no. 25

Part 2
LAWS AND REGULATIONS

22 June 2022 / Volume 154

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

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

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) 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
425, rue Jacques-Parizeau, 5e 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, 5e 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

Coming into force of Acts

Regulations and other Acts

Draft Regulations

PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 12 APRIL 2022

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 12 April 2022

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

1 An Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development

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

Québec Official Publisher

PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 26 MAY 2022

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 26 May 2022

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

22 An Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions

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

Québec Official Publisher

PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 2 JUNE 2022

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 2 June 2022

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

206 An act respecting the International Air Transport Association

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

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 1
(2022, chapter 9)

An Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development

Introduced 21 October 2021
Passed in principle 2 December 2021
Passed 7 April 2022
Assented to 12 April 2022

Québec Official Publisher
2022

EXPLANATORY NOTES

The purpose of this Act is to improve access to the educational childcare services network and complete its development.

To that end, the Act reinforces children's right to receive quality personalized educational childcare services by introducing the obligation for the Minister of Families to issue an invitation to submit a project for the development of subsidized educational childcare services when the Minister finds that the supply of such services in a given territory does not meet the demand. The Act specifies that the right to receive educational childcare services applies from a child's birth and indicates when that right expires, on the basis of the child's age and school attendance.

In addition, the Act amends the mechanism for assessing educational childcare service needs to enable the Minister to determine the childcare services supply necessary to meet the demand for such services in the various territories the Minister determines and to establish priorities specific to those territories. For those purposes, the Act sets out a process for consulting each of the regional advisory committees it establishes and defines the mandate of those committees.

Furthermore, the Act amends the process whereby the Minister assigns new subsidized childcare spaces. It thus provides that, when the Minister intends to assign such spaces, the Minister is to issue an invitation to categories of permit applicants or permit holders to submit a project, which invitation is to be first addressed to childcare centre permit applicants or permit holders. The invitation may specify the participation of the Minister in the financing and planning of the construction project as well as that of any person designated by the Minister, in particular in the planning, management or control of the development or construction project or in the supply of the facility.

The Act also introduces the possibility for a childcare centre or day care centre permit holder that has undertaken certain steps to acquire a facility to be authorized, on certain conditions, to provide childcare in a temporary facility.

Furthemore, the Act introduces a mechanism allowing permit holders for childcare centres or day care centres delivering subsidized childcare to provide childcare to a number of children that is higher than the number stated on their permit during a period in which arrivals and departures overlap, when providing childcare to two groups of children successively.

In addition, the Act increases the current limits on the number of children to whom childcare may be provided in a facility, and on the maximum number of subsidized childcare spaces allowed per person or related persons holding two or more childcare permits. The Act abolishes the limit on the number of facilities and subsidized childcare spaces that may be developed by childcare centres.

The Act repeals the provisions concerning childcare provided in private residences for which recognition by an accredited home educational childcare coordinating office is not required, and introduces new exceptions to the obligation to hold such recognition or a permit in order to provide such services to children for a contribution. Therefore, the Act allows a natural person, among others, to look after up to two children or to look after only children who ordinarily live together, and also allows certain types of occasional childcare.

The Act also introduces measures enabling the Minister to act, in certain circumstances, including to maintain the childcare services provided by a permit holder that ceases to operate or that intends to do so.

The Act modifies the rules regarding the single window for access to educational childcare services. More specifically, it provides that, in order to be allowed to receive such services, a child must be registered with the single window according to the terms and conditions prescribed by regulation. Such a regulation may provide for assigning one or more ranks to a child with a view to his or her admission as well as the requirements, criteria and priorities for such admission, including to give priority to children living in precarious socio-economic contexts.

As concerns home childcare and the rules governing it, the Act introduces the possibility for the Minister to modify the accreditation of a home educational childcare coordinating office in order to increase or decrease the number of subsidized childcare spaces indicated in the accreditation. It also provides that the Minister may issue instructions to ensure the coherence of the coordinating offices' actions and practices, and introduces a process to establish the level

of satisfaction of home educational childcare providers with those practices. Furthermore, the Act increases to five years the term of the recognition of a person recognized as a home educational childcare provider as well as the term of the accreditation of the coordinating offices, and provides that an additional function of those offices is to conduct prospecting in the territory assigned to them in order to find and guide persons who could be interested in becoming home educational childcare providers. The Act allows a person whose application for recognition has been refused to bring proceedings before the Administrative Tribunal of Québec.

In addition, the Act introduces special rules applicable to Aboriginal persons, including allowing the Government to enter into an agreement with an Aboriginal nation or community on any matter within the scope of the Educational Childcare Act or the regulations in order to take Aboriginal realities into account; such an agreement is to have precedence over that Act and the regulations.

Lastly, to ensure its implementation, the Act contains various measures, including penal and regulatory measures, as well as transitional and consequential provisions.

LEGISLATION AMENDED BY THIS ACT:

– Educational Childcare Act (chapter S-4.1.1).

REGULATIONS AMENDED BY THIS ACT:

– Reduced Contribution Regulation (chapter S-4.1.1, r. 1);

– Educational Childcare Regulation (chaspter S-4.1.1, r. 2).

Bill 1

AN ACT TO AMEND THE EDUCATIONAL CHILDCARE ACT TO IMPROVE ACCESS TO THE EDUCATIONAL CHILDCARE SERVICES NETWORK AND COMPLETE ITS DEVELOPMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

EDUCATIONAL CHILDCARE ACT

1. Section 1 of the Educational Childcare Act (chapter S-4.1.1) is amended

(1) by replacing "provided by educational childcare providers covered by this Act" in the first paragraph by "intended for children before their admission to school";

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

"A further object of this Act is to foster the harmonious development of an educational childcare service supply that is sustainable and that takes into account the needs of parents, in order to facilitate the reconciliation of their parental responsibilities with their professional or student responsibilities, as well as their right to choose the educational childcare provider."

2. Section 2 of the Act is replaced by the following sections:

"**2.** Every child has a right to quality personalized educational childcare services from birth until the child's admission to preschool or elementary school education or, failing that, until the first day of the school calendar of the school year, within the meaning of the Education Act (chapter I-13.3), following the that in which the child reaches six years of age. A child who ceases to attend school after being admitted also has a right to educational childcare services until the first day of the school calendar of the school year following that in which the child reaches six years of age.

The above right must be exercised taking into account the availability, organization and resources of educational childcare providers. It must also be exercised having regard to the rules set out in this Act relating to access to educational childcare services, including the obligation for those providers to fill their service supply using exclusively the registrations entered in the single window for access to educational childcare services, and the rules relating to subsidies, including those concerning the allocation of subsidized childcare spaces.

The implementation of that right is reinforced by the obligation imposed on the Minister to take the measures referred to in section 93.0.3 so that the educational childcare service supply in each territory meets the demand for such services.

"**2.1.** Educational childcare centres, day care centres and recognized home educational childcare providers, with the support, in the latter's case, of home educational childcare coordinating offices that this Act allows to be accredited, are the educational childcare providers that contribute to the fulfilment of the objectives of this Act.

"**2.2.** Educational childcare providers covered by this Act may provide childcare only to the children referred to in the first paragraph of section 2."

3. Section 4 of the Act is repealed.

4. Section 5 of the Act is amended

(1) by replacing "include activities" in the introductory clause of the first paragraph by "be";

(2) by replacing "particularly their emotional, social, moral" in subparagraph 1 by "enabling them to develop, at their own pace, all facets of their person, particularly their emotional, social";

(3) by replacing "development of a healthy lifestyle, healthy eating habits and behaviour" in the second paragraph by "acquisition of healthy lifestyle habits, healthy eating habits and behaviours";

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

"In applying the program, educational childcare providers must take into account the children's environment."

5. Section 5.1 of the Act is amended by adding the following paragraph at the end:

"The Minister publishes the results of the childcare educational quality assessment and improvement process on the Minister's department's website within 60 days after they are obtained, and the administrator of the single window for access to educational childcare services does the same on the single window's website. In addition, educational childcare providers must inform the parents of the children to whom they provide childcare that those results have been published, within 30 days after receipt of a notice to that effect from the Minister."

6. Section 6 of the Act is replaced by the following section:

"**6.** No person may, personally or through another, provide or offer to provide childcare services to a child referred to in the first paragraph of section 2, in return for a contribution, unless the person holds a childcare centre or day care centre permit or is a home educational childcare provider recognized by an accredited home educational childcare coordinating office.

The prohibition set out in the first paragraph does not apply to

(1) natural persons who are own-account workers and who, in a private residence where childcare is not already being provided,

(*a*) look after up to two children; or

(*b*) look after only children who ordinarily live together;

(2) day camp or vacation camp operators;

(3) non-profit community organizations whose overall mission is financed by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and that, incidentally to their main mission, provide occasional childcare in a place other than an educational institution;

(4) non-profit legal persons that, in an educational institution, provide occasional childcare exclusively to children of students attending that institution while the latter are pursuing their studies and where the latter can make themselves available if needed; or

(5) persons who provide occasional childcare to children whose parents are on site and can be reached if needed at one of the following locations:

(*a*) a health and social services institution;

(*b*) a commercial establishment;

(*c*) a fair, an exhibition or a place where a one-time event is held; and

(*d*) a place where a deliberative assembly is held."

7. The Act is amended by inserting the following section after section 6:

"**6.0.1.** For the purposes of the first paragraph of section 6, childcare services offered or provided to a child as a benefit to a parent as an employee or client or as a person attending or frequenting an institution or establishment are deemed to be offered or provided in return for a contribution, even if no monetary consideration is required for those services."

8. Sections 6.1 and 6.2 of the Act are repealed.

9. Section 8 of the Act is amended

(1) by replacing "a maximum of five" in subparagraph 1 of the first paragraph by "one or more";

(2) by inserting the following subparagraph after subparagraph 1.1:

"(1.2) undertake to provide childcare only to children referred to in the first paragraph of section 2;";

(3) by striking out the second paragraph.

10. Section 10 of the Act is amended by replacing the first paragraph by the following paragraph:

"The Minister may, except in the case of a project selected under section 93.0.1, refuse to issue a childcare centre permit given the subsidies available or the relevance of subsidizing a permit applicant for the proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved in the proposed territory."

11. Section 11 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

"(1.1.1) the person undertakes to provide childcare only to children referred to in the first paragraph of section 2;";

(2) by replacing "under section 93, granted the applicant such spaces on the recommendation of the advisory committee concerned" in the second paragraph by "under section 93.0.1, granted the applicant such spaces";

(3) by inserting ", and of a permit applicant or permit holder who has obtained the authorization referred to in section 16.1 to maintain the provision of childcare services to children who would otherwise not have any" at the end of the second paragraph.

12. Section 11.1 of the Act is amended, in the first paragraph,

(1) by striking out "consults the advisory committee concerned established under section 103.5 and" in the introductory clause;

(2) by replacing "the childcare service needs and priorities for developing such services" in subparagraph 2 by "the necessary educational childcare service supply determined under section 11.2".

13. Section 11.2 of the Act is replaced by the following section:

"**11.2.** The Minister assesses, at least once a year and for all of Québec, the educational childcare service needs in each territory the Minister determines, and identifies, if necessary, the priorities for developing such services. For those purposes, the Minister considers, among other factors, the permits already issued, the permit applications and other applications for authorization under section 21 or section 21.1 awaiting a decision, demographic variations, the recognitions granted to home educational childcare providers, the registrations entered in the single window for access to educational childcare services, and how well childcare service needs are already being met.

Subsequently, the Minister consults the regional advisory committee established under section 103.5 that is responsible for the territory concerned. The Minister requests, within the time determined by the Minister, the opinion of the committee on the assessment of needs and on the development priorities identified under the first paragraph.

The committee may then recommend that the Minister consider certain elements, specific to that territory, with respect to the childcare service needs, the development priorities, the allocation of subsidized childcare spaces or the issue of a day care centre permit.

At the conclusion of that exercise, the Minister determines, for each territory, the educational childcare service supply necessary to meet the demand for such services. The Minister then establishes whether the supply meets the demand and makes a projection of those findings for any period determined by the Minister. The Minister may also adjust the development priorities the Minister has identified.

The Minister publishes on the Minister's department's website, for the benefit of permit applicants and permit holders, the necessary information on the educational childcare service needs and priorities for developing such services specific to each territory and makes public his or her assessment, the determination made under the fourth paragraph and the opinions and recommendations given by the committees under this section.

When the Minister assesses the childcare service needs and establishes the priorities for developing such services within an Aboriginal community, the Minister consults only the community concerned or, if applicable, the person or body designated by the community to represent it in such matters.

