



---

## Part 2

# LAWS AND REGULATIONS

---

15 June 2022 / Volume 154

### Summary

Table of Contents  
Acts 2022  
Regulations and other Acts  
Draft Regulations

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2022

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

# NOTICE TO USERS

---

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

## Part 2 – LAWS AND REGULATIONS

### Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

### Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

### Rates\*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	\$555
Partie 2 «Lois et règlements»:	\$761
Part 2 «Laws and Regulations»:	\$761

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$11.88 per copy.

3. Publication of a document in Partie 1:  
\$1.91 per agate line.

4. Publication of a document in Part 2:  
\$1.27 per agate line.

A minimum rate of \$278 is applied, however, in the case of a publication of fewer than 220 agate lines.

\* **Taxes not included.**

### General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email ([gazette.officielle@servicesquebec.gouv.qc.ca](mailto:gazette.officielle@servicesquebec.gouv.qc.ca)) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

#### **Gazette officielle du Québec**

Email: [gazette.officielle@servicesquebec.gouv.qc.ca](mailto:gazette.officielle@servicesquebec.gouv.qc.ca)  
425, rue Jacques-Parizeau, 5<sup>e</sup> étage  
Québec (Québec) G1R 4Z1

### Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

#### **Les Publications du Québec**

Customer service – Subscriptions  
425, rue Jacques-Parizeau, 5<sup>e</sup> étage  
Québec (Québec) G1R 4Z1  
Telephone: 418 643-5150  
Toll free: 1 800 463-2100

Fax: 418 643-6177

Toll free: 1 800 561-3479

**All claims must be reported to us within 20 days of the shipping date.**

## Table of Contents

Page

---

### Acts 2022

---

102	An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, c. 8) . . . . .	1669
	List of Bills sanctioned (12 April 2022) . . . . .	1667

### Regulations and other Acts

---

933-2022	Recovery and reclamation of products by enterprises (Amend.) . . . . .	1763
968-2022	Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year (Amend.) . . . . .	1785
981-2022	Family mediation (Amend.) . . . . .	1786
	Extension of the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle . . .	1787

### Draft Regulations

---

Suppliers — Medical aid . . . . .		1789
-----------------------------------	--	------



**PROVINCE OF QUÉBEC**

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 12 APRIL 2022

---

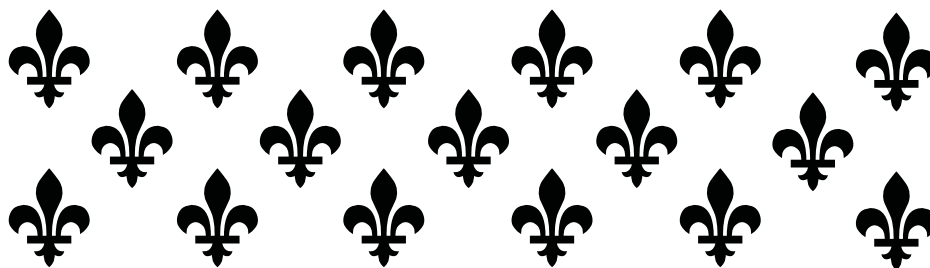
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 12 April 2022*

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

- 102 An Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles

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





---

# NATIONAL ASSEMBLY OF QUÉBEC

---

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 102  
(2022, chapter 8)

**An Act mainly to reinforce the enforcement  
of environmental and dam safety legislation,  
to ensure the responsible management of  
pesticides and to implement certain  
measures of the 2030 Plan for a Green  
Economy concerning zero emission vehicles**

---

**Introduced 5 October 2021  
Passed in principle 1 December 2021  
Passed 5 April 2022  
Assented to 12 April 2022**

---

**Québec Official Publisher  
2022**

## EXPLANATORY NOTES

*The main purpose of this Act is to improve and standardize measures enabling the enforcement of legislation under the responsibility of the Minister of the Environment and the Fight Against Climate Change, to reinforce the Pesticides Act and to adjust the framework of the Dam Safety Act.*

*The Act begins by enacting the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation. That Act provides for a common framework for the enforcement of several Acts under the Minister's responsibility, and includes*

*(1) inspection, penal investigation and administrative investigation powers and the power to issue notices of execution;*

*(2) general provisions relating to monetary administrative penalties;*

*(3) powers to refuse, suspend, revoke or cancel various types of authorization granted under the Acts;*

*(4) general provisions relating to penal proceedings brought to ensure compliance with the Acts;*

*(5) a mechanism for claiming and recovering amounts owed to the Minister;*

*(6) proceedings to contest certain decisions before the Administrative Tribunal of Québec; and*

*(7) regulatory powers regarding the rate applicable to the calculation of the costs related to an inspection or an investigation, including the fees payable to cover the costs incurred for control and monitoring measures.*

*The Act contains several consequential amendments required by the establishment of the common framework under the Act enacted. The Act also amends the Act respecting threatened or vulnerable species, the Pesticides Act and the Dam Safety Act to introduce monetary administrative penalties and to revise the amounts of fines.*



*The Act adds provisions to the Act respecting threatened or vulnerable species to grant the Minister new powers to enforce an order and to claim the related costs.*

*The Act proposes many amendments to the Pesticides Act to regulate the use of seeds coated with pesticides, to provide for regulatory powers in order to employ economic instruments and to establish rules for the possession of pesticides. It also adds provisions granting the Minister powers to enforce an order and to claim the related costs.*

*The Act also amends the Dam Safety Act, in particular to introduce into it the general requirement for owners to maintain their dams in working order such that they are unlikely to compromise the safety of persons or property. It adjusts the authorization and approval regime and expands the Minister's power under the regime to make orders. It amends the Municipal Powers Act to grant municipalities a new power respecting financial assistance that they may provide for the maintenance, upgrading or rehabilitation of a dam.*

*With respect to certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Act authorizes the Government, in the Environment Quality Act, to make a regulation limiting or prohibiting the sale or lease of certain classes of motor vehicles and authorizes the Minister, in the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, to regulate the use of credits accumulated in excess of those required within the framework of that Act. It also amends the rules applicable to motor vehicles, engines and various related devices.*

*The Act also amends the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, mainly to allow the Minister to delegate certain powers conferred on him, to clarify his powers over lands acquired by the Streams Commission that are under his authority and to provide for the allocation of certain sums credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State.*

*The Act also amends the Mining Act to introduce, for claim holders, a prior authorization that must be obtained before certain impact-causing mining exploration work and to provide for the regulatory powers required for this authorization.*

*The Act amends the Tree Protection Act to allow preventive pruning and felling of trees and shrubs that could cause an electrical outage.*

*The Act amends the Environment Quality Act to provide for, among other things,*

*(1) the requirement, in the case of an accidental release of contaminants, to recover, clean or treat the matter contaminated by the release;*

*(2) the requirement to record certain information relating to hazardous materials;*

*(3) clarifications with respect to the power to amend an authorization issued under the Act;*

*(4) adjustments to the environmental impact assessment and review procedure, in particular with respect to the Minister's powers and obligations in the framework of that procedure;*

*(5) adjustments to the Minister's power to issue orders;*

*(6) the abolition of the authorization system for experts to furnish certificates in the context of the rehabilitation of contaminated land; and*

*(7) a new power for municipalities regarding facilities for the return of returnable containers.*

*The Act also amends the Watercourses Act to expand the Minister's power to recover amounts owed to him under that Act.*

*Lastly, the Act provides for various other technical adjustments and consequential and transitional provisions.*

#### **LEGISLATION ENACTED BY THIS ACT:**

– Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1).

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting land use planning and development (chapter A-19.1);
- 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);
- Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);
- Municipal Powers Act (chapter C-47.1);
- Natural Heritage Conservation Act (chapter C-61.01);
- Act respecting threatened or vulnerable species (chapter E-12.01);
- Petroleum Resources Act (chapter H-4.2);
- Act respecting administrative justice (chapter J-3);
- Mining Act (chapter M-13.1);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Pesticides Act (chapter P-9.3);
- Tree Protection Act (chapter P-37);
- Environment Quality Act (chapter Q-2);
- Watercourses Act (chapter R-13);
- Dam Safety Act (chapter S-3.1.01);
- 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).

**REGULATIONS AMENDED BY THIS ACT:**

- Terms and conditions for the signing of certain documents of the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, r. 1);
- Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

## **Bill 102**

### **AN ACT MAINLY TO REINFORCE THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION, TO ENSURE THE RESPONSIBLE MANAGEMENT OF PESTICIDES AND TO IMPLEMENT CERTAIN MEASURES OF THE 2030 PLAN FOR A GREEN ECONOMY CONCERNING ZERO EMISSION VEHICLES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ACT ENACTED**

**I.** The Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the text of which appears in this Chapter, is enacted.

##### **“ACT RESPECTING CERTAIN MEASURES ENABLING THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION**

“AS the right to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law, is provided for by the Charter of human rights and freedoms (chapter C-12);

“AS there is a climate urgency and there are current issues related to the environmental, economic and social consequences of climate change;

“AS Québec is committed to achieving carbon neutrality by 2050;

“AS it is important, for the Québec nation and Indigenous communities, to protect the environment and its biodiversity and to ensure the safety of persons and property in this context;

“AS the establishment of a system of monetary administrative penalties in various Acts and regulations is a proven incentive for a person to rapidly remedy a failure to comply and for deterring the repetition of such a failure;

“AS the standards set to protect the environment and its biodiversity and to ensure the safety of persons and property are distributed among many laws and regulations in Québec;

“AS all the measures for ensuring the enforcement of and compliance with these laws should be harmonized, in order to establish a unified and predictable enforcement regime;

## “CHAPTER I

### “GENERAL PROVISIONS

“**1.** The purpose of this Act is to set out the provisions necessary for verifying compliance with the following Acts:

(1) 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);

(2) the Natural Heritage Conservation Act (chapter C-61.01);

(3) the Act respecting threatened or vulnerable species (chapter E-12.01);

(4) the Pesticides Act (chapter P-9.3);

(5) the Environment Quality Act (chapter Q-2); and

(6) the Dam Safety Act (chapter S-3.1.01).

A further purpose of this Act, with respect to the Acts mentioned in the first paragraph and with respect to this Act, is to establish the system of applicable monetary administrative penalties and of penal provisions. It grants the Government or the Minister certain powers with respect to applications for authorization made under one of the Acts concerned and authorizations issued under them.

“**2.** For the purposes of this Act, unless the context indicates otherwise,

“Acts concerned” means the Acts mentioned in the first paragraph of section 1 and their regulations;

“authorization” means a permit or licence, authorization, approval, certificate, attestation, accreditation or certification or any other right of a similar nature granted under the Acts concerned as well as its renewal and amendment;

“municipality” means any municipality, the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec, as well as an intermunicipal management board;

“person” means a natural person, legal person, trust, partnership, cooperative or any other group of persons; and

“shareholder” means a natural person holding, directly or indirectly, shares that carry 20% or more of the voting rights in a legal person that is not a reporting issuer under the Securities Act (chapter V-1.1).

**“3.** This Act is binding on the State.

## **“CHAPTER II**

### **“INSPECTION, INVESTIGATION AND OTHER POWERS**

#### **“DIVISION I**

##### **“INSPECTION**

**“4.** The Minister may designate any public servant or holder of a position in a department or a body that is a mandatary of the State to act as an inspector to see to the enforcement of this Act and the Acts concerned.

The Minister may, exceptionally, authorize any person not designated as an inspector under the first paragraph to enter one of the premises mentioned in the first paragraph of section 5 in order to exercise, in the absence of an inspector, one or more of the powers provided for in this division. Such a person may in no case enter a dwelling house without the consent of the owner.

The authorization includes, in particular, the power or powers devolved and the measures established by the Minister to regulate the exercise of the devolved powers.

Inspectors and authorized persons must, on request, provide identification and produce a certificate of authority.

**“5.** Inspectors may, at any reasonable time, enter areas governed by the Natural Heritage Conservation Act, land, including private land, a building, including a dwelling house, or a vehicle, boat or aircraft to examine the premises and conduct an inspection. They may, in such cases, by any reasonable, appropriate means:

(1) record the state of a place or any natural setting or property that is part of it;

(2) collect samples, conduct tests and perform analyses;

(3) carry out any necessary excavation or drilling to assess the state of the premises;

(4) install measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

(5) take measurements, including continuous measurements, using an apparatus they install or that is already on the premises, for any reasonable period of time they determine;

(6) access a facility, including a secure facility, found on the premises;

(7) set in action or use an apparatus or equipment to ensure that the inspection is properly conducted or require the apparatus or equipment to be set in action or used within the time and according to the conditions they specify;

(8) open or require the opening of a container or package, within the time and according to the conditions they specify;

(9) require the provision of any information relating to the application of this Act or the Acts concerned and the communication of any relevant documents for examination, recording and reproduction;

(10) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act or the Acts concerned that is contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data; and

(11) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in subparagraphs 1 to 10.

For the purposes of the first paragraph, inspectors may enter a dwelling house without the consent of the owner or lessee only

(1) if, given the urgency of the situation, there is, as the case may be, a serious risk of danger to human life, health or safety, of causing serious damage or harm to the environment, to living species or to property, or of the loss, disappearance or destruction of evidence; or

(2) to ensure compliance with the provisions of this Act or the Acts concerned determined by regulation of the Minister.

Despite the first paragraph, only the powers set out in subparagraphs 9 to 11 may be applied to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions. Any person who accompanies an inspector under subparagraph 11 may exercise only the powers set out in subparagraphs 9 and 10. Despite the second paragraph, the powers set out in subparagraphs 9 to 11 of the first paragraph may not be enforced without judicial authorization in a dwelling house to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

**“6.** Inspectors may also exercise the following powers:

(1) immediately seize any thing

(a) that has been used to commit an offence against this Act or the Acts concerned;



(b) that may be used to prove an offence against this Act or the Acts concerned;

(c) the possession of which constitutes an offence against this Act or the Acts concerned;

(d) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the Acts concerned; or

(e) mixed with a material or a substance so as to render it difficult to distinguish in one of the cases mentioned in subparagraphs *a* to *d*;

(2) install or remove any notice concerning a matter governed by this Act or the Acts concerned or require such a notice to be installed or removed, within the time and according to the conditions they specify;

(3) require that a product, device, apparatus or equipment cease to be offered for sale if its sale or use is prohibited under the Acts concerned;

(4) require a person to produce the authorization allowing them to carry on an activity governed by the Acts concerned, where such an authorization is required;

(5) require a vehicle, boat or aircraft to be stopped or moved, within the time and according to the conditions they specify;

(6) require a person, by any means that allows proof of receipt at a specific time, to communicate to the inspector any information or document concerning the application of the Acts concerned, within the time and according to the conditions the inspector specifies; and

(7) visit the premises referred to in section 5 and exercise the powers set out in section 5

(a) to assess the condition of the premises in order to perform work; and

(b) following a finding of guilt, to document any application made to a judge in order to obtain an order under section 55.

The rules established by the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to things seized under subparagraph 1 of the first paragraph, except in respect of section 129 for the custody of the thing seized. In such a case, the inspector has custody of the thing seized even when it is submitted in evidence and until a judge declares it forfeited or orders it returned to its owner, unless the judge decides otherwise. However, the Minister may authorize an inspector to entrust the offender with the custody of the thing seized, and the offender must accept custody of it until a judge declares it forfeited or orders it returned to its owner.

Despite the first paragraph, only the powers set out in subparagraph 6 apply to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

**“7.** The owner, lessee or custodian of land, a building, a vehicle, a boat or an aircraft being inspected and any person found there must lend assistance to the inspectors in performing their duties.

The obligation set out in the first paragraph also applies to persons accompanying inspectors and any person authorized by the Minister under the second paragraph of section 4.

## **“DIVISION II**

### **“PENAL INVESTIGATION**

**“8.** The Minister may designate any public servant or holder of a position in a department or a body that is a mandatary of the State to act as a penal investigator in order to investigate any penal matter related to the application of this Act and the Acts concerned.

Penal investigators must, on request, provide identification and produce their certificate of authority.

**“9.** Penal investigators who have reasonable grounds to believe that an offence against a provision of this Act or the Acts concerned has been committed may, at the time of an investigation relating to the offence, apply to a judge for authorization to enter any place to exercise any power set out in sections 5 and 6 that, without such authorization, would constitute an unreasonable search or seizure.

The application for authorization must be made in writing and must be accompanied by a sworn declaration of the investigator which includes, in particular, the following information:

- (1) a description of the offence that is the subject of the investigation;
- (2) the reasons why exercising the power that is the subject of the application will provide evidence of the commission of the offence;
- (3) a description of the place referred to in the application;
- (4) the time needed to exercise the power that is the subject of the application; and
- (5) the period when the power that is the subject of the application is to be exercised.

The application for authorization may also be made by telephone or any other appropriate means of telecommunication. The rules governing telewarrants set out in the Code of Penal Procedure apply to such an application.

The judge may grant the authorization on the conditions the judge determines if satisfied on the strength of the declaration that there are reasonable grounds to believe that an offence has been committed and that exercising the power that is the subject of the application will provide evidence of the commission of the offence.

The judge may also order any person to lend assistance, if it may reasonably be necessary for exercising the authorized power.

**“10.** Any penal investigator may, without the judicial authorization set out in section 9, exercise any power set out in sections 5 and 6 if, given the urgency of the situation, the conditions to be met and the time needed to obtain authorization

- (1) may result in danger to human life, health or safety;
- (2) may cause serious damage or harm to the environment, to living species or to property; or
- (3) may result in the loss, disappearance or destruction of evidence.

However, in a dwelling house, such a power may be exercised without judicial authorization only if the person exercising the power has reasonable grounds to believe that human life, health or safety is in danger or, as the case may be, that serious damage or harm to the environment, to living species or to property may be caused.

Despite the second paragraph, such a power may not be exercised without judicial authorization in a dwelling house to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

**“11.** To conduct their investigations, penal investigators are justified in performing an act or making an omission that would constitute an offence under this Act or the Acts concerned, provided the investigators are acting within their investigative functions. If such an act is performed or such an omission is made, they are not liable to any penalty imposed by those Acts.

For the purposes of the first paragraph, prior authorization from the investigator’s immediate superior is required for the investigator to perform the act or make the omission. The investigator’s immediate superior must take into account the impact of the offence on human life, health, safety, welfare and comfort, and on the environment, ecosystems, living species and property. An investigator’s immediate superior is the person who has direct authority over the investigator and who represents the Deputy Minister in the investigator’s regard.

**“12.** The second paragraph of section 6 applies to any thing seized by a penal investigator.

### **“DIVISION III**

#### **“ADMINISTRATIVE INVESTIGATION**

**“13.** The Minister may designate any person to act as an administrative investigator in order to investigate any matter, other than a penal matter, related to the application of this Act and the Acts concerned.

Administrative investigators must, on request, provide identification and produce their certificate of authority.

**“14.** If a person believes that they can attribute to the presence of a contaminant in the environment or to the release of a contaminant harm to their health or damage to their property, they may, within 30 days of ascertaining the harm or damage, request the Minister to conduct an administrative investigation.

A person who considers that their right to access to water that is safe for drinking, cooking and personal hygiene is compromised by a water withdrawal may also request that the Minister conduct an administrative investigation.

The first paragraph applies to municipalities as regards damage to their property.

**“15.** The Minister must provide a report of the results of any administrative investigation the Minister considers necessary to conduct under section 14 to the one the Minister believes responsible, to the complainant and to the municipality in whose territory the source of contamination is situated.

**“16.** For the purposes of conducting an administrative investigation, the Minister and the person appointed to conduct the investigation are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

### **“DIVISION IV**

#### **“NOTICES OF EXECUTION**

**“17.** A person designated by the Minister may, to ensure a return to compliance with this Act or the Acts concerned after a failure to comply has been ascertained in the course of an inspection or a penal or administrative investigation, within the time and according to the conditions the person determines,

(1) require that the release of a contaminant stop, if the release threatens human life, health, safety, welfare or comfort, threatens the life, health or safety of other living species or could cause damage to ecosystems or property;

(2) require that an apparatus or equipment be stopped;

(3) prohibit the sale or use of a product, apparatus or equipment;

(4) require remedial measures to be taken with respect to any failure to comply that has been ascertained;

(5) if the failure to comply that has been ascertained concerns carrying on an activity without having first obtained the authorization required under one of the Acts concerned,

(a) require payment of the financial compensation that would have been required under the Act concerned for the issue of the authorization, in accordance with the calculation rules set out for that purpose by regulation; and

(b) require payment of the fees prescribed by regulation for an application for authorization; and

(6) take any measure the person considers necessary to facilitate the execution of an act under this section, including

(a) require registers to be kept on any relevant matter;

(b) require the person concerned to report periodically to the designated person; and

(c) require the person concerned to send the designated person the information and documents specified and set out the measures the person concerned must take with respect to any matter specified.

The acts referred to in the first paragraph are notified to the person concerned by a written notice of execution or, in the case of subparagraph 5, by a notice of claim in accordance with section 63.

The notice of execution applies until the return to compliance or until the application of another measure with respect to the person concerned.

If a person fails to comply with a notice of execution within the time specified and according to the conditions determined, the Minister may have the notice of execution carried out at the person's expense.

Despite the first paragraph, only the powers set out in subparagraphs 4 and 6 apply to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

**“18.** A person concerned by a notice of execution may apply, in writing, to the Bureau de réexamen established by section 78 to have the notice reviewed within 30 days of its notification.

#### **“DIVISION V**

##### **“WORK CARRIED OUT BY THE MINISTER**

**“19.** Any person authorized by the Minister to carry out work on land in the private domain under a provision of this Act or the Acts concerned may enter on that land and there carry out the work required. Such a person must, on request, identify themselves and produce a certificate of authority signed by the Minister.

The person who, as owner or lessee or in any other capacity, has the custody of the land must give free access to the land at any reasonable time to the person referred to in the first paragraph.

#### **“DIVISION VI**

##### **“IMMUNITY**

**“20.** Inspectors, penal investigators and persons responsible for lending assistance to or accompanying them may not be prosecuted for an act performed or an omission made in good faith in the performance of their duties.

The same applies to any person referred to in the second paragraph of section 4 or in section 17, to any person authorized by the Minister to carry out work under this Act or a provision of the Acts concerned and to any member of the personnel of the Ministère du Développement durable, de l'Environnement et des Parcs for an act performed or an omission made for the purposes of research, study, analysis, inventory, appraisal, knowledge or monitoring.

#### **“CHAPTER III**

##### **“MONETARY ADMINISTRATIVE PENALTIES**

**“21.** The Minister develops and makes public a general framework for applying monetary administrative penalties in connection with penal proceedings, specifying the following elements, in particular:

(1) the purposes of the penalties, including to encourage a person to rapidly take the measures required to remedy the failure to comply and to deter its repetition;

(2) the categories of offices held by the persons designated to impose the penalties;

(3) the criteria that must guide the designated persons when a failure to comply has been ascertained, including the nature of the failure, whether it has been repeated, the benefits derived from it, the seriousness of the harm or potential harm resulting from it and the measures taken by the person to remedy the failure;

(4) the circumstances in which penal proceedings will be given priority; and

(5) the other procedures connected with such penalties, such as the fact that they must be preceded by notification of a notice of non-compliance.

**“22.** A monetary administrative penalty is imposed by a person designated in this regard by the Minister. The person designated must notify their decision by a notice of claim in accordance with section 63.

No accumulation of monetary administrative penalties may be imposed on the same person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

**“23.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who prevents any of the persons listed below from exercising powers conferred on them by this Act or the Acts concerned, impedes them or neglects to obey an order that such a person may give under this Act or the Acts concerned:

(1) an inspector, a penal investigator or any person responsible for lending assistance to or accompanying them;

(2) any person authorized by the Minister under the second paragraph of section 4 or designated by the Minister under the first paragraph of section 17; or

(3) any person authorized by the Minister to carry out work under a provision of this Act or the Acts concerned.

**“24.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on anyone who fails or neglects to comply with a notice of execution under section 17.

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

**“26.** If failure to comply with this Act or the Acts concerned is ascertained, a notice of non-compliance may be notified to the person concerned urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may, in particular, give rise to a monetary administrative penalty and penal proceedings.

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

In particular, continuing, day after day, to use a facility or infrastructure or to carry on an activity without holding the required authorization, without obtaining an amendment to an existing authorization or without having declared an activity under one of the Acts concerned constitutes, for anyone who does so, a new failure for each day this continues.

**“28.** The imposition of a monetary administrative penalty for failure to comply with this Act or the Acts concerned is prescribed by two years from the date on which the failure to comply was ascertained.

In the absence of evidence to the contrary, the date of the inspection or investigation report ascertaining the failure to comply constitutes conclusive proof of the date on which the failure to comply was ascertained.

**“29.** A person on whom a monetary administrative penalty is imposed may apply, in writing, to the Bureau de réexamen for review of the decision within 30 days of the notification of the notice of claim sent to the person.

**“30.** The Government or the Minister may, in a regulation made under this Act or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty. The regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary in particular according to the extent to which the standards have been violated.

Unless otherwise provided for in this Act or the Acts concerned, the amounts of the monetary administrative penalties prescribed by a regulation referred to in the first paragraph may not exceed the following maximum amounts:

- (1) \$2,000 in the case of a natural person; and
- (2) \$10,000 in any other case.



