboard | 90% |
| 2- Printed matter, containers and packaging made of fibres other than cardboard | 90% |
| 3- Rigid plastics of the high-density polyethylene (HDPE) type | 90% |
| 4- Rigid plastics of the polyethylene terephthalate (PET) type | 80% |
| 5- Other rigid plastics | 75% |
| 6- Flexible plastics | 50% |
| 7- Glass | 70% |
| 8- Metals other than aluminum | 50% |
| 9-Aluminum | 50% |

**80.** The local reclamation rates listed in section 79 are calculated by dividing, by type of material, the weight of the materials sent by a conditioner to a local reclamation site by the weight of the materials sent to any reclamation site referred to in the first paragraph of section 77 multiplied by 100.

A local reclamation site within the meaning of the first paragraph is a reclamation site referred to in section 77 and situated in Québec.

**81.** To determine the weight of materials needed to calculate the rates referred to in sections 74 and 76, the designated body samples residual materials in sorting facilities and with conditioners in compliance with the following conditions:

(1) sampling in a sorting facility is conducted before and after the sorting of the materials;

(2) sampling with a conditioner is conducted when the materials are sent, by the conditioner, to the reclamation site or, if the conditioner is also the person who reclaims the materials, once conditioning has been completed;

(3) the materials are sampled at least once every 3 years in each sorting facility and with each conditioner;

(4) sampling is conducted in accordance with a sampling plan approved by a statistician.

**82.** The designated body must, each year and for each type of material referred to in sections 73, 75 and 79, determine if the recovery, reclamation and local reclamation rates have been achieved.

Where one or more prescribed rates have not been achieved, the body must, within 3 months after the date for submitting the annual report referred to in section 58, submit a remedial plan to the Société and to the Minister detailing the measures that will be implemented to achieve the rates.

**83.** The measures in the remedial plan must

(1) ensure that the minimum rates covered by the remedial plan can be achieved within 2 years; and

(2) take into account the measures contained in any remedial plan previously submitted to the Société and to the Minister.

The remedial plan must specify that the body must finance the measures it contains and the amount of the financing calculated in accordance with section 84.

In the case of a failure to achieve the minimum rate for local reclamation, the measures in the remedial plan must, in addition to the measures specified in the first paragraph,

(1) detail what the designated body plans to do to stimulate the development of local market outlets for the materials concerned; and

(2) specify that if the local reclamation rate is not achieved during 5 consecutive years, the increase in the financing of measures that the body has implemented for the local reclamation of materials and that is specified in the remedial plan referred to in the second paragraph of section 82 will double until the rate is achieved.

**84.** The amount of financing for the measures referred to in the second paragraph of section 83 is established

(1) using the equation

MFm = Pmm x M

where:

MFm = the amount of the financing for the measures for the year concerned;

Pmm = the weight, in kilograms and by type of material, of the materials of which the containers, packaging and printed matter covered by this Regulation are made that are needed to achieve the prescribed rates for the year concerned;

M = an amount equivalent to the amount that the body required its members to pay during the previous year as a contribution to finance the costs of recovering and reclaiming materials for which the rate was not achieved; and

(2) when neither the recovery rate nor the reclamation rate is achieved, in a given year, for a type of material, by adding together the amount used to finance the measures in the remedial plan and multiplying by 0.75.

**85.** Where, for a given type of material, the recovery and reclamation rates, except the local reclamation rate, do not achieve the prescribed rates for a period of 5 consecutive years, despite the implementation of the remedial plans sent to the Société and to the Minister during that period, the body must pay to the Minister of Finance, not later than 30 April following the last of those years, an amount equivalent to the amount of the financing for the measures targeting that type of material that were included in the last remedial plan sent to the Minister pursuant to the second paragraph of section 82. If, for the last of those years, the gap between the rate prescribed and rate achieved is less than 5%, the amount to be paid is reduced by half.

The sums paid pursuant to the first paragraph are paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

Any sum not paid within the prescribed time bears interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid amount is added to the sum owed if the failure to pay exceeds 60 days.

**86.** The designated body must determine each year, for the preceding year and by type of materials, the quantity of compostable, biobased or degradable materials of which the containers and packaging referred to in this Regulation are made and the quantity of those materials that are recovered under the system of selective collection.