For the purposes of this section, the territories are determined by the Minister in such a way as to ensure, for all of Québec, optimal measurement of educational childcare service needs. The Minister publishes, on the Minister's department's website, his or her method for determining territories as well as the territories determined, which must be of at least the same size as the territories of the home educational childcare coordinating offices."

14. The Act is amended by inserting the following section after section 11.2:

"**11.3.** Each year, the Minister consults the Minister of Education, Recreation and Sports to ensure consistency between the development of educational childcare services and preschool educational services where those services are intended for children who may use either type of services."

15. Section 12 of the Act is amended by striking out ", where this number differs from the number referred to in paragraph 3" in paragraph 5.

16. The Act is amended by inserting the following section after section 13:

"**13.1.** Despite section 13, permit holders for childcare centres or day care centres delivering subsidized childcare may, when providing childcare to two groups of children successively in the same facility, provide childcare to a number of children that is higher than the number stated on the permit during a period in which arrivals and departures overlap, in the cases, on the conditions and without exceeding the duration determined by government regulation."

17. The Act is amended by inserting the following sections after section 16:

"**16.1.** The Minister may, in exceptional circumstances and temporarily, where a permit holder ceases operations in one or more facilities or is about to do so, authorize a childcare centre permit applicant or permit holder to maintain the provision of childcare services to the children who would otherwise not have any, at the address of the facility appearing on the permit of the holder ceasing operations or at any other address determined by the Minister.

Where no childcare centre permit applicant or permit holder is able to ensure that services are maintained to the Minister's satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

Where the Minister authorizes a permit applicant, the Minister issues a temporary permit to the applicant for the purposes of this section.

"**16.2.** In the cases provided for in section 16.1, the Minister may authorize, for a specified period, a permit holder to provide childcare services according to standards that depart from those established by or under this Act or may exempt the permit holder from the application of certain standards, except a standard established under subparagraph 13 or 13.1 of the first paragraph of section 106.

The Minister establishes the period and applicable standards by issuing a directive.

"**16.3.** The Minister makes public, on the Minister's department's website, the names of the permit applicants or permit holders to whom the Minister has granted an authorization under section 16.1 as well as any directive issued under section 16.2.

"**16.4.** The Minister may, for the period the Minister determines, authorize a childcare centre permit holder and a person that already holds a day care centre permit to whom subsidized childcare spaces have been allocated and whose project involves work to construct or develop a facility to provide childcare to children in a temporary facility.

Sections 18 to 20 of the Act do not apply to the temporary facility.

The Government establishes, by regulation, the conditions and standards applicable in such circumstances and determines the standards from which the holder is exempt."

18. Section 21 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Minister may, except in the case of a project selected under section 93.0.1, refuse to grant the authorization given the subsidies available and the relevance of subsidizing a permit holder for the proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved in the proposed territory."

19. The heading of Division II of Chapter II of the Act is amended by inserting ", MODIFICATION" after "TERM".

20. Section 24 of the Act is amended

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

"The Minister may modify a permit where a change is made to one of the elements listed in section 12.";

(2) by replacing "9 and 11" in the first paragraph by "11 and 40.2".

21. Section 28 of the Act is amended by striking out "without first complying with section 30" in paragraph 6.

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

"**30.** A permit holder must, at least 90 days before ceasing to operate in one or more facilities, notify in writing the Minister and the parents of the children attending the childcare centre or day care centre, inform the Minister of the number and age of the children receiving childcare, and comply with any other condition determined by regulation.

The permit is then modified or revoked, for any facility concerned, as of the date set out in the notice."

23. The heading of Division IV of Chapter II of the Act is amended by inserting "DAY CARE CENTRE" before "PARENTS".

24. The Act is amended by inserting the following sections after section 40:

"**40.0.1.** The Minister must ensure that the actions and practices of the coordinating offices accredited by the Minister are coherent.

To that end, the Minister may, by instruction, prescribe any procedure that a coordinating office must follow, any document it must use or any information it must provide.

"**40.0.2.** At least once a year, the Minister must conduct or commission a study, investigation or survey involving all the persons recognized as home educational childcare providers to establish their level of satisfaction with regard to the practices of their home educational childcare coordinating office. The Minister may require the coordinating offices to participate in the assessment of their services, to provide the required information and documents and to fill out an assessment questionnaire."

25. Section 42 of the Act is amended

(1) by inserting ", in compliance with the instructions given by the Minister under the second paragraph of section 40.0.1" after "it" in the introductory clause;

(2) by inserting "or of subsidies referred to in the third paragraph of section 96" after "providers" in paragraph 5;

(3) by inserting the following paragraphs after paragraph 6:

"(6.1) to conduct prospecting in the territory assigned to it in order to find and guide persons who could be interested in becoming home educational childcare providers;

"(6.2) to promote home childcare as a method of providing educational childcare services;".

26. Section 45 of the Act is amended by replacing "three" by "five".

27. Section 46 of the Act is replaced by the following section:

"**46.** The Minister must publish and keep up to date, on the Minister's department's website, a list of all the accredited coordinating offices, indicating, for each office, the territory assigned to it and the term of the accreditation granted to it or renewed."

28. Section 47 of the Act is amended by adding the following paragraph at the end:

"The Minister may also, on the Minister's initiative, during the term of an accreditation, modify the accreditation to increase or decrease the number of spaces determined under section 44. In the case of a decrease, the terms set out in section 93.0.7 apply."

29. The Act is amended by inserting the following subdivision after section 51:

"§4. — *Cessation of operations*

"**51.1.** A coordinating office must, at least 90 days before ceasing to operate, notify in writing the Minister and the home educational childcare providers recognized by it and comply with any other condition determined by regulation.

It must send a copy of the register referred to in section 59 to the Minister with that notice.

It must also, within 10 days of the Minister's request, send the records it has established under this Act or the regulations as well as any modification made to the register referred to in the second paragraph to the Minister or to any person designated by the Minister.

The second and third paragraphs apply, with the necessary modifications, to a coordinating office whose accreditation is not renewed or is revoked by the Minister."

30. Section 52 of the Act is amended

(1) by replacing "may" in the portion following paragraph 2 by "must, unless the person meets the conditions prescribed in subparagraph 1 of the second paragraph of section 6,";

(2) by inserting ", other than a day care centre permit holder," after "natural person" in the introductory clause;

(3) by replacing "six" in paragraph 2 by "nine";

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

"A person referred to in subparagraph 1 of the second paragraph of section 6 who looks after children referred to in that subparagraph elsewhere than at the children's residence may, if the person so requests, be recognized by a coordinating office. In such a case, the person's recognition is subject to the conditions prescribed by this Act and the regulations."

31. Section 53 of the Act is repealed.

32. Section 53.1 of the Act is amended by replacing "sections 52 and 53" in the first paragraph by "section 52".

33. Section 55 of the Act is amended by replacing "three-year" by "five-year".

34. Section 57.1 of the Act is amended by inserting "a home educational childcare coordinating office acting within the scope of its functions or" after "except in the case of" in the third paragraph.

35. Chapter IV.1 of the Act is replaced by the following chapter:

"**CHAPTER IV.1**

"ACCESS TO EDUCATIONAL CHILDCARE SERVICES

"**59.1.** The Minister designates a person or body to establish and administer a single window for access to educational childcare services. The Minister may also establish it, administer it himself or herself or entrust its administration to a third party.

"**59.2.** All educational childcare providers must register with the single window according to the terms and conditions determined by government regulation.

"**59.3.** Despite section 59.2, educational childcare providers that provide services within an Aboriginal community are not required to register with the single window and are exempt from the application of sections 59.4, 59.6, 59.9, 59.10 and 59.12.

"**59.4.** The single window is a referral and matching tool intended to ensure an educational childcare service supply that meets the needs of parents and promotes equality of opportunity for children, while complying with admission criteria and the rank or ranks assigned to a child under this chapter.

Any rank assigned to a child may relate to a determined territory, an educational childcare provider or a category of educational childcare providers, or to a combination of those factors. In addition, depending on the admission requirements, criteria and priorities that may be determined under the third paragraph, and on the type of childcare services required, the rank assigned to a child is likely to vary and may be expressed in numbers, letters or categories.

The Government determines, by regulation, the terms and conditions for registering a child with the single window and for assigning one or more ranks to the child, as well as those for selecting, matching and referring a child registered with the single window. The Government also determines, by regulation, the requirements, criteria and priorities for admitting children to an educational childcare provider or category of educational childcare providers. The regulation must facilitate access to educational childcare services for children with special needs.

The Government may also determine, by regulation, the information and documents that must be provided to the Minister or the administrator of the single window by the educational childcare providers or the parents, in particular with regard to children's admission, exclusion or attendance, or to the cessation of their attendance.

"**59.5.** For a child to receive educational childcare services provided by an educational childcare provider, other than a provider referred to in section 59.3, the child must be registered with the single window according to the terms and conditions determined by regulation.

"**59.6.** Educational childcare providers may not admit a child to their facility or to a home childcare service if the child is not already registered with the single window.

"**59.7.** Permit holders for childcare centres or day care centres delivering subsidized childcare must establish their admission policies in accordance with the requirements determined by regulation.

Children who live in precarious socio-economic situations must be given priority in the admission policies of educational childcare providers referred to in the first paragraph, to the extent and on the terms determined by regulation. To that end, the Minister may develop deprivation indexes or use existing indexes.

"**59.8.** Day care centres that do not provide subsidized childcare and recognized home educational childcare providers may, subject to section 59.6, admit the children of their choice according to the admission criteria they determine.

"**59.9.** When permit holders for childcare centres or day care centres delivering subsidized childcare intend to admit a child, they must first notify the single window administrator to obtain the referral of children from the administrator.

The referral of children via the single window and their matching with a permit holder referred to in the first paragraph must be done in accordance with the terms and conditions determined by regulation.

The referral and matching must also be done in such a way as to anticipate the measures that could be required to enable the integration of a child with special needs into a permit holder's centre.

"**59.10.** All educational childcare providers must immediately inform the single window administrator when they admit a child.

"**59.11.** A parent may refuse to have their child admitted to a particular educational childcare provider.

"**59.12.** Permit holders for childcare centres or day care centres delivering subsidized childcare that refuse to admit a child who has been referred to them by the single window must notify the single window administrator and the parent of the refusal and inform the parent in writing of the reasons for the refusal."

36. Section 78 of the Act is amended

(1) by replacing "statements to an inspector or refuse to provide an inspector with the information" in the first paragraph by "representations to an inspector or refuse to provide an inspector with the information or a document";

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

"The person in charge of the premises being inspected and any other person present are required to assist the inspector. Likewise, the person holding information or having custody, possession or control of any document relating to the application of this Act must, at the inspector's request, give the information or document to the inspector within a reasonable time and facilitate its examination."

37. The Act is amended by inserting the following section after section 78:

"**78.1.** An inspector may, by a formal demand delivered by any means that allows proof of receipt, require any person to communicate, by the same means, within a reasonable time specified by the inspector, information or documents relating to the application of this Act.

The person to whom the demand is made must comply with the demand within the specified time, whether or not the person has already communicated such information or such a document or a reply to a similar demand made under this Act."

38. Section 81 of the Act is amended by replacing "fax machine or any other electronic means, provided the intended recipient can be so reached" by "any means of communication that allows proof of receipt".

39. The Act is amended by inserting the following sections after section 81:

"**81.0.1.** No person may hinder an investigator in the exercise of investigation functions, make misleading representations to an investigator or refuse to provide an investigator with the information or a document he or she has the right to obtain under this Act.

"**81.0.2.** An investigator may not be prosecuted for any act done in good faith in the exercise of investigation functions."

40. Section 89 of the Act is amended by inserting the following paragraph after paragraph 1:

"(1.1) to an applicant for recognition as a home educational childcare provider, for the establishment of home childcare; or".

41. Section 90 of the Act is amended by replacing the second paragraph by the following paragraphs:

"Such childcare is intended for children referred to in the first paragraph of section 2.

Home educational childcare providers may not receive a subsidy for the childcare they provide, within their childcare operation, to their own children or to children who ordinarily live with them. Nor may they receive a subsidy for childcare provided to their assistants' children or to children who ordinarily live with their assistants, if the services are provided at the children's residence."

42. Section 91 of the Act is amended by replacing "likewise" by ", according to the conditions and priorities the Minister determines,".

43. Section 93 of the Act is replaced by the following sections:

"**93.** The total number of subsidized childcare spaces corresponds to the total number of spaces authorized under the permits for all childcare centres and daycare centres that have entered into a subsidy agreement with the Minister as well as under the accreditations of all the home educational childcare coordinating offices.

"**93.0.1.** When the Minister intends to assign new subsidized childcare spaces to permit applicants or permit holders, the Minister issues an invitation to submit a project to create such spaces for part or all of Québec.