**“CHAPTER IV****“REFUSAL, AMENDMENT, SUSPENSION, REVOCATION AND CANCELLATION OF AUTHORIZATION**

**“31.** This Chapter applies in addition to any other similar power provided for this purpose by the Acts concerned.

It does not apply in the case of a finding of guilt with respect to a criminal offence if the person has obtained a pardon for the offence.

**“32.** The Government or the Minister may refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders

(1) is the prête-nom of another person;

(2) has, in the last five years, been found guilty of an offence under a fiscal law, a criminal offence connected with activities covered by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(3) has filed a false declaration, document or information, or has distorted or has omitted to report a material fact to have the authorization issued, maintained, amended, renewed or transferred;

(4) has been found guilty of an offence under any Act that is administered by the Minister or any regulation made under those Acts

(a) in the last five years if the minimum amount of the fine to which the offender is liable for the offence was the amount provided for in section 45; or

(b) in the last two years in any other case;

(5) has failed to comply with a notice of execution sent under section 17, except in the case provided for in subparagraph 8 of this section;

(6) has failed to comply with an order made under any Act that is administered by the Minister;

(7) has failed to comply with an injunction made under any Act that is administered by the Minister;

(8) has defaulted on payment of an amount owed under any Act that is administered by the Minister or the regulations, including a fine, a monetary administrative penalty and, in cases where prior authorization should have been

obtained and payment of compensation and related fees made, financial compensation or the fees payable;

(9) has failed to comply with any provision of any Act that is administered by the Minister or the regulations and has not remedied the failures that were ascertained at the time of an inspection or investigation, within the time and according to the conditions set out for doing so; and

(10) is not dealing at arm's length, within the meaning of the Taxation Act (chapter I-3), with a person who carries on a similar activity but whose authorization has been suspended, revoked or cancelled or is the subject of an injunction or order to that effect, unless it is proven that the activity of the applicant or authorization holder does not constitute a continuation of the activity of that person.

Subparagraphs 7 and 8 of the first paragraph apply only upon expiry of the following time limits, as applicable:

(1) in the case of an amount owing, the time for applying for a review, if applicable;

(2) the time for contesting the decision before the competent court or tribunal; or

(3) the 30th day following the final decision of the court or tribunal confirming all or part of the decision.

**33.** The Government or the Minister may refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders has entered into a contract for a loan of money with a person to finance activities covered by the authorization and if this person or, in the case of a legal person, one of its directors, officers or shareholders has, in the last five years, been found guilty of an offence under a fiscal law, a criminal offence connected with activities covered by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code.

For the purposes of the first paragraph, “loan of money” means a loan that is not granted by insurers governed by the Insurers Act (chapter A-32.1), financial services cooperatives governed by the Act respecting financial services cooperatives (chapter C-67.3), trust companies or savings companies governed by the Trust Companies and Savings Companies Act (chapter S-29.02) or banks listed in Schedule I or II of the Bank Act (Statutes of Canada, 1991, chapter 46), to the extent that those financial institutions are duly authorized to act in that capacity.

**“34.** The Government or the Minister may refuse to amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders is a director, officer or shareholder of a legal person who

(1) has been found guilty of an offence under any Act that is administered by the Minister or any regulation made under those Acts

(a) in the last five years if the minimum amount of the fine to which the offender is liable for the offence was the amount provided for in section 45; or

(b) in the last two years in any other case; or

(2) has been, in the last five years, found guilty of an offence under a fiscal law, a criminal offence related to activities covered by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code.

**“35.** The Government or the Minister may, for a reason in the public interest, refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder is named in the register of enterprises ineligible for public contracts kept under section 21.6 of the Act respecting contracting by public bodies (chapter C-65.1).

**“36.** The Government or the Minister may, for all or part of a project subject to an authorization under the Acts concerned, amend the authorization, refuse to amend or renew it, or suspend, revoke or cancel it in the following cases:

(1) if the authorization holder fails to comply with any of the authorization’s provisions or uses the authorization for purposes other than those specified in it;

(2) if the authorization holder fails to comply with a provision of the Act or the regulation under which the authorization was issued; or

(3) if the authorization holder fails to begin an activity within the time specified in the authorization or, if no time is specified, within two years after the authorization is issued.

**“37.** If, in light of new or additional information that becomes available after an authorization is issued or after existing information is reassessed on the basis of new or additional scientific knowledge, the Minister is of the opinion that an activity that the Minister authorized under an Act concerned could cause irreparable harm or damage to or have serious adverse effects on living species, human health or the environment, the Minister may limit or put a stop to the

activity or make it subject to any specific standard, condition, restriction or prohibition that the Minister deems necessary to remedy the situation, for the period the Minister determines or permanently.

The Minister may exercise the power provided for under the first paragraph with regard to an activity authorized by the Government under an Act concerned, if applicable. However, such a decision is valid for a period of not more than 30 days.

The Minister may also, for the same reasons and to the same extent as provided for in the first paragraph, limit or put a stop to any activity for which a declaration of compliance was filed or which may be carried out without prior authorization under the Environment Quality Act. The Minister may make such an activity subject to any specific standard or any condition, restriction or prohibition the Minister determines.

A decision made under this section entails no compensation from the State and prevails over any incompatible provision of an Act, by-law, regulation or order in council.

**“38.** For activities carried on in connection with a project it has authorized under an Act concerned, the Government may, on the Minister’s recommendation based on the reasons set out in the first paragraph of section 37, for the period it determines or permanently,

(1) modify the specific standards or conditions, restrictions or prohibitions governing the activity concerned;

(2) impose any new specific standard or condition, restriction or prohibition on the activity; or

(3) limit or put a stop to the activity.

A decision made under this section entails no compensation from the State and prevails over any incompatible provision of an Act, by-law, regulation or order in council.

**“39.** Before making a decision under sections 32 to 37, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and allow the person at least 15 days to submit observations.

In addition, before recommending to the Government that it make a decision under those sections or section 38, the Minister must allow the applicant or authorization holder at least 15 days to submit written observations.

Despite the first and second paragraphs, the Government or the Minister may make a decision without notifying the prescribed prior notice if the decision is made in a situation where urgent action is required or so as to prevent serious

or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property. However, a person to whom such a decision is notified may, within the time specified in the decision, submit observations to obtain a review of the decision.

**“40.** Any decision made under this Chapter must be notified to the person concerned. If the decision concerns a decision made by the Minister under sections 32 to 37, the notice of notification must state the person’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

**“41.** Any decision made by the Minister under sections 32 to 37 may be contested by the person concerned before the Administrative Tribunal of Québec.

## **“CHAPTER V**

### **“PENAL PROVISIONS**

**“42.** Anyone who hinders the work of any of the persons listed below, impedes them, misleads them by an act, concealment, omissions or false declarations, refuses or neglects to obey an order that such a person may give under this Act or the Acts concerned or refuses or neglects to lend them assistance commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and to a fine of \$7,500 to \$1,500,000 in any other case:

(1) an inspector, a penal investigator or any person responsible for lending assistance to or accompanying them;

(2) any person authorized by the Minister under the second paragraph of section 4 or designated by the Minister under the first paragraph of section 17; or

(3) any person authorized by the Minister to carry out work under a provision of this Act or the Acts concerned.

**“43.** Anyone who fails or neglects to comply with a notice of execution sent under section 17 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, to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of \$15,000 to \$3,000,000.

**“44.** Anyone who fails to comply with an order rendered by a judge under section 55 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, to a maximum term of imprisonment of three years, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$6,000,000.

**“45.** The Government or the Minister may determine the provisions of a regulation the Government or the Minister has made under this Act or the Acts concerned whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or the Minister. The Government or the Minister may also provide that, despite article 231 of the Code of Penal Procedure, a contravention renders the offender liable to a term of imprisonment or to both the imprisonment and the fine.

The maximum penalties set under the first paragraph may, in particular, vary according to the importance of the standards to which the contravention relates, but may not exceed

(1) in the case of a natural person, \$1,000,000 or, despite article 231 of the Code of Penal Procedure, a maximum term of imprisonment of three years, or both; and

(2) in any other case, \$6,000,000.

**“46.** The fines prescribed by this Act and the Acts concerned are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

Furthermore, if an offender commits an offence under this Act or the Acts concerned after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

**“47.** If an offence under this Act or the Acts concerned is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines that would apply in the case of a natural person for this offence are doubled.

**“48.** If an offence under this Act or the Acts concerned continues for more than one day, it constitutes a separate offence for each day it continues.

In particular, anyone who continues, day after day, to use a facility or infrastructure or to carry on an activity without holding the required authorization, without obtaining an amendment to an existing authorization or without having declared an activity under one of the Acts concerned commits a separate offence for each day.

**“49.** Anyone who, by an act or omission, helps a person to commit an offence under this Act or the Acts concerned or induces a person, by encouragement, advice, consent, authorization or order to commit such an offence commits that offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

**“50.** In any penal proceedings related to an offence under this Act or the Acts concerned, proof that the offence was committed by an agent, mandatory or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

**“51.** If a legal person or agent, mandatory or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the Acts concerned, the director or officer of the legal person, partnership or association is presumed to have committed the offence, unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership, unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

**“52.** A professional within the meaning of the Professional Code (chapter C-26) who knowingly produces false or misleading information with regard to a document produced in accordance with a provision of any of the Acts concerned and for which the provision of the Act requires the signature of a professional is presumed to have personally produced a false or misleading document even if another person was under the obligation to produce the document.

If penal proceedings are brought against a professional under the first paragraph, the Minister must inform the syndic of the professional order concerned. The same applies for any offence committed by a professional under the Acts concerned with regard to a false or misleading signature or attestation.

**“53.** In determining the penalty, the judge takes into account aggravating factors such as

(1) the seriousness of the harm or damage, or of the risk of serious harm or damage, to human health, to the environment, including vegetation and wildlife, or to the safety of persons or property;

(2) the specific nature of the environment or place affected, in particular, whether the feature affected is unique, rare, significant or vulnerable;

(3) the fact that the offender acted intentionally, or was negligent or reckless;

(4) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(5) the cost to society of repairing the harm or damage;

(6) the dangerous nature of the substances resulting in the offence;

(7) the lasting or irreparable damage caused by the offence;

(8) the offender's behaviour after committing the offence, in particular, whether the offender attempted to cover up the offence or omitted to take rapid measures to prevent or limit the damage or to remedy the situation;

(9) the fact that the offender has previously failed to comply with legislation, regulations or by-laws aimed at conserving or protecting human health or the environment, including vegetation and wildlife;

(10) the fact that, by committing the offence or omitting to take measures to prevent it, the offender

(a) increased their revenue;

(b) decreased their expenses;

(c) obtained any other benefit by committing the offence; or

(d) intended to obtain the benefits mentioned in subparagraphs *a*, *b* or *c*; and

(11) the fact that the offender failed to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender's financial ability to do so, given, in particular, the size of the offender's undertaking and the offender's assets, turnover and revenues.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

**“54.** On an application made by the prosecutor and submitted with the statement of offence, the judge may impose, in addition to any other penalty, a further fine on the offender not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine was imposed.

**“55.** In the judgment, the judge may order an offender who has been found guilty under this Act or one of the Acts concerned

(1) to refrain from any action or activity that could lead to the continuation or repetition of the offence;

(2) to carry out any action or activity to prevent the offence from being continued or repeated;



(3) to prepare any plan, submit it to the Minister for approval and abide by it once it is approved;

(4) to provide the Minister with any study, opinion or analysis that the situation requires or pay an amount of money to a person or body designated by the judge to provide such studies, opinions or analyses;

(5) to take the appropriate measures to remedy the failures that were ascertained;

(6) to take one or more of the following measures, with priority given to those determined by the judge as being best for attaining the objective of the Act that was violated:

(a) to restore things to the state they were in prior to the offending act;

(b) to restore things to a state approaching their original state;

(c) to repair or mitigate damage resulting from the commission of the offence;

(d) if the offence concerns carrying on an activity without having first obtained the authorization required under one of the Acts concerned, to pay the financial compensation that would have been required under the Act concerned for the issue of the authorization, in accordance with the calculation rules set out for that purpose;

(e) to perform community service in favour of the environment, living species, the safety of persons or property or the conservation of biodiversity, subject to the conditions determined by the judge;

(f) to pay compensation, in a lump sum or otherwise, for repair of damage resulting from the commission of the offence;

(g) to pay, as compensation for damage resulting from the commission of the offence, an amount of money to the Electrification and Climate Change Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) or to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under section 15.4.38 of that Act;

(h) to pay, in the manner specified by the judge, an amount of money to an educational institution to create scholarships for anyone enrolled in a program of studies related to the environment; and

(i) to implement any other compensatory measure;

(7) to provide security or deposit an amount of money to guarantee performance of the offender's obligations;

(8) to make public, under the conditions determined by the judge, the conviction and the imposition of any prevention or repair measures; and

(9) to inform, at the offender's cost, any indirect victim of the facts related to the commission of the offence.

Moreover, if the Minister, in carrying out this Act or the Acts concerned, has taken measures in the offender's place and stead, the judge may order the offender to reimburse the Minister for the direct and indirect costs of such measures, including interest.

The judge may also, in the judgment, order the forfeiture of the property seized during an inspection or investigation. The rules set out in the Code of Penal Procedure apply to the property forfeited.

**“56.** The prosecutor must give the offender at least 10 days' prior notice of any application concerning subparagraphs 5 and 6 of the first paragraph of section 55, unless the parties are in the presence of a judge. The judge must, before issuing an order concerning those applications and on the request of the offender, grant the offender what the judge considers a reasonable period of time in which to present evidence with regard to the prosecutor's application.

**“57.** When someone refuses or neglects to do something ordered by the court, the Minister may cause the thing to be done at the expense of the offender and may recover the costs from the offender, with interest and other charges.

**“58.** When determining a fine higher than the minimum fine prescribed in this Act or the Acts concerned, or when determining the time within which an amount must be paid, the judge may take into account the offender's ability to pay, provided the offender provides proof of assets and liabilities.

**“59.** The prescription period for penal proceedings for offences under this Act or the Acts concerned is the longer of

(1) five years from the date the offence was committed; or

(2) two years from the date on which the inspection or penal investigation that led to the discovery of the offence began

(a) if false declarations were made to the Minister, an inspector, a penal or administrative investigator, a person responsible for lending assistance to or accompanying them or a person authorized by the Minister under the second paragraph of section 4 or the first paragraph of section 17; or

(b) in the other cases provided for by the Acts concerned.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the Minister, the inspector or the investigator constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection or investigation began.

## “CHAPTER VI

### “CLAIMS AND RECOVERY

“**60.** The Minister may claim payment from any person of an amount owed to the Minister under this Act or the Acts concerned by notification of a notice of claim.

If a notice of claim applies to more than one debtor, the debtors are solidarily liable.

“**61.** Despite section 60, the claim is made

(1) by the person designated by the Minister under section 17 if it concerns sending a notice of execution; or

(2) by the person designated by the Minister under section 22 if it concerns imposing a monetary administrative penalty.

“**62.** Unless otherwise provided, any amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice referred to in section 61.

The interest is capitalized monthly.

“**63.** The notice of claim must indicate

(1) the amount claimed;

(2) the reasons why the amount is owing; and

(3) the time from which it bears interest.

If the notice of claim concerns the imposition of a monetary administrative penalty or the payment of the financial compensation or the fees referred to in section 17, the notice must also mention the debtor’s right to obtain a review of the decision before the Bureau de réexamen and the time limit for applying for a review. In any other case, the notice must mention the debtor’s right to contest the claim before the Administrative Tribunal of Québec and the time limit for doing so.

The notice also includes information on the procedure for payment and recovery of the amount claimed. The debtor is also informed that failure to pay the amount owing could result in the refusal to issue an authorization required under one of the Acts concerned or the amendment, suspension, revocation or cancellation of any such authorization and, if applicable, that the facts on which the claim is founded could result in a notice of execution, in an order or in civil or penal proceedings.

**“64.** Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

**“65.** Any notice of claim, other than a notice of claim notified under section 17 or 22, may, within 30 days of notification of the notice, be contested by the debtor concerned before the Administrative Tribunal of Québec.

**“66.** The directors and officers of a legal person that has defaulted on payment of an amount owed are solidarily liable, with the legal person, for payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

In the case of a partnership or an association without legal personality, all partners, except the special partners of a limited partnership, are presumed to be directors of the partnership or association, unless there is evidence to the contrary that one or more of them, or a third person, has been appointed to manage the affairs of the partnership or association.

**“67.** The reimbursement of an amount owing is secured by a legal hypothec on the debtor’s movable and immovable property.

**“68.** The Minister and the debtor of an amount owing may enter into an agreement with regard to its payment.

The agreement or the payment, in whole or in part, of the amount owing does not constitute, for the purposes of any monetary administrative penalty or penal proceedings, an acknowledgement of the facts giving rise to it.

**“69.** The Minister may, if the debtor fails to pay the amount owing in its entirety or to adhere to the conditions of an agreement entered into under section 68, issue a recovery certificate upon, as applicable,

(1) expiry of the time prescribed for applying for a review, before the Bureau de réexamen, of a decision referred to in this Act or the Acts concerned;

(2) expiry of the time prescribed for contesting, before the Administrative Tribunal of Québec, a decision of the Bureau de réexamen or a notice of claim other than a notice of claim notified in accordance with section 17 or 22 referred to in this Act or the Acts concerned; or

(3) expiry of 30 days after the decision of the Administrative Tribunal of Québec confirming a decision of the Bureau de réexamen or a notice of claim other than a notice of claim notified in accordance with section 17 or 22 referred to in this Act or the Acts concerned.

However, a recovery certificate may be issued before expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

The recovery certificate states the debtor's name and address and the amount of the debt.

**“70.** When the Minister of Revenue allocates, after a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of an amount owed by that person under this Act or an Act concerned, the allocation interrupts the prescription provided for in the Civil Code as regards the recovery of that amount.

**“71.** Upon the filing of a copy of the final decision stating the amount of the debtor's debt and the certificate of the Minister at the office of the competent court, the decision becomes enforceable, as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

**“72.** The debtor is required to pay recovery charges incurred by the Minister in the cases and under the conditions determined by a regulation of the Minister.

**“73.** The Minister may, by agreement, delegate to another department or to a public body all or some of the powers relating to the recovery of an amount owing under this Act or the Acts concerned.

## **“CHAPTER VII**

### **“ACCOUNTABILITY**

**“74.** The Minister keeps a register of the following information related to the notices of execution sent under this Act:

(1) the notice of execution sent under the second paragraph of section 17, including the date on which it takes effect;

(2) the date and nature of the failure for which the notice was sent and the legislative and regulatory provisions under which the measures were imposed;

(3) the name of the municipality in whose territory the failure occurred;

(4) if the notice concerns a legal person, its name and the address of its head office or the address of one of its establishments or the business establishment of one of its agents;

(5) if the notice concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the notice concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the course of business of the person's enterprise, the enterprise's name and address;

(7) if applicable, the date of receipt of an application for review and the date and conclusions of the Bureau de réexamen's decision;

(8) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the Minister is made aware of the information;

(9) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(10) any other information the Minister considers of public interest.

**75.** The Minister keeps a register of the following information related to the monetary administrative penalties imposed under this Act or the Acts concerned:

(1) the date the penalty was imposed;

(2) the date and nature of the failure for which the penalty was imposed and the legislative and regulatory provisions under which it was imposed;

(3) the name of the municipality in whose territory the failure occurred;

(4) if the penalty concerns a legal person, the legal person's name and the address of its head office or one of its establishments or the business establishment of one of its agents;

(5) if the penalty concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the penalty concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the course of business of the person's enterprise, the name and address of the enterprise;

(7) the amount of the penalty imposed;

(8) if applicable, the date of receipt of an application for review and the date and conclusions of the decision of the Bureau de réexamen;

(9) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the Minister is made aware of the information;

(10) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(11) any other information the Minister considers of public interest.

**“76.** The Minister keeps a register of the following information related to findings of guilt for offences under this Act or the Acts concerned:

(1) the date of conviction;

(2) the nature of the offence and the legislative or regulatory provisions under which the offender was convicted;

(3) the date of the offence and the name of the municipality in whose territory it was committed;

(4) if the offender is a legal person, its name and the address of its head office or one of its establishments or the business establishment of one of its agents;

(5) if the offence concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the offence concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the offence was committed during the course of business of the person's enterprise, the name and address of the enterprise;

(7) if the offence concerns an officer or director of a legal person, partnership or association without legal personality, the officer's or director's name, the name of the municipality in whose territory the officer or director resides and, as applicable, the name and the address of the head office of the legal person or one of its establishments or the business establishment of one of its agents, or the name and address of the partnership or association;

(8) the penalty imposed by the judge;

(9) if applicable, the date a proceeding was brought against the decision rendered, the nature of the proceeding and the date and conclusions of the decision rendered by the competent court, as soon as the Minister is made aware of the information; and

(10) any other information the Minister considers of public interest.

**“77.** Subject to the right-of-access restrictions provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the documents and information contained in the registers established under sections 74 to 76 are public, except information concerning the location of threatened or vulnerable species.

The Minister must publish such documents and information on the Minister’s department’s website with due dispatch.

## **“CHAPTER VIII**

### **“REMEDIES**

#### **“DIVISION I**

##### **“BUREAU DE RÉEXAMEN**

**“78.** A review board known as the “Bureau de réexamen” is established as an administrative unit within the Ministère du Développement durable, de l’Environnement et des Parcs.

The Minister designates the persons who are part of the unit, who must belong to a unit that is separate from the unit to which the persons whose decisions are subject to review belong.

**“79.** The Bureau de réexamen is responsible for processing applications for review under this Act, that is, those relating to the notices of execution referred to in section 17 and to the monetary administrative penalties imposed under this Act or the Acts concerned.

**“80.** After giving the applicant an opportunity to submit observations and, if applicable, produce documents to complete the applicant’s record, the Bureau de réexamen renders a decision on the basis of the record, unless it considers it necessary to proceed in some other manner. The Bureau de réexamen may confirm, quash or amend the decision under review.

**“81.** Applications for review must be processed promptly.

In the case of an application concerning payment of an amount owing, if the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to submit observations or documents, the interest provided for in section 62 on the amount owing ceases to accrue until the decision is rendered.

**“82.** The review decision must be written in clear, concise terms, and must include reasons. It must be notified to the applicant, who must be informed of the applicant’s right to contest the decision before the Administrative Tribunal of Québec and of the time limit for doing so.



The review decision is published on the website of the Ministère du Développement durable, de l'Environnement et des Parcs.

**“83.** A decision is executory despite its review, unless it concerns an amount owing. In such a case, subject to the second paragraph of section 81, even if the decision is not executory, interest nevertheless accrues from the date provided for in section 62.

**“84.** A Bureau de réexamen decision may be contested by the person concerned before the Administrative Tribunal of Québec within 30 days of the decision's notification.

## **“DIVISION II**

### **“ADMINISTRATIVE TRIBUNAL OF QUÉBEC**

**“85.** A proceeding before the Administrative Tribunal of Québec under this Act must be brought within 30 days of notification of the contested decision.

**“86.** When rendering a decision concerning a notice of claim, the Administrative Tribunal of Québec may rule on the interest accrued between the date the contestation was brought and the date of the Tribunal's decision.

**“87.** A proceeding brought before the Administrative Tribunal of Québec does not suspend the execution of a decision, unless, on a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise because of the urgency of the situation or because of the risk of serious and irreparable harm.

If the Tribunal issues such an order, the proceeding is heard and judged on an urgent basis.

Despite the first paragraph, a proceeding to contest a decision relating to an amount owing suspends execution of the decision. In such a case, even if the decision is not executory, interest nevertheless accrues.

**“88.** Any person may intervene before the Administrative Tribunal of Québec with respect to proceedings brought under this Act.

## **“CHAPTER IX**

### **“REGULATORY POWER**

**“89.** The Minister may, by regulation, set the rate applicable to the costs related to an inspection or investigation conducted under this Act or the Acts concerned, including the cost of sampling, measurement, testing, analysis or excavation.

**“90.** The Minister may, by regulation, set the fees payable by any person the Minister specifies that are intended to cover the costs incurred for control and monitoring measures under this Act or the Acts concerned, in particular costs related to inspecting facilities and examining information or documents provided to the Minister.

The fees set under the first paragraph are based, in particular, on the nature of the activities, their location and the characteristics of the facilities. They are also set on the basis of the costs incurred to process documents, including costs incurred to examine them.

The fees may vary according to the nature, scope and cost of the project, the class of the source of contamination, the characteristics of the enterprise or establishment, in particular its size, and the complexity of the technical and environmental aspects of the record.

Under such a regulation, a person who has set up an environmental management system or a system to ensure the safety of persons and property that meets a recognized Québec, Canadian or international standard may be exempted from paying all or part of the fees referred to in the first paragraph, on the conditions determined in the regulation.

## **“CHAPTER X**

### **“MISCELLANEOUS PROVISIONS**

**“91.** In any civil or penal proceeding instituted under this Act or the Acts concerned, the cost of any inspection or investigation, including the cost of any sampling, measurement, test, analysis or excavation, is included in the cost of the proceedings.