The body must, not later than 30 April each year, pay to the Minister of Finance a sum the amount of which is calculated using the following equation:

$$Mcbd = \frac{Crv}{Qm} \times Qmr$$

where:

Mcbd = the amount of the sum to be paid for compostable, biobased or degradable materials for a given year;

Crv = the costs for the recovery and reclamation of compostable, biobased or degradable materials of which the containers and packaging are made, for the preceding year;

Qm = the quantity of compostable, biobased or degradable materials of which the containers and packaging referred to in this Regulation are made;

Qmr = the quantity of compostable, biobased or degradable materials of which the containers and packaging referred to in this Regulation are made and that have been recovered under the system of selective collection.

The second, third and fourth paragraphs of section 85 apply to any sum referred to in the second paragraph.

*§§4. Inter-system harmonization*

**87.** A body designated pursuant to Division I of Chapter III must enter into any contract with a body designated under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2), allowing to harmonize the systems developed, implemented and financially supported under both Regulations.

The contract referred to in the first paragraph must be entered into within 5 months after the designation of the bodies given responsibility for, respectively, developing, implementing and contributing financially to a system of selective collection and a deposit system.

**88.** Any dispute preventing the entering into, within the time limit set in the second paragraph of section 87, a contract between the bodies referred to in the first paragraph of that section must be submitted to a mediator within 14 days following the expiry of the time limit set in that second paragraph.

The Minister and the Société must be notified by the bodies, within the same time limit, of the reasons for the dispute preventing the entering into the contract referred to in the first paragraph of section 87 and of the selection of a mediator, who must be a member of the Institut de médiation et d'arbitrage du Québec.

The Minister and the Société must be notified in writing of the outcome by the mediator within 14 days of the end of the mediation process.

The maximum duration of the mediation process is 3 months.

**89.** If, on the expiry of the time limit set in the fourth paragraph of section 88, the mediation process has not led to an agreement between the bodies, they must submit their dispute to arbitration.

Arbitration pursuant to the first paragraph is governed by the rules of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01).

**90.** A contract entered into pursuant to section 87 must contain, without limiting the possibility that the persons that are parties to the contract provide for other elements:

(1) an identification of the types of containers or residual materials that each system may be required to deal with despite them not being covered by any of the system, including in particular

(*a*) with respect to containers on deposit that the system of selective collection may be required to deal with, the types of containers on deposit, including their caps, labels and shrink sleeves; and

(*b*) with respect to containers or residual materials that the deposit system may be required to deal with, cardboard, containers not covered by the deposit system, recipients and plastic film used to transport containers on deposit;

(2) the methods used to determine the quantities of containers or residual materials not covered by a system that must be dealt with by the other system, including the criteria used for sampling, and an identification of the persons responsible for determining the quantities and the persons responsible for providing follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials not covered by a system that must be dealt with by the other system, in particular concerning traceability to their final destination and, if applicable, the way in which they will be dealt with by the system that covers them;

(4) the financial terms and conditions for the performance of the obligations in the contract;

(5) the terms and conditions for communications between the parties to the contract;

(6) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(7) the dispute resolution mechanism selected by the parties.

**91.** A copy of a contract entered into pursuant to section 87 must be sent to the Minister and the Société within 15 days of signing.

*§§5. Exchanges with another body*

**92.** The designated body must undertake steps to exchange with any body designated in accordance with a regulation made under section 53.30.3 of the Environment Quality Act (chapter Q-2) and with any body referred to in subparagraph 7 of the first paragraph of section 53.30 of that Act on the means to optimize the use of their resources.

*§§6. Costs borne by the Société*

**93.** The designated body must pay annually to the Société an indemnity corresponding to its management costs and other expenses incurred to fulfill its obligations under this Regulation.

For the purpose of allowing the designated body to make the payment provided for in the first paragraph, the Société must send to the body, not later than 1 September each year, a detailed list, for the current year, of the costs referred to in that paragraph that it has incurred up to that date and those it expects to incur until the end of the year. It must also send, after reception, the report of the Auditor General provided for in section 30 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), with its report of activities and financial statements for the year concerned by the payment.

Not later than 31 December of the year concerned by the payment, the designated body pays to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses that appear in the list required in the second paragraph. After the other documents provided for in that paragraph have been received, if the amount of the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated body pays the difference to the Société within 30 days after receiving the documents. If the amount already paid is greater than the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equivalent to the overpayment.

The indemnity is calculated using the activity-based costing method.

**94.** Any amount still owing to the Société on the date referred to in section 93 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

*§2. Of producers towards the body*

**95.** A producer must be a member of the designated body not later than the end of the third month following the date of designation.