Such an invitation is first addressed to childcare centre permit applicants or permit holders. If no project is submitted by them or is selected, the invitation may then be addressed to any other permit applicant or permit holder.

The invitation sets out the terms and conditions the project must comply with and the categories of permit applicants or permit holders for which the invitation is intended, if applicable. It may also specify the participation of the Minister in the financing or planning of the construction project as well as that of any person designated by the Minister, in particular in the planning, management or control of the development or construction project or in the supply of a facility.

Following the invitation, the Minister selects one or more projects from among those that meet the conditions of the invitation and then allocates the places among the permit applicants or permit holders whose project has been selected.

Before allocating spaces within an Aboriginal community, the Minister consults the community concerned or, if applicable, the person or body designated by the community to represent it in such matters.

"**93.0.2.** When the Minister intends to assign new subsidized childcare spaces to a home educational childcare coordinating office for it to distribute the spaces, the Minister modifies the coordinating office's accreditation in accordance with subdivision 2 of Division I of Chapter III of the Act.

"**93.0.3.** The Minister must take measures to ensure that the educational childcare service supply in each territory meets the demand for such services. Accordingly, when the Minister finds, at the conclusion of the process set out in section 11.2, that the Minister's projected service supply in a given territory does not meet the demand, the Minister issues, within six months of that finding, an invitation in accordance with section 93.0.1.

"**93.0.4.** Where the subsidized childcare spaces assigned to a permit applicant or a permit holder are not made available within the time determined by the Minister, the Minister may recover the spaces in order to reallocate or cancel them.

The same is true where such a childcare space becomes unoccupied otherwise than in the situation provided for in section 93.0.8.

Before recovering or cancelling childcare spaces in accordance with this section, the Minister must notify the permit applicant or permit holder in writing and give the applicant or holder at least 15 days to submit observations. The Minister's decision, with reasons, is then communicated in writing.

"**93.0.5.** Where a permit applicant or permit holder delays or neglects, or experiences significant difficulties in, completing construction or development work for which subsidies have been granted, the Minister may, in addition to any other action the Minister may take or any right the Minister may have, propose the participation of any person designated by the Minister in order to complete the required work.

"**93.0.6.** A coordinating office may reallocate a childcare space assigned to a home educational childcare provider if it becomes unoccupied.

"**93.0.7.** Where a home coordinating office fails to make available the childcare spaces that have been allocated to it, the Minister may recover those spaces in order to reallocate them in accordance with section 93.0.1 or section 93.0.2 or to cancel them.

Where the Minister intends to decrease the number of spaces granted to a coordinating office without the latter having consented to it, the Minister must notify the coordinating office in writing and give it at least 15 days to submit observations. After the expiry of that period, the Minister renders a decision in writing, with reasons.

"**93.0.8.** Where a permit holder ceases to operate in one or more facilities, the Minister recovers, if applicable, the subsidized childcare spaces that were assigned to it. Despite sections 11.2 and 93.0.1, the Minister may then assign such spaces or reallocate the spaces recovered to the childcare centre permit holder or permit applicant best able to ensure the continuity of childcare provided in the territory served, while granting attendance priority to the children affected by the cessation of operations.

Where no childcare centre permit holder or permit applicant is able to ensure that services are maintained to the Minister's satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

"**93.0.9.** When allocating subsidized childcare spaces to permit applicants or permit holders, the Minister makes public, on the Minister's department's website, the criteria used to assess the projects and allocate the spaces as well as the decisions rendered concerning the projects accepted."

44. Section 93.1 of the Act is replaced by the following section:

"**93.1.** In no case may a person who holds two or more day care centre permits or related persons who hold two or more day care centre permits be allocated more than 500 subsidized childcare spaces."

45. Sections 94 and 94.2 of the Act are repealed.

46. Section 95 of the Act is replaced by the following section:

"**95.** An educational childcare provider may not provide childcare to both children benefiting from subsidized childcare spaces and others not occupying subsidized childcare spaces."

47. Section 96 of the Act is amended by adding the following paragraph at the end:

"The Minister may also pay a subsidy referred to in paragraph 1.1 of section 89 to a coordinating office for it to redistribute according to the terms and conditions determined by the Minister."

48. Section 101 of the Act is amended by replacing "ou de la révocation de son permis ou de son agrément" in the French text by ", de la révocation de son permis ou du retrait de son agrément".

49. Section 101.3 of the Act is amended

(1) by inserting ", 81.0.1" after "78" in the first paragraph;

(2) by replacing "the first paragraph of section 5.1 or any of sections 13, 14, 16, 20, 59.1, 59.2 and 102" in the second paragraph by "section 2.2, the first and fifth paragraphs of section 5.1 or any of sections 13, 13.1, 14, 16, 20, 59.2 and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12, 95 and 102";

(3) by replacing the third paragraph by the following paragraph:

"The amount of the administrative penalty is $750 in the case of a natural person and $1,500 in other cases."

50. The heading of Chapter VIII.2 of the Act is replaced by the following heading:

"REGIONAL ADVISORY COMMITTEE".

51. Section 103.5 of the Act is replaced by the following section:

"**103.5.** The Minister establishes a regional advisory committee for every territory the Minister determines.

The function of each committee is to advise the Minister on the educational childcare service needs and priorities for developing such services in its territory, in accordance with section 11.2.

In addition, a committee must conduct any analysis the Minister requests it to conduct and give its opinion on any matter submitted to it by the Minister, including any matter concerning the development of educational childcare services, the steps leading to the issue of a day care centre permit and the process for assigning, recovering and allocating subsidized childcare spaces."

52. Section 103.6 of the Act is amended

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

"Each committee is composed of the following members:

(1) one person designated by each of the regional county municipalities of the territory concerned;

(2) one person designated by the director or directors of youth protection acting in the territory concerned;

(3) one person designated by the integrated health and social services centres of the territory concerned who is not under the authority of a director of youth protection;

(4) one person designated by the school service centres and school boards of the territory concerned;

(5) one person designated by a regional economic development agency of the territory concerned;

(6) one person designated by a community organization with a family-related mandate designated by the Minister; and

(7) one person designated by the body most representative of the childcare centres of the territory concerned.";

(2) by replacing the first sentence of the second paragraph by the following sentences: "For the purposes of subparagraph 1 of the first paragraph, any local municipality whose territory is not included in that of a regional county municipality, with the exception of a local municipality whose territory is included in the urban agglomeration of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque or Municipalité des Îles-de-la-Madeleine, is considered a regional county municipality. In the case of those municipalities, the urban agglomeration council is considered a regional county municipality.";

(3) by replacing the third paragraph by the following paragraphs:

"All regional advisory committee members designated under the first paragraph must work or reside in the territory of their committee.

A person designated under the first paragraph who, due to an impediment or a temporary inability to act, is unable to attend a committee meeting may be replaced by a person mandated for that purpose by the body or bodies that designated the person."

53. Section 103.7 of the Act is amended

(1) by replacing "non-renewable five-year term" in the first paragraph by "term not exceeding five years";

(2) by inserting "or until their term is renewed" at the end of the second paragraph.

54. Section 103.8 of the Act is amended by adding the following paragraph at the end:

"The quorum at meetings of a committee is a majority of its members. If a quorum cannot be obtained, the Minister may, if the Minister considers it appropriate or at the request of the committee, designate one or more ad hoc members."

55. The Act is amended by inserting the following section after section 103.8:

"**103.8.1.** The Minister may issue a directive establishing any of the committee's operating rules, including those relating to conflicts of interest, their disclosure and ethics."

56. Section 103.9 of the Act is amended by replacing "Advisory committee members" by "Members or ad hoc members of a regional advisory committee".

57. Section 104 of the Act is replaced by the following section:

"**104.** A person whose permit application or application for recognition as a home educational childcare provider is denied or whose permit or recognition is suspended, revoked or not renewed or a parent who believes he or she has been wronged by a decision under section 88 may contest the decision of the Minister or the home educational childcare coordinating office, as applicable, before the Administrative Tribunal of Québec within 60 days after being notified of the decision."

58. Section 106 of the Act is amended, in the first paragraph,

(1) by inserting ", and determine the cases, conditions and duration of the overlapping period during which more children than the number stated on the permit may be provided childcare in accordance with section 13.1" at the end of subparagraph 3;

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

"(3.1) prescribe standards aimed at ensuring the health of children that are applicable to educational childcare providers, their facilities or their residence, as applicable, and require educational childcare providers to send the Minister the results of any analysis that may be required by the Minister regarding such matters;";

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

"(4.1) determine the persons required to take a first aid course and the persons qualified to offer the course, identify the course that must be taken or prescribe its content, its duration and the manner in which it must be offered, and the terms for maintaining the training of the persons having taken it;";

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

"(5.1) establish the conditions and standards applicable when a permit holder is authorized, under section 16.4, to provide childcare services in a temporary facility and determine, from among the standards that would otherwise be applicable, those from which the holder is exempt in those circumstances;";

(5) by inserting the following subparagraphs after subparagraph 8:

"(8.1) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a permit holder must issue to a member of its childcare staff when the staff member's employment is terminated or when the permit holder ceases to operate in a facility;

"(8.2) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a coordinating office must issue to a home educational childcare provider it has recognized when the home childcare provider's recognition is terminated;

"(8.3) determine the conditions for the issue or renewal of a certificate of recognition of qualification by the Minister, prescribe the certificate's content and prescribe the information that a permit holder, home educational childcare coordinating office, recognized home educational childcare provider or childcare staff member must provide for that purpose;";

(6) by replacing subparagraph 14 by the following subparagraphs:

"(14) determine the terms and conditions according to which an educational childcare provider must register with the single window for access to educational childcare services designated by the Minister;

"(14.0.1) determine the terms and conditions for registering a child with the single window for access to educational childcare services and those for matching and referring a registered child;

"(14.0.2) determine the requirements, criteria and priorities for admitting a child to an educational childcare provider or category of educational childcare providers;

"(14.0.3) determine the terms and conditions for assigning a rank or ranks to, and for selecting, a child registered with the single window for access to educational childcare services;

"(14.0.4) determine the information and documents that must be provided to the Minister or the administrator of the single window for access to educational childcare services by educational childcare providers or parents, in particular with regard to children's admission, exclusion or attendance or to the cessation of their attendance;

"(14.0.5) determine the requirements relating to the establishment and content of the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;

"(14.0.6) prescribe to what extent and according to what terms children living in a precarious socio-economic situation must be given priority in the admission policies of permit holders for childcare centres or day care centres delivering subsidized childcare;";

(7) by inserting the following subparagraph after subparagraph 15:

"(15.1) determine the formalities to be followed when taking children on an outing;";

(8) by replacing ", to an educational childcare provider or to the person referred to in section 6.1" in subparagraph 18 by "or to an educational childcare provider";

(9) by striking out subparagraph 18.1;

(10) by inserting "in one or more facilities" at the end of subparagraph 19;

(11) by inserting the following subparagraph after subparagraph 23:

"(23.1) establish the number, nature and terms of visits that a home educational childcare coordinating office is required to make to a home educational childcare provider;";

(12) by striking out subparagraphs 29.4 to 29.7.

59. Section 108 of the Act is amended

(1) by inserting ", 14.0.1, 15.1" after "14" in the first paragraph;

(2) by replacing "3, 4, 5" in the third paragraph by "3 to 5.1".

60. Section 108.1 of the Act is amended by replacing "$1,000 to $10,000" by "$2,500 to $12,500".

61. Section 109 of the Act is amended by replacing "53" by "52".

62. Section 110 of the Act is amended by replacing "13, 14, 16, 17, 20, 22, 25 or 30" by "13, 13.1, 14, 16, 17, 20, 22 or 25".

63. The Act is amended by inserting the following section after section 110:

"**110.1.** A permit holder that contravenes a provision of the first paragraph of section 30 is guilty of an offence and is liable to a fine of $2,500 to $12,500."

64. Section 111 of the Act is amended by replacing "$250 to $1,000" by "$500 to $2,500".

65. The Act is amended by inserting the following section after section 112:

"**112.1.** An accredited home educational childcare coordinating office that contravenes section 51.1 is guilty of an offence and is liable to a fine of $2,500 to $12,500."

66. Section 113.4 of the Act is repealed.

67. Section 114 of the Act is amended by replacing "$250 to $1,000" by "$500 to $2,500".

68. Section 115.1 of the Act is amended by replacing "section 78" by "a provision of section 78 or 81.0.1".

69. Section 116 of the Act is amended by replacing "59.1, 59.2" by "2.2, 59.2 and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12".