Expenses incurred by the Minister to determine the nature of the work required to restore things to their original state or, if applicable, to implement compensatory measures must also be included in the cost of proceedings.

**“92.** In any civil or penal proceeding instituted under this Act or the Acts concerned and in any proceeding brought before the Administrative Tribunal of Québec, a certificate of the analysis of a contaminant or other substance signed by a person having made the analysis at the request of the Minister is admissible in lieu of the person’s affidavit as regards the facts declared in it if the person attests on the certificate that they personally recorded the facts. The certificate is proof, in the absence of any evidence to the contrary, of the capacity of the person who signed it.

**“CHAPTER XI****“TRANSITIONAL AND FINAL PROVISIONS**

**“93.** The general framework for applying monetary administrative penalties under section 21 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), section 69.5 of the Natural Heritage Conservation Act (chapter C-61.01) and section 115.13 of the Environment Quality Act (chapter Q-2) remains applicable until it is replaced, with the necessary modifications, for the purposes of section 21 of this Act.

**“94.** The certificates issued to the persons referred to in section 16 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), in sections 66, 66.3 and 66.4 of the Natural Heritage Conservation Act (chapter C-61.01), in section 28 of the Act respecting threatened or vulnerable species (chapter E-12.01), in sections 79 and 98 of the Pesticides Act (chapter P-9.3), in sections 119, 119.1, 120, 120.1 and 121.2 of the Environment Quality Act and in section 32 of the Dam Safety Act (chapter S-3.1.01) to attest to their capacity are deemed to have been issued under this Act.

**“95.** Any inspection, penal investigation or administrative investigation pending on 12 May 2022 initiated under the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, the Natural Heritage Conservation Act, the Act respecting threatened or vulnerable species, the Pesticides Act, the Environment Quality Act or the Dam Safety Act is continued in accordance with the provisions of this Act.

**“96.** Any claim or recovery pending on 12 May 2022 initiated under the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, the Natural Heritage Conservation Act, the Act respecting threatened or vulnerable species, the Pesticides Act, the Environment Quality Act or the Dam Safety Act is continued in accordance with the provisions of this Act.

**“97.** The Regulation respecting the rate to determine the costs of sampling, analysis, inspection or investigation included in the costs of civil or penal proceedings instituted for the purposes of the Environment Quality Act (chapter Q-2, r. 47) is deemed to have been made under section 89 of this Act.

The Regulation respecting the fees payable with respect to the traceability of excavated contaminated soils (chapter Q-2, r. 28.01) is deemed to have been made under section 90 of this Act.

**“98.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.”

## CHAPTER II

### AMENDING PROVISIONS

#### ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

**2.** Section 120 of the Act respecting land use planning and development (chapter A-19.1) is amended, in the second paragraph,

(1) by inserting “or a declaration of compliance under section 2.4 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37)” after “Title I of that Act”;

(2) by replacing “the attestation of an expert referred to in section 31.65 of that Act” by “a report signed by a professional within the meaning of section 31.42 of that Act”;

(3) by replacing “provisions of the rehabilitation plan” by “provisions of the rehabilitation plan or the declaration of compliance”.

**3.** Section 121 of the Act is amended, in the second paragraph,

(1) by inserting “or a declaration of compliance under section 2.4 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37)” after “Title I of that Act”;

(2) by replacing “the attestation of an expert referred to in section 31.65 of that Act” by “a report signed by a professional within the meaning of section 31.42 of that Act”;

(3) by replacing “provisions of the rehabilitation plan” by “provisions of the rehabilitation plan or the declaration of compliance”.

#### ACT TO INCREASE THE NUMBER OF ZERO-EMISSION MOTOR VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

**4.** Section 9 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) is amended by replacing the second paragraph by the following paragraph:

“The Minister may, by regulation,

(1) limit the number of credits referred to in the first paragraph that may be used by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated;

(2) determine a conversion factor applicable to the credits referred to in the first paragraph for their use by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated; and

(3) limit the number of consecutive periods later than the period in which the credits referred to in the first paragraph were accumulated and at the end of which those credits may be used by a motor vehicle manufacturer for the purpose of establishing the number of credits it has accumulated.”

**5.** The Act is amended by replacing Chapter IV by the following chapter:

**“CHAPTER IV**

**“INSPECTION AND INVESTIGATION**

**“16.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

**6.** The Act is amended by inserting the following section before section 19:

**“18.1.** A monetary administrative penalty of \$5,000 may be imposed on a motor vehicle manufacturer that provides inaccurate information or an incomplete document for the purposes of this Act and the regulations.”

**7.** Section 19 of the Act is amended by replacing “\$1,000” by “\$1,500”.

**8.** Sections 20 to 29 of the Act are replaced by the following section:

**“20.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a motor vehicle manufacturer that fails to comply with a provision of this Act or the regulations.”

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

**10.** Sections 33 to 46 of the Act are replaced by the following sections:

**“33.** Anyone who fails to provide information or documents required under this Act or necessary for its application, or fails to file them in the prescribed time, commits an offence and is liable to a fine of \$2,000 to \$100,000 in the case of a natural person and of \$6,000 to \$600,000 in any other case.

**“34.** Anyone who provides false or misleading information for the application of this Act and the regulations commits an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and of \$15,000 to \$3,000,000 in any other case.

**“35.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this chapter and to the penal provisions provided by regulation.”

**11.** Sections 47 to 58 of the Act are replaced by the following section:

**“47.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

**12.** Section 62 of the Act is amended by striking out the second paragraph.

**13.** Section 62.1 of the Act is repealed.

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER  
RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER  
AND ASSOCIATED ENVIRONMENTS

**14.** Section 14 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) is amended

(1) by replacing subparagraphs *a* and *b* of subparagraph 3 of the first paragraph by the following subparagraphs:

“(a) for the creation of a watershed body whose mandate is to coordinate concerted, integrated water resource management of each watershed in its integrated management zone. To do so, it

i. coordinates a consultation process, ensuring balanced representation of users and stakeholders from the sectors concerned;

ii. coordinates the development and subsequent updating of a water master plan;

iii. mobilizes users of the water and the territory to take action to foster the consistency and implementation of the water master plan, in particular by promoting it; and

iv. coordinates the water master plan follow-up and assessment processes; or

“(b) for the designation, in exceptional circumstances, of a body that is representative of the users and stakeholders in various sectors and responsible for carrying out the mandate normally conferred on a watershed body provided for in subparagraph a;”;

(2) by replacing “its mission” in the second paragraph by “its mandate”.

## MUNICIPAL POWERS ACT

**15.** The Municipal Powers Act (chapter C-47.1) is amended by inserting the following section after section 91.1:

**“91.2.** A local municipality may grant assistance for the carrying out of work to maintain, upgrade or rehabilitate a dam. The local municipality may also, with the consent of the dam owner, carry out such work itself.

The value of assistance granted under the first paragraph may not exceed the actual cost of the work.

If the dam owner cannot be found, the municipality may, not earlier than the 30th day following the publication of a public notice announcing its intention to do so, carry out the work referred to in the first paragraph.

Where an owner refuses to consent to the carrying out of work on the owner’s dam despite a serious risk to the safety of persons or property, the Superior Court may, on application by the municipality, authorize the latter to carry out the work required to mitigate the risk. The application is heard and decided on an urgent basis.”

## NATURAL HERITAGE CONSERVATION ACT

**16.** Section 22.2 of the Natural Heritage Conservation Act (chapter C-61.01) is repealed.

**17.** Section 52 of the Act is amended by replacing the first paragraph by the following paragraph:

“Despite section 51, inspectors, investigators, wildlife protection officers and any persons required to assist them or carry on activities as part of an inspection or investigation may be in an ecological reserve and carry on the activities necessary to their functions there.”

**18.** Section 66 of the Act is replaced by the following section:

**“66.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

**19.** Sections 66.1 to 69 and 69.5 to 69.14 of the Act are repealed.

**20.** Section 69.17 of the Act is replaced by the following section:

**“69.17.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who

(1) carries on an activity or does something without first obtaining an authorization required under this Act or the regulations; or

(2) provides erroneous information or an incomplete document for the purposes of this Act and the regulations.”

**21.** Sections 69.19 to 69.21 of the Act are replaced by the following section:

**“69.19.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

**22.** Section 71 of the Act is replaced by the following section:

**“71.** Whoever fails to comply with a condition of an authorization issued by the Minister under this Act or the regulations commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and to a fine of \$7,500 to \$1,500,000 in any other case.”

**23.** Section 72 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) provides false or misleading information for the purposes of this Act and the regulations.”

**24.** Sections 74 to 87 of the Act are replaced by the following section:

**“74.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this chapter and to the penal provisions provided by regulation.”

**25.** Sections 88 to 97 of the Act are replaced by the following section:

**“88.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”



## ACT RESPECTING THREATENED OR VULNERABLE SPECIES

**26.** The heading of Division V of the Act respecting threatened or vulnerable species (chapter E-12.01) is amended by replacing “, SEIZURE, CONFISCATION AND ARREST” by “AND INVESTIGATION”.

**27.** Section 25 of the Act is amended by striking out the last paragraph.

**28.** The Act is amended by inserting the following sections after section 25:

“**25.1.** The Minister may claim the direct and indirect costs of issuing an order from any person to whom the order applies.

If the order is contested before the Superior Court, the claim is suspended until the Court confirms all or part of the order.

“**25.2.** In the event of non-compliance with an order, the Minister may have it enforced at the expense of the offender.

The costs and interest arising from having the order so enforced constitute a prior claim on any private immovable concerned in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

Articles 2654.1 and 2655 of the Civil Code apply, with the necessary modifications, to such a claim.”

**29.** Sections 27 to 38.1 of the Act are replaced by the following sections:

“**27.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“**28.** Despite article 130 of the Code of Penal Procedure (chapter C-25.1) and section 6 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1), where the thing seized is perishable or likely to depreciate rapidly, the inspector or penal investigator may dispose of it in the manner prescribed by government regulation.

If the inspector or penal investigator has disposed of such a thing and it subsequently appears that there is no cause for confiscation, the inspector or penal investigator shall, at the request of the person entitled thereto, pay to that person the indemnity provided by government regulation, as replacement for the property.”

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

**“DIVISION VI.1**

**“MONETARY ADMINISTRATIVE PENALTIES**

**“39.1.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on any person who, in contravention of a provision of this Act, fails to transmit any information or document required under this Act or the regulations or to transmit the information or document within the prescribed time.

**“39.2.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any person who, in contravention of a provision of this Act, fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations.

**“39.3.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who

(1) carries on an activity or does something without having obtained an authorization required under this Act or the regulations; or

(2) provides erroneous information or an incomplete document for the purposes of this Act and the regulations.

**“39.4.** A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any person who

(1) carries on an activity prohibited under this Act; or

(2) fails to comply with an order made by the Minister under this Act.

**“39.5.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

**31.** Sections 40 to 47 of the Act are replaced by the following sections:

**“40.** Anyone who refuses or neglects to transmit information or a document required under this Act or the regulations or fails to transmit the information or document within the prescribed time commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

**“41.** Anyone who fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

**“42.** Anyone who

(1) carries on an activity or does something without obtaining an authorization required under this Act or the regulations, or

(2) provides false or misleading information for the purposes of this Act and the regulations,

commits an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

**“43.** Anyone who

(1) carries on an activity prohibited under this Act, or

(2) fails to comply with an order made under this Act, or in any way prevents or hinders its enforcement,

commits an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

**“44.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this division and the penal provisions provided by regulation.

**“45.** The owner of private land on which a habitat of a threatened or vulnerable plant species is situated cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless that owner had prior notification of the existence of the habitat.

The Minister of Sustainable Development, Environment and Parks may request the registration, in the land register, of a reference to the existence of a habitat of a threatened or vulnerable plant species on the land. The Minister’s request is made by means of a notice filed at the registry office; such notice shall be in lieu of a notice of the existence of a habitat of a threatened or vulnerable plant species on that land in respect of any person who becomes the owner thereof after the registration.

**“46.** In the cases prescribed by the Government, by regulation, in which a habitat of a threatened or vulnerable plant species must be indicated, a person cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless the habitat has already been indicated in the manner prescribed by regulation or unless the person had prior notification of the existence of the habitat.”

**32.** Section 49 of the Act is amended by replacing “section 40 or 43” by “sections 40 to 43”.

**33.** The Act is amended by inserting the following division after section 49:

#### **“DIVISION VII.1**

##### **“RECOVERY**

**“49.1.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

#### **PETROLEUM RESOURCES ACT**

**34.** Section 113 of the Petroleum Resources Act (chapter H-4.2) is amended by replacing “a certificate of an expert whose name appears on the list drawn up under section 31.65 of the Environment Quality Act (chapter Q-2) stating that the work referred to in Division IV.2.1 of Chapter I” by “a report signed by a professional within the meaning of section 31.42 of the Environment Quality Act (chapter Q-2) stating that the work referred to in Division IV of Chapter IV of Title I”.

#### **ACT RESPECTING ADMINISTRATIVE JUSTICE**

**35.** Schedule III to the Act respecting administrative justice (chapter J-3) is amended

(1) by replacing “, 65, 69.20 and 89” and “, 118.12 or 118.13” in paragraph 3 by “or 65” and “or 118.12”, respectively;

(2) by replacing “against decisions of the Minister under sections 12, 14, 17, 23 and 25” in paragraph 4 by “under sections 2.3, 14, 34.2 and 35.4”;

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

“(8) proceedings under sections 41, 65 and 84 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1).”

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT  
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**36.** The Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by inserting the following section after section 9:

**“9.1.** The Minister may delegate the exercise of the powers conferred on him by this Act or by another Act under the Minister's administration to the Deputy Minister, a member of the personnel of the department or the holder of a position within his department.

The Minister may, in writing, authorize the subdelegation of specified powers.”

**37.** Sections 13 to 14 of the Act are replaced by the following sections:

**“13.** The Minister has authority over the lands included in the waters in the domain of the State which, under any Act, order in council, title of ownership, order or notice, are not under the responsibility of another minister or a public body, in particular over those lands referred to in section 2 of the Watercourses Act (chapter R-13) and over those acquired by the Streams Commission, abolished in 1955. The Minister holds the rights and powers inherent in the right of ownership in respect of those lands.

The Minister holds the same rights and powers in respect of other lands in the domain of State over which he has authority under any Act, order in council, title of ownership, order or notice, excluding the power to alienate the lands.

In all cases, the Minister exercises his rights and powers in a manner consistent with the use of the lands concerned.

**“13.1.** The Minister shall be responsible for the management of water as a natural resource.

**“13.2.** With respect to dams, the Minister shall

(1) see to the application of rules relating to dam safety; and

(2) exercise the rights and powers inherent in the right of ownership in respect of the dams of the State, which, under any Act, order in council, title of ownership, order or notice, are not under the responsibility of another Minister or public body.

**“13.3.** In addition to the powers mentioned in section 12, the Minister may, for the performance of the functions referred to in sections 13 to 13.2, conduct studies concerning the dangers of flooding, soil erosion and landslides. The Minister may also prepare and implement programs to prevent or lessen the damage caused by those phenomena.”

**38.** Section 15.4.40 of the Act is amended, in the first paragraph,

(1) by replacing subparagraphs 6 to 17 by the following subparagraphs:

“(6) damages, including punitive damages, paid following a civil suit instituted on behalf of the Minister, in particular compensation obtained as a result of an action brought under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

“(7) the sums collected for the management and conservation of the natural heritage under the Natural Heritage Conservation Act (chapter C-61.01);

“(8) the sums collected under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) and the regulations made under that Act;

“(9) the sums collected under the Pesticides Act (chapter P-9.3), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

“(10) the sums collected under the Environment Quality Act (chapter Q-2) or the regulations, in particular those collected as regulatory fees, duties or charges, to the extent that they are not required to be paid into the Electrification and Climate Change Fund;

“(11) the sums collected in connection with a concession of rights in the domain of the State and under the Minister’s authority, in particular those collected under the Watercourses Act (chapter R-13);

“(12) the sums collected under the Dam Safety Act (chapter S-3.1.01), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

“(13) the revenue generated by the management, operation and use of public dams by third persons;

“(14) unless otherwise provided by this Act or by a regulation of the Government or a regulation of the Minister, the monetary administrative penalties imposed under an Act or regulation under the Minister’s administration;

“(15) unless otherwise provided by this Act or by a regulation of the Government or a regulation of the Minister, the fines paid by offenders for an offence against a provision of an Act or regulation under the Minister’s administration;

“(16) the costs or other sums collected by the Minister to compensate his expenditures or the costs incurred for the measures the Minister is authorized to take within the scope of his functions to protect or restore the environment;”;

(2) by replacing “government regulation” in paragraph 19 by “a regulation of the Government or a regulation of the Minister”.

**39.** Section 15.4.41 of the Act is replaced by the following section:

**“15.4.41.** The sums with regard to fees, duties or charges relating to the use, management or purification of water, in particular the sums from the charges referred to in the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1), as well as the sums with regard to compensation obtained as a result of an action brought under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) are allocated to the financing of any measures related to water governance or measures to protect and develop water resources.”

**40.** Section 15.4.41.1 of the Act is amended by replacing “referred to in subparagraph 6 of the first paragraph of section 15.4.40” in the first paragraph by “collected as compensation for adverse effects on wetlands and bodies of water under the Environment Quality Act (chapter Q-2)”.

**41.** Section 15.4.41.2 of the Act is amended by replacing “referred to in subparagraph 11.1 of the first paragraph of section 15.4.40” by “derived from charges prescribed by the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43)”.

**42.** Section 15.4.41.3 of the Act is repealed.

**43.** The Act is amended by inserting the following sections after section 15.4.41.3:

**“15.4.41.4.** The sums collected with regard to contaminated soil under the Environment Quality Act (chapter Q-2) and the regulations made under that Act, in particular those collected as regulatory fees, duties or charges, are allocated to the financing of any measure related to the management of such soil.

**“15.4.41.5.** The sums collected under the Pesticides Act (chapter P-9.3) are allocated to the financing of programs fostering a decrease in and the rationalization of the use of pesticides.”

#### MINING ACT

**44.** Section 69 of the Mining Act (chapter M-13.1) is replaced by the following sections:

**“69.** The claim holder must obtain the authorization of the Minister before performing any impact-causing exploration work determined by regulation. The Minister issues the authorization provided the claim holder

(1) has paid the fees prescribed by regulation;

(2) has furnished the guarantee referred to in section 232.4 of this Act, where applicable; and

(3) has met the other conditions prescribed by regulation.

The claim holder provides to the Minister, at the Minister's request, any document or information relating to impact-causing exploration work covered by the application for authorization.

**“69.1.** The Minister may, where considered necessary by the Minister, impose conditions and requirements on the holder of the authorization mentioned in the first paragraph of section 69 that may, in particular and despite the provisions of this Act, concern work to be performed on the parcel of land subject to the claim.

**“69.2.** The authorization provided for in the first paragraph of section 69 is valid for a term of two years.

The Minister shall renew the authorization for a term of 12 months on the conditions and on payment of the fees prescribed by regulation. However, if mining activities are permanently discontinued, the authorization cannot be renewed.”

**45.** Section 291 of the Act, amended by section 67 of chapter 35 of the statutes of 2021, is again amended by inserting “69, 69.2,” after “63,”.

**46.** Section 306 of the Act, amended by section 70 of chapter 35 of the statutes of 2021, is again amended by replacing paragraph 8.3 by the following paragraphs:

“(8.3) determine, for the purposes of section 69, what constitutes impact-causing exploration work;

“(8.4) set, for the purposes of sections 69 and 69.2, the conditions for the issue and renewal of the authorization for impact-causing exploration work and the fees payable;”.

**47.** Section 316 of the Act is amended by inserting “69,” after “sections”.

#### PESTICIDES ACT

**48.** Section 1 of the Pesticides Act (chapter P-9.3) is amended

(1) by replacing “for external use on” by “for”;

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

“A pesticide includes any pest control product registered under the Pest Control Products Act (Statutes of Canada, 2020, chapter 28) as well as any seed coated with such a product.”



**49.** Section 2 of the Act is amended by replacing “does not apply” by “also applies”.

**50.** Section 4 of the Act is amended

(1) by inserting “or waste consisting in whole or in part of pesticides or contaminated by pesticides” at the end of the first paragraph;

(2) by striking out “emission, deposit, issuance or” in the second paragraph.

**51.** Section 9 of the Act is amended by inserting the following paragraph after paragraph 3:

“(3.1) prescribe and recognize the examinations and training necessary for the issue or renewal of a permit or certificate;”.

**52.** Section 10 of the Act is amended

(1) by inserting “manufacture, acquisition outside Québec, possession,” after “sale” in the first paragraph;

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

“It also applies to the management of waste consisting in whole or in part of pesticides or contaminated by pesticides.”

**53.** The Act is amended by inserting the following sections after section 19:

**“19.1.** The Minister may claim the direct and indirect costs of issuing an order from any person to whom the order applies.

If the order is contested before the Superior Court, the claim is suspended until the Court confirms all or part of the order.

**“19.2.** In the event of non-compliance with an order, the Minister may have it enforced at the expense of the offender.

The costs and interest arising from having the order so enforced constitute a prior claim on any private immovable concerned in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

Articles 2654.1 and 2655 of the Civil Code apply, with the necessary modifications, to such a claim.”

**54.** Sections 28 and 29 of the Act are replaced by the following section:

**“28.** This chapter applies to all activities relating to the manufacture and sale of pesticides and to the performance of work involving the use of pesticides. It also applies to the acquisition of pesticides outside Québec for sale in Québec or for the performance of work in Québec involving the use of those pesticides.

This chapter applies to both sales for resale and sales for use. However, it does not apply to the sale, for the purpose of use, of topical medication intended for animals.”

**55.** Section 32 of the Act is amended by striking out “and, for the purpose of the second paragraph of section 34, classes of household pesticides” in the first paragraph.

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

(1) in the first paragraph,

(a) by adding the following subparagraph before subparagraph 1:

“(0.1) every person who manufactures pesticides;”;

(b) by inserting the following subparagraph after subparagraph 1:

“(1.1) every person who acquires pesticides outside Québec for sale in Québec or for the performance of work in Québec involving the use of those pesticides;”;

(c) by striking out “, for others and in return for remuneration,” in subparagraph 2;

(d) by striking out subparagraph 3;

(2) by striking out the second paragraph.

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

(1) in the first paragraph,

(a) by inserting “government” before “regulation” in subparagraph 4;

(b) by replacing “regulation or” in subparagraph 5 by “government regulation or, in the cases prescribed by such a regulation,”;

(c) by inserting “government” before “regulation” in subparagraphs 6 to 8;

(2) by replacing “cancelled” in the third paragraph by “revoked”.

**58.** Section 40 of the Act is amended by inserting “in the manner and form prescribed by government regulation” after “writing” in the second paragraph.

**59.** Section 42 of the Act is amended by replacing “cancelled” by “revoked”.

**60.** Section 45 of the Act is amended by replacing “regulation or” by “government regulation or, in the cases prescribed by such a regulation,”.

**61.** Section 46 of the Act is amended

(1) by inserting “government” before “regulation” in the first paragraph;

(2) by replacing “fixed” in the second paragraph by “that he fixes”.

**62.** Section 48 of the Act is amended

(1) by inserting “, within the time and in the manner and form prescribed by government regulation,” after “shall” in the first paragraph;

(2) by inserting “no later than 30 days after the cessation, in the manner and form prescribed by government regulation” at the end of the second paragraph;

(3) by inserting “, within the time and in the manner and form prescribed by government regulation,” after “shall” in the third paragraph.

**63.** Section 49 of the Act is amended, in the first paragraph,

(1) by replacing “in subparagraph 1 or 2 of” by “in”;

(2) by replacing “in full view in each of his establishments” by “in the manner and form prescribed by government regulation”.

**64.** Section 50 of the Act is replaced by the following section:

**“50.** Every natural person who performs an activity referred to in a government regulation is required to hold a certificate issued by the Minister.”

**65.** Section 51 of the Act is amended by inserting “in accordance with a government regulation,” after “who,”.

**66.** Section 54 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following subparagraphs:

“(1) who has successfully completed the examination prescribed or recognized by the Minister for the issuance of the certificate applied for or who has obtained a certificate outside Québec and has established to the Minister’s satisfaction that he has the required competence to obtain the certificate;

“(1.1) in the cases prescribed by government regulation, who has successfully completed the training prescribed or recognized by the Minister for the issuance of the certificate applied for;”;

(b) by inserting “government” before “regulation” in subparagraphs 4 and 5;

(2) by replacing “cancelled” in the second paragraph by “revoked”.

**67.** Section 55 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

“(1) has successfully completed

(a) the examination prescribed or recognized by the Minister for the renewal of the certificate applied for;

(b) the training prescribed or recognized by the Minister for the renewal of the certificate applied for; or

(c) the examination or training required by the Minister under paragraph 4 of section 61;”;

(2) by inserting “government” before “regulation” in subparagraph 2.

**68.** Section 57 of the Act is amended by replacing “cancelled” by “revoked”.

**69.** Section 60 of the Act is amended by inserting “, within the time and according to the conditions prescribed by government regulation,” after “certificate holder shall”.

**70.** Section 61 of the Act is amended by replacing “to submit to the examination referred to in subparagraph 1 of section 54” in the introductory clause by “to successfully complete an examination referred to in subparagraph 1 of section 54 or training referred to in subparagraph 1.1 of that section”.