**96.** As a member of the designated body, the producer must provide

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name and contact information of its representative;

(4) for each container, packaging or printed matter covered by this Regulation that it commercializes, markets or otherwise distributes, the associated trademark or name, if any; and

(5) its status in connection with the product, in other words if it is the owner or user of the trademark or name associated with it, the first supplier of the product in Québec, or the operator of a transactional website referred to in section 5 or 9.

**97.** Every member of the designated body is bound to comply with the terms and conditions determined by the body with respect to every stage in the system of selective collection. It is also bound to pay to the body, within the time limit it sets, as a contribution, the amounts needed by the body to finance the costs of recovering and reclaiming residual materials referred to in subparagraph 6 of the first paragraph of section 15.

The amounts referred to in the first paragraph are modulated in accordance with the conditions of subparagraph 7 of the first paragraph of section 15 and must match the cost per kilogram of the material concerned.

**98.** A producer must provide to the designated body, within the time it indicates, all the documents and information it requests to allow the body to perform its responsibilities and obligations pursuant to this Regulation.

*§3. Of other persons covered by the system of selective collection*

**99.** Every institution, business and industry must, not later than 1 year following the date on which a producer begins to collect residual materials from it in accordance with subparagraph 1 of the first paragraph of section 12, participate in the system of selective collection implemented pursuant to this Regulation by ensuring, in particular, that the residual materials generated by containers, packaging and printed matter covered by this Regulation, if used for its activities or by persons who attend it, can be dealt with by the system.

For the purposes of the first paragraph, participation in the system of selective collection means in particular, with respect to establishments offering consumption on the premises, providing clients with recovery bins clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be easily locatable, clearly identified and situated directly in the establishment or in clear view near the establishment.

**100.** The owner or manager of a multiple-unit residential complex and the syndicate of an immovable under divided co-ownership must, within 1 year from the date on which a producer starts to collect residual materials from them in accordance with paragraph 1 of section 12, make recovery bins available to occupants and co-owners, clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be placed in the common areas, clearly identified, and be situated in the building or close to and clearly visible from the building.

**101.** A municipal body or an Aboriginal community which, on (*insert the date of coming into force of this Regulation*), is a party to a contract for the collection, transportation, sorting or conditioning of residual materials covered by this Regulation must, within 2 months after the designation of a body pursuant to section 31, send the following information to the body:

(1) the identification of the parties to the contract;

(2) the identification of the residual materials covered by the contract;

(3) the territory covered;

(4) the end date of the contract and the conditions that may lead, as the case may be, to its amendment, renewal or cancellation.

**CHAPTER IV**
MONETARY ADMINISTRATIVE PENALTIES

**102.** A monetary administrative penalty of $250 in the case of a natural person or $1,000 in other cases may be imposed on any person who fails

(1) to file with the Minister a copy of an application referred to in the first paragraph of section 33, in contravention of the second paragraph of that section;

(2) to include in its annual report the information listed in sections 59 to 612;

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for sending them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act or by this Chapter.

**103.** A monetary administrative penalty of $350 in the case of a natural person or $1,500 in other cases may be imposed on any person who fails

(1) to send an annual report to the Minister at the frequency and on the conditions provided for in the first paragraph of section 58 or to send the financial statements contained in the report for an audit mission as provided for in the second paragraph of that section;

(2) to establish any committee required by this Regulation;

(3) to send to a designated body the information referred to in section 101;

(4) to comply with a clause in a contract entered into pursuant to this Regulation, in contravention of section 114.

**104.** A monetary administrative penalty of $750 in the case of a natural person or $3,500 in other cases may be imposed on any person who fails to put in place the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82.

**105.** A monetary administrative penalty of $1,000 in the case of a natural person or $5,000 in other cases may be imposed on any person who

(1) fails to take steps to enter into contracts for the collection and transportation of residual materials referred to in section 20, within the time limits and according to the conditions set out in sections 21 to 25;

(2) fails to take steps to enter into contracts for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time limits and in accordance with the conditions set out in sections 28 to 30;

(3) enters into a contract referred to in the first paragraph of section 27 following a call for tenders during the period defined in the first paragraph of section 28, in contravention of that section;

(4) enters into a contract referred to in the first paragraph of section 27 otherwise than as required by the second paragraph of section 28, in contravention of that section;

(5) designates a body without the conditions of the first paragraph of section 32 being met;

(6) fails to comply with the obligations set out in sections 49 to 52, sections 55 to 56, section 81 and the first paragraph of section 86;

(7) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections;

(8) fails to enter into any contract referred to in section 87, within the time limits and in accordance with the conditions set out in that section and in sections 88 to 91;

(9) fails to participate in the system of selective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 99, or to make recovery bins available, in contravention of the second paragraph of that section or of section 100.