70. Section 117 of the Act is amended by replacing "$250 to $1,000" by "$500 to $2,500".

71. The Act is amended by inserting the following section after section 119:

"**119.1.** The prescription period for a penal proceeding for an offence under this Act or the regulations is the longer of

(1) three years from the date the offence was committed; and

(2) two years from the date on which the inspection or investigation that led to the discovery of the offence was begun if false representations were made to the Minister or to one of the Minister's public servants.

In the cases referred to in subparagraph 2 of the first paragraph, the Minister's, inspector's or investigator's attestation indicating the date on which the investigation record was opened constitutes conclusive proof of that date, in the absence of evidence to the contrary. However, in such cases, no proceedings may be instituted if more than five years have passed since the date of the commission of the offence."

72. The Act is amended by inserting the following section after section 121:

"**121.1.** To enable the application of measures ensuring that Aboriginal realities are taken into account, the Government may enter into an agreement on any matter within the scope of this Act or the regulations with an Aboriginal nation represented by all the band councils or northern village councils of the communities forming the nation, by the Makivik Corporation or by the Cree Nation Government, with an Aboriginal community represented by its band council, by its northern village council or by a group of communities so represented or, in the absence of such councils, with any other Aboriginal group.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that the person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 30 days after it is signed or, if the Assembly is not sitting, within 30 days after resumption. It must also be published in the *Gazette officielle du Québec*."

73. Section 122 of the Act is amended by replacing "The Minister may establish" in the first paragraph by "The Minister may, on the Minister's initiative or at the request of a third party, establish or authorize".

74. Section 124 of the Act is replaced by the following section:

"**124.** The maximum duration of a pilot project is three years. The Minister may extend the duration by up to two years if the Minister considers it necessary.

The results of a pilot project must be published by the Minister, on the Minister's department's website, not later than one year after it ends."

75. The Act is amended by inserting the following section after section 153:

"**153.1.** A non-profit community organization that establishes that, on 21 October 2021, it met all the conditions set out in subparagraph 3 of the second paragraph of section 6 of this Act, as it reads as of 1 September 2022, other than the condition that a public body referred to in that paragraph finance its overall mission, may apply to the Minister, not later than 11 July 2022, for recognition as such. An application for recognition may not be made after that date.

When the Minister recognizes such an organization under the first paragraph, the Minister issues it recognition that allows it to avail itself of the exception under subparagraph 3 of the second paragraph of section 6 of the Act as of 1 September 2022, to the extent and as long as the organization complies with all the other conditions."

76. The Act is amended by replacing all occurrences of "10 days" in sections 29, 49, 68 and 97 by "15 days".

REDUCED CONTRIBUTION REGULATION

77. Section 1 of the Reduced Contribution Regulation (chapter S-4.1.1, r. 1) is amended

(1) by striking out "for children under 5 years of age on 30 September of the reference year" in the second paragraph;

(2) by striking out the third paragraph.

78. Section 4 of the Regulation is revoked.

79. Section 6 of the Regulation is amended by striking out "under 5 years of age on 30 September of the reference year" in the introductory clause of the first paragraph.

80. Section 7 of the Regulation is revoked.

81. Sections 8 and 10 of the Regulation are amended by replacing all occurrences of "6, 7 and 12" by "6 and 12".

82. Section 11 of the Regulation is amended by striking out "under 5 years of age on 30 September of the reference year".

83. Section 14 of the Regulation is amended

(1) by striking out ", except if the child is at least 5 years of age on 30 September of the reference year and has been admitted to preschool or elementary school education" in subparagraph 4 of the second paragraph;

(2) by striking out the third paragraph;

(3) by inserting "Furthermore," at the beginning of the fourth paragraph.

84. Section 25 of the Regulation is amended by striking out "7,".

EDUCATIONAL CHILDCARE REGULATION

85. Chapter I.1 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is revoked.

86. Section 7 of the Regulation is amended

(1) by replacing "80 children" in the introductory clause by "100 children";

(2) by replacing paragraphs 3 and 4 by the following paragraph:

"(3) 4 years of age and older."

87. Subdivision 5 of Division I of Chapter II of the Regulation is revoked.

88. Section 21 of the Regulation is amended by replacing paragraphs 3 and 4 by the following paragraph:

"(3) one member for 10 or fewer children present from 4 years of age and older."

89. The Regulation is amended by inserting the following division after section 44:

"**DIVISION IV**

"TEMPORARY FACILITIES

"**44.1.** A permit holder authorized, under section 16.4 of the Act, to provide childcare to children in a temporary facility must be sure to comply with all the standards applicable under this Regulation, except the standards set out in the following provisions:

(1) subparagraphs *c* and *d* of paragraph 10 of section 10;

(2) section 16.1;

(3) paragraphs 2, 4 and 7 of section 32; and

(4) paragraph 6 of section 33.

The permit holder is also exempt from the application

(1) of paragraph 1 of section 33 and paragraph 1 of section 34, provided the holder has a refrigerator and, if the holder provides childcare to children under 18 months of age, a hot plate in his or her facility;

(2) of paragraph 2 of section 33, provided the holder, if the holder provides childcare to children under 18 months of age, reserves space for a cloakroom for those children; and

(3) of the obligation set out in paragraph 3 of section 33 to have one toilet and washbasin on each storey to which children have access, to the extent that that equipment is not located more than one storey from the storey to which children have access."

90. Sections 49 and 50 of the Regulation are revoked.

91. The heading of subdivision 4 of subdivision 2 of Division II of Chapter III of the Regulation is amended by replacing "*Non-renewal*" by "*Refusal, non-renewal*".

92. Section 75 of the Regulation is amended by replacing "5.2, 53, 53.1, 54, 58" in paragraph 1 by "2.2, 5.2, 52, 53.1, 54, 58, 59.2, 59.6, 59.10".

93. Section 76 of the Regulation is amended by replacing "home educational childcare provider, the coordinating office must notify the provider in writing" in the first paragraph by "home educational childcare provider or before refusing to issue a recognition, the coordinating office must notify the person concerned in writing".

94. Section 124 of the Regulation is amended by striking out "17,".

95. Section 125 of the Regulation is amended by replacing "45 and 47 to 49" by "45 and 47 to 48.1".

96. Section 127 of the Regulation is amended by replacing "80 children" by "100 children".

OTHER AMENDING PROVISION

97. Unless the context indicates otherwise, in any Act or regulation, including the title, except for the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2), and in any other document,

(1) "childcare provider" is replaced by "educational childcare provider";

(2) "home childcare provider" is replaced by "home educational childcare provider";

(3) "home childcare coordinating office" is replaced by "home educational childcare coordinating office", except in section 1 of the Act to facilitate the establishment of a pension plan for employees working in childcare services (chapter E-12.011), where it is replaced by "coordinating office".

The replacements referred to in the first paragraph also apply, with the necessary modifications, to the plural form of the replaced expressions.

TRANSITIONAL AND FINAL PROVISIONS

98. A child who, on 12 April 2022, is admitted to preschool education services or elementary school instructional services and who is receiving childcare provided by an educational childcare provider may continue to receive such childcare until 31 August 2022. Despite any contract provision to the contrary, the child may not continue to receive those services as of 1 September 2022.

99. Despite the time limit prescribed in the fifth paragraph of section 5.1 of the Educational Childcare Act (chapter S-4.1.1), enacted by section 5, the first publication by the Minister of the results of the childcare educational quality assessment and improvement process is made

(1) with regard to a permit holder, as of the time all permit holders have been assessed at least once, regardless of the date of the assessment; and

(2) with regard to a home educational childcare provider, as of the time all home educational childcare providers have been assessed at least once, regardless of the date of the assessment.

Permit holders and home educational childcare providers whose permit or recognition was obtained in the year preceding the date of the first publication by the Minister are not taken into account in determining that date.

100. From 1 September 2022 until 1 September 2026, sections 6.1, 6.2 and 113.4 of the Educational Childcare Act do not apply to a person referred to in subparagraph 1 of the second paragraph of section 6 of that Act, as enacted by section 6.

101. With regard to a home educational childcare coordinating office whose accreditation is in force on 12 April 2022, section 45 of the Educational Childcare Act, as amended by section 26, applies only from the first renewal of the accreditation after that date.

102. Section 93.0.5 of the Educational Childcare Act, enacted by section 43, applies, with the necessary modifications, to a project involving construction or development work for which subsidies were granted to the permit applicant or permit holder before 1 September 2022.

103. From 12 April 2022 until 1 September 2022 and despite any provision to the contrary, an educational childcare service supply advisory committee established under section 103.5 of the Educational Childcare Act retains competence only with regard to permit applications for day care centres that do not provide subsidized childcare filed before 12 April 2022. Any application received by the Minister before that date and not yet decided by the committee must be analyzed by the committee concerned, which must produce its recommendations not later than 1 September 2022.

All permit applications for day care centres that do not provide subsidized childcare filed between 12 April 2022 and 1 September 2022 are suspended. At the end of that period, those applications must be analyzed in accordance with the Educational Childcare Act, as it reads as of 1 September 2022.

Between 12 April 2022 and 1 September 2022, the Minister assumes, with the necessary modifications, all the other responsibilities of an educational childcare service supply advisory committee.

104. The term of any member of an educational childcare service supply advisory committee designated under subparagraphs 3, 4, 8 or 9 of the first paragraph of section 103.6 of the Educational Childcare Act, as it read before 1 September 2022, continues without interruption within a regional advisory committee as if the member had been designated under, respectively, subparagraph 4, 7, 5 or 6 of the first paragraph of section 103.6, as they read as of that date.

The term of a member designated under subparagraph 2 of the first paragraph of section 103.6 of the Educational Childcare Act, as it read before 1 September 2022, continues without interruption as if the member had been designated under subparagraph 2 or 3 of the first paragraph of section 103.6, according to whether or not they are under the authority of the director of youth protection, as they read as of that date.

For the purposes of section 103.7 of the Educational Childcare Act, as amended by section 53, the term of a member referred to in the first or second paragraph is deemed to start on 1 September 2022. The term of any other member ends on that date.

105. Despite any inconsistent provision, a person who, between 12 April 2022 and 1 September 2026, files an application for recognition with a coordinating office may be recognized as a home educational childcare provider without having successfully completed the training referred to in paragraph 8.1 of section 51 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2).

The same applies with respect to the person's obligation to comply with paragraph 9 of section 60 of the Regulation and to the obligation to comply with sections 5 and 57.1 of the Educational Childcare Act.

However, to maintain recognition, the person must, not later than 12 months after obtaining the recognition, successfully complete the training referred to in the first paragraph and send the documents establishing completion to the coordinating office and, not later later than 24 months after recognition, send the coordinating office his or her educational program and implement it as well as comply with section 57.1 of the Educational Childcare Act.

In addition, on receiving the documents sent under this section, the coordinating office applies sections 61 and 62 of the Educational Childcare Regulation, with the necessary modifications.

106. If the expiry date of the recognition of a home educational childcare provider is later than 11 April 2022, it is postponed to two years from the date appearing in the notice of acceptance referred to in section 62 of the Educational Childcare Regulation that was issued to the home educational childcare provider.

107. The Government may, by a regulation made before 12 April 2024, enact any other transitional provision or measure useful for carrying out this Act.

A regulation made under the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

Such a regulation may also, if it so provides, apply from any date not prior to 12 April 2022.

108. The provisions of this Act come into force on 12 April 2022, except

(1) sections 1 to 3, 6 and 7, paragraph 2 of section 9, section 10, paragraphs 1 and 2 of section 11, sections 12 to 15, 18, 28, 41, 43, 45 and 46, paragraph 2 of section 49 insofar as it adds "section 2.2" and "95" to the second paragraph of section 101.3 of the Educational Childcare Act, sections 50 to 56, section 69 insofar as it adds "2.2" to section 116 of that Act, sections 77 to 84, paragraph 2 of section 86, section 88, and section 92 insofar as it adds "2.2" to section 75 of the Educational Childcare Regulation, which come into force on 1 September 2022;

(2) sections 8 and 30 to 32, paragraphs 8, 9 and 12 of section 58, sections 61, 66 and 85, and section 92 insofar as it adds "52" to section 75 of the Educational Childcare Regulation and strikes out "53" in that section, which come into force on 1 September 2026;

(3) sections 5, 16 and 35, paragraph 2 of section 49 insofar as it adds "and fifth", ", 13.1" and "and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12" to the second paragraph of section 101.3 of the Educational Childcare Act and strikes out "59.1" in that paragraph, paragraphs 1, 6 and 7 of section 58, paragraph 1 of section 59, section 62 insofar as it adds "13.1" to section 110 of that Act, section 69 except insofar as it adds "2.2" to section 116 of that Act, section 92 insofar as it adds "59.2, 59.6, 59.10" to section 75 of the Educational Childcare Regulation, and section 99, which come into force on the date to be determined by the Government.