**71.** Section 63 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) that the work has been or very likely will be performed by a person who is not a permit holder, by a natural person who is not the holder of a certificate prescribed by government regulation or by a natural person who, in contravention of a government regulation, does not act under the supervision of such a holder on the premises where work is performed.”.

**72.** The heading of Division V of the Act is amended by replacing “AND CANCELLATION” by “, CANCELLATION AND REVOCATION”.

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

(1) by replacing “or cancel” in the portion before paragraph 1 by “, cancel or revoke”;

(2) by inserting “or to take the training” after “examination” in paragraph 3.

**74.** Section 68 of the Act is amended, in the second paragraph,

(1) by replacing “extend, renew or revise” in subparagraph 1 by “renew, revise or revoke”;

(2) by replacing “or cancels” in subparagraph 4 by “, revises, extends, cancels or revokes”;

(3) by replacing “submit to an examination” in subparagraph 6 by “take or successfully complete an examination or training”.

**75.** Sections 79 to 97 of the Act are replaced by the following section:

“**79.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

**76.** Chapter VII of the Act, comprising sections 98 to 100, is repealed.

**77.** Section 105 of the Act is amended

(1) by replacing “storage, transportation, sale” by “sale, manufacture, acquisition outside Québec, possession, storage, transportation”;

(2) by inserting “as well as to the management of any waste consisting in whole or in part of pesticides or contaminated by pesticides” at the end.

**78.** Section 109 of the Act is amended

(1) by replacing “or renewal” in paragraph 4 by “, renewal, revision or revocation”;

(2) by inserting the following paragraphs after paragraph 11.1:

“(11.2) determine the activities that require the supervision of a certificate holder and the applicable conditions;

“(11.3) establish measures providing for the use of economic instruments, including fees or charges related to the distribution, sale, manufacture, acquisition outside Québec, possession, storage, transportation or use of pesticides and of any pesticide container, pesticide waste or equipment used for any such activities;

“(11.4) establish any rule that is necessary for or relevant to carrying out measures referred to in paragraph 11.3 and that pertains, in particular, to the determination of persons required to pay the fees or charges referred to in that paragraph, the conditions applicable to their collection and the interest and penalties payable if they are not paid;

“(11.5) determine the information that is public information and, if applicable, the terms and conditions relating to its distribution;”;

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

“Any regulatory provision made under this Act that concerns the active ingredients contained in pesticides must be evaluated every two years to take into account the evolution of scientific and technological knowledge applicable to it.”

**79.** The Act is amended by inserting the following chapter after section 109:**“CHAPTER VIII.1****“MONETARY ADMINISTRATIVE PENALTIES**

**“109.1.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on anyone who fails

(1) to transmit to the Minister, within the time and on the conditions fixed, all or part of the information recorded in the registers prescribed under the first paragraph of section 46 concerning the nature, origin, properties, quantities and destination of the pesticides received, sold or used by the permit holder, in contravention of the second paragraph of that section;

(2) to keep up to date the registers referred to in the first paragraph of section 46;

(3) to keep the registers and other documents prescribed by regulation for the period indicated therein in accordance with section 47;

(4) to notify the Minister of the cessation of his activities, in contravention of the second paragraph of section 48, for the period indicated therein, and in the manner and form prescribed by regulation;

(5) to post his permit or a duplicate thereof in accordance with the first paragraph of section 49;

(6) to have his temporary permit or, as the case may be, a duplicate thereof issued by the Minister in his possession or to produce his permit to an inspector upon request, in contravention of the second paragraph of section 49; and

(7) to have, when carrying on his activities in Québec, his certificate in his possession or to produce it to an inspector upon request, in contravention of section 62.

**“109.2.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who fails

(1) to inform the Minister of any change which makes the information furnished for the issue or renewal of his permit inaccurate or incomplete, in accordance with the first paragraph of section 48, within the time and in the manner and form prescribed by regulation;

(2) to inform the Minister of any amalgamation, sale or transfer and of any change in the person’s name, in accordance with the third paragraph of section 48, within the time and in the manner and form prescribed by regulation; and

(3) to inform the Minister of any change that makes the information furnished for the issue or renewal of his certificate inaccurate or incomplete, in accordance with section 60.

**“109.3.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on anyone who

(1) manufactures pesticides without holding a permit issued by the Minister, in contravention of subparagraph 0.1 of section 34;

(2) sells pesticides or offers them for sale without holding a permit issued by the Minister, in contravention of subparagraph 1 of section 34;

(3) acquires pesticides outside Québec for sale in Québec or for the performance of work involving the use of those pesticides without holding a permit issued by the Minister, in contravention of subparagraph 1.1 of section 34;

(4) performs or offers to perform work involving the use of pesticides without holding a permit issued by the Minister, in contravention of subparagraph 2 of section 34;

(5) transfers a permit without the Minister's authorization, in contravention of section 43;

(6) fails to cause the activities authorized by his permit and requiring a certificate for their performance to be carried out by a natural person holding the certificate or by a natural person who, on the premises where the activities are carried out, acts under the supervision of the holder of such a certificate, in accordance with section 45; or

(7) performs an activity referred to by government regulation without holding a certificate issued by the Minister, in contravention of section 50.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) provides erroneous information or a document that is incomplete for the purposes of this Act and the regulations; or

(2) allows or authorizes the entry of any erroneous information or incomplete document in any register, statement or other document required under this Act or the regulations.

**“109.4.** A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone who

(1) fails to comply with an order issued by the Minister under the first paragraph of section 13 or 14, or fails to comply with such an order within the time fixed;

(2) reopens or allows access to a place that is subject to an order without an order of the Minister issued to that effect, in contravention of the second paragraph of section 14; or

(3) fails to comply with an order issued by the Minister under section 15 or the first paragraph of section 17.

**“109.5.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”



**80.** Sections 110 to 122 of the Act are replaced by the following:

**“110.** Anyone who contravenes section 46 or 47, the second paragraph of section 48, or section 49 or 62 commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

**“111.** Anyone who contravenes the first or third paragraph of section 48 or section 60 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

**“112.** Anyone who

(1) contravenes subparagraph 0.1, 1, 1.1 or 2 of section 34, or section 45 or 50,

(2) transfers a permit without the Minister’s authorization, in contravention of section 43,

(3) provides information that is false or misleading for the purposes of this Act and the regulations, or

(4) allows or authorizes the entry of false or misleading information in any register, statement or other document required under this Act or the regulations,

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 to both the fine and imprisonment, and, in any other case, to a fine of \$15,000 to \$3,000,000.

**“113.** Anyone who fails to comply with an order imposed on him under this Act, or in any way prevents or hinders its enforcement, 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 three years, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$6,000,000.

**“114.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this chapter and the penal provisions provided by regulation.

**“CHAPTER IX.1****“CLAIMS AND RECOVERY**

**“115.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

**81.** Section 127 of the Act is repealed.

**82.** Section 129 of the Act is amended, in the first paragraph,

(1) by inserting “the issue, revision, renewal or revocation of” after “applications for” in subparagraph 1;

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

“(2.1) all contracts pronounced null by a court under section 65 for work involving the use of pesticides;

“(2.2) all decisions regarding a refusal to issue, revise, renew or revoke a permit or certificate, or regarding a suspension, revision, extension, cancellation or revocation of a permit or certificate, and all prior notices of such decisions;”;

(3) by adding the following subparagraph at the end:

“(6) all other information and documents prescribed by the Pesticides Management Code (chapter P-9.3, r. 1).”

**83.** The Act is amended by inserting “in the manner and form prescribed by government regulation” after “Minister” and by inserting “the” after “prescribed by” in the following provisions:

(1) the first paragraph of section 37;

(2) section 53.

**84.** The Act is amended by inserting “government” before “regulation” in the following provisions:

(1) subparagraphs 1 and 2 of the first paragraph of section 39;

(2) the first paragraph of section 41;

(3) sections 44 and 47;

(4) the first paragraph of section 56;

(5) section 59;

(6) the first paragraph of section 125.

#### TREE PROTECTION ACT

**85.** Section 1 of the Tree Protection Act (chapter P-37) is amended

(1) by inserting “or could come in contact” and “electrical” after “come in contact” and “with”, respectively, in the second paragraph;

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

“Before felling any tree, sapling or shrub for precautionary reasons, a person must, by any appropriate means under the circumstances, notify the owner or occupant of the premises at least 24 hours prior to the felling. Any notice left in the absence of the owner must be left in a conspicuous place visible to the owner or occupant.”

#### ENVIRONMENT QUALITY ACT

**86.** The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by inserting “, in particular by favouring the use of energy with a small carbon footprint,” after “greenhouse gases” in the second paragraph.

**87.** Section 1 of the Act is amended by replacing the definition of “person” in the first paragraph by the following definition:

““person”: a natural person, legal person, trust, partnership, cooperative or any other group of persons;”.

**88.** Section 21 of the Act is replaced by the following section:

**“21.** Anyone responsible for the accidental release into the environment of a contaminant referred to in section 20 or a hazardous material must, without delay, notify the Minister.

That person must also, without delay,

(1) stop the release;

(2) in the case of a release of a contaminant, recover, clean or treat in situ the matter contaminated by the release or, if that cannot be done, remove the contaminated matter from the area affected by the release and ship it to an authorized site; and

(3) in the case of a release of a hazardous material, deal with the matter contaminated by the release in accordance with sections 70.5.1 to 70.5.5.

The Government may, by regulation, prescribe the cases in which a person other than the person responsible must comply with the obligations specified in the second paragraph, on the terms and conditions it determines.”

**89.** Section 30 of the Act is replaced by the following section:

**“30.** The holder of an authorization must obtain from the Minister an amendment to the authorization before making any change in the holder’s project if the change could result in the following impacts on the authorized activities:

(1) the possibility of a release into the environment of a contaminant not covered by the initial authorization or an increase in a previously authorized release, whether the release or increase is actual or potential;

(2) an increase in the production of property or services beyond the authorized quantity;

(3) an authorization under section 22 becoming required for an activity for which no authorization was required at the time the initial project was presented;

(4) the possibility of an alteration in the quality of the environment; or

(5) an incompatibility with the authorization issued, in particular with one of its conditions, restrictions or prohibitions.

Such an amendment is also required in the following cases:

(1) the holder intends to carry out a new activity for which an authorization is required under section 22;

(2) the change concerns a residual materials elimination facility or a hazardous materials management activity; or

(3) any other case determined by government regulation.

The amendment application must include the information and documents determined by government regulation.

The Minister may modify any condition, restriction or prohibition prescribed for an activity previously authorized in the context of the project, or impose further conditions, restrictions or prohibitions if this is necessary to take into account the impact of the change being sought and to protect the environment.

Before making a unilateral decision under the second paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.”

**90.** Section 31.0.2 of the Act is amended

- (1) by striking out “or municipality” in the first paragraph;
- (2) by replacing “115.5 to 115.7” in the third paragraph by “32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1)”.

**91.** The Act is amended by inserting the following section after section 31.0.10:

**“31.0.10.1.** The declarant of an activity that is eligible for a declaration of compliance must, at the Minister’s request, provide to the Minister all the information and documents necessary for the assessment of whether a contaminant release complies with the standards prescribed by government regulation and with the conditions, restrictions or prohibitions determined in a regulation made under section 31.0.6 that apply to the activity.”

**92.** Section 31.4 of the Act is amended

- (1) by inserting “within the time and on the conditions fixed by the Minister,” after “time,”;
- (2) by adding the following paragraph at the end:

“If the project proponent fails to comply with the Minister’s requests within the time and on the conditions fixed by the Minister, the Minister may send an unfavourable recommendation to the Government.”

**93.** Section 31.5 of the Act is amended

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

“The Minister shall send his recommendation to the Government after analyzing the project, at the end of the environmental assessment. However, the Minister may send it before the end of the environmental assessment if the project proponent has failed to comply with the Minister’s requests under section 31.4.”;
- (2) by replacing the third paragraph by the following paragraph:

“The Government or any committee of ministers to which the Minister authorized by the Government to act in its stead belongs may issue an authorization for a project, with or without amendment and subject to the conditions, restrictions and prohibitions it determines, or it may refuse to issue an authorization. The Government or committee may also decide that the procedure shall continue despite an unfavourable recommendation from the Minister before the end of the procedure.”

**94.** The Act is amended by inserting the following section after section 31.5:

**“31.5.1.** Before sending an unfavourable recommendation under the first paragraph of section 31.5, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the project proponent and grant the latter at least 15 days to submit observations.”

**95.** Section 31.7 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“The holder of an authorization must obtain from the Government an amendment of the authorization before making a change to the project that could have, on the work, structures, works or any other activities of the authorized project, the following impacts:

- (1) the possibility of a release into the environment of a contaminant not covered by the initial authorization or an increase in a previously authorized release, whether the release or increase is actual or potential;
- (2) the possibility of an alteration in the quality of the environment; or
- (3) an incompatibility with the authorization issued, in particular with one of its conditions, restrictions or prohibitions.

The first paragraph does not apply to changes subject to the environmental impact assessment and review procedure under section 31.1. In such a case, the holder of the authorization must follow the procedure provided for in this subdivision and obtain a new authorization from the Government.

The holder of an authorization must furnish all the information required to assess the impacts of the proposed changes on the environment. The holder must also study any matter raised more thoroughly and undertake research as requested for that purpose.”

**96.** Section 31.42 of the Act is replaced by the following section:

**“31.42.** For the purposes of this division,

- (1) a land characterization study required by a provision of this division must be signed by a professional;
- (2) a professional is a professional as defined in section 1 of the Professional Code (chapter C-26); the following are also considered to be professionals:
  - (a) any person authorized by a professional order to practise an activity reserved for members of the order;
  - (b) a person certified in the field of land characterization and rehabilitation by a certification organization accredited by the Standards Council of Canada under ISO Standard 17024; and

(c) any other person determined by government regulation;

(3) land includes the groundwater and surface water present; and

(4) any study, plan, report or other document sent to the Minister under this division must be sent electronically in the format required by the Minister.”

**97.** Section 31.48 of the Act is replaced by the following section:

“**31.48.** Not later than 90 days after the completion of work or works made necessary by the implementation of a rehabilitation plan approved by the Minister, the person required to carry out the work or works shall send a report signed by a professional to the Minister. The purposes of such a report are

(1) to confirm that the work has been carried out in accordance with the approved rehabilitation plan and that it has made it possible to stay within the regulatory limit values provided for in the plan; and

(2) to confirm that the land characterization following the rehabilitation has been carried out in compliance with the guide prepared by the Minister under section 31.66.”

**98.** Section 31.53 of the Act is amended

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

“Any person intending to change the use of land where an industrial or commercial activity of a category designated by government regulation has been carried on is required to first send a characterization study of the land to the Minister and to the owner of the land unless such a study has previously been sent and is still current.”;

(2) by striking out the second paragraph.

**99.** Section 31.58 of the Act is amended

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

(2) by replacing “, certified by an expert referred to in section 31.65,” in subparagraph 3 of the second paragraph by “signed by a professional”.

**100.** Section 31.65 of the Act is repealed.

**101.** Section 31.67 of the Act is replaced by the following section:

“**31.67.** Every land characterization study and every summary of such a study performed under this division must be performed in accordance with the guide prepared by the Minister under the first paragraph of section 31.66 and the conditions, if any, fixed by the Minister pursuant to section 31.49.”

**102.** Section 31.68.1 of the Act is amended

(1) by replacing “an expert referred to in section 31.65, who must attest that the rehabilitation will be carried out” in the second paragraph by “a professional, who must attest that the rehabilitation measures will be carried out”;

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

“In addition, not later than 90 days after the completion of the rehabilitation measures referred to in the first paragraph, the declarant must send a report signed by a professional to the Minister. The purposes of such a report are

(1) to confirm that the rehabilitation measures have been carried out in compliance with the conditions, restrictions and prohibitions prescribed by the government regulation; and

(2) to confirm that the land characterization following the rehabilitation has been carried out in compliance with the guide prepared by the Minister under section 31.66.”

**103.** The Act is amended by inserting the following section after section 51:

“**51.1.** No one may own, use, permit the use of, offer for sale or lease, exhibit for sale or lease, or sell or lease a device for tampering with a motor vehicle pollution control system.”

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

(1) by inserting “, their offer for sale or lease, their exhibition for sale or lease and their sale or lease” after “use” in paragraph *a*;

(2) by replacing “the use of certain classes of motor vehicles or engines” in paragraph *b* by “the use, offer for sale or lease, exhibition for sale or lease and sale or lease of motor vehicles, engines or devices”;

(3) by replacing “or engines” in paragraph *c* by “, engines and devices”.

**105.** Section 53.23 of the Act is replaced by the following sections:

“**53.23.** The management plan may be amended at any time by the council of the regional municipality.

“**53.23.1.** The management plan must be revised by the council of the regional municipality every seven years. The revision period begins on the date of the fifth anniversary of the coming into force of the management plan or on any earlier date if the council adopts a resolution to that effect.

“**53.23.2.** Sections 53.7 to 53.21 apply, with the necessary modifications, to the amendment and revision of the management plan.”



**106.** The Act is amended by inserting the following section after section 53.31.0.2:

**“53.31.0.3.** The council of a local municipality may, by by-law, despite any applicable regulations and by-laws and on the conditions it imposes, authorize the granting of permits for the use of land or the construction, alteration or occupation of buildings so that facilities required to ensure the return of returnable containers may be established or maintained.”

**107.** Section 70.5.1 of the Act is amended by adding the following paragraph at the end:

“In addition, the person responsible for the hazardous material released into the environment must write down the nature and quantity of the contaminated matter that was recovered and, if applicable, the contact information of the recipient of the removed matter. The person must keep the information for a minimum period of five years and furnish it to the Minister on request.”

**108.** Section 95.1 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 13 by the following subparagraphs:

“(13) to determine the terms governing authorization, approval, accreditation or certification applications and any application to amend, renew, maintain, suspend, revoke or cancel those applications and the conditions applicable to such applications;

“(13.1) to determine the terms governing the sending of a notice of transfer required under this Act and the applicable conditions;”;

(2) by striking out subparagraphs 17 and 19;

(3) in subparagraph 20,

(a) by inserting “, reports, documents and information” after “records”;

(b) by replacing “the period for which they must be preserved” by “the conditions governing their preservation, in particular the period”;

(4) by replacing “their form and content and the conditions governing their preservation and sending” in subparagraph 21 by “the terms and conditions governing their sending”;

(5) by inserting the following subparagraph after subparagraph 21:

“(21.1) to determine the information and documents that are public and, if applicable, the terms and conditions relating to their dissemination;”;

(6) by inserting the following subparagraph after subparagraph 25:

“(25.1) to prescribe the terms according to which and the format in which the data, samples and analyses must be collected, compiled and sent to the Minister and the terms according to which and the format in which the calculations, verifications and any other monitoring measure must be done and sent to the Minister;”;

(7) by striking out “municipality”, “municipalities”, “or municipality” and “or municipalities” wherever they appear.

**109.** Section 95.4 of the Act is repealed.

**110.** Section 114 of the Act is amended

(1) in the first paragraph,

(a) by striking out the first occurrence of “or municipality” in the introductory clause;

(b) by replacing the second occurrence of “or municipality” in the introductory clause by “and any owner, lessee or person in charge of a site concerned by the contravention”;

(c) by inserting the following subparagraph after subparagraph 4:

“(4.1) characterize and rehabilitate a land;”;

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

“Any person who, as owner or lessee or in any other capacity, has custody of land in respect of which an order has been issued must give free access to the land at any reasonable time to any person accessing it or carrying out work on it, subject, however, to that person restoring the site to its former state and compensating the owner or custodian of the land, as the case may be, for any damage sustained.

The person subject to the order must also apply for the registration of a notice of land use restriction in the land register in the following cases:

(1) the order provides for land use restrictions; and

(2) a restoration plan sent in compliance with a measure ordered under the first paragraph provides for land use restrictions.

Section 31.47 applies to the fifth paragraph, with the necessary modifications.”

**III.** The Act is amended by inserting the following section after section 114.1:

**“114.2.** The Minister may, in an order issued in respect of a person who has carried on an activity without first obtaining an authorization, approval, certificate, attestation, accreditation or certification required under this Act, require the payment of any compensation referred to in section 46.0.5 and any fees determined under section 95.3 that would have been payable but for that contravention.”

**II2.** Section 115.2 of the Act is amended

- (1) by striking out the second sentence in the first paragraph;
- (2) by striking out “or municipality” in the second paragraph.

**II3.** Section 115.4.5 of the Act is amended by inserting “, the protection of the health, safety, welfare and comfort of human beings as well as the protection of other living species and property” after “environmental quality”.

**II4.** Division II of Chapter VI of Title I of the Act, comprising sections 115.5 to 115.12, is repealed.

**II5.** Sections 115.13 to 115.22 of the Act are repealed.

**II6.** Section 115.23 of the Act is amended

- (1) in the first paragraph,
  - (a) by striking out “or municipality” in the introductory clause;
  - (b) by inserting the following subparagraph after subparagraph 2:

“(2.1) to write down information or keep a document;”;
- (2) by replacing the second paragraph by the following paragraph:

“The penalty provided for in the first paragraph may also be imposed on any person who fails to make a characterization study available to the Minister, in accordance with the third paragraph of section 31.59 or the third paragraph of section 70.5.5.”

**II7.** Section 115.24 of the Act is amended

- (1) by replacing “or municipality that” in the introductory clause of the first paragraph by “who”;
- (2) in the second paragraph,
  - (a) by replacing “or municipality that” in the introductory clause by “who”;

(b) by replacing “an expert’s certificate under” in subparagraph 4 by “a report signed by a professional in accordance with”;

(c) by inserting “or the fourth paragraph of section 114” at the end of subparagraph 5;

(d) by replacing subparagraph 7 by the following subparagraph:

“(7) fails to keep in good working order and to use in an optimal manner an apparatus or equipment to abate the release of contaminants into the environment, in accordance with section 123.5.”

**118.** Section 115.25 of the Act is amended

(1) in the first paragraph,

(a) by replacing “or municipality that” in the introductory clause by “who”;

(b) by inserting “or hazardous material” after “contaminant” in subparagraph 1;

(c) by replacing “under” in subparagraph 1 by “under the first paragraph of”;

(d) by replacing “31.0.5.1, 31.1” in subparagraph 2 by “31.1, 31.51, 31.51.1, 31.54”;

(e) by replacing “referred to in section 30 or 31.7 with regard to an activity authorized by the Government or the Minister” in subparagraph 3 by “to the person’s project having one of the impacts provided for in section 30 or 31.7 on the authorized activities”;

(f) by replacing “section 31.0.12, 31.6, 31.7.1” in subparagraph 4 by “the second paragraph of section 31.0.5 or 31.0.12, sections 31.6 or 31.7.1”;

(g) by replacing subparagraph 6 by the following subparagraphs:

“(6) fails to carry out or to transmit to the Minister a characterization study, in contravention of this Act;

“(6.1) fails to submit a land rehabilitation plan for the Minister’s approval or to submit the documents that must accompany such a plan, in contravention of this Act;”;

(h) by inserting the following subparagraph after subparagraph 9.1:

“(9.2) carries on an activity prohibited by section 51.1;”;

(i) by adding the following subparagraph at the end:

“(11) furnishes erroneous information or incomplete documents for the application of this Act or the regulations.”;

(2) in the second paragraph,

(a) by replacing “or municipality that” by “who”;

(b) by replacing “section 31.0.5,” by “the first paragraph of section 31.0.5 or section”.

**119.** Section 115.26 of the Act is amended, in the first paragraph,

(1) by replacing “or municipality that” in the introductory clause by “who”;

(2) by replacing subparagraph 3 by the following subparagraphs:

“(3) is responsible for the accidental release of a hazardous material or a contaminant into the environment and fails to stop the release as required under subparagraph 1 of the second paragraph of section 21;

“(3.1) is responsible for the accidental release of a contaminant into the environment and fails to recover, clean or treat in situ the matter contaminated by the release, or to remove the contaminated matter from the area affected by the release and ship it to an authorized site, as required under subparagraph 2 of the second paragraph of section 21;”;

(3) by inserting “and remove all contaminated matter that is not cleaned or treated in situ” after “recover them” in subparagraph *a* of subparagraph 9.

**120.** Section 115.27 of the Act is replaced by the following sections:

**“115.27.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

**“115.27.1.** Despite section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1), the amounts of the monetary administrative penalties prescribed by a regulation made under paragraph 2 of section 46.15 may exceed the maximum amounts prescribed in section 30.”

**121.** Section 115.29 of the Act is amended

(1) by inserting “, 123.4” after “70.7” in paragraph 1;

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

“(2) fails to write down information or to keep a document;”.

**122.** Section 115.30 of the Act is amended

(1) in paragraph 1,

(a) by inserting “, the fourth paragraph of section 114” after “70.5.4”;

(b) by inserting “or 123.5” after “123.1”;

(2) by striking out paragraph 6.