**106.** A monetary administrative penalty of $2,000 in the case of a natural person or $10,000 in other cases may be imposed on any person who fails

(1) to meet the obligations of sections 4 to 6 or 8 to 10 collaboratively with the other persons mentioned to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11;

(2) to meet any of the requirements concerning the content of the system of selective collection set out in sections 11 to 15;

(3) to designate a body, in contravention of section 31;

(4) to be a member of a body designated in accordance with section 95.

**CHAPTER V**
OFFENCES

**107.** Every person who fails

(1) to send to the Minister a copy of an application referred to in the first paragraph of section 33, in contravention of the second paragraph of that section,

(2) to include in its annual report the information listed in sections 599 to 62,

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for providing them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act or by this Chapter,

commits an offence and is liable, in the case of a natural person, to a fine of $1,000 to $100,000 and, in other cases, to a fine of $3,000 to $600,000.

**108.** Every person who fails

(1) to send an annual report to the Minister at the frequency and on the conditions provided for in the first paragraph of section 588 or to send the financial statements contained in the report for an audit mission as provided for in the second paragraph of that section,

(2) to establish any committee required by this Regulation,

(3) to send to a designated body the information provided for in section 101,

(4) to comply with a clause in a contract entered into pursuant to this Regulation, in contravention of section 114,

commits an offence and is liable, in the case of a natural person, to a fine of $2,000 to $100,000 and, in other cases, to a fine of $6,000 to $600,000.

**109.** Every person who fails to implement the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82 commits an offence and is liable, in the case of a natural person, to a fine of $4,000 to $250,000 and, in other cases, to a fine of $12,000 to $1,500,000.

**110.** Every person who

(1) fails to take steps to enter into contracts for the collection and transportation of residual materials referred to in section 20, within the time limits and according to the conditions set out in sections 21 to 25,

(2) fails to take steps to enter into contracts for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time limits and in accordance with the conditions set out in sections 28 to 30,

(3) enters into a contract referred to in the first paragraph of section 27 following a call for tenders during the period defined in the first paragraph of section 28, in contravention of that section,

(4) enters into a contract referred to in the first paragraph of section 27 otherwise than as required by the second paragraph of section 28, in contravention of that section,

(5) designates a body without the conditions of the first paragraph of section 32 being met,

(6) fails to comply with the obligations set out in sections 49 to 52, sections 55 to 56, section 81 and the first paragraph of section 86,

(7) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections,

(8) fails to enter into any contract referred to in section 877, within the time limits and in accordance with the conditions set out in that section and in sections 8888 to 91,

(9) fails to participate in the system of selective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 9999, or to make recovery bins available, in contravention of the second paragraph of that section or of section 100,

commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or both, and, in other cases, to a fine of $15,000 to $3,000,000.

**111.** Every person who

(1) fails to meet the obligations of sections 4 to 6 or 8 to 10 collaboratively with the other persons mentioned to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11,

(2) fails to meet any of the requirements concerning the content of the system of selective collection set out in sections 11 to 15,

(3) fails to be a member of a body designated in accordance with section 97,

(4) for the purposes of this Regulation, makes a declaration, files information or produces a document that is false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of $10,000 to $1,000 000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or both, and, in other cases, to a fine of $15,000 to $3,000,000.

**112.** Every person who contravenes any other obligation set out in this Regulation commits an offence and is liable, if no other sanction is provided for by this Chapter or the Environment Quality Act, to a fine of $1,000 to $100,000 in the case of a natural person and to a fine of $3,000 to $600,000 in other cases.

**CHAPTER VI**
MISCELLANEOUS

**113.** Any document and any information obtained pursuant to this Regulation must be forwarded to the Minister not later than 15 days following a request to that effect.

**114.** Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

**115.** Producers are exempted from the obligations of Chapter II of this Regulation until the expiry of the time limit the Société has to designate a body pursuant to section 31 or, as the case may be, until the expiry of the time limit set in section 37.

**CHAPTER VII**
FINAL

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

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