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 22
(2022, chapter 13)

An Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions

Introduced 9 February 2022
Passed in principle 17 February 2022
Passed 24 May 2022
Assented to 26 May 2022

Québec Official Publisher
2022

EXPLANATORY NOTES

This Act first amends the Automobile Insurance Act in order to make adjustments to the compensation plan for traffic accident victims.

In that regard, the Act extends the payment of the income replacement indemnity until the victim's death according to the conditions it determines and after a new computation of the indemnity made in accordance with a regulation enacted by the Act. In addition, it provides for the retroactive application of those amendments to 1 January 1990 with respect to any automobile accident victim who is alive on the date of coming into force of the amendments and who has reached 67 years of age.

The Act provides that a victim who suffers from catastrophic injuries or sequelae is entitled, according to the conditions it determines, to an income replacement indemnity computed on the basis of a gross income that may not be less than the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada. The Act enacts the regulation that determines the injuries and sequelae concerned.

The Act revises the method for computing the death benefit paid to the spouse and increases the minimum amount of the benefit. It also increases the lump sum indemnity for funeral expenses as well as the maximum reimbursement amounts for certain expenses incurred by a victim. It also provides that certain amounts are now determined by regulation and may not be less than the amounts fixed by law.

In addition, the Act provides for various measures, including the revalorization on 1 January each year of all the indemnities and expenses that qualify for reimbursement that are prescribed by regulation, unless those amounts are already otherwise updated or prescribed under a rate.

The Act also amends the Highway Safety Code, in particular to prohibit the holder of a learner's licence who already holds a driver's licence from driving a vehicle covered by the class of the learner's licence if any alcohol is present in his body. In the case of a failure to comply with that prohibition, the Act provides that the holder is liable to a fine and that the class of licence covered by the learner's licence is suspended for 90 days.

The Act extends the mandatory period during which a first-time drinking and driving offender must drive a vehicle equipped with an alcohol ignition interlock device if the offender commits, during the period prescribed by regulation, one or more breaches in connection with the use of the device among the breaches determined by regulation.

The Act makes it mandatory for drivers of heavy vehicles to use an electronic logging device to record their hours of service and hours of rest and prescribes the responsibilities of drivers and operators of heavy vehicles with regard to such a device.

The Act also amends certain rules of proof applicable in respect of an offence evidenced by a photograph or series of photographs taken by a photo radar device or a red light camera system.

The Act also provides for various amendments, in particular to revise the registration and driver's licence courtesy privileges granted to foreign representatives, to require compliance with the orders and signals given by a flag person during exceptional events or sports events or competitions and to update the rules governing the establishment of a school zone, in particular by enacting the Regulation to govern the establishment of school zones and define the school period.

Lastly, the Act contains consequential amendments and transitional measures.

LEGISLATION AMENDED BY THIS ACT:

– Automobile Insurance Act (chapter A-25);

– Highway Safety Code (chapter C-24.2);

– Code of Penal Procedure (chapter C-25.1);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère des Transports (chapter M-28);

– Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

– Transport Act (chapter T-12);

– Act respecting off-highway vehicles (chapter V-1.3);

– Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18).

REGULATIONS ENACTED BY THIS ACT:

– Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act (2022, chapter 13, section 90);

– Regulation respecting catastrophic injuries or sequelae (2022, chapter 13, section 91);

– Regulation to govern the establishment of school zones and define the school period (2022, chapter 13, section 92).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14);

– Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9);

– Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26);

– Regulation respecting road vehicle registration (chapter C-24.2, r. 29);

– Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3).

REGULATION REPEALED BY THIS ACT:

– Regulation defining what constitutes a school zone for the purpose of using a photo radar device or a red light camera system (chapter C-24.2, r. 53).

Bill 22

AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT, THE HIGHWAY SAFETY CODE AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

AUTOMOBILE INSURANCE ACT

1. The Automobile Insurance Act (chapter A-25) is amended by inserting the following subdivision after section 26:

"§3.1. — *Victim suffering from catastrophic injuries or sequelae*

"**26.1.** This subdivision does not apply to a victim under 16 years of age or to a victim 16 years of age or over attending a secondary or post-secondary educational institution on a full-time basis.

"**26.2.** A victim who, by reason of an accident, suffers catastrophic injuries or sequelae determined by regulation is entitled, from the date that is 12 months after the date of the accident, to having the income replacement indemnity to which he is entitled on that date under this division computed on the basis of a gross income that shall not be less than the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year of the accident."

2. Section 40 of the Act is replaced by the following section:

"**40.** The income replacement indemnity to which a victim is entitled under this chapter is reduced by 25% from the date of his sixty-fifth birthday, by 50% from the date of his sixty-sixth birthday and by 75% from the date of his sixty-seventh birthday.

From the date of his sixty-eighth birthday until his death, the amount of his indemnity is determined in accordance with the computation method prescribed by regulation, according to the related rules and terms.

However, where a victim is 64 years of age or over on the date of the accident, the income replacement indemnity to which he is entitled is reduced by 25% from the second year following the date of the accident, by 50% from the third year and by 75% from the fourth year following that date. The victim ceases to be entitled to his indemnity four years after the date of the accident, except

where the accident occurred before the date of his sixty-fifth birthday, in which case the second paragraph applies from the fifth year following the date of the accident, with the necessary modifications.

If the indemnity determined in accordance with the second paragraph is greater than the indemnity reduced by 75% in accordance with the first paragraph, it is to be paid from the date of the victim's sixty-seventh birthday rather than from the date of his sixty-eighth birthday."

3. Section 43 of the Act is repealed.

4. Section 51 of the Act is amended by striking out "43," in the second paragraph.

5. Section 57 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to a victim who suffers from catastrophic injuries or sequelae referred to in section 26.2."

6. The Act is amended by inserting the following sections after section 57:

"**57.1.** A victim who suffers from catastrophic injuries or sequelae referred to in section 26.2 and who suffers a relapse of his bodily injury shall receive compensation from the date of the relapse as though his disability resulting from the accident had not been interrupted.

However, if the indemnity computed on the basis of the gross income actually earned by the victim at the time of the relapse is greater than the indemnity to which the victim would be entitled under the first paragraph, the victim shall receive the greater indemnity.

"**57.2.** A victim who, by reason of a relapse of his bodily injury, suffers from catastrophic injuries or sequelae referred to in section 26.2 shall receive compensation in accordance with the rules set out in section 57, according to the time at which the relapse occurs.

However, the victim is entitled, from the date that is 12 months after the date of the relapse, to having the income replacement indemnity to which he is entitled on that date computed on the basis of a gross income that shall not be less than the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the year of the relapse."

7. Section 63 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "by the factor appearing in Schedule I opposite the age of the victim on the date of his death" in subparagraph 1 by "by five";

(*b*) by replacing "$49,121" in subparagraph 2 by "$148,605";

(2) by striking out the last paragraph.

8. Section 70 of the Act is replaced by the following section:

"**70.** The succession of a victim is entitled to a lump sum indemnity for funeral expenses, the amount of which is determined by regulation; however, such amount shall not be less than $7,500."

9. Section 79 of the Act is amended by replacing ", but no reimbursement may exceed $614 per week" in the second paragraph by "up to the maximum amounts determined by regulation, which shall not, however, be less than $949 per week".

10. Section 80 of the Act is amended by replacing the second paragraph by the following paragraph:

"The indemnity is a weekly payment and is determined by regulation according to the number of persons contemplated in the first paragraph. However, the amount of the indemnity shall not be less than

(1) $474 where the victim has the care of one person;

(2) $532 where the victim has the care of two persons;

(3) $587 where the victim has the care of three persons;

(4) $647 where the victim has the care of four or more persons."

11. Section 83 of the Act is amended by replacing the third paragraph by the following paragraph:

"The expenses shall be reimbursed according to the number of persons contemplated in the first paragraph, on a weekly basis and on presentation of vouchers, up to the maximum amounts determined by regulation, which shall not, however, be less than

(1) $330 where the victim has the care of one person;

(2) $360 where the victim has the care of two persons;

(3) $410 where the victim has the care of three or more persons."

12. The Act is amended by inserting the following section after section 83.22:

"**83.22.1.** Unless notice to the contrary is given by the victim, where the amount of the income replacement indemnity to be paid once every 14 days is less than $30, the indemnity may be paid by the Société semi-annually

(1) in the month of June, for indemnities payable for the months of January to June; and

(2) in the month of December, for indemnities payable for the months of July to December."

13. Section 83.24 of the Act is amended by replacing "medical" in the first paragraph by "expert".

14. Section 83.31 of the Act is replaced by the following section:

"**83.31.** A person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed and who has filed, in support of his application, a written expert report from a health professional within the meaning of section 83.8 is entitled to reimbursement of the cost of that report, up to the amount established by regulation."

15. Section 83.34 of the Act is amended by replacing the second paragraph by the following paragraph:

"The indemnity amounts prescribed by a regulation under this title shall also be revalorized on 1 January each year, unless a mechanism for updating the amounts is already provided for in the regulation or the amounts are prescribed under a rate external to the Société."

16. Section 151.4 of the Act is repealed.

17. Section 195 of the Act is amended

(1) by inserting the following paragraphs after paragraph 9:

"(9.1) to determine the catastrophic injuries or sequelae and to prescribe rules for evaluating them;

"(9.2) to prescribe the method for computing the income replacement indemnity paid under the second and third paragraphs of section 40 and the related rules and terms;";

(2) by inserting the following paragraph after paragraph 11:

"(11.1) to determine the amount of the lump sum indemnity for funeral expenses referred to in section 70;";

(3) by replacing paragraph 17 by the following paragraph:

"(17) to establish the amounts paid to reimburse the cost of a health professional's expert report to a person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed;";

(4) by inserting the following paragraph after paragraph 18:

"(18.1) to determine the maximum reimbursement amounts for expenses incurred by a victim for personal assistance referred to in section 79;";

(5) by replacing paragraph 27 by the following paragraphs:

"(27) to determine the indemnity provided for in section 80, which may vary according to the number of persons contemplated in the first paragraph of that section, and to prescribe in what cases and on what conditions the indemnity is adjusted according to the variation in that number of persons;

"(27.1) to determine the maximum amounts up to which the expenses referred to in section 83 may be reimbursed, which may vary according to the number of persons contemplated in the first paragraph of that section, and to prescribe in what cases and on what conditions the reimbursement is adjusted according to the variation in that number of persons;".

18. Schedules I and II to the Act are repealed.

HIGHWAY SAFETY CODE

19. Section 21 of the Highway Safety Code (chapter C-24.2), amended by section 4 of chapter 18 of the statutes of 2018, is again amended

(1) in subparagraph 3 of the first paragraph,

(*a*) by striking out "and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)";

(*b*) by replacing "that Act" by "the Automobile Insurance Act (chapter A-25)";

(2) by adding the following sentence at the end of the last paragraph: "However, that prohibition does not apply to a military-type road vehicle restricted to off-highway use by its manufacturer or importer, if the vehicle meets the conditions prescribed by regulation for obtaining registration that allows travel on public highways."

20. Section 31.1 of the Code, amended by section 5 of chapter 18 of the statutes of 2018, is again amended

(1) in the first paragraph,

(*a*) by striking out "and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)";

(*b*) by replacing "that Act" by "the Automobile Insurance Act (chapter A-25)";

(2) by adding the following sentence at the end of the last paragraph: "However, that prohibition does not apply to a military-type road vehicle restricted to off-highway use by its manufacturer or importer, if the vehicle meets the conditions prescribed by regulation for obtaining registration that allows travel on public highways."

21. Section 69 of the Code, amended by section 15 of chapter 18 of the statutes of 2018, is again amended, in the first paragraph,

(1) by striking out "and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)";

(2) by replacing "that Act" by "the Automobile Insurance Act (chapter A-25)".

22. The Code is amended by inserting the following section after section 76.1.5:

"**76.1.5.1.** The one- or two-year periods set out in sections 76.1.3 and 76.1.5 during which the licence is subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device are extended for the period determined by regulation and according to the terms prescribed in the regulation if, during the period prescribed by regulation, the licence holder commits one or more breaches in connection with the use of the device among the breaches determined in the regulation. If a breach occurs during an extension period imposed under this section, that period is extended for the same period.

At the end of the initial period or any extension period, the licence remains subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device for a maximum period of 10 working days after receipt by the Société of the final data collected by the device and the information referred to in section 64.1, to allow the Société to establish whether there was a breach.

The licence holder is presumed to have committed the breach, unless he provides evidence to the contrary to the satisfaction of the Société.