**123.** Section 115.31 of the Act is amended

(1) in the first paragraph,

(a) by replacing “the first paragraph of section 30, section 31.0.5.1,” in subparagraph 1 by “the first and second paragraphs of section 30, the second paragraph of section 31.0.5, section”;

(b) by replacing “55” in subparagraph 1 by “51.1”;

(c) by replacing “into the environment, as required under” in subparagraph 2 by “or a hazardous material into the environment, as required under the first paragraph of”;

(d) by replacing “section 31.0.5,” in subparagraph 4 by “the first paragraph of section 31.0.5, or section”;

(e) by replacing subparagraph 6 by the following subparagraph:

“(6) furnishes false or misleading information for the application of this Act and the regulations;”;

(f) by striking out subparagraph 8;

(2) by striking out the second paragraph.

**124.** Section 115.32 of the Act is amended

(1) by replacing “, 65.3, 70.5.1,” in paragraph 1 by “or 65.3, the first paragraph of section 70.5.1 or section”;

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

“(2) is responsible for an accidental release of a contaminant or hazardous material and fails to stop the release, as required under subparagraph 1 of the second paragraph of section 21,

“(2.1) is responsible for an accidental release of a contaminant and fails to recover, clean or treat in situ the matter contaminated by the release or fails to remove the contaminated matter from the area affected by the release and ship it to an authorized site, as required under subparagraph 2 of the second paragraph of section 21,”.

**125.** Sections 115.34 to 115.46 of the Act are replaced by the following section:

“**115.34.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this division and to the penal provisions provided by regulation.

However, with respect to the prescription period provided for in paragraph 2 of section 59 of that Act, they also apply to

(1) offences referred to in section 20 of this Act;

(2) offences referred to in subparagraphs 2 and 3 of the second paragraph of section 21 of this Act or any other offence related to a hazardous material referred to in Division VII.1 of Chapter IV of Title I of that Act;

(3) offences related to the transmission of a characterization study referred to in sections 31.51 and 31.53 of this Act; and

(4) offences referred to in section 66 of this Act.”

**126.** Sections 115.48 to 115.57 of the Act are replaced by the following section:

“**115.48.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

**127.** Sections 118.5.1 and 118.5.2 of the Act are repealed.

**128.** Section 118.5.3 of the Act is amended by replacing “to 118.5.2” in the first paragraph by “and 118.5.0.1”.

**129.** The Act is amended by inserting the following section after section 118.6:

“**118.6.1.** The Government may, by regulation, in the cases and on the conditions it determines, prescribe the conditions of operation applicable to the accredited or certified persons.”

**130.** Section 118.9 of the Act is amended

(1) by striking out “the declaration required by the Minister under section 115.8 as well as” in the third paragraph;

(2) by replacing “115.5 to 115.7” in the fourth paragraph by “32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1)”.

**131.** Section 118.12 of the Act is amended

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

(2) by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) refuses to approve a rehabilitation plan submitted under Division IV of Chapter IV of Title I, approves the plan with amendments or refuses an amendment, requested under section 31.60, to such a plan;”;

(3) by striking out subparagraph 10 of the second paragraph.

**132.** Section 118.13 of the Act is repealed.**133.** Section 118.14 of the Act is replaced by the following section:

“**118.14.** The Minister must, on making a decision under section 118.12, notify the decision to the person concerned and inform them of their right to contest the decision before the Administrative Tribunal of Québec.”

**134.** Section 118.16 of the Act is amended by striking out the third paragraph.**135.** Sections 119 to 121.4 of the Act are replaced by the following sections:

“**119.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations that are conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“**120.** If a municipality is required to apply all or part of a regulation made under this Act, the municipality’s inspectors, duly authorized by it, are invested with the powers set out in section 5 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) for the purposes of the regulation.



Sections 7 and 20 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to municipal inspectors. The monetary administrative penalties and the offences referred to in sections 23 and 42, respectively, of that Act also apply with respect to municipal inspectors.”

**136.** Sections 123.4 and 123.5 of the Act are replaced by the following sections:

“**123.4.** Any person who carries on an activity referred to in section 22 without holding an authorization because such an authorization was not required at the time the activity started must provide the Minister, on the terms and conditions and within the time determined by the Minister, with any information or document needed to verify the compliance of the activity with the rules applicable to it.

“**123.5.** Any person who uses an apparatus or equipment to abate the release of contaminants into the environment must keep it in good working order and use it in an optimal manner.”

**137.** The Act is amended by striking out, with the necessary modifications, “municipality” and “municipalities” in the following provisions:

- (1) the first and fourth paragraphs of section 2.2;
- (2) the first paragraph of sections 23 and 23.1;
- (3) the first paragraph of section 29;
- (4) the second paragraph of section 31.0.6;
- (5) section 31.0.9;
- (6) the second paragraph of sections 31.0.10 and 31.0.11;
- (7) the first paragraph of section 31.3.1;
- (8) the second paragraph and subparagraph 2 of the fifth paragraph of section 31.3.5;
- (9) subparagraph *c* of the first paragraph of section 31.9;
- (10) the second paragraph of section 31.20;
- (11) section 31.43, wherever they appear;
- (12) the first paragraph of section 31.49;
- (13) sections 31.50 and 31.51.0.1, wherever they appear;

- (14) the first paragraph of sections 31.59 and 31.60;
- (15) sections 31.61 and 31.62, wherever they appear;
- (16) the second paragraph of section 31.68.3;
- (17) paragraph 1 of the third paragraph of section 31.76;
- (18) paragraph 7 of section 31.80;
- (19) subparagraph 1 of the first paragraph of section 31.100;
- (20) the first paragraph of sections 46.1 and 46.8, wherever they appear;
- (21) subparagraph *a* of paragraph 3 of section 46.8.2;
- (22) the first paragraph of section 46.9;
- (23) sections 46.11 and 46.15, wherever they appear;
- (24) the last sentence of section 49;
- (25) sections 53.31 and 58;
- (26) the first paragraph of section 64.4;
- (27) the second paragraph of section 64.7;
- (28) section 64.13;
- (29) the second paragraph and the first sentence of the third paragraph of section 65, wherever they appear;
- (30) section 65.3;
- (31) the first paragraph of section 65.4;
- (32) sections 65.5 and 68.1;
- (33) the fourth paragraph of section 70.5.4;
- (34) section 70.7, wherever they appear;
- (35) the third paragraph of section 70.8;
- (36) the second sentence of the second paragraph of section 94;
- (37) section 114.1;
- (38) the first paragraph of section 114.3;

- (39) section 115.0.1, wherever they appear;
- (40) the third paragraph of section 115.1;
- (41) section 115.4.1;
- (42) the second paragraph of section 115.4.2;
- (43) the second sentence of the first paragraph of section 115.28;
- (44) the first paragraph of section 118.4;
- (45) paragraph *k* of section 118.5;
- (46) section 118.6, wherever they appear;
- (47) the second paragraph of section 118.7;
- (48) section 118.8, wherever they appear, and the first paragraph of section 118.11;
- (49) section 118.17;
- (50) the first paragraph of section 124.5;
- (51) section 199, wherever they appear.

#### WATERCOURSES ACT

**138.** Section 83.1 of the Watercourses Act (chapter R-13) is amended by inserting the following paragraph after the third paragraph:

“The Minister may also claim from any owner or operator the costs of making an order under this Act. If the order applies to more than one person or partnership, the debtors are solidarily liable.”

**139.** Section 84.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister may claim payment from any person or partnership of any amount owed to the Minister under this Act or the regulations.”

**140.** Section 84.6 of the Act is replaced by the following section:

“**84.6.** When the Minister of Revenue allocates, after a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of an amount owed by that person under this Act, the allocation interrupts the prescription provided for in the Civil Code as regards the recovery of that amount.”

## DAM SAFETY ACT

**141.** The Dam Safety Act (chapter S-3.1.01) is amended by inserting the following sections after section 2:

“**2.1.** Every dam must be maintained in working order such that it is unlikely to compromise the safety of persons or property.

The Government may, by regulation, establish rules with regard to maintaining dams in such working order.

“**2.2.** Dams are classified according to whether they belong to the class of high-capacity dams, low-capacity dams or small dams.

The following dams are considered to be high-capacity dams:

(1) dams 1 metre or more in height having an impounding capacity greater than 1,000,000 m<sup>3</sup>; and

(2) dams 2.5 metres or more in height having an impounding capacity greater than 30,000 m<sup>3</sup>.

Dams 2 metres or more in height to which the second paragraph does not apply are considered to be low-capacity dams.

Dams 1 metre or more in height to which the second and third paragraphs do not apply are considered to be small dams.

If there are two or more dams on the rim of a single reservoir, all of them belong to the most restrictive class applicable to one of them.

“**2.3.** The classification provided for in section 2.2 is effected and reviewed by the Minister in accordance with the conditions determined by government regulation.

Before making a decision on the classification of a dam or the revision of that classification, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the owner of the dam and grant the owner at least 15 days to submit observations and documents in support of them.

The Minister’s decision may be contested by the owner before the Administrative Tribunal of Québec within 30 days of the decision’s notification.”

**142.** Section 4 of the Act is repealed.

**143.** Sections 7 to 10 of the Act are replaced by the following sections:

**“7.** Any modification to the plans and specifications must be prepared by an engineer and, if it results from a complete or partial update of studies, calculations or opinions submitted in support of the application for authorization, must be submitted to the Minister for approval before the work concerned by the modification is undertaken.

The following documents must be submitted in support of an application for approval:

(1) the modified plans and specifications, as well as a consequent update of the information and documents concerned; and

(2) a certificate of an engineer stating that the modified plans and specifications conform to the safety standards prescribed by government regulation.

The Government may, by regulation, determine the other information or documents that must be submitted with an application for approval.

**“8.** The Minister may require an applicant to submit any information, document, study or expert opinion the Minister considers necessary to the assessment of an application for authorization or an application for approval.

**“9.** On issuing an authorization or an approval, the Minister may fix the time within which the work concerned must be completed and prescribe any other condition.

**“10.** On completion of the work authorized under section 5, the owner must inform the Minister of the completion of the work and forward to the Minister, not later than 90 days after so informing the Minister, a certificate of an engineer stating that the work has been carried out in conformity with the plans and specifications and, where applicable, with the conditions set out in the authorization and with the modifications approved under section 7. The certificate must also, where applicable, mention the other modifications made to the plans and specifications for which the Minister’s approval was not required in accordance with section 7.”

**144.** Section 12 of the Act is replaced by the following section:

**“12.** Every authorization granted under section 5 or approval granted under section 7 is transferable. However, the transferee is required to first send a notice of transfer to the Minister.

Within 30 days of receiving the notice, the Minister may notify to the transferor and transferee a notice of the Minister’s intention to oppose the transfer. If the Minister does not send such a notice within that time, the transfer is deemed to have been completed.

The Minister's notice of intention must grant the transferor and transferee at least 15 days to submit their observations.

Within 15 days of receiving the observations or of the expiry of the period for submitting them, the Minister shall notify the Minister's decision to the transferor and transferee.

Once the transfer of an authorization or an approval has been completed, the new holder has the same rights and obligations as the transferor."

**145.** Section 13 of the Act is amended by inserting “, and the Minister shall publish it on the Minister's department's website” at the end of the second paragraph.

**146.** Section 14 of the Act is amended by replacing the third paragraph by the following paragraph:

“Before making a decision on a dam's classification, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the owner of the dam and grant the owner at least 15 days to submit observations and documents in support of them.”

**147.** Section 17 of the Act is amended

(1) by striking out “, in which case the owner must first be advised of the Minister's intention and given an opportunity to present observations” in the second paragraph;

(2) by striking out the third paragraph.

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

**“17.1.** The Minister shall maintain a register of applications for the approval of outlines of remedial measures and of implementation schedules; the register must also mention any approvals granted.

The information contained in the register is public information, and the Minister shall publish it on the Minister's department's website.”

**149.** Section 19 of the Act is amended

(1) by replacing “must remain available for inspection by the Minister” in the third paragraph by “must be kept at the Minister's disposal”;

(2) by striking out the fifth paragraph.

**150.** Section 20 of the Act is amended by striking out the second paragraph.

**151.** The Act is amended by inserting the following section after section 22:

**“22.1.** In the cases and on the conditions it determines, the Government may, by regulation, exempt from any provision of this division any set of high-capacity dams that have the common characteristics that the Government determines.

In exercising its power, the Government takes in particular into consideration the classification parameters for high-capacity dams determined by regulation in compliance with the second paragraph of section 14.”

**152.** Section 23 of the Act is amended by striking out the third paragraph.

**153.** Section 25 of the Act is amended by striking out the second, third and fourth paragraphs.

**154.** Section 28 of the Act is repealed.

**155.** The Act is amended by inserting the following heading after the heading of Chapter IV:

**“DIVISION I**

**“REGISTER OF DAMS”.**

**156.** Section 31 of the Act is amended by striking out “1 metre or more in height” and “such” in the first paragraph.

**157.** Section 32 of the Act is replaced by the following:

**“DIVISION II**

**“INSPECTION AND INVESTIGATION**

**“32.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

**“DIVISION III**

**“ORDERS”.**

**158.** The Act is amended by inserting the following section after section 33:

**“33.1.** If a person does not comply with a provision of this Act or the regulations, with an authorization or approval granted or order issued under this Act or with a safety program approved under this Act, in particular by doing work or erecting structures or works in contravention of those provisions, or of the authorization, approval, order or safety program, the Minister may, on the conditions the Minister determines, order the person to remedy the situation by doing one or more of the following:

- (1) put a stop to the project;
- (2) demolish all or part of the work, structures or works concerned;
- (3) restore all or part of the premises to the state they were in before the work or other activities began or the structures or works were erected, or to a state approaching their original state; or
- (4) take any other measure the Minister considers necessary to remedy the situation.”

**159.** Section 35 of the Act is replaced by the following:

**“34.1.** Before making an order under section 33, 33.1 or 34, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant that person at least 15 days to submit observations and documents in support of them.

Despite the first paragraph, the Minister may issue an order without first notifying the prior notice if the order is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons or property. In such a case, the person on whom the order is served may, within the time the Minister specifies, submit observations to the Minister for a review of the Minister’s decision.

**“34.2.** Any order issued by the Minister may be contested by the person concerned before the Administrative Tribunal of Québec, within 30 days of the order’s notification.

The proceeding brought before the Tribunal does not suspend the execution of the order unless, upon a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious and irreparable injury or damage.

If the Tribunal issues such an order, the proceeding shall be heard and judged on an urgent basis.



**“34.3.** The Minister may delegate the power to make an order under section 34, except the power to order the demolition of a work, to any person the Minister designates. However, that person may not make an order unless of the opinion that the situation poses a risk of serious or irreparable injury or damage to persons or property.

The order is valid for a period of not more than 90 days.

Any order following such an order may be made only by the Minister.

Any order made under this section is deemed to have been made by the Minister for the purposes of this Act.

**“34.4.** The Minister may claim the direct and indirect costs of issuing an order from any person to whom the order applies.

If the order is contested before the Administrative Tribunal of Québec, the Minister’s claim is suspended until the Tribunal confirms all or part of the order.

**“34.5.** In the event of non-compliance with an order, the Minister may cause the order to be carried out or the appropriate remedial measures to be taken at the owner’s expense. The Minister may recover the cost, with interest and other costs, in particular by claiming the security or guarantee furnished by the owner who has failed to comply.

**“34.6.** The Minister shall maintain a register of orders made and of notices prior to such orders issued under this Act.

The information contained in the register is public information and the Minister shall publish the information on the Minister’s department’s website.

#### **“DIVISION IV**

#### **“INTERVENTION WITH THE AUTHORIZATION OF THE COURT**

**“35.** The Minister may, where a dam is likely to compromise the safety of persons or property and its owner is unknown, cannot be found or cannot be ascertained, apply to a judge of the Superior Court to authorize the Minister to take any measure the Minister considers appropriate, including the performance of remedial work, or the immediate removal of the dam, with the cost claimed, with interest and other costs, from the owner if the Minister ever comes to ascertain or find the owner. The judge may also authorize the Minister to transfer ownership of the dam to any other person or partnership.

**“DIVISION V****“REFUSAL, SUSPENSION, MODIFICATION AND REVOCATION**

**“35.1.** The Minister may refuse to grant an authorization or to give an approval required by this Act to any person who

(1) fails to comply with the obligations incumbent on the person under the Act or the regulations; or

(2) has made false or misleading statements to the Minister.

The Minister may also, for the same reasons, suspend or revoke an authorization or approval.

In the case of a safety program, the Minister may terminate it before its expiry if, in addition to the reasons referred to in the first paragraph, the owner no longer meets the conditions for approval of the program.

**“35.2.** The Minister may, on the Minister’s own initiative, modify, suspend or revoke an authorization or approval to ensure the safety of the dam concerned.

**“35.3.** Before unilaterally including conditions in an authorization or approval under section 9, 17 or 23, or making a decision pursuant to section 35.1 or 35.2, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person and grant that person at least 15 days to submit observations and produce documents in support of them.

A decision referred to in section 35.2 may be made without first notifying the prior notice if it is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons or property. In such a case, the applicant may, within the time the Minister specifies, submit observations to the Minister for a review of the Minister’s decision.

**“35.4.** Any decision referred to in section 35.3 as well as any opposition to the transfer of an authorization or an approval provided for in section 12 may, within 30 days of its notification, be contested by the person concerned before the Administrative Tribunal of Québec.

The proceeding brought before the Tribunal does not suspend the execution of the decision unless, upon a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious and irreparable injury.

If the Tribunal issues such an order, the proceeding shall be heard and judged on an urgent basis.

**“DIVISION VI****“MONETARY ADMINISTRATIVE PENALTIES**

**“35.5.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed

(1) on any person who, in contravention of a provision of this Act, fails to submit a document, review or expert evaluation or to provide information or fails to do so in the prescribed time, if no other monetary administrative penalty is provided for such a failure by this Act or any of the regulations; and

(2) on any high-capacity dam owner who, in contravention of section 21, fails to establish the required register, fails to keep it current or fails to keep it at the disposal of the Minister.

**“35.6.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any high-capacity dam owner who,

(1) in contravention of section 19,

(a) fails to have an impounded water management plan prepared or updated by an engineer for the works or fails to keep it at the Minister’s disposal; or

(b) fails to prepare or update an emergency action plan for the works or fails to keep it at the disposal of the Minister; or

(2) in contravention of section 20, fails to comply with the conditions applicable to the monitoring of the works.

**“35.7.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed

(1) on anyone who, in contravention of section 7, fails to have the Minister approve any modification to the plans and specifications that results from a complete or partial update of studies, calculations or opinions submitted in support of an application for authorization;

(2) on any high-capacity dam owner who,

(a) in contravention of section 10, fails to inform the Minister that the work is completed or fails to forward the required documents within the time prescribed; or

(b) fails to comply with the conditions for the approval of the owner’s safety program; and

(3) on any holder of an authorization or of an approval, other than an approval relating to a safety program, who fails to comply with its conditions.

**“35.8.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed

(1) on any dam owner who, in contravention of the first paragraph of section 2.1, fails to maintain the dam in working order such that it is unlikely to compromise the safety of persons or property;

(2) on any promoter or owner of a dam who

(a) provides the Minister with erroneous information or an incomplete document for the purposes of this Act or the regulations;

(b) carries out a project referred to in section 5 without having obtained the authorization to do so or, in the cases provided for in section 11, without having obtained a new authorization;

(c) carries out a project under section 29 without having filed the required declaration with the Minister; and

(3) on any high-capacity dam owner who,

(a) in contravention of section 17, fails to forward to the Minister the safety review or fails to forward to the Minister an outline of the remedial measures the owner intends to take or the implementation schedule; or

(b) in any situation liable to compromise the safety of the dam,

i. fails to inform the Minister of the situation; or

ii. where there is a threat to persons or property, fails to inform the civil protection authorities.

**“35.9.** A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed

(1) on any high-capacity dam owner who, in any situation liable to compromise the safety of the dam, fails to immediately take the measures necessary to remedy the situation; and

(2) on anyone who

(a) carries out a project referred to in section 5 although the Minister refused to grant the authorization to do so or suspended or revoked such an authorization; or

(b) fails to comply with an order imposed under this Act or, in any manner whatsoever, prevents the carrying out of such an order.

**“35.10.** The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

**160.** Section 36 of the Act is amended, in the first paragraph,

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

“(3.1) prescribing, in the cases it determines, the use of forms made available by the Minister;”;

(2) by replacing “9” in subparagraph 6 by “7”;

(3) by striking out subparagraph 7.

**161.** Sections 38 to 45 of the Act are replaced by the following sections:

**“38.** The following are liable to a fine of not less than \$1,000 nor more than \$100,000 in the case of a natural person, and not less than \$3,000 nor more than \$600,000 in any other case:

(1) anyone who, in contravention of a provision of this Act, fails to submit information, or a document, review or expert evaluation or fails to do so in the prescribed time, if no other penalty is provided for such an offence, and

(2) any high-capacity dam owner who, in contravention of section 21, fails to establish the required register, fails to keep it current or fails to keep it at the disposal of the Minister.

**“39.** Any high-capacity dam owner who,

(1) in contravention of section 19,

(a) fails to have an impounded water management plan prepared or updated by an engineer for the dam or fails to keep it at the disposal of the Minister; or

(b) fails to prepare or update an emergency action plan for the dam or fails to keep it at the disposal of the Minister; or

(2) in contravention of section 20, fails to comply with the conditions applicable to the monitoring of the works;

is liable to a fine of not less than \$2,500 nor more than \$250,000 in the case of a natural person and not less than \$7,500 nor more than \$1,500,000 in any other case.

**“40.** The following are liable to a fine of not less than \$4,000 nor more than \$250,000 in the case of a natural person and not less than \$12,000 nor more than \$1,500,000 in any other case:

(1) anyone who, in contravention of section 7, fails to have the Minister approve any modification to the plans and specifications that results from a complete or partial update of studies, calculations or opinions submitted in support of an application for authorization;

(2) any high-capacity dam owner who,

(a) in contravention of section 10, fails to inform the Minister of the completion of the work or fails to forward the required documents to the Minister within the time prescribed; or

(b) fails to comply with the conditions for the approval of the owner’s safety program; and

(3) any holder of an authorization or of an approval, other than an approval relating to a safety program, who fails to comply with its conditions.

**“41.** The following are liable, in the case of a natural person, to a fine of not less than \$5,000 nor more than \$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 to both the fine and imprisonment, and in any other case to a fine of not less than \$15,000 nor more than \$3,000,000:

(1) any dam owner who, in contravention of the first paragraph of section 2.1, fails to maintain the dam in working order such that it is unlikely to compromise the safety of persons or property;

(2) anyone who

(a) carries out a project referred to in section 5 without having obtained the authorization to do so or, in the cases provided for in section 11, without having obtained a new authorization; or

(b) provides information that is false or misleading for the purposes of this Act or the regulations;

(3) any high-capacity dam owner who,

(a) in contravention of section 17, fails to forward to the Minister the safety review or fails to forward to the Minister an outline of the remedial measures the owner intends to take or the implementation schedule; or

(b) in any situation liable to compromise the safety of the dam,

i. fails to inform the Minister of the situation; or

ii. where there is a threat to persons or property, fails to inform the civil protection authorities; and

(4) any promoter or owner of a dam who carries out a project referred to in section 29 without having filed the required declaration with the Minister.

**“42.** The following are liable, in the case of a natural person, to a fine of not less than \$10,000 nor more than \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of three years, or to both the fine and imprisonment, and in any other case to a fine of not less than \$30,000 nor more than \$6,000,000:

(1) any high-capacity dam owner who, in any situation liable to compromise the safety of the dam, fails to immediately take the measures necessary to remedy the situation; and

(2) anyone who

(a) carries out a project referred to in section 5 although the Minister refused to grant the authorization required to do so or suspended or revoked such an authorization; or

(b) fails to comply with an order imposed under this Act or, in any manner whatsoever, prevents the carrying out of such an order.

**“43.** The maximum penalties prescribed in section 42 apply to an offence described in sections 38 to 42 if the harm or damage caused by the offence to the safety of persons or property is sufficiently serious to justify heavier penalties.

**“44.** The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to this chapter and to the penal provisions provided by regulation.”

**162.** Section 46 of the Act is replaced by the following section:

**“46.** The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) apply to claims made by the Minister for the recovery of amounts owed to the Minister for the purposes of this Act or the regulations.”

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

**163.** 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 replacing “115.5 to 115.10 of the Environment Quality Act. In such a case, the Minister must send the notification provided for in section 115.11 of that Act to the laboratory concerned” in the second paragraph by “32 to 36 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1). For that purpose, the Minister must send the notification provided for in section 39 of that Act to the laboratory concerned”.

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN  
DOCUMENTS OF THE MINISTÈRE DU DÉVELOPPEMENT  
DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**164.** The Terms and conditions for the signing of certain documents of the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, r. 1) are amended by inserting the following section after section 1:

“**1.1.** In addition to the persons contemplated in section 1 and under the same conditions, a member of the personnel of the Ministère du Développement durable, de l'Environnement et des Parcs or the holder of a position of the department to whom a power has been delegated under section 9.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) may sign any document relating to the exercise of the power so delegated if the purpose of the document is to be binding on or attributed to the Minister.”

**165.** Section 2 of the Terms and conditions is amended by replacing “115.5 to 115.7 of that Act” in paragraph 4 by “32 to 36 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1)”.

**166.** Section 2.1 of the Terms and conditions is amended by replacing paragraph 6 by the following paragraph:

“(6) the exercise of the rights and powers provided for in section 13 and paragraph 2 of section 13.2 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);”.



**167.** Section 3 of the Terms and conditions is amended by replacing “9” in paragraph 1 by “7”.

**168.** Section 8 of the Terms and conditions is amended by replacing “as an inspector of plant life under section 28 of the Act respecting threatened or vulnerable species, to act as an inspector under section 79 of the Pesticides Act, to act under section 84 of the Watercourses Act, to act under sections 119, 119.1, 120 and 120.1 of the Environment Quality Act or to act as an inspector under section 66 of the Natural Heritage Conservation Act” in paragraph 1 by “under sections 4, 8, 13 and 19 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1) or under section 84 of the Watercourses Act”.

#### REGULATION RESPECTING THE REGULATORY SCHEME APPLYING TO ACTIVITIES ON THE BASIS OF THEIR ENVIRONMENTAL IMPACT

**169.** Section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended by striking out the definition of “declaration of antecedents”.

**170.** Section 9 of the Regulation is replaced by the following section:

“**9.** Any layout, infrastructure, works or facility governed by this Regulation must be maintained in good condition and used in an optimal way according to the use for which it was designed.”

**171.** Section 27 of the Regulation is amended by replacing “subparagraphs 1 to 4 of the first paragraph” by “the first and second paragraphs”.

**172.** Section 28 of the Regulation is repealed.

**173.** Section 36 of the Regulation is amended

(1) by replacing “section 115.5, 115.6 or 115.7 of the Act” in subparagraph 2 of the first paragraph by “sections 32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8, section 1)”;

(2) by replacing “section 115.5, 115.6 or 115.7 of the Act applies” in subparagraph 2 of the third paragraph by “sections 32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply”.

**174.** Section 354 of the Regulation is amended by replacing paragraphs 2 and 3 by the following paragraph:

“(2) fails to maintain in good condition a layout, infrastructure, works, or any facility governed by this Regulation or fails to use it in an optimal way according to the use for which it was designed.”

### CHAPTER III

#### TRANSITIONAL AND FINAL PROVISIONS

**175.** Any power that can be delegated under section 9.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001), enacted by section 36 of this Act, and that was exercised before 12 May 2022 by the Deputy Minister, a member of the personnel or a holder of a position within the department is presumed to be valid.

Only the Minister may rebut that presumption if, however, the Minister shows that a member of the personnel or a holder of a position within the department was not authorized to act on the Minister's behalf.

**176.** An authorization issued under section 69 of the Mining Act (chapter M-13.1) before the coming into force of section 44 of this Act is deemed to be an authorization issued under section 69 of the Mining Act, as replaced by section 44 of this Act, for the unexpired term of the authorization.

From the coming into force of section 44 of this Act, any pending authorization application is continued and decided in accordance with section 69 of the Mining Act, as replaced by section 44 of this Act.

**177.** The Government must, not later than 31 December 2024 and in accordance with section 53 of the Environment Quality Act (chapter Q-2), amended by section 104 of this Act, make a regulation providing for the prohibition, not later than 31 December 2035, of the offering for sale or for lease, of the exhibition for sale or for lease purposes, and of the sale or lease of certain classes of motor vehicles that emit pollutants.

**178.** Section 115.8 of the Environment Quality Act, repealed by section 114 of this Act, continues to apply to any application for the issue, amendment or renewal of an authorization referred to in the Environment Quality Act until a regulation made under subparagraph 13 of the first paragraph of section 95.1 of the Environment Quality Act providing a provision to the same effect is in force.

**179.** Until the coming into force of a new regulation made under the second paragraph of section 14 of the Dam Safety Act (chapter S-3.1.01) and despite any contrary provision of the Dam Safety Regulation (chapter S-3.1.01, r. 1), the Minister may revise the classification of any existing high-capacity dam if, in particular on the basis of a dam failure analysis or dam safety review

provided to the Minister or on the basis of an inspection, the Minister has reasonable grounds to believe that a dam classification parameter must be revised.

The third paragraph, enacted by section 146 of this Act, and the fourth paragraph of section 14 of the Dam Safety Act apply to the decision on the classification of the dam in such a case.

**180.** The owner of a dam who, not later than 31 December 2023, has failed to forward to the Minister a review assessing the safety of that dam in accordance with section 16 of the Dam Safety Act is required to submit such a safety review to the Minister, accompanied by the outline of the remedial measures the owner intends to take and their implementation schedule, despite any contrary provision of the Dam Safety Act or the Dam Safety Regulation, not later than 31 December 2023.

In the event of non-compliance with the first paragraph, sections 35.8 and 41 of the Dam Safety Act, enacted respectively by sections 159 and 161 of this Act, apply.

**181.** The owner of a dam for which an outline of the remedial measures is approved by the Minister under section 17 of the Dam Safety Act not later than 12 May 2022 must apply those remedial measures to that dam not later than 12 November 2023 if, on that date, the related implementation schedule has expired or will expire.

In the event of non-compliance with the first paragraph, sections 35.7 and 40 of the Dam Safety Act, enacted respectively by sections 159 and 161 of this Act, apply.

**182.** Until the coming into force of a regulation made under section 22.1 of the Dam Safety Act, enacted by section 151 of this Act, and despite any provision to the contrary, the owner of a high-capacity dam that is in a “low” or “very low” failure consequence category and is not on the rim of a reservoir of a dam that is in a failure consequence category equal to or greater than “moderate” within the meaning of the Dam Safety Regulation is not required to

(1) have a safety review carried out or forward to the Minister a safety review, referred to in section 16 of the Dam Safety Act, to assess the safety of the dam;

(2) forward to the Minister for approval an outline of the remedial measures the owner intends to apply to the dam and the related implementation schedule referred to in section 17 of the Dam Safety Act;

(3) apply to that dam the remedial measures approved by the Minister in accordance with section 17 of the Dam Safety Act; or

(4) prepare and keep current an impounded water management plan referred to in the first paragraph of section 19 of the Dam Safety Act.

**183.** Until the coming into force of the first regulation amending the Dam Safety Regulation made after 12 May 2022 and subject to section 181 of this Act, sections 76 to 78 of that Regulation apply from 12 May 2022

(1) to any existing high-capacity dam in a failure consequence category that is equal to or greater than “moderate” within the meaning of that Regulation, but which was unknown to the Minister;

(2) to any dam that comes to be considered a high-capacity dam in a failure consequence category that is equal to or greater than “moderate” within the meaning of that Regulation and has never been the subject of a safety review; and

(3) to any high-capacity dam that, following review, has been placed in a failure consequence category equal to or greater than “moderate” within the meaning of that Regulation and has never been the subject of a safety review.

However, the time limit referred to in the first paragraph of section 78 of that Regulation is computed from, as the case may be, the Minister’s knowledge of the dam, the dam’s category change or the review of the dam failure consequence category instead of from the coming into force of the Dam Safety Act.

**184.** This Act comes into force on 12 May 2022, except

(1) sections 44 to 47, which come into force on the date of coming into force of the first regulation that amends, after 12 May 2022, the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2);

(2) subparagraphs *a* and *b* of paragraph 1 of section 56, sections 62 to 64 and section 69, which come into force on the date or dates set by the Government;

(3) sections 96 to 102, which come into force on 12 April 2023.

## Regulations and other Acts

Gouvernement du Québec

### O.C. 933-2022, 1 June 2022

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8)

#### Recovery and reclamation of products by enterprises — Amendment

Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

WHEREAS, under subparagraphs 1 and 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, classify recoverable and reclaimable residual materials, and prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require any person, in particular any person operating an industrial or commercial establishment, who manufactures, markets or otherwise distributes containers, packaging or packaging materials, printed matter or other products, who markets products in containers or packaging acquired for that purpose or, more generally, whose activities generate residual materials, to develop, implement and contribute financially to, on the terms and conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities, with the goal of extended responsibility of these persons, all while taking into account basic principles of the circular economy and taking into account the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

WHEREAS, under subparagraph *c* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require those persons to keep registers and furnish to the Minister of the Environment and the Fight Against Climate Change or the Société québécoise de récupération et de recyclage, on the terms and conditions

fixed, reports on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their activities, and on the results obtained in terms of reduction, recovery or reclamation;

WHEREAS, under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, exempt from all or any of the requirements prescribed pursuant to subparagraph 6 of the first paragraph of the section any person that is a member of an organization, except the requirements prescribed under both subparagraph *b* of that paragraph and, as the case may be, section 53.30.1 or 53.30.2 of the Environment Quality Act, the purpose or one of the purposes of which is to develop and implement, as a measure, a system to recover or reclaim residual materials, or to contribute financially to the development and implementation of such a system, in both cases in accordance, in particular, with the provisions of the regulation;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 of the first paragraph of the section and that pertains, in particular, to the determination of persons or municipalities required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under subparagraphs 20 and 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8),

the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person or municipality carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved, and to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change by any person or municipality carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may, in a regulation made under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation or the Acts concerned, specify that a failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may, in particular, determine the provisions of a regulation made under the Act or the Acts concerned whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act  
(chapter Q-2, s. 53.30, 1st par., subpars. 1, 2, 6 and 7, s. 95.1, 1st par., subpars. 11, 12, 20 and 21; 2022, chapter 8, s. 108)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(2022, chapter 8, s. 1 (s. 30, 1st par. and s. 45, 1st par.))

**1.** The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended in section 2

(1) by replacing “by means of a recovery and reclamation program” in the first paragraph by “as a measure under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), by means of a recovery and reclamation program”;

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

“Despite the first and second paragraphs, the obligation provided for in the first paragraph falls on the enterprise that acts as the first supplier in Québec of a new product covered by this Regulation, in the following cases:

(1) the enterprise referred to in the first or in the second paragraph has no domicile or establishment in Québec;

(2) the product does not bear any brand, name or distinguishing guise.

Where a new product covered by this Regulation is acquired outside Québec in the course of a sale governed by the laws of Québec, the following rules apply:

(1) if the product is acquired by an enterprise that has its domicile or an establishment in Québec for the purpose of marketing it, the obligation provided for in the first paragraph falls

(a) on the enterprise that acquires the product, if the enterprise from which it acquired it has no domicile or establishment in Québec;

(b) on the enterprise from which the product was acquired, if that enterprise has its domicile or an establishment in Québec;

(2) if that product is acquired by an enterprise, or a natural person that is not carrying on an organized economic activity, that has its, his or her domicile or an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1) for that enterprise's, that person's, that municipality's or that public body's own use, the obligation provided for in the first paragraph falls

(a) on the enterprise that operates a transactional website, by means of which the product was acquired, enabling an enterprise that has no domicile or establishment in Québec to market a product in Québec;

(b) on the enterprise from which the product was acquired, whether or not it has a domicile or establishment in Québec, in other cases.”;

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

“This section does not apply to an enterprise that is a “small supplier” within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).”.

## 2. Section 3 is amended

(1) in the first paragraph

(a) by replacing “a component of which is a product referred to in this Regulation, other than a product listed in Division 6 of Chapter VI,” by “that is not covered by this Regulation, but is mentioned herein, one of the components of which is a product covered by this Regulation”;

(b) by inserting “by means of a recovery and reclamation program developed in accordance with section 5,” after “cause to be recovered and reclaimed,”;

(c) by striking out “as that marketed by the enterprise, whether or not the main product is covered” at the end;

(2) in the second paragraph

(a) by replacing “main product is not” by “product that contains the component is not”;

(b) by replacing “main product” by “product that contains the component”;

(c) by inserting “or cause to be recovered and reclaimed” after “is required to recover and reclaim”;

(d) by replacing “main product marketed by the enterprise” by “product marketed that contains the component”.

## 3. Section 4 is amended

(1) by inserting “in section 4.4,” after “subject to the requirements” in the portion before paragraph 1;

(2) by inserting, “or manufactured or caused to be manufactured by it for its own use” after “marketed by it” in the portion before paragraph 1;

(3) by replacing paragraph 1 by the following:

“(1) the goal or one of the goals of which is to develop and implement, as a measure, a recovery and reclamation system for residual materials or to contribute financially toward the development and implementation of such a system and, in either case, in accordance with the provisions of this Regulation and the terms and conditions determined in an agreement entered into under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2); and”.

## 4. The following is added after section 4:

“4.1. An organization referred to in section 4 must, in the place and stead of the enterprises that are members of it, recover and reclaim, by means of a recovery and reclamation program developed in accordance with section 5, a product covered by this Regulation that is marketed by an enterprise referred to in section 2 or 3 that is a member of it.

That organization must also, in the place and stead of the enterprises referred to in section 8 that are members of it, provide for the management of the products recovered, in accordance with the conditions provided for in that section, that such an enterprise manufactures or causes to be manufactured for its own use.

The obligations provided for in Chapters V and VI fall on that organization, with the necessary adaptations, in respect of products of the same type as that marketed, or manufactured or caused to be manufactured, by an enterprise referred to in section 2, 3 or 8 that is a member of it.

4.2. An organization referred to in section 4 that ensures the recovery and reclamation of a product in a subcategory for which a recovery rate is prescribed under Chapter VI must recover and reclaim all the types of products in that subcategory.

**4.3.** An organization referred to in section 4 that recovers a product the recovery and reclamation of which are ensured by another organization referred to in section 4 must provide to it, for each subcategory, the quantity of products recovered, whatever type.

**4.4.** An enterprise referred to in section 4 must provide to an organization of which it is a member, within 60 days following a request by that organization, the information and documents necessary for preparing the assessments and reports provided for in sections 9, 10 and 11 and determining the recovery rate and the difference referred to in the first paragraph of section 13.”.

**5.** Section 5 is amended

(1) in the first paragraph

(a) by replacing subparagraph 3 by the following:

“(3) provide for operating rules, criteria and requirements that must be complied with by a service provider, including subcontractors, in the management of recovered products and provide for the implementation of measures to ensure compliance.

Those operating rules, criteria and requirements must deal with applicable laws, regulations and agreements, management and monitoring of recovered products and materials through to their final destination, measures aimed at risk management and operational safety as well as safe treatment of products and materials, accountability measures including auditing obligations in regard to recovered products management, if applicable, as well as any other measures to ensure that the activities of the supplier and the supplier’s subcontractors are in compliance with the program and this Regulation.”;

(b) by replacing subparagraph 4 by the following:

“(4) enable traceability of products and materials from their recovery through to their final destination. The place of final destination is considered to be the place where those products and materials

(a) are rendered available for reuse;

(b) undergo the final stage of their treatment so that they can be used as substitutes for raw materials, in particular in a product manufacturing process;

(c) are used for purposes of energy recovery;

(d) are disposed of;”;

(c) by replacing “residual materials” in subparagraph 5 by “recovered products and materials through to their place of final destination”;

(d) by inserting “or, in the case of a product covered by Division 9 of Chapter VI, in accordance with section 53.0.31” after “in accordance with Chapter V” in subparagraph 6;

(e) by inserting the following after subparagraph 8:

“(8.1) provide for a means of communication to enable the following information to be made public each year and to be accessed for a minimum period of 5 years:

(a) the name of the enterprise, group of enterprises or organization referred to in section 4 that is implementing the program;

(b) the name of the program;

(c) the types of products covered by the program;

(d) the recovery rates attained, by subcategory of products, as compared to the minimum prescribed recovery rates;

(e) for each subcategory of products, the proportion of products and materials recovered that have respectively been reused, recycled, used for energy recovery purposes, otherwise reclaimed, stored or disposed of, as well as, for each mode of management of recovered products and materials, the proportion of those recovered products and materials broken down according to their place of final destination, that is, Québec, Canada or outside Canada;

(f) the address of each of the drop-off centres and, if applicable, a description of the collection services;

(g) a description of the main information, awareness and education activities conducted during the year;

(h) if applicable, a description of the remediation plan, the implementation schedule and a list of the measures implemented during the year;

(i) in the case of a program implemented by an organization referred to in section 4:

i. the names of the enterprises that are members of that organization;

ii. for each subcategory of products, the quantity of products marketed during the year covered by the annual report and during the reference year determined in Chapter VI;



iii. for each subcategory of products, the quantity of products recovered and the recovery rate attained as compared to the minimum recovery rate prescribed in Chapter VI;

iv. for each category of products, the percentage of each type of materials composing it that have been reused, recycled, otherwise reclaimed, stored or disposed of;

v. an assessment indicating the income related to the collection, from its members, of fees related to the implementation of the recovery and reclamation program, income from the sale of recovered products and materials, as well as costs related to the implementation of the recovery and reclamation program;”;

(f) by replacing “for each” in subparagraph 10 by “by”;

(g) by replacing subparagraph 11 by the following:

“(11) provide for the auditing of recovered products management and of compliance with the operating rules, criteria and requirements referred to in subparagraph 3 by a person who has no employment relationship with an enterprise referred to in section 2 or 3 or, as the case may be, an organization referred to in section 4, and who meets one of the following conditions:

(a) the person holds the title of certified environmental auditor conferred by an organization 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).

The audit must be conducted at the following frequency:

(a) in the case of service providers in locations referred to in section 17 where collection equipment is installed, including their subcontractors, each year at least 10% of them must be audited and, within a 5-year period, all of them must be audited;

(b) in other cases, except drop-off centre service providers not referred to in subparagraph *a*, including their subcontractors, as of the first full calendar year of implementation of the program and thereafter at least once every 3 years;

(12) provide for criteria to determine which recovered products should be reused rather than recycled, otherwise reclaimed, stored or disposed of;

(13) provide for any other measure required for the purpose of any specific provision applicable to that category of products.”.

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

“Where the program provides for the management of a product marketed in a territory covered by section 17, the measures contained in the program and referred to in subparagraphs 3, 8 and 9 of the second paragraph must be adapted to meet the needs and particular circumstances of that territory.”.

## 6. Section 6 is amended

(1) in the first paragraph

(a) by replacing “in respect of” in the first paragraph by “for”;

(b) by replacing “2, 3 or 8” by “2 or 3”;

(2) in the second paragraph

(a) by replacing “and each type of product” in subparagraph 4 by “of products”;

(b) by replacing “subcategory of product” in subparagraph 5 by “subcategory of products”;

(c) by replacing “each type of product” in subparagraph 5 by “products”;

(d) by replacing “or territory referred to in sections 16 and 17 where each type of product” in subparagraph 6 by “, territory or administrative region covered by sections 16, 17 and 53.0.12 where each product of a subcategory”;

(e) by striking out “or types” in subparagraph 7;

(f) by replacing “or type of product” in subparagraph 8 by “of products”;

(g) by replacing “they must comply with under the program;” at the end of subparagraph 9 by “service suppliers and their subcontractors must comply with under the program;”;

(h) by replacing subparagraph 10 by the following:

“(10) a description of the proposed measures for verifying compliance by service providers and their subcontractors with the operating rules, criteria and requirements referred to in subparagraph 3 of the first paragraph of section 5 and subparagraph 9 of the second paragraph of this section”;

(i) by replacing subparagraph 12 by the following:

“(12) the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their reclamation or disposal method;”;

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

“The enterprise must, as soon as possible, notify the Minister of any change in any information provided pursuant to this section.”.

**7.** The following is added after section 6:

**6.1.** Not later than one month before the date of implementation of a recovery and reclamation program for a product the recovery and reclamation of which are ensured by an organization referred to in section 4, that organization must provide to the Minister the following information and documents:

(1) the name and contact information of its representative and of the person in charge of the program;

(2) each subcategory of products the recovery and reclamation of which are ensured by the program;

(3) according to each subcategory of products, the estimated quantity of products marketed during a year by the enterprises that are members;

(4) the information and documents referred to in subparagraphs 6 to 13 of the second paragraph of section 6;

(5) an estimate of the annual budget for the first 3 years of implementation indicating, in particular, the expenses attributable to

(a) the recovery and reclamation of each subcategory of product;

(b) information, awareness and education activities;

(c) research and development activities;

(d) program administration.”.

**8.** Section 7 is amended by adding the following paragraph at the end:

“An enterprise electing to render those internalized costs visible must, when selling a product, indicate to the purchaser the address of a website on which information concerning the recovery and reclamation program for the product is posted.”.

**9.** Section 8 is amended

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

“An enterprise, including a municipality or a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1), that, for its own use, manufactures, or causes to be manufactured, products covered by this Regulation must recover and reclaim, or cause to be recovered and reclaimed, those products after their use.”;

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

“Not later than 3 months before the date provided for in Chapter VI for the implementation of a recovery and reclamation program for a product, that enterprise must inform the Minister of its intention to implement an individual program, join a group of enterprises implementing a common program or become a member of an organization referred to in section 4.

An enterprise electing to implement an individual program or to join a group of enterprises must then provide to the Minister the information and documents referred to in subparagraphs 1 to 5, 8, 9 and 12 of the second paragraph of section 6, with the necessary adaptations.

This section does not apply to an enterprise that is a “small supplier” within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).”.

**10.** The following is added after section 8:

**8.1.** No one may recover or reclaim a product covered by this Regulation, or entrust to another the recovery and reclamation of such a product, otherwise than as part of a recovery and reclamation program developed pursuant to section 5.”.

**11.** Section 9 is amended

(1) in the first paragraph

(a) by replacing “30 April” in the portion before subparagraph 1 by “15 May”;

(b) by inserting “or, if applicable, an organization referred to in section 4” after “section 2 or 3” in the portion before subparagraph 1;

(c) by replacing “each type of product” in subparagraph 1 by “products”;

(d) by replacing “if applicable, according to their brand, name or distinguishing guise” at the end of subparagraph 1 by “in the case of a report submitted by an enterprise, according to their brand, name or distinguishing guise, if applicable”;

(e) by inserting the following after subparagraph 2:

“(2.1) if applicable, the quantity of products covered by section 4.3 recovered or the recovery of which was carried out by another organization referred to in section 4;

(2.2) if applicable, the quantity of products recovered that are sent or received under an agreement aimed at entrusting the reclamation of a recovered product to another enterprise referred to in section 2 or 3 or, as the case may be, to an organization referred to in section 4;”;

(f) by replacing subparagraph 6 by the following:

“(6) for each subcategory of products or materials recovered, the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their method of reclamation or disposal;”;

(g) by inserting “, the means of communication referred to in subparagraph 8.1 of the first paragraph of section 5” after “education activities” in subparagraph 7;

(h) by replacing “or type of product” in subparagraph *a* of subparagraph 8 by “of products”;

(i) by replacing “and, if applicable, by type of product” in subparagraph 9 by “of products”;

(j) by replacing subparagraph 10 by the following:

“(10) if applicable, the number and the location of the sites where the audits referred to in subparagraph 11 of the first paragraph of section 5 and in subparagraph 10 of the second paragraph of section 6 were carried out during the year, the name and address of the person who carried out those audits, a copy of the documents showing that the person meets the conditions determined in subparagraph 11 of the first paragraph of section 5, the findings resulting from those audits and, if applicable, the adjustments that will be made to rectify any problems;”;

(k) by inserting the following after subparagraph 11:

“(12) where the calculation of the recovery rate for a subcategory of products benefits from a compensation in the quantity of products marketed pursuant to the second paragraph of section 13, if applicable,

(a) a document issued by a recognized certification organization attesting to the percentage of recycled content in the products in that subcategory;

(b) the document indicating the basic conventional guarantee granted free of charge to any consumer for each of the products of the same subcategory;

(c) the quantity of products or materials that have been reused or recycled in Québec for each subcategory of products, the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5;

(13) if applicable, where a remediation plan referred to in section 14 has been provided to the Minister,

(a) a detailed description of the measures carried out during the year;

(b) the expenditures incurred during the year specifically for the implementation of the measures contained in the remediation plan as well as the amount of the sums not yet incurred for that purpose;

(14) any other document or information required in the annual report pursuant to a specific provision applicable to that category of products.”;

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

“An organization referred to in section 4 must also, in respect of the enterprises referred to in section 8 that are members of the organization, include in its report the information and documents mentioned in subparagraphs 1, 2 and 7 of the first paragraph of section 11.”;

(3) in the second paragraph

(a) by replacing “in the first paragraph must be the subject of an audit engagement, both at the enterprise level” by “in subparagraphs 1, 2, 2.1, 2.2, 4, 5, 6, 8, subparagraph *c* of subparagraph 12 and subparagraph 13 of the first paragraph must be audited, at the level of both the enterprise or, if applicable, the organization referred to in section 4;”;

(b) by striking out “effectuée” in the French text;

(4) by replacing “the audit engagement” in the portion before subparagraph 1 of the third paragraph by “the audit”.

**12.** Section 10 is amended

(1) by inserting “or an organization referred to in section 4” after “section 2 or 3”;

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

“The assessment must also indicate, for each subcategory of products during the period covered, the quantity of products actually available for recovery and determined on the basis of a sampling, investigation or survey method that complies with recognized practices.”.

**13.** Section 11 is amended

(1) in the first paragraph

(a) by replacing “30 April” in the portion before subparagraph 1 by “15 May”;

(b) by replacing subparagraph 1 by the following:

“(1) the quantity of products manufactured by it for its own use, by subcategory of product;”;

(c) by replacing subparagraph 6 by the following:

“(6) the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5;”;

(2) by inserting “or an organization referred to in section 4” after “An enterprise referred to in section 8” in the second paragraph.