The licence holder who wishes to contest an extension imposed under this section may file an application for review with the Société. He may contest the review decision before the Administrative Tribunal of Québec. The first paragraph of section 202.6.3, sections 202.6.4 and 202.6.5, the last paragraph of section 202.6.6 and sections 202.6.9 to 202.6.12 apply, with the necessary modifications."

23. Section 92 of the Code is replaced by the following section:

"**92.** For the duration of their assignment, the following persons may, without an examination and without paying the duties fixed by regulation, obtain a driver's licence:

(1) a member of a diplomatic mission established in Canada or a consular post established in Québec;

(2) a member of a permanent representation of a foreign State that is accredited to an international government organization having entered into an agreement with the government regarding its establishment in Québec;

(3) an employee of an international government organization referred to in subparagraph 2;

(4) a member of an office of a political division of a foreign State who is granted fiscal privileges under section 96 of the Tax Administration Act (chapter A-6.002);

(5) an employee of an international non-governmental organization having entered into an agreement with the government regarding its establishment in Québec; and

(6) the spouses of the persons referred to in subparagraphs 1 to 5 and their children of full age who are financially dependent on them and reside with them.

Those persons must meet the following conditions:

(1) hold a valid driver's licence corresponding to the licence applied for;

(2) be registered with the Ministère des Relations internationales;

(3) not have Canadian citizenship or permanent resident status in Canada;

(4) not carry on any business or hold any position or employment in Québec other than, in the case of the persons referred to in subparagraphs 1 to 5 of the first paragraph, their duties with the foreign State, political division of a foreign State or organization concerned; and

(5) have paid the fees fixed by regulation and the insurance contribution fixed under sections 151 and 151.2 of the Automobile Insurance Act (chapter A-25).

Despite the first paragraph, a member of the service staff of a diplomatic mission or consular post referred to in subparagraph 1 of the first paragraph or a member of the service staff of a permanent representation referred to in

subparagraph 2 of that paragraph is not exempt from paying the duties fixed by regulation. The same applies to his spouse and his children of full age who are financially dependent on him and reside with him."

24. Section 93.1 of the Code, amended by section 18 of chapter 18 of the statutes of 2018, is again amended, in the first paragraph,

(1) by striking out "and revalorized, where applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)";

(2) by replacing "that Act" by "the Automobile Insurance Act (chapter A-25)".

25. Section 143.1 of the Code, amended by section 34 of chapter 19 of the statutes of 2018, is again amended by replacing "subparagraph 2 of the first paragraph of section 202.4" by "subparagraph 2 or 2.1 of the first paragraph of section 202.4".

26. The Code is amended by inserting the following section after section 202.2:

"**202.2.0.1.** No holder of a learner's licence who already holds a driver's licence may drive or have the care or control of a road vehicle covered by the class of his learner's licence if any alcohol is present in his body.

The first paragraph does not apply to a person referred to in section 202.2."

27. Section 202.2.1.1 of the Code is amended

(1) by inserting "ou à l'article 202.2.0.1" after "l'article 202.2" in the French text;

(2) by replacing "In addition to persons who are subject to section 202.2, no person may drive or have" and "if there is any alcohol in the person's body" by "As regards any person other than a person subject to section 202.2 or 202.2.0.1, operating or having" and "with alcohol present in the person's body is prohibited", respectively.

28. Section 202.3 of the Code, amended by section 43 of chapter 19 of the statutes of 2018, is again amended by inserting "202.2.0.1," after "section 202.2," in the first paragraph.

29. Section 202.4 of the Code is amended

(1) in the first paragraph,

(*a*) by inserting "or in accordance with the Criminal Code" after "in accordance with section 202.3" in subparagraph 2;

(*b*) by inserting the following subparagraph after subparagraph 2:

"(2.1) for 90 days, the licence of any person who is subject to the prohibition under section 202.2.0.1 and drives or has the care or control of a road vehicle to which the prohibition is applicable

(*a*) if a screening test conducted in accordance with section 202.3 or in accordance with the Criminal Code reveals the presence of any alcohol in the person's body; or

(*b*) if the person's blood alcohol concentration level is shown, by an analysis of a sample of the person's breath made by means of an approved instrument in accordance with the Criminal Code, to be less than 80 mg of alcohol in 100 ml of blood;";

(2) by replacing "section 202.2.1.1 or 202.2.1.2" in the last paragraph by "any of sections 202.2.0.1, 202.2.1.1 and 202.2.1.2".

30. Section 202.6.6 of the Code, amended by section 50 of chapter 19 of the statutes of 2018, is again amended by replacing "subparagraph 2 of the first paragraph of section 202.4 or of section 202.4.1" in subparagraph 1 of the first paragraph by "subparagraphs 2 and 2.1 of the first paragraph of section 202.4 and subparagraph 2 of the first paragraph of section 202.4.1".

31. Section 202.8 of the Code, amended by section 52 of chapter 19 of the statutes of 2018, is again amended by inserting "or section 202.2.0.1" after "section 202.2" in the first paragraph.

32. Section 209.9 of the Code is amended by striking out the third, fourth and fifth paragraphs.

33. Sections 209.18 and 209.19 of the Code are amended by replacing "$3,000" in the first paragraph by "the threshold determined by regulation, which shall not be less than $5,000".

34. Section 215 of the Code is amended by replacing "parking lights" in subparagraph 3 of the first paragraph by "taillights".

35. The Code is amended by inserting the following section after section 220:

"**220.0.1.** Despite sections 215, 216 and 220, a construction trailer, as defined by regulation, exceeding 2.6 metres in width and forming part of a combination of road vehicles must at least carry, at the rear, the following lights:

(1) two red taillights, at the same height, one on each side of the vertical centreline and as far apart as practicable;

(2) two red stop lights, at the same height, one on each side of the vertical centreline and as far apart as practicable; and

(3) two red or amber turn-signal lights, at the same height, one on each side of the vertical centreline and as far apart as practicable.

Detachable equipment may be used to replace those lights."

36. Section 220.1 of the Code is amended by replacing "rear marker lamp" in the second paragraph by "taillight".

37. Section 220.3 of the Code is amended by replacing "dwelling or office purposes" by "dwelling purposes and construction trailers, as defined by regulation".

38. The Code is amended by inserting the following section after section 220.3:

"**220.4.** Despite section 220.3, construction trailers exceeding 2.6 metres in width and travelling at night must be equipped, on each of the longest sides, with reflective material, in accordance with the standards prescribed by a regulation made pursuant to the Motor Vehicle Safety Act (Statutes of Canada, 1993, chapter 16) with regard to trailers referred to in the regulation."

39. Section 226.2 of the Code is replaced by the following section:

"**226.2.** Only the following persons may use one or more flashing green lights on a road vehicle other than an emergency vehicle:

(1) a firefighter authorized by the municipal authority that established the fire safety service of which the firefighter is a member, when responding to an emergency call from a fire safety service; and

(2) the driver of a tow truck carrying flashing or rotating amber lights in accordance with section 227, when such lights are activated and the tow truck is required by an emergency service.

Where required by circumstances and when the flashing green light is activated, the firefighter or driver of a tow truck referred to in the first paragraph is authorized to travel on the shoulder and stop the vehicle in any place. The firefighter or driver must act in a manner that does not endanger human life and safety.

The light may remain installed on a vehicle travelling for a purpose other than those provided for in this section, but it shall not be activated.

The Government prescribes, by regulation, the conditions for obtaining the authorization referred to in subparagraph 1 of the first paragraph and the form and content of the certificate of authorization. It determines in what cases and on what conditions more than one flashing green light may be used and

prescribes the technical standards the light must meet, which may vary according to the vehicle on which the light is installed, and the method for its installation.

For the purposes of this section, "municipal authority" means the local authority, regional authority or intermunicipal board that established a fire safety service within the meaning of the Fire Safety Act (chapter S-3.4)."

40. Section 233 of the Code is amended by replacing "light" by "white light, at the front,".

41. Section 239.1.1 of the Code is amended by replacing "driver of a road vehicle" and "certificate of authorization allowing the driver to do so" by "firefighter" and "required certificate of authorization", respectively.

42. Section 239.2 of the Code is amended by replacing the first paragraph by the following paragraph:

"A driver referred to in section 239.1 or, as the case may be, a firefighter referred to in section 239.1.1 must, at the request of a peace officer, surrender for examination the certificate the driver or firefighter is required to have with him."

43. Section 240.2 of the Code is amended by inserting the following after subparagraph 2 of the second paragraph:

"(3) the combination of vehicles is equipped at the rear, when travelling at night, with at least one red taillight placed as close as practicable to the left lateral extremity and visible from a distance of at least 150 metres.

Detachable equipment may be used to replace the light referred to in subparagraph 3 of the second paragraph."

44. Section 272 of the Code is replaced by the following section:

"**272.** Motor vehicles and combinations of road vehicles not fitted with permanent mudguards or fitted with permanent mudguards that are narrower than the tire tread or the rear portion of which is more than 350 mm from the ground when the vehicle is not loaded must be equipped with detachable mudguards of resistant material and at least as wide as the tire tread, except the following vehicles:

(1) farm machines not equipped with mudguards by the manufacturer; and

(2) construction trailers, as defined by regulation, provided that the floor completely covers the width of the tire tread and that the ratio of the length of the overhang to the height between the bottom of the trailer and the ground is not less than three, the overhang being measured from the rear of the trailer to the centre of the last axle."

45. The Code is amended by inserting the following section after section 275.1:

"**275.1.1.** The firefighter who contravenes section 239.1.1 is guilty of an offence and is liable to a fine of $30 to $60."

46. Section 281.3 of the Code is amended by inserting "or, as the case may be, the firefighter" after "road vehicle".

47. Section 283.2 of the Code is amended, in the second paragraph,

(1) by replacing "first" by "fourth";

(2) by inserting "or the driver of a tow truck" after "firefighter".

48. The Code is amended by inserting the following section after section 294:

"**294.0.1.** The person responsible for the maintenance of a public highway must erect the proper signs or signals to indicate the beginning and the end of a school zone, taking into account the criteria prescribed by regulation for the establishment of a school zone.

The installation of signs or signals is proof that a school zone has been established."

49. Section 303.3 of the Code is amended

(1) by inserting ", exceptional events or sports events or competitions" after "work" in the first paragraph;

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

"This section also applies to any person who

(1) carries out work on such a highway on behalf of the person responsible for the maintenance of a public highway; or

(2) organizes exceptional events or sports events or competitions."

50. Section 311 of the Code is amended by inserting "or during exceptional events or sports events or competitions" after "work sites".

51. Sections 312.2 and 312.3 of the Code are amended by replacing all occurrences of "second" by "third".

52. Section 328 of the Code, amended by section 140 of chapter 83 of the statutes of 1990, is again amended by striking out "such as periods of school activity," in subparagraph 5 of the first paragraph.

53. Section 329 of the Code is amended by striking out the fourth paragraph.

54. The Code is amended by inserting the following section after section 329:

"**329.1.** Any speed limit applicable in a school zone during the school period defined by regulation must be set at 50 km/h or less."

55. Section 332 of the Code is amended by replacing the second and third paragraphs by the following paragraphs:

"A photograph or series of photographs of a road vehicle obtained by means of such a photo radar device are admissible as evidence in any penal proceedings for the contravention of a speed limit.

The photograph or series of photographs are proof, in the absence of any evidence to the contrary, of the accuracy of the elements that are affixed to or visible in one or more of the photographs, such as

(1) the place where the photograph or series of photographs were taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle;

(4) the registration plate number of the road vehicle;

(5) the authorized speed limit, except the speed limit set under any of sections 299, 303.1 and 329; and

(6) the speed of the road vehicle recorded by the photo radar device."

56. Section 359.3 of the Code is amended by replacing the second and third paragraphs by the following paragraphs:

"A photograph or series of photographs of a road vehicle obtained by means of such a camera system are admissible as evidence in any penal proceedings for an offence under section 359.

The photograph or series of photographs are proof, in the absence of any evidence to the contrary, of the accuracy of the elements that are affixed to or visible in one or more of the photographs, such as

(1) the place where the photograph or series of photographs were taken, with reference to an identifier or otherwise;

(2) the date and time on which the photograph was taken;

(3) the road vehicle;

(4) the registration plate number of the road vehicle; and

(5) the traffic light involved."

57. Section 379 of the Code is amended by inserting "Except in the case provided for in section 226.2," at the beginning.

58. Section 385 of the Code is amended by replacing "parking lights" by "vehicle's parking lights and taillights".

59. Section 510 of the Code is amended by inserting "or third" after "first" in the first paragraph.

60. Section 516.2 of the Code is replaced by the following section:

"**516.2.** Every person who, during the school period defined by regulation, drives a road vehicle at a speed of 39 km/h or less over the maximum authorized speed limit in a school zone is liable to double the fine set out in the first paragraph of section 516, unless the speed limit is indicated on a sign or signal erected under section 303.1."