**14.** Section 12 is amended in the first paragraph

(1) by replacing “referred” by “or organization referred”;

(2) by replacing “, every 3 months,” by “each year”;

(3) by replacing “type of product” by “subcategory of products”.

**15.** The heading of Chapter IV of the Regulation is amended by inserting “REMEDIAL PLAN AND” before “PAYMENT”.

**16.** Section 13 is amended

(1) in the first paragraph

(a) by replacing “product under” in the portion before subparagraph 1 by “products under”;

(b) by replacing “must, for each subcategory of product to which a product marketed by the enterprise belongs” in the portion before subparagraph 1 by “and an organization referred to in section 4 that is required to recover and reclaim such products must, for each subcategory of products to which a product marketed by the enterprise or required to be recovered and reclaimed by the organization, as the case may be, belongs”;

(c) by inserting “of the same subcategory as those marketed” after “Quantity of products” in subparagraph 2 in the definition of variable A;

(d) by inserting “. The value of variable A is deemed to be 0 where the quantities of products recovered have not been audited pursuant to the second paragraph of section 9” after “during the year” at the end of subparagraph 2 in the definition of variable A;

(e) by inserting “of the same subcategory as those marketed and actually” after “products” in subparagraph 2 in the definition of variable E;

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

“Any negative difference calculated in accordance with subparagraph 2 of the first paragraph may be compensated for by a quantity of products equivalent to that determined by multiplying the percentage prescribed in Chapter VI by the value of variable B for the same subcategory of product. The compensation may not be greater than 30% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI.”;

(3) by striking out “before or” in the third paragraph;

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

“In addition, during each of the 2 full calendar years preceding the calendar year for which a minimum recovery rate is prescribed, up to 50% of the quantity of products recovered in the same subcategory of products may be used to compensate for the negative difference in the same subcategory of products for a year preceding by no more than 5 years the first year for which a rate is prescribed.”;

(5) by replacing “, the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the fourth paragraph for

compensation purposes” in the fourth paragraph by “or the reduction in the quantity of products recovered necessary to attain the minimum recovery rate pursuant to the second paragraph, the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the third paragraph or in section 59.3 for compensation purposes and the quantity of products recovered used to compensate for a negative difference in the cases provided for in the third paragraph and in section 59.3”.

**17.** Section 14 is amended

(1) by replacing the first, second and third paragraphs by the following:

“The measures contained in the remediation plan must

(1) make it possible to attain the minimum recovery rate prescribed in Chapter VI within 2 years;

(2) provide that the enterprise or, if applicable, the organization will incur expenditures equal to or greater than the applicable values provided for in Chapter VI multiplied by the missing quantity of products recovered to attain the minimum recovery rate for that year, in units, weight or volume;

(3) take into account the measures contained in any remediation plan previously submitted to the Minister; any sums not yet incurred for measures contained in that previous plan must be added to the current plan.

An enterprise or organization that ceases implementing its program must, within 4 months following the date of cessation, determine the recovery and reclamation results for each of the previous years for which no such determination has been made and make a payment into the Fund for the Protection of the Environment and the Waters in the Domain of the State for any negative residual difference. The amount of that payment is calculated by multiplying the applicable values provided for in Chapter VI by the missing quantity of products recovered, in units, weight or volume, to attain the minimum recovery rate for those years, to which are added, if applicable, any sums not yet incurred provided for under a previously submitted remediation plan.”;

(2) by striking out “, not later than 30 April following the end of the period concerned or, as the case may be,” in the fourth paragraph.

**18.** Section 16 is amended

(1) by replacing “business” in subparagraph 1 of the first paragraph by “business establishment”;

(2) by replacing “operation” in the third paragraph by “service”;

(3) by replacing the fourth paragraph by the following:

“For each regional municipality referred to in subparagraph 2 of the first paragraph, there must be at least 1 drop-off centre in service as soon as the program is implemented. Two-thirds of the total number of drop-off centres for all those regional municipalities must be in service as of the first anniversary of the program’s implementation and all the drop-off centres must be in service as of its second anniversary.”.

**19.** Section 17 is amended

(1) in the first paragraph

(a) by replacing “James Bay Regional Development and Municipal Organization Act (chapter D-8.2)” by “James Bay Region Development Act (chapter D-8.0.1)”;

(b) by replacing “may, instead of setting up drop-off centres in accordance with subparagraph 1 of the first paragraph of that section,” by “must”;

(c) by replacing “and installed in adequate premises accessible to consumers” by “, installed in sheltered and developed premises suitable for storing recovered products for several months. Those premises must be accessible to consumers or industrial, commercial or institutional clientele at least 1 day per month and 5 consecutive days during the summer. Periods and conditions of access must be publicized in the territory served and, when those premises are made accessible, a person who has been adequately trained on the identification, handling and storage of the products, adapted to the type of products received, must be present on site to safely receive, sort and store the products received and prepare them to be transported”;

(2) in the second paragraph

(a) by replacing “at the beginning” by “not later than 1 September”

(b) by replacing “in the case of municipalities, cities, towns, urban agglomerations, localities or Native communities of more than 1,000 inhabitants, and not later than the second anniversary of the program in the other cases” by “and, despite the first paragraph, the drop-off centres must be accessible at least 2 days during that first year”.

**20.** Section 21 is amended by replacing “and 17” by “,17, 53.0.4, 53.0.12 and 53.0.21”.

**21.** Section 22 is amended

(1) by replacing “record or save information, images” in the first paragraph by “produce, reproduce, record or save information, images, objects”;

(2) by replacing subparagraphs 1 to 10 of the second paragraph by the following:

“(1) desktop or laptop computers as well as electronic pads;

(2) display devices, such as computer screens and television sets;

(3) printers, scanners, fax machines and photocopiers;

(4) telephones of all types, pagers and answering machines;

(5) portable electronic products not covered by subparagraphs 1 to 4, such as e-book readers, global positioning systems, cameras, walkie-talkies, camcorders, portable digital players, activity trackers, smart glasses, as well as small electronic devices not covered by another subcategory provided for in this section, such as digital photo frames;

(6) non-portable electronic products not covered by another subcategory provided for in this section, such as projectors, video game consoles, sound, image and wave readers, recorders, burners or storage devices, amplifiers, equalizers, digital receivers and other non-portable electronic products designed to be used with an audiovisual system or marketed as part of a set;

(7) peripherals and accessories designed to be used with a product covered by this Division, such as cables, routers, servers, hard drives whether portable or not, memory cards, USB keys, webcams, earphones, mouses, keyboards, speakers, remote controls and joysticks, as well as spare parts not covered by another subcategory provided for in this section and designed to be used with a product covered by this category.”;

(3) by replacing “5” in the third paragraph by “4”;

**22.** Section 23 is amended

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

“For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 22 must be calculated in units or equivalent weight.”;

(2) by replacing “and type of product” in the second paragraph by “of products”.

**23.** Section 24 is replaced by the following:

“**24.** An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 22 must implement its recovery and reclamation program not later than 1 January 2023 or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.”.

**24.** Section 25 is amended by striking out “or 3”.**25.** Section 26 is amended

(1) by striking out “or 3” in the first paragraph;

(2) by striking out the second paragraph;

(3) in the third paragraph

(a) by striking out “, 3”;

(b) by striking out “or 10”.

**26.** Section 27 is amended

(1) in the first paragraph

(a) by replacing “2020” in the portion before subparagraph 1 by “2023”;

(b) by striking out “or 3” in the portion before subparagraph 1;

(c) by replacing subparagraphs 1 and 2 by the following:

“(1) in the case of products referred to in subparagraphs 1 to 3 and 6, the minimum rate for all products in each subcategory is 40%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(2) in the case of products referred to in subparagraphs 4 and 5, the minimum rate for all products in each subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained.”;

(2) in the second paragraph

(a) by replacing “3” by “2” in subparagraph 1;

(b) by replacing “subparagraphs 5 and 6” in subparagraph 2 by “subparagraph 4”;

(3) by striking out the fourth paragraph.

**27.** The following is added after section 27:

“**27.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 3 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

**28.** Section 28 is amended

(1) by replacing subparagraphs 1 to 7 by the following:

“(1) in the case of products referred to in subparagraph 1, \$3.60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, \$15 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, \$5 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, \$0.50 per unit or kilogram equivalent;

(5) in the case of products referred to in subparagraph 5, \$1 per unit or kilogram equivalent;

(6) in the case of products referred to in subparagraph 6, \$4 per unit or kilogram equivalent.”;

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

“The values applicable in subparagraphs 1, 2, 3 and 6 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 60% and

the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The values applicable in subparagraphs 4 and 5 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”

**29.** The heading of Division 2 is amended by inserting “CELLS AND” before “BATTERIES”.

**30.** Section 29 is amended

(1) by replacing “the types of products” in the portion before paragraph 1 by “the cells listed therein, and batteries and battery packs constructed of such cells, of any shape and size, irrespective of the substances of which they are composed”;

(2) by replacing paragraphs 1 and 2 by the following:

“(1) rechargeable batteries, including sealed lead-acid batteries weighing 5 kg or less, except batteries designed and intended for operating a motor vehicle within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), other lead-acid batteries, and batteries exclusively designed and intended for industrial purposes;

(2) single use batteries.”;

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

“For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraph 1 or 2 of the first paragraph are toys, drones, small lighting devices, smoke and carbon monoxide detectors, tools, personal care appliances, e-cigarettes, power-assisted bicycles, small individual means of transportation such as scooters and gyroscopic vehicles, and mobility aid vehicles.”

**31.** Section 31 is replaced by the following:

“**31.** An enterprise referred to in section 2, 3 or 8 that markets, acquires or manufactures products referred to in section 29 must implement its recovery and reclamation program not later than 1 January 2023 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.”

**32.** Section 32 is amended by inserting the following before the first paragraph:

“Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for sealed lead-acid batteries weighing 5 kg or less does not apply until the beginning of the fourth calendar year following implementation of the program.”

**33.** Section 33 is replaced by the following:

“**33.** The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 or 3 that markets products referred to in section 29 must be equal to the following percentages as of the periods indicated:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the minimum rate for all products in that subcategory, except sealed lead-acid batteries weighing 5 kg or less, is 25% as of 2023, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(2) in the case of sealed lead-acid batteries weighing 5 kg or less referred to in subparagraph 1 of the first paragraph of section 29, the minimum rate for all those products is 25% as of 2025, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained, unless they are recovered and treated without differentiating them from the other products referred to in subparagraph 1 of the first paragraph, in which case the minimum rate and the application period are those provided for in subparagraph 1 of this paragraph;

(3) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the minimum rate for all products in that subcategory is 20% as of 2023, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the year preceding by 5 years the year for which the rate is calculated, which, in the case of sealed lead-acid batteries weighing less than 5 kg, may not be prior to 2022;

(2) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed for those products in subparagraph 1 or 2 of the

second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraph 1 or 2 of the second paragraph, the reference year is prior to 2022, that year is considered to be the reference year until 5 years have elapsed, in the case of products referred to in subparagraph 1 of the first paragraph of section 29, and until 3 years have elapsed, in the case of products referred to in subparagraph 2 of the first paragraph of section 29.”

**34.** The following is added after section 33:

“**33.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

**35.** Section 34 is amended

(1) by replacing subparagraphs 1 and 2 by the following:

“(1) in the case of products referred to in subparagraph 1 of the first paragraph, \$4.80 per kilogram;

(2) in the case of products referred to in subparagraph 2 of the first paragraph, \$5.40 per kilogram.”;

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

“The values applicable are reduced by half where the minimum recovery rate prescribed in section 33 is equal to or greater than 60% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”

**36.** Section 36 is replaced by the following:

“**36.** For the purposes of this Regulation, every quantity of products referred to in section 35 must be calculated in kilograms.”



**37.** Section 37 is replaced by the following:

“37. An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 35 must implement its recovery and reclamation program not later than 14 July 2012 or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.”

**38.** Section 38 is amended

- (1) by striking out “or 3” in the first paragraph;
- (2) by inserting the following after the first paragraph:

“Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of mercury lamps.”

**39.** Section 39 is replaced by the following:

“39. As of 2023, the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2 that markets the products referred to in section 35 is 30% for all products in that category considered cumulatively, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained.

The rate is calculated on the basis of the quantity of products marketed during the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed for those products in the second paragraph, the year of the first marketing is considered to be the reference year for those products until 3 years have elapsed.”

**40.** The following is added after section 39:

“39.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

- (1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;
- (2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater

than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

**41.** Section 40 is replaced by the following:

“40. For the purposes of calculating the payment owing under Chapter IV, the value applicable to the products referred to in section 35 is \$4.42 per kilogram.

The value is reduced by half where the minimum recovery rate prescribed in section 39 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”

**42.** Section 42 is amended

- (1) in the first paragraph
  - (a) by inserting “with a volume” after “are paint marketed in containers”;
  - (b) by replacing “100 mm” by “100 ml”;
  - (c) by replacing “50 l” by “25 l”;
  - (d) by inserting “, regardless of the use for which they are intended,” after “aerosol containers and such containers”;
- (2) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

“(1) the following types of paint:

  - (a) latex paint;
  - (b) the other types of paint than those referred to in subparagraph *a* and subparagraph 2;
  - (2) aerosol paint and aerosol containers, as well as containers of any sort used for marketing the products referred to in subparagraph 1.”

**43.** Section 43 is amended

- (1) in the first paragraph
  - (a) by replacing “paragraphs 1 and 2” in subparagraph 1 by “subparagraph 1”;
  - (b) by replacing “paragraph 3” in subparagraph 2 by “subparagraph 2”;

(2) by replacing “and type of product” in the second paragraph by “of products”.

**44.** Section 45 is struck out.

**45.** Section 46 is amended

(1) in the first paragraph

(a) by replacing “2020” in the portion before subparagraph 1 by “2023”;

(b) by replacing “subparagraphs 1 and 2” in subparagraph 1 by “subparagraph 1 of the second paragraph”;

(c) by replacing “each subcategory” in subparagraph 1 by “that subcategory”;

(d) by replacing subparagraph 2 by the following:

“(2) in the case of products referred to in subparagraph 2, the minimum rate for all products in that subcategory is 30% of the quantity of containers marketed, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained.”;

(2) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

“(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 42, on the basis of 7.18% of the quantity of paint marketed during the year;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 42, on the basis of the total quantity of containers marketed during the year.”.

**46.** The following is added after section 46:

“**46.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the second paragraph of section 42 marketed during the reference year is greater than 1% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 1%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 of the second paragraph of section 42 marketed during the reference year is greater than 10% of the total weight of

those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”.

**47.** Section 47 is amended

(1) by replacing subparagraphs 1 to 3 by the following:

“(1) in the case of products referred to in subparagraph 1, \$0.65 per kilogram or equivalent volume;

(2) in the case of products referred to in subparagraph 2, \$0.25 per kilogram or litre of an equivalent capacity.”;

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

“The value applicable in subparagraph 1 is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 46.

The value applicable in subparagraph 2 is reduced by half where the minimum recovery rate prescribed in section 46 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”.

**48.** Section 48 is amended

(1) by replacing paragraph 2 by the following:

“(2) containers of 50 l or less used

(a) for marketing the products referred to in paragraph 1, including containers used for marketing oils that are excluded in that subparagraph, as well as aerosol containers used to market brake cleaners;

(b) for marketing the products referred to in paragraph 4;”;

(2) by striking out paragraph 5;

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

“For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraphs 1 to 4 of the first paragraph are

(1) transportation and recreational vehicles of all types such as automobiles, motorcycles, ATVs and other recreational vehicles;

(2) machinery such as heavy machinery, farm and forest machinery, lawn tractors and snow blowers;

(3) electrical equipment such as transformers and condensers.”

**49.** Section 49 is amended

(1) by replacing “paragraphs 2 and 5” in subparagraph 2 of the first paragraph by “paragraph 2”;

(2) by replacing “and type of product” in the second paragraph by “of products”.

**50.** Section 50 is amended by replacing “in paragraphs 4 and 5” in subparagraph 2 of the first paragraph by “in subparagraph *b* of subparagraph 2 and in subparagraph 4 of the first paragraph”.

**51.** Section 51 is struck out.

**52.** Section 52 is amended

(1) in the first paragraph

(a) by replacing “The rates” in the portion before subparagraph 1 by “As of 2023, the rates”;

(b) by striking out “from the time indicated” in the portion before subparagraph 1;

(c) by replacing “paragraphs 1 to 3” in subparagraph 1 by “subparagraphs 1 to 3 of the first paragraph”;

(d) by striking out “from 2020” in subparagraph 1;

(e) by replacing subparagraphs 2 and 3 by the following:

“(2) in the case of products referred to in subparagraph 4 of the first paragraph of section 48, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained.”;

(2) in the second paragraph

(a) by replacing “in paragraph 1 of section 48:” in subparagraph 1 by “in subparagraph 1 of the first paragraph of section 48, 69.8% of the total quantity of that product marketed during the year:”;

(b) by striking out subparagraphs *a* to *j* of subparagraph 1;

(c) by replacing “in paragraphs 2, 3 and 5” in subparagraph 2 by “in subparagraphs 2 and 3 of the first paragraph”;

(d) by replacing “in paragraph 4 of section 48, on the basis of 45%” in subparagraph 3 by “in subparagraph 4 of the first paragraph of section 48, on the basis of 39.9%”.

**53.** The following is added after section 52:

“**52.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the first paragraph of section 48 marketed during the reference year is greater than 7% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 7%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 or 3 of the first paragraph of section 48 marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where the proportion of recycled material content in the products referred to in subparagraph 4 of the first paragraph of section 48 marketed during the reference year is greater than 4% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 4%;

(4) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 1 or 4 of the first paragraph of section 48 is greater than 25% of the volume of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion;

(5) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 2 or 3 of the first paragraph of section 48 is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

**54.** Section 53 is replaced by the following:

“53. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the first paragraph of section 48 are the following:

(1) in the case of products referred to subparagraph 1 of the first paragraph, \$0.10 per litre or kilogram equivalent;

(2) in the case of products referred to subparagraph 2 of the first paragraph, \$0.18 per litre of capacity or kilogram equivalent;

(3) in the case of products referred to subparagraph 3 of the first paragraph, \$0.38 per unit or kilogram equivalent;

(4) in the case of products referred to subparagraph 4 of the first paragraph, \$0.39 per litre or kilogram equivalent, according to their equivalence to a pure product.

The values applicable in subparagraphs 1 to 3 of the first paragraph are reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 52.

The value applicable in subparagraph 4 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 52 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”.

**55.** Section 53.0.1 is amended

(1) in the first paragraph

(a) by inserting “, in particular,” after “used”;

(b) by replacing “the conservation or storage of food or beverages” by “conservation or storage”;

(2) in the third paragraph

(a) by replacing “the conservation or storage of food or beverages” in subparagraph 1 by “conservation or storage”;

(b) by replacing “the conservation or storage of food or beverages” in subparagraph 2 by “conservation or storage”.

**56.** Section 53.0.3 is amended by adding the following paragraph at the end:

“Despite the first paragraph, an enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in the third paragraph of section 53.0.1

that are not used for cooking, conservation or storage, the washing or drying of dishware, cloth or clothing, or products that control the ventilation, the temperature or the humidity in a room or dwelling, must implement its recovery and reclamation program not later than 30 June 2023 or the date of their marketing, acquisition or manufacture if it is subsequent to that date.”.

**57.** Section 53.0.4 is amended by adding the following paragraph at the end:

“Despite the third paragraph, an enterprise referred to in section 2 is not required to offer an additional collection service directly at the consumer in the territory of a regional municipality or territory referred to in section 17.”.

**58.** Section 53.0.6 is amended in the first paragraph

(1) by replacing “per year” in subparagraph 1 by “every 3 years”;

(2) by replacing “per year” in subparagraph 2 by “every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years”;

(3) by replacing “per year” in subparagraph 3 by “every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years”;

(4) by replacing “per year” in subparagraph 4 by “every 3 years”.

**59.** The following is added after section 53.0.6:

“53.0.6.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 5 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered

necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”.

**60.** Section 53.0.7 is amended

(1) by replacing paragraphs 1 and 2 by the following:

“(1) in the case of products referred to in subparagraph 1, \$60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, \$60 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, \$6 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, \$11 per unit or kilogram equivalent.”;

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

“The values applicable in subparagraphs 1 and 4 of the first paragraph are reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 80% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 3 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.”.

**61.** The following is inserted after section 53.0.7:

**“DIVISION 7  
AGRICULTURAL PRODUCTS**

**53.0.8.** The category of agricultural products is composed of the following subcategories, which include the types of products listed therein:

(1) sheeting, netting and twine, tubing and fittings, bags and canvas used for conserving and baling silage or hay;

(2) other bags designed and intended for agricultural purposes, such as grain bags and grain silo bags, wood-chip bags known as “shavings”, supplement bags, mineral bags, fertilizer or soil amendment bags, seed bags, feed bags, peat moss bags, growing medium bags, as well as bags that have been used to market a product referred to in paragraph 7;

(3) containers designed and intended for agricultural purposes, such as canisters, tanks and barrels holding seed or sanitary supplies, fertilizer or soil amendment containers, and containers that have been used to market a product referred to in paragraph 7;

(4) plastic mulch, plastic sheeting for tunnel coverings, as well as plastics used in drip irrigation systems;

(5) floating tarpaulins or covers, plastics used to cover greenhouses, anti-insect and anti-bird netting, manure pit covers, watering mats and ground mats;

(6) plastics for maple sugar production, such as tubing, mainline tubes, fittings and spouts;

(7) Class 1 to 3A pesticides according to the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) and seed coated with pesticides intended for non-household purposes.

**53.0.9.** For the purposes of this Regulation, every quantity of products referred to in section 53.0.8 must be calculated,

(1) in the case of products referred to in paragraphs 1, 4, 5 and 6, in kilograms;

(2) in the case of products referred to in paragraphs 2 and 3, in units or equivalent weight;

(3) in the case of products referred to in paragraph 7, in litres or equivalent weight.

The quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units, litres or weight, as the case may be, as well as the methodology used to establish that factor.

**53.0.10.** An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 53.0.8 must implement its recovery and reclamation program not later than,

(1) in the case of products referred to in paragraphs 1, 2, 3, 6 and 7, 30 June 2023, or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date;

(2) in the case of products referred to in paragraphs 4 and 5, 30 June 2025, or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

**53.0.11.** Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for agricultural products does not apply until the beginning of the fourth calendar year following implementation of the program.

**53.0.12.** Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2 that markets products referred to in section 53.0.8, except manure pit covers, Class 1 to 3A pesticides and seed coated with pesticides, must set up drop-off centres whose quantity and location correspond to one of the following options:

(1) for each business establishment or other premises where that enterprise's products are marketed, there must be a permanent drop-off centre at the business establishment or the premises or at any other location less than 5 km from the business establishment or premises by roads usable by motor vehicles year round;

(2) for any administrative region in the territory of which the products of that enterprise are marketed,

(a) in the case of the administrative regions of Laval and Montréal, there must be at least 1 drop-off centre per administrative region;

(b) in the case of the administrative region of Gaspésie-Îles-de-la-Madeleine, there must be at least 1 drop-off centre in the territory of Îles-de-la-Madeleine and 1 drop-off centre in the territory of Gaspésie;

(c) in the case of the administrative regions of Capitale-Nationale, Lanaudière, Laurentides, Mauricie, Outaouais and Saguenay-Lac-Saint-Jean, there must be at least 4 drop-off centres per administrative region;

(d) in the case of the administrative regions of Abitibi-Témiscamingue, Bas-Saint-Laurent, Centre-du-Québec and Estrie, there must be at least 5 drop-off centres per administrative region;

(e) in the case of the administrative regions of Chaudière-Appalaches and Montérégie, there must be at least 15 drop-off centres per administrative region;

(f) in the case of the administrative regions of Côte-Nord and Nord-du-Québec, the conditions set out in section 17 concerning the quantity and location of drop-off centres apply, with the necessary adaptations.

Where more than 1 drop-off centre is required in the territory of an administrative region, the drop-off centres must be dispersed across the territories of the various regional municipalities.

Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2 that markets manure pit covers, Class 1 to 3A pesticides or seed coated with pesticides in the territory of an administrative region must set up at least 1 drop-off centre therein.

The drop-off centres referred to in subparagraph 1 of the first paragraph and in the third paragraph must be in service as soon as a program is implemented.

One-third of drop-off centres in each administrative region referred to in subparagraph 2 of the first paragraph must be in service as soon as a program is implemented, and that number may not be less than 1. Two-thirds of drop-off centres in those administrative regions must be in service as of the first anniversary of the program's implementation and all of the drop-off centres must be in service as of the third anniversary of its implementation.

**53.0.13.** In addition to the conditions provided for in Chapter V, the location and access times for a drop-off centre must be adapted to meet the needs of users in the territory where it is located, in view of the fact that those needs may vary depending on the type of agricultural activity practised there and the seasons.

**53.0.14.** The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 that markets products referred to in section 53.0.8 must be equal to the following percentages from the time indicated:

(1) in the case of products referred to in paragraphs 1 and 2 of section 53.0.8, the minimum rate for all products in each subcategory is 45% as of 2025, which is increased to 50% in 2027, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in paragraphs 3 and 6 of section 53.0.8, the minimum rate for all products in each subcategory is 50% as of 2025, which is increased by 5% every 3 years until an 80% rate is attained;

(3) in the case of products referred to in paragraphs 4 and 5 of section 53.0.8, the minimum rate for all products in each subcategory is 25% as of 2027, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in paragraphs 1 to 4 of section 53.0.8, the year for which the rate is calculated;

(2) in the case of products referred to in paragraph 5 of section 53.0.8, the year preceding by 7 years the year for which the rate is calculated;

(3) in the case of products referred to in paragraph 6 of section 53.0.8, the year preceding by 10 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed in subparagraphs 2 and 3 of the second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraphs 2 and 3 of the second paragraph, the reference year is prior to 2022, the latter is considered to be the reference year until 7 years have elapsed, in the case of products referred to in paragraph 5 of section 53.0.8, and until 10 years have elapsed, in the case of products referred to in paragraph 6 of section 53.0.8.

**53.0.15.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

**53.0.16.** For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.8 are the following:

(1) in the case of products referred to in paragraph 1, \$0.45 per kilogram;

(2) in the case of products referred to in paragraph 2, \$1.20 per unit or kilogram equivalent;

(3) in the case of products referred to in paragraph 3, \$0.55 per unit or kilogram equivalent;

(4) in the case of products referred to in paragraphs 4 to 6, \$0.35 per kilogram.

The values applicable in subparagraphs 1, 2 and 4 of the first paragraph are reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 3 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

## **DIVISION 8**

### **PRESSURIZED FUEL CONTAINERS**

**53.0.17.** The products covered by this category are containers used to hold liquids or gases under pressure that are to be used as fuel, such as propane, butane, isobutane or propylene, except lighters and fire starters.

The category of pressurized fuel containers is composed of the following subcategories, which include the types of products listed therein:

(1) non-refillable containers;

(2) refillable containers marketed in a territory referred to in section 17.

**53.0.18.** For the purposes of this Regulation, every quantity of products referred to in section 53.0.17 must be calculated in units or equivalent weight on the basis of empty containers.

The quantity must also be accompanied by the conversion factor in units or weight, as the case may be, as well as the methodology used to establish that factor.

**53.0.19.** An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 53.0.17 must implement its recovery and reclamation program not later than 30 June 2024 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

**53.0.20.** In addition to the elements mentioned in the first paragraph of section 5, the recovery and reclamation program of an enterprise referred to in section 2 or 8 that

markets, acquires or manufactures products covered by this Division must provide for measures, if applicable, aimed at recovering and treating liquids and gases contained in recovered containers, in accordance with any applicable environmental standard.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for pressurized fuel containers does not apply until the beginning of the fourth calendar year following implementation of the program.

**53.0.21.** In addition to the drop-off centres referred to in section 16, an enterprise referred to in section 2 that markets products referred to in section 53.0.17 must set up drop-off centres at the entrance to national parks, outfitting operations, controlled zones, campgrounds and other outdoor recreation areas where such products are used, except municipal parks.

**53.0.22.** As of 2027, the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2 that markets products referred to in section 53.0.17 must be equal to the following percentages:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 53.0.17, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 53.0.17, the minimum rate for all products in that subcategory is 75%, which is increased to 80% in 2030.

The rates are calculated on the basis of the quantity of products marketed during the year for which the rate is calculated.

**53.0.23.** For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.17 are the following:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 53.0.17, \$2 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 53.0.17, \$0.90 per kilogram.

The value applicable in subparagraph 1 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.22 is less than 65% and

the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 53.0.22.

## **DIVISION 9** **PHARMACEUTICAL PRODUCTS**

**53.0.24.** The category of pharmaceutical products is composed of the following subcategories, which include the types of products listed therein:

(1) any substance, whether mixed with other substances or not, marketed or otherwise distributed in a community pharmacy or veterinary clinic that can be used

(a) to diagnose, treat, mitigate or prevent a disease, disorder, abnormal physical or mental state or their symptoms in human beings or companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1); or

(b) to restore, correct or modify organic functions in human beings or companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1);

(2) natural health products within the meaning of the Natural Health Products Regulations (SOR/2003-196) marketed or otherwise distributed in a community pharmacy or veterinary clinic;

(3) cutting or sharp objects used for medical purposes to administer a product referred to in subparagraph 1 or 2.

Despite the first paragraph, the following are not covered by this Division:

(1) products used in the course of supplying care by a professional within the meaning of section 1 of the Professional Code (chapter C-26) or for remuneration, particularly in an institution referred to in the Act respecting health services and social services (chapter S-4.2) or in the Act respecting health services and social services for Cree Native persons (chapter S-5), a private health facility within the meaning of those Acts, a veterinary clinic, a pet shop, a zoo, a park or a zoological garden;

(2) contact lens disinfectants;

(3) anti-dandruff products including shampoos, and antiperspirants and sun screens;



- (4) mouthwashes and fluoridated toothpastes;
- (5) lozenges for cough, sore throat or halitosis;
- (6) topical substances that do not contain antibiotics, anti-fungal agents or anti-inflammatories;
- (7) radiopharmaceuticals.

**53.0.25.** For the purposes of this Regulation, every quantity of products referred to in section 53.0.24 must be calculated by subcategory of products and in prescription units, units or equivalent weight.

The quantity must also be accompanied, for each subcategory of products and each type of product, by the conversion factor in prescription units, units or weight, as the case may be, as well as the methodology used to establish that factor.

**53.0.26.** An enterprise referred to section 2 that markets, acquires or manufactures products referred to in section 53.0.24 must implement its recovery and reclamation program not later than 30 June 2024 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

**53.0.27.** For the purposes of developing the recovery and reclamation program for products referred to in section 53.0.24, subparagraph 12 of the first paragraph of section 5 does not apply.

**53.0.28.** In addition to the elements mentioned in the first paragraph of section 5, the recovery and reclamation program of an enterprise referred to in section 2 must

(1) provide for a study to be conducted, starting from the fourth full civil year of the implementation of the program and thereafter every 3 years, to determine the level of consumer awareness of and participation in the recovery program for products referred to in section 53.0.24;

(2) provide for a study to be conducted, starting from the sixth full civil year of the implementation of the program and thereafter every 5 years, to determine the quantity of products referred to in section 53.0.24 that are held by a consumer and have not yet been used or have expired.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of pharmaceutical products.

**53.0.29.** For the purposes of the report referred to in section 9, the information referred to in subparagraph 9 of the first paragraph of section 9 does not have to be included in the report.

In addition to the elements referred to in section 9, the report must include, for each subcategory of products recovered and for containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5.

In addition, the report must describe the efforts made to ensure the separation and recycling of containers and packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, as well as the quantity of those containers transferred for recycling if that activity is carried out elsewhere than at the various drop-off centres.

Where a management method may not be used in the order provided for in subparagraph 1 of the first paragraph of section 5 in respect of containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the report must contain the information and documents mentioned in subparagraph *a* or *b*, as the case may be, of subparagraph 3 of the first paragraph of section 9.

**53.0.30.** Section 10 does not apply to an enterprise referred to in section 2 that implements a recovery and reclamation program for a product referred to in section 53.0.24.

**53.0.31.** An enterprise referred to in section 2 that markets a product referred to in section 53.0.24 must, as soon as the program is implemented, set up drop-off centres whose quantity, kind and characteristics meet the following conditions:

(1) for any regional municipality or any territory referred to in sections 16 and 17 where the products of that enterprise are marketed, a permanent drop-off centre must be set up in at least 40% of veterinary clinics and at least 80% of the other business establishments in the territory of that regional municipality or in the territory where the products of that enterprise are marketed;

(2) the drop-off centre must be designed to ensure safe storage and handling conditions for the products recovered.

Access to and deposit of products at drop-off centres must be free of charge.”

**62.** Section 53.1 is amended

- (1) by inserting the following before paragraph 1:

“(0.1) to provide to the organization referred to in section 4 the information prescribed by 4.3;

(0.2) to provide to the organization referred to section 4, within the period prescribed in section 4.4, the information and documents prescribed by that section;

(0.3) to provide to the Minister, within the period prescribed in section 6.1, the information and documents prescribed by that section;”;

- (2) by replacing paragraph 5 by the following:

“(5) to inform the Minister, within the period prescribed by the third paragraph of section 8, of its intention to implement an individual program, join a group of enterprises implementing a common program or become a member of an organization referred to in section 4, or to provide to the Minister for that purpose the information and documents prescribed by the fourth paragraph of section 8;”;

- (3) in paragraph 10

(a) by striking out “, to provide the information in the manner provided for in the second paragraph of that section”;

(b) by replacing “third” by “second”;

(4) by striking out paragraph 11;

(5) by replacing “second” in paragraph 12 by “third”;

(6) by striking out paragraph 13.

**63.** Section 53.2 is amended

(1) by inserting in the French text “alinéa” after “deuxième” in paragraph 1;

(2) by adding the following at the end:

“(3) to include in the recovery and reclamation program measures aimed at recovering and treating halocarbons, their isomers and any other alternative substance, as well as any hazardous material, as prescribed by section 53.0.4.”.

**64.** Section 53.3 is amended

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

“(1.1) to provide to the Minister a remediation plan, at the frequency and on the conditions provided for by the second paragraph of section 14, or to include in the remediation plan one of the measures prescribed by the third paragraph of that section;”;

(2) in paragraph 2

(a) by striking out “second paragraph of section 13 or the second or”;

(b) by replacing “third” by “fourth”;

(c) by replacing “fourth” by “fifth”;

(3) by inserting “or the second paragraph of section 53.0.31” at the end of paragraph 7;

(4) by replacing “or 58 or to continue to implement a recovery system as prescribed by the first paragraph of section 59” in paragraph 8 by “, 53.0.10, 53.0.19 or 53.0.26”.

**65.** Section 53.4 is amended

- (1) by inserting the following after paragraph 2:

“(2.1) to recover and reclaim a product or component by means of a recovery and reclamation program, according to the conditions prescribed by sections 4.1 and 4.2;”;

(2) by replacing “11” in paragraph 3 by “13”;

(3) by inserting the following after paragraph 3:

“(3.1) to comply with the prohibition provided for in section 8.1 related to agreements concerning the treatment of products covered by this Regulation;”;

(4) by replacing “or 17” in paragraph 4 by “, 17, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or the first paragraph of section 53.0.31”.

**66.** Section 54 is replaced by the following:

“**54.** Every person who contravenes section 4.3, 4.4, 6, 6.1 or 7, the second, third or fourth paragraph of section 8, section 10, 11 or 12, the fifth paragraph of section 13, section 26 or the first or third paragraph of section 38, commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.”.

**67.** Section 56 is amended in paragraph 1

(1) by striking out “the second paragraph of section 13,”;

(2) by replacing “or fourth” by “, fourth or fifth”;

(3) by replacing “or 53.0.3” by “, 53.0.3, 53.0.10, 53.0.19, 53.0.26 or the second paragraph of 53.0.31”.

**68.** Section 56.1 is amended:

(1) by replacing “3 or 5” in paragraph 1 by “3, 4.1, 4.2, 5 or 8.1”;

(2) by replacing “or 17” in paragraph 2 by “, 17, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or the first paragraph of section 53.0.31”.

**69.** Section 59.1 is amended by replacing “30 April” in the third paragraph by “15 May”.

**70.** The following is added after section 59.1:

“**59.2.** Sections 24 and 31 of this Regulation, as they read on 29 June 2022, continue to apply in respect of the subcategories of products referred to in sections 22 and 29 as they read at that date, until 30 June 2023.

**59.3.** Any positive difference calculated under subparagraph 2 of the first paragraph of section 13 and in sections 27, 33, 39, 46 and 52, as they read before 19 September 2019, may be used, in whole or in part and for the same subcategory of products, to compensate for a negative difference calculated for a year prior to 2027.”.

## FINAL

**71.** This Regulation comes into force on 30 June 2022, except:

(1) section 1, paragraph 1 of section 3, sections 4 and 8 and subparagraph *c* of paragraph 1 of section 19, which come into force on 30 December 2022;

(2) section 10, which comes into force on 30 September 2022.

105769

Gouvernement du Québec

**O.C. 968-2022, 8 June 2022**

Education Act  
(chapter I-13.3)

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

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

WHEREAS, under the first paragraph of section 447 of the Education Act (chapter I-13.3) the Government may make regulations to be known as the “basic school regulation”;

WHEREAS, by Order in Council 1213-2021 dated 8 September 2021, the Government made the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year;

WHEREAS the amended basic school regulation was amended by Order in Council 31-2022 dated 12 January 2022 and Order in Council 716-2022 dated 27 April 2022;

WHEREAS, under subparagraph 1 of the second paragraph of section 447 of the Act the basic school regulation relates in particular to the general organizational framework of educational services;

WHEREAS, under subparagraph 2 of the third paragraph of section 447 of the Act the basic school regulation may establish rules respecting the school calendar;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year was published in Part 2 of the *Gazette officielle du Québec* of 6 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Act, a draft copy of the Regulation has been submitted to the Conseil supérieur de l'éducation for preliminary examination;

WHEREAS it is expedient to make the Regulation without amendments;

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

THAT the Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

### **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, 1st par., 2nd par., subpar. 1, and 3rd par., subpar. 2)

**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 and amended by Order in Council 31-2022 dated 12 January 2022 and Order in Council 716-2022 dated 27 April 2022, is amended by inserting the following before section 1:

“**0.1.** Section 16 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) is to be read as follows for the 2021-2022 school year:

**16.** The school calendar for students shall consist of the equivalent of a maximum of 200 days, at least 173 of which must be devoted to educational services.

For the students with handicaps and the students living in the low-income areas referred to in the second and third paragraphs of section 12, the school calendar shall consist of the equivalent of a maximum of 200 half-days, at least 173 of which must be devoted to educational services, unless the school service centre, to the extent and on the conditions determined by the Minister, grants them an exemption.”

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

105771

Gouvernement du Québec

### **O.C. 981-2022, 8 June 2022**

Code of Civil Procedure  
(chapter C-25.01)

#### **Family mediation — Amendment**

Regulation to amend the Regulation respecting family mediation

WHEREAS, under the third paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such professional fees and the applicable terms of payment, and it may determine the tariff of professional fees the parties may be charged for services not covered by the Family Mediation Service or for services provided by a mediator designated by the Service or by more than one mediator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting family mediation was published in Part 2 of the *Gazette officielle du Québec* of 23 March 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting family mediation, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting family mediation

Code of Civil Procedure  
(chapter C-25.01, art. 619)

**1.** The Regulation respecting family mediation (chapter C-25.01, r. 0.7) is amended by inserting the following after section 10.3:

“**10.4.** When the interests of only the parties are at stake, they have no common dependent children and the dispute concerns the partition of the family patrimony arising from their community of life, the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 420 to 423 and 605 to 618 of the Code of Civil Procedure (chapter C-25.01) are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

The Service pays the fees provided for in the first paragraph up to a maximum of 3 hours of mediation, including time spent on work performed, where applicable, outside the sessions in connection with the mediation. Those fees are set at \$50 where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Code.

The Service does not pay the fees for the modification of an agreement or for having a judgment rendered on the principal application reviewed.

The fees payable by the parties who seek mediation are set at

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to the second paragraph

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties, and for any work performed by the mediator outside the sessions in connection with the mediation.”

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

105770

## M.O., 2022

### Order 2022-05 of the Minister of Transport dated 1 June 2022

Highway Safety Code  
(chapter C-24.2, s. 633.1)

Extension of the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle

THE MINISTER OF TRANSPORT,

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

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides in particular that pilot projects are conducted for a period of up to three years, which the Minister may extend by up to two years if the Minister considers it necessary;

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

CONSIDERING that the Minister made the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle (chapter C-24.2, r. 37.001);

CONSIDERING that the Pilot project ends on 3 July 2022 and the Minister considers it necessary to extend it;

CONSIDERING that the Société de l’assurance automobile du Québec has been consulted regarding the extension of the Pilot project;

## ORDERS AS FOLLOWS:

(1) Section 30 of the Pilot project allowing transportation of passengers in the trailer of a sightseeing vehicle (chapter C-24.2, r. 37.001) is amended by replacing “2022” by “2024”.

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

Québec, 1st June 2022

FRANÇOIS BONNARDEL  
*Minister of Transport*

105767

## Draft Regulations

---

### Draft Regulations

Act respecting industrial accidents and occupational diseases (chapter A-3.001)

#### Regulation respecting suppliers

#### Regulation respecting medical aid — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting suppliers and the Regulation to amend the Regulation respecting medical aid, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 455 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), on the expiry of 45 days following this publication.

The draft Regulation respecting suppliers primarily sets out the conditions for obtaining and maintaining an authorization application by a person or enterprise that wishes to provide goods or services to a beneficiary of the Act respecting industrial accidents and occupational diseases. It also specifies the documents that must be attached to an authorization application.

The draft Regulation to amend the Regulation respecting medical aid makes consequential amendments to ensure coherence with respect to the requirement that suppliers bill the Commission des normes, de l'équité, de la santé et de la sécurité du travail for the goods or services provided to a beneficiary.

The draft Regulations have no impact on enterprises.

Further information may be obtained by contacting Véronique Gagnon, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue de Bleury, Montréal (Québec) H3B 3J1; telephone: 514 906-3006, extension 2631.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claude Beauchamp, Vice-president for compensation and occupational reintegration, Commission

des normes, de l'équité et de la santé et de la sécurité du travail, 1600 D'Estimaerville, 7<sup>e</sup> étage, secteur 3, Québec (Québec) G1J 0H7.

LOUISE OTIS

*Chair of the board of directors  
of the Commission des normes, de l'équité,  
de la santé et de la sécurité du travail*

---

### Regulation respecting suppliers

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 454.1, 1st par., subpars. 2 and 3)

#### DIVISION I

##### SCOPE

**1.** This Regulation applies to suppliers referred to in Division I of Chapter VIII.1 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

#### DIVISION II

##### AUTHORIZATION

##### *§1. Authorization application*

**2.** The Commission authorizes a person or enterprise that sends to the Commission an authorization application using the form available on the Commission's website and that meets the following conditions to be a supplier:

(1) where applicable on the basis of the goods or services provided, be a member of a professional order without restriction of the right to engage in professional activities respecting the goods or services provided to the beneficiaries;

(2) where applicable, meet the special conditions set out in Schedule I that are associated with the goods or services provided;

(3) not be registered in the register of enterprises ineligible for public contracts established under the Act respecting contracting by public bodies (chapter C-65.1);

(4) where the person or enterprise is an employer, not have failed to comply with the requirements set out in Chapters IX and X of the Act;

(5) not have failed to pay a sum payable under the Act;

(6) except in the case of a member of a professional order or an enterprise established by such members, hold liability insurance of at least \$2,000,000 per claim establishing a guarantee against the financial consequences of the liability incurred as a result of errors or negligence in the provision of goods or services to the beneficiaries;

(7) not have been found guilty, in the 5 years preceding the authorization application, of an offence under the Act related to the required abilities and the appropriate behaviour of a supplier of goods or services, unless a pardon was obtained;

(8) not have a judicial record related to the required abilities and the appropriate behaviour of a supplier of goods or services, unless a pardon was obtained.

All professionals, in the case of subparagraph 1 of the first paragraph, or all persons, in the case of subparagraphs 2, 6, 7 and 8 of the first paragraph, who work with beneficiaries in an enterprise must meet the conditions set out in those subparagraphs.

**3.** The authorization application must be filed by a director or an officer, in the case of a legal person, and by a partner, in the case of a partnership. The person filing the application acts as respondent for the purposes of this Regulation.

## *§2. Information and documents to be provided*

**4.** The applicant must provide the following information in the authorization application:

(1) where applicable, any restriction to the right to engage in professional activities;

(2) name and contact information or, in the case of an enterprise, its name and the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(3) the address of the establishments where the goods or services will be provided to the beneficiaries;

(4) a description of the goods or services that will be provided to the beneficiaries.

**5.** The applicant must attach to the authorization application,

(1) where applicable, a document certifying the applicant's capacity as a member of a professional order or, in the case of an enterprise, the document for each professional working with the beneficiaries;

(2) where applicable, a document certifying that the applicant meets the special conditions set out in Schedule I or, in the case of an enterprise, the document for the persons working with the beneficiaries;

(3) where the applicant is an employer, an attestation issued by the Commission within 30 days before the application confirming that the applicant has not failed to comply with the requirements set out in Chapters IX and X of the Act;

(4) where applicable, an attestation of insurance compliant with subparagraph 6 of the first paragraph of section 2;

(5) where applicable, an official document from the enterprise confirming the appointment of the respondent acting in such capacity; and

(6) where applicable, the applicant's list of judicial records for which no pardon was obtained or, in the case of an enterprise, the list of judicial records of the professionals or persons working with the beneficiaries.

## *§3. Maintaining authorization*

**6.** To maintain the authorization, the supplier must

(1) comply, at all times, with the requirements provided for in section 2;

(2) comply with any requirement incumbent on the supplier under the Act;

(3) notify immediately the Commission, using the prescribed form, of any change to the information and documents the supplier sent to the Commission;

(4) establish a record in the name of the beneficiary and keep it for a minimum period of 5 years as of the date on which it is closed; and

(5) ensure that the professional activities reserved to the members of a professional order are engaged in only by such a member.

The record referred to in subparagraph 4 of the first paragraph must contain at least the following information and documents:

(1) the date on which it is opened;

(2) the beneficiary's name, date of birth, contact information and record number of the Commission;

(3) a description of the grounds for consultation;



(4) a description of the good or service provided, the date on which it was provided and the name of the supplier and, in the case of an enterprise, the name of the person who provided the good or service;

(5) a document containing the signature of the beneficiary confirming that the good or service has been received;

(6) all supporting documents allowing the Commission to verify whether the supplier meets the requirements of the Act.

### DIVISION III TRANSITIONAL AND FINAL

**7.** A person or enterprise that is deemed to be a supplier authorized by the Act to modernize the occupational health and safety regime (2021, chapter 27) is not required to send an authorization application in accordance with Division II of this Regulation.

The person or enterprise must however immediately notify the Commission of any situation preventing the person or enterprise from complying with any of the conditions set out in section 6.

**8.** A person or enterprise that is deemed to be a supplier authorized by the Act to modernize the occupational health and safety regime (2021, chapter 27) has 1 year as of (*insert the date of coming into force of this Regulation*) to comply with the requirement set out in subparagraph 2 of the first paragraph of section 2 and, for that purpose, the person or enterprise sends to the Commission all the documents certifying that the person or enterprises meets the special conditions set out in Schedule I.

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

### SCHEDULE I

Goods or services provided	Special conditions
Job search assistance services	<p>— Hold one of the following bachelor's degrees:</p> <ul style="list-style-type: none"> <li>– Vocational and educational guidance</li> <li>– Guidance</li> <li>– Career development</li> <li>– Social service</li> <li>– Psychology</li> </ul> <p>or</p>

Goods or services provided	Special conditions
	<p>— Where the supplier holds a diploma other than those listed, a minimum experience of 1 year in employability is required</p> <p>or</p> <p>— Be a certified or corporate member of the Association québécoise d'information scolaire et professionnelle</p> <p>— Be a professional member of the Association québécoise des professionnels du développement de carrière</p>
Intervention with a worker with adjustment or social reintegration problems	<p>— Hold a diploma in specialized education techniques or a bachelor's degree in psychoeducation</p> <p>or</p> <p>— Be a member of the Association des éducatrices et éducateurs spécialisés du Québec</p>
Adaptation of the work station	<p>— Hold a master's degree in ergonomics</p> <p>or</p> <p>— Be a regular member of the Association professionnelle des ergonomes du Québec</p> <p>— Be a regular member of the Association of Canadian Ergonomists</p>
Provide training services	<p>— Have successfully completed training provided by a training centre recognized by the Ministère de l'Éducation du Québec or the Ministère de l'Enseignement supérieur</p> <p>or</p> <p>— Be registered in the répertoire des organismes spécialisés en employabilité recognized by Emploi Québec</p> <p>or</p> <p>— Be a trainer accredited by the Commission des partenaires du marché du travail</p> <p>or</p>

Goods or services provided	Special conditions
	— Be recognized as a trainer accredited by the SAAQ or the Association québécoise des transports
Design, fabricate and fit ocular prostheses	— Hold a certificate from the National Examining Board of Ocularists
Assess and intervene with a worker who is likely to have or has learning difficulties or disabilities	— Hold a bachelor's degree in special education or — Be a qualified professional member of the Association des orthopédagogues du Québec
Cannabis products for medical purposes	— Health Canada licence - Licence for the sale of medical cannabis
Psychotherapy services	— Psychotherapist's permit issued by the Ordre des psychologues du Québec

## Regulation to amend the Regulation respecting medical aid

Act respecting industrial accidents and occupational diseases  
(chapter A-3.001, ss. 189 and 454)

**1.** The Regulation respecting medical aid (chapter A-3.001, r. 1) is amended in section 3

(1) by replacing “assumes” in the first paragraph by “pays to the health worker having provided the good or service or the enterprise within which the health worker works”;

(2) by inserting “sent by the health worker having provided the good or service or the enterprise within which the health worker works and be” after “be” in the second paragraph.

**2.** Section 3.1 is amended by inserting “by the health worker having provided the good or service or the enterprise within which the health worker works” after “sent”.

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

105772