61. Section 519.10 of the Code is replaced by the following section:

"**519.10.** A driver must record in a record of duty status for each day concerned, in compliance with the requirements prescribed by regulation and subject to the exceptions provided for in the regulation, all the driver's hours of rest and hours of service for that day, as well as any other information required by regulation.

The information must be recorded using an electronic logging device that meets the requirements prescribed by regulation.

No driver shall

(1) produce more than one record of duty status in respect of any day, except in the cases and on the conditions prescribed by regulation;

(2) use more than one electronic logging device at the same time for the same period; or

(3) enter inaccurate information, falsify, deface or make illegible the records of duty status and supporting documents or otherwise impair their integrity.

No driver who is required to produce records of duty status shall drive unless the driver has in his or her possession the documents determined by regulation.

The driver must, on the conditions prescribed by regulation, make available or forward the record of duty status, supporting documents and information determined by regulation to the operator and any other person who supplies

the driver's services. Furthermore, the driver must make them available or forward them, for examination, to a peace officer at the latter's request, in compliance with the conditions prescribed by regulation. If the record of duty status and supporting documents are in paper form, the peace officer must return them to the driver after examination."

62. Section 519.20 of the Code is amended by striking out "les fiches," in the French text.

63. Section 519.21.3 of the Code is replaced by the following sections:

"**519.21.3.** Subject to the cases and conditions prescribed by regulation, an operator shall

(1) ensure that each heavy vehicle under the operator's responsibility is equipped with an electronic logging device that meets the requirements prescribed by regulation and that the documents determined by regulation are in the vehicle; and

(2) require that each driver fill out the record of duty status in accordance with the provisions of section 519.10.

The operator shall also ensure that the electronic logging device carried by a heavy vehicle is maintained and kept in good working order in accordance with the manufacturer's standards. The operator must, according to the conditions prescribed by regulation, maintain the system of each electronic logging device used to identify the users of the device and a register containing the information in connection with the working order and use of each device, whose particulars are determined by regulation.

If an electronic logging device malfunctions, the operator must repair or replace it within the time prescribed by regulation.

"**519.21.4.** No operator or person shall perform, or request or allow anyone to perform, any of the following acts:

(1) enter inaccurate information, falsify, deface or make illegible the records of duty status and supporting documents or otherwise impair their integrity; or

(2) disable, deactivate, block or degrade the signal reception or transmission of an electronic logging device, or re-engineer, reprogram or alter the device, so as to prevent it from accurately recording or entering the required information."

64. Section 519.25 of the Code is replaced by the following section:

"**519.25.** The operator shall keep the records of duty status, the register containing the information in connection with the working order and use of each electronic logging device, the supporting documents and any other

document determined by regulation at the place determined and in accordance with the standards prescribed by regulation. If the operator has not received those records and documents at that place, the operator must make them available at or forward them to that place and make sure they are received within the time prescribed by regulation.

During working hours, the operator shall, at a peace officer's request, immediately make available or forward to the peace officer, for inspection purposes and in compliance with the conditions determined by regulation, the records of duty status, register and documents referred to in the first paragraph.

If the records of duty status, register and documents referred to in the first paragraph are in paper form, the peace officer delivers an acknowledgement of receipt to the operator according to the terms determined by regulation and must return the records and documents to the operator within 14 days."

65. Section 519.26 of the Code is amended by replacing both occurrences of "daily logs" by "records of duty status".

66. The Code is amended by inserting the following section after section 519.71:

"**519.72.** In the performance of their duties, highway controllers may also, by any means providing proof of time of receipt, require the owner or operator of a heavy vehicle, within a reasonable time they determine, to communicate by such a means any information or document relating to the enforcement of this Code."

67. Section 519.77 of the Code is amended by replacing "or the second paragraph of section 519.71" by "or the second paragraph of section 519.71 or who neglects or refuses to comply with the request made under section 519.72 is guilty of an offence and".

68. The Code is amended by inserting the following section after section 546.6.0.2:

"**546.6.0.3.** Despite the prohibitions under section 546.6 and the third paragraph of section 546.6.0.1 or 546.6.0.2, a vehicle that must undergo technical appraisal may be put back into operation only for the dynamic recalibration of the advanced driver assistance systems, provided that a temporary registration certificate has been issued for that purpose."

69. The Code is amended by inserting the following section after section 551:

"**551.1.** When a conviction for an offence listed in section 180 or the penalty prescribed for the offence is under appeal, the judge hearing the appeal may order that the effects of the cancellation of the licence or of the suspension of the right to obtain a licence be suspended until a final decision has been rendered on the appeal or until the court decides otherwise.

A new licence is issued upon proof of the order referred to in the first paragraph and in accordance with the conditions prescribed by this Code and its regulations."

70. Section 587 of the Code is amended by replacing the second paragraph by the following paragraph:

"The person referred to in the first paragraph shall also notify the Société

(1) of any order of prohibition to operate a conveyance under Part VIII.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on offences relating to conveyances; and

(2) of any order made under section 551.1 and of any decision terminating such an order."

71. Sections 592 and 592.0.0.1 of the Code are amended by replacing "taken" by "or series of photographs taken".

72. Section 592.1 of the Code, amended by section 21 of chapter 15 of the statutes of 2012, is again amended, in the first paragraph,

(1) by replacing "photograph taken" by "photograph or series of photographs taken";

(2) by replacing "indicating the place, date and time the photograph was taken and, as applicable, the traffic light involved or the speed recorded," by "or photographs from the series";

(3) by replacing the last sentence by the following sentence: "One or more of the photographs sent must indicate or show the elements provided for in the third paragraph of section 332 or 359.3, as the case may be, without making it possible to identify the occupants of the vehicle."

73. Sections 592.2.1, 592.4, 592.4.2 and 597.1 of the Code are amended by replacing all occurrences of "taken" by "or series of photographs taken".

74. Section 608 of the Code is amended

(1) by inserting "or the Department of the Environment of Canada" after "the Department of Transport of Canada";

(2) by replacing "to that department" by "to either of those departments".

75. Section 619 of the Code, amended by section 29 of chapter 18 of the statutes of 2018, is again amended by inserting the following paragraphs after paragraph 2:

"(2.1) determine the breaches in connection with the use of the alcohol ignition interlock device for the purposes of section 76.1.5.1 and the period during which a breach must be considered;

"(2.2) determine the additional period during which the licence must remain subject to the condition of driving a vehicle equipped with an alcohol ignition interlock device under section 76.1.5.1 and the related terms;".

76. Section 621 of the Code, amended by section 86 of chapter 14 of the statutes of 2008, is again amended, in the first paragraph,

(1) by replacing subparagraph 5.2 by the following subparagraph:

"(5.2) determine the conditions under which the authorization referred to in subparagraph 1 of the first paragraph of section 226.2 may be obtained, the form and content of the certificate of authorization, as well as the technical standards the light must meet, which may vary according to the vehicle on which the light is installed, and the method for its installation;";

(2) by inserting the following subparagraph after subparagraph 5.2:

"(5.3) determine in what cases and on what conditions more than one flashing green light may be used on a road vehicle other than an emergency vehicle;";

(3) by inserting the following subparagraph after subparagraph 8.1:

"(8.2) exempt military-type road vehicles, in the cases and on the conditions it determines, from the application of one or more provisions of this Code and its regulations relating to the equipment road vehicles must carry or the standards the equipment must meet;";

(4) by replacing subparagraph 12.0.1 by the following subparagraph:

"(12.0.1) define, for the purposes of sections 519.8.1, 519.9, 519.10, 519.12, 519.20, 519.21.1 to 519.26 and 519.31 to 519.31.3, the expressions "cycle", "day", "director", "driver", "electronic logging device", "home terminal", "hour of driving", "hour of rest", "hour of service", "malfunction", "out-of-service declaration", "permit", "provincial director", "record of duty status" and "supporting document";";

(5) by replacing subparagraph 12.1 by the following subparagraphs:

"(12.1) establish the conditions under which the driver of a heavy vehicle must record the driver's hours of rest and hours of service and produce a record of duty status, and determine the information the record of duty status must contain, its form and the other information that the driver must forward and make available to the operator and any other person who supplies the driver's services;

"(12.1.0.1) establish the rules governing the transmission, reception and retention of records of duty status, supporting documents and information determined by a regulation made under paragraph 12.1;

"(12.1.0.2) determine in what cases and on what conditions a driver may produce more than one record of duty status in respect of any day;

"(12.1.0.3) establish the requirements the electronic logging device must meet and the standards for its installation, determine in what cases and on what conditions the device need not be installed or used and prescribe the rules applicable to the recording of hours of rest and hours of service and to the transmission of those hours and other information;

"(12.1.0.4) determine the documents that a driver who is required to complete records of duty status must have in his or her possession when driving and the documents that must be in each heavy vehicle under section 519.21.3;";

(6) by replacing subparagraph 12.2 by the following subparagraph:

"(12.2) determine in what cases and on what conditions the hours of rest and hours of service need not be recorded by the driver in a record of duty status or required by the operator;";

(7) by inserting the following subparagraphs after subparagraph 12.2.2:

"(12.2.3) determine the conditions under which the operator must maintain the system of each electronic logging device used to identify users and the conditions relating to the retention of the information recorded in the system;

"(12.2.4) determine the content of the register containing the information in connection with the working order and use of each device, the conditions of retention of the register and the time limits for repairing or replacing the device in case of malfunction;";

(8) by inserting the following subparagraph after subparagraph 12.4:

"(12.5) determine the conditions under which a driver or an operator must make available or forward a document or information required under sections 519.10 and 519.25 to a peace officer, at the latter's request;";

(9) by inserting the following subparagraph after subparagraph 20.5:

"(20.6) define the expression "school period";";

(10) by inserting the following subparagraph after subparagraph 25.1:

"(25.2) prescribe the criteria for the establishment of any school zone;";

(11) by replacing "daily logs" by "records" in subparagraph 39;

(12) by inserting the following subparagraph after subparagraph 50:

"(50.1) determine the threshold for the value of unclaimed seized vehicles that the Société may dispose of under sections 209.18 and 209.19;";

(13) by replacing all occurrences of "daily logs" by "records of duty status".

77. Section 624 of the Code, amended by section 31 of chapter 18 of the statutes of 2018, is again amended by striking out subparagraph 8.2 of the first paragraph.

78. Section 634.3 of the Code is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) in a school zone;".

79. Section 648.4 of the Code, amended by section 32 of chapter 18 of the statutes of 2018, is again amended by striking out "and revalorized, if applicable, in accordance with section 151.4 of the Automobile Insurance Act (chapter A-25)" in the introductory clause of the first paragraph.

CODE OF PENAL PROCEDURE

80. Article 157.2 of the Code of Penal Procedure (chapter C-25.1) is amended by replacing "taken" in paragraph 2 by "or series of photographs taken".

81. Article 218.4 of the Code is amended by replacing "photograph" in subparagraph 6 of the second paragraph by "photograph or photographs".

ACT RESPECTING ADMINISTRATIVE JUSTICE

82. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting "a decision to extend the period during which the licence must be subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device or" after "following" in paragraph 7.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

83. Section 12.39.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended, in paragraph 1.1,

(1) by replacing ", 516 and 516.1" by "and 516 to 516.2";

(2) by replacing "taken" by "or series of photographs taken".

ACT RESPECTING OWNERS, OPERATORS AND DRIVERS OF HEAVY VEHICLES

84. Section 42.3 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) is amended by replacing "daily log" and "shown" in the first paragraph by "record of duty status" and "provided", respectively.

TRANSPORT ACT

85. Section 16 of the Transport Act (chapter T-12) is amended

(1) by replacing "of 11 members" in the first paragraph by "of not more than 11 members";

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

"A member may, with the permission of the president, continue the examination of an application referred to him and render a decision despite the expiry of his term."

86. Section 88.2 of the Act is amended by adding the following paragraph at the end:

"However, the Government may, by regulation and according to the conditions it establishes, exempt motorists who benefit from diplomatic, consular or similar privileges or immunities from paying the contribution."

ACT RESPECTING OFF-HIGHWAY VEHICLES

87. Section 52 of the Act respecting off-highway vehicles (chapter V-1.3) is amended by striking out "if the vehicle is equipped with a closed compartment; nor is it required" in the fourth paragraph.

88. Section 114 of the Act is amended, in paragraph 3,

(1) by inserting "section 27," after "contravenes";

(2) by replacing "third" by "fourth".

ACT TO IMPROVE THE PERFORMANCE OF THE SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC, TO BETTER REGULATE THE DIGITAL ECONOMY AS REGARDS E-COMMERCE, REMUNERATED PASSENGER TRANSPORTATION AND TOURIST ACCOMMODATION AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS

89. Sections 44 to 47 of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18) are repealed.

REGULATION RESPECTING COMPUTATION OF THE INCOME REPLACEMENT INDEMNITY PAID UNDER THE SECOND AND THIRD PARAGRAPHS OF SECTION 40 OF THE AUTOMOBILE INSURANCE ACT

90. The Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, the text of which appears below, is enacted.

"REGULATION RESPECTING COMPUTATION OF THE INCOME REPLACEMENT INDEMNITY PAID UNDER THE SECOND AND THIRD PARAGRAPHS OF SECTION 40 OF THE AUTOMOBILE INSURANCE ACT

"**1.** The amount of the income replacement indemnity to which a victim is entitled until their death, from the date of their sixty-eighth birthday or, if the victim is 64 years of age at the time of the accident, from the date that is four years after the date of the accident, is computed using the following formula:

40% x A x B/14,610.

For the purposes of the formula in the first paragraph,

(1) A is

(*a*) if the victim is under 64 years of age at the time of the accident, the amount of the income replacement indemnity computed on the date of the victim's sixty-seventh birthday before applying the reduction provided for in section 40 of the Automobile Insurance Act (chapter A-25) or any other reduction provided for by that Act, except for the reduction provided for in section 55; or

(*b*) if the victim is 64 years of age at the time of the accident, the amount of the income replacement indemnity computed on the date that is three years after the date of the accident before applying the reduction provided for in section 40 of the Automobile Insurance Act or any other reduction provided for by that Act, except for the reduction provided for in section 55; and

(2) B is the number of days, not exceeding 14,610, between the date of the victim's eighteenth birthday and the day before the date of the victim's sixty-fifth birthday, during which

(*a*) the victim has received the income replacement indemnity to which they are still entitled on the date of their sixty-seventh birthday or, if the victim is 64 years of age at the time of the accident, the indemnity to which they are still entitled on the date that is three years after the date of the accident; and

(*b*) payment of the income replacement indemnity has been interrupted pursuant to section 83.29 of the Act.

However, the days during which the victim received an income replacement indemnity to which they were not entitled must not be considered in the number of days represented by the letter B.

"**2.** If a victim referred to in section 1 is entitled to more than one income replacement indemnity because of multiple accidents, each of the indemnities must be computed separately using the formula in that section.

"**3.** If the result of a computation under this Regulation is a number with one or more decimals, only the first two decimals are retained and, if the third decimal is greater than 4, the second decimal is increased by one unit."

REGULATION RESPECTING CATASTROPHIC INJURIES OR SEQUELAE

91. The Regulation respecting catastrophic injuries or sequelae, the text of which appears below, is enacted.

"REGULATION RESPECTING CATASTROPHIC INJURIES OR SEQUELAE

"**1.** Catastrophic injuries or sequelae are determined by evaluating the victim's condition when examinations and accepted medical knowledge do not point to any significant foreseeable improvement or deterioration in the victim's condition in the short or medium term.

"**2.** The evaluation must consider the injuries and sequelae previously suffered in an accident or relapse.

"**3.** In the case of a sequela, the evaluation is made in accordance with the evaluation rules set out in the Schedule of Permanent Functional and Esthetic Impairments to the Regulation respecting lump-sum compensation for non-pecuniary damage (chapter A-25, r. 10), except the rules referring to the provisions of Division II of that Regulation.

The evaluation must, according to the terms provided for in the first paragraph of section 6 of that Regulation, identify the functional or esthetic units impaired and determine the category of severity that represents the victim's situation and the percentage corresponding to that category. However, if the victim had sequelae prior to the accident or relapse, the percentage corresponding to the category of severity of the functional or esthetic unit representative of the situation prior to the accident does not have to be deducted if the accident or relapse resulted in the aggravation of the victim's prior sequelae.

The category of severity of the impaired functional or esthetic unit is determined by the situation having the greatest impact from among the situations corresponding to the result of the permanent sequelae evaluation. Only one category of severity may be determined for each impaired unit and the percentage corresponding to that category may only be awarded once.

"**4.** The result of the evaluation must be explainable by accepted medical knowledge supported by objective data found on clinical examination.

"**5.** Injuries or sequelae are catastrophic if the evaluation establishes that the victim

(1) has third-degree burns that impair two or more functional units or the unit related to the esthetic of the face provided for in the Schedule, for which the combined percentages corresponding to the categories of severity for the units concerned add up to at least 75%;

(2) has undergone two or more of the following amputations, on different limbs, including at least one mentioned in subparagraphs *a* and *b*:

(*a*) above-elbow amputation;

(*b*) above-knee amputation;

(*c*) elbow disarticulation;

(*d*) below-the-elbow amputation of the forearm;

(*e*) wrist disarticulation;

(*f*) knee disarticulation; or

(*g*) below-the-knee amputation of the leg;

(3) has one or more of the following functional alterations of the brain, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 50%:

(*a*) an impairment of the cognitive function corresponding to categories of severity 2 to 6 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%;

(*b*) a disturbance of the state of consciousness corresponding to categories of severity 2 to 5 of functional unit 2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 100%; or

(*c*) an impairment of the cognitive aspect of language corresponding to categories of severity 2 to 5 of functional unit 3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 100%;

(4) has an affective or mental disorder corresponding to category of severity 5 or 6 of functional unit 1 provided for in the Schedule;

(5) has a functional loss of vision corresponding to category of severity 85 of functional unit 4.1 provided for in the Schedule;

(6) suffers from paraplegia or quadriplegia (motor level between cervical vertebra C1 and lumbar vertebra L5) corresponding to categories of severity 1 to 6 of functional unit 24 provided for in the Schedule; or

(7) has two or more of the following impairments, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 85%:

(*a*) an affective or mental disorder corresponding to category of severity 4 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to that category is 35%;

(*b*) a functional loss of vision corresponding to categories of severity 45 to 84 of functional unit 4.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 45% to 84%;

(*c*) an impairment of the cardio-respiratory function corresponding to categories of severity 4 to 8 of functional unit 20 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 100%; or

(*d*) one or more of the following functional impairments, of orthopedic or neurological origin or resulting from the ablation of one or more internal organs, for which the combined percentages corresponding to the categories of severity of the functional units provided for in the Schedule add up to at least 30%:

i. an impairment of the cognitive function corresponding to categories of severity 4 to 6 of functional unit 1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 35% to 100%,

ii. a disturbance of the state of consciousness corresponding to categories of severity 1 to 5 of functional unit 2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%,

iii. an impairment of the cognitive aspect of language corresponding to categories of severity 1 to 5 of functional unit 3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 5% to 100%,

iv. a balance disorder corresponding to categories of severity 3 to 6 of functional unit 8 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 100%,

v. a phonation impairment corresponding to categories of severity 3 to 5 of functional unit 9 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 30%,

vi. an impairment of the ability to move and maintain the position of the head corresponding to category of severity 4 or 5 of functional unit 11 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

vii. an impairment of the ability to move and maintain the position of the trunk corresponding to category of severity 4 or 5 of functional unit 12 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

viii. an impairment of the ability to move and maintain the position of an upper limb corresponding to categories of severity 5 to 7 of functional unit 13 provided for in the Schedule, for which the percentage corresponding to those categories varies from 15% to 30%,

ix. a manual dexterity impairment corresponding to categories of severity 5 to 8 of functional unit 14 provided for in the Schedule, for which the percentage corresponding to those categories varies from 12% to 50%,

x. a locomotion impairment corresponding to categories of severity 4 to 7 of functional unit 15 provided for in the Schedule, for which the percentage corresponding to those categories varies from 20% to 60%,

xi. an impairment of ingestion corresponding to categories of severity 4 to 6 of functional unit 19.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,

xii. an impairment of digestion and absorption corresponding to categories of severity 3 to 6 of functional unit 19.2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 50%,

xiii. an impairment of excretion corresponding to categories of severity 3 to 5 of functional unit 19.3 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,

xiv. an impairment of the hepatic and biliary functions corresponding to categories of severity 3 to 5 of functional unit 19.4 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 40%,

xv. an impairment of the renal function corresponding to categories of severity 4 to 6 of functional unit 21.1 provided for in the Schedule, for which the percentage corresponding to those categories varies from 30% to 90%, or

xvi. a micturition impairment corresponding to category of severity 3 or 4 of functional unit 21.2 provided for in the Schedule, for which the percentage corresponding to those categories varies from 10% to 20%."

REGULATION TO GOVERN THE ESTABLISHMENT OF SCHOOL ZONES AND DEFINE THE SCHOOL PERIOD

92. The Regulation to govern the establishment of school zones and define the school period, the text of which appears below, is enacted.

"REGULATION TO GOVERN THE ESTABLISHMENT OF SCHOOL ZONES AND DEFINE THE SCHOOL PERIOD

"**1.** The criteria for establishing a school zone are as follows:

(1) its purpose is to ensure the safety of students attending an institution providing elementary or secondary school instructional services by prompting road users to be more cautious when approaching land occupied by such an institution;

(2) it includes any part of a public highway that runs along the limits of the land referred to in paragraph 1;

(3) it may include

(*a*) any part of a public highway running along land or a building contiguous to the land referred to in paragraph 1 and used for school activities;

(*b*) any intersection contiguous to land or buildings referred to in paragraph 1 or subparagraph *a* of this paragraph; and

(*c*) any part of a public highway located at the end of the part of a public highway referred to in paragraph 2 or, as the case may be, at the end of the combination of the parts of public highways referred to in paragraph 2 and subparagraphs *a* and *b* of this paragraph, provided each part under this subparagraph covers a distance not exceeding

i. 50 m in an urban area, or

ii. 100 m in a rural area;

(4) it is composed of two amalgamated school zones when the distance between the two zones is insufficient to install signs or signals indicating the proximity of a school zone ahead, in accordance with the standards prescribed by the Minister under section 289 of the Highway Safety Code (chapter C-24.2), in which case subparagraph *c* of paragraph 3 does not apply to the school zone resulting from the amalgamation if a part of a public highway referred to in that subparagraph is included in any of the two school zones prior to the amalgamation; and

(5) it tends to have a length of at least

(*a*) 100 m in an urban area; or

(*b*) 200 m in a rural area.

"**2.** The school period is the period beginning at 7:00 a.m. and ending at 5:00 p.m. each day from Monday to Friday, from September to June."

REGULATION RESPECTING THE REIMBURSEMENT OF CERTAIN EXPENSES

93. Section 3 of the Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended

(1) in the first paragraph,

(*a*) by inserting ", on a weekly basis," after "section 2";

(*b*) by replacing "up to the maximum amount prescribed in section 79 of the Act" and "maximum amount prescribed in section 79 of the Act" by "up to a maximum amount of $949" and "$949", respectively;

(2) by adding the following sentence at the end of the second paragraph: "A total of more than 174 points qualifies for the reimbursement of expenses incurred up to a maximum amount of $1,500.";

(3) by replacing "the maximum weekly amount prescribed in section 79 of the Act" in the third paragraph by "a maximum amount of $1,500".

94. Section 4 of the Regulation is amended, in the second paragraph,

(1) by replacing "The amount of the reimbursement of expenses incurred by a victim referred to in this section is" by "The expenses incurred that qualify for reimbursement to a victim referred to in this section, on a weekly basis, are";

(2) by replacing "the amount prescribed in section 79 of the Act" by "$949".

95. Section 57 of the Regulation is replaced by the following section:

"**57.** The cost of the written expert report referred to in section 83.31 of the Act submitted by a person whose application for reconsideration, application for review or proceeding before the Administrative Tribunal of Québec is allowed qualifies for reimbursement up to the following maximum amounts:

(1) $1,600 for an expert report produced following the examination of the victim by a single health professional; and

(2) $1,600 for each health professional, up to a maximum of $4,800, when the expert report is made following a joint examination of the victim by more than one professional."

REGULATION RESPECTING THE CONDITIONS AND PROCEDURES FOR THE USE OF PHOTO RADAR DEVICES AND RED LIGHT CAMERA SYSTEMS

96. Section 1 of the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9) is amended by replacing both occurrences of "second" in subparagraph ii of subparagraph *c* of paragraph 1 by "third".

REGULATION RESPECTING TOWING AND IMPOUNDING CHARGES FOR SEIZED ROAD VEHICLES

97. The Regulation respecting towing and impounding charges for seized road vehicles (chapter C-24.2, r. 26) is amended by inserting the following section after section 5:

"**5.1.** The towing charges set by this Regulation are indexed on 1 June of each year. The indexation is calculated by multiplying the charges by the ratio between the average of the for-hire motor carrier freight services monthly price indexes for the truck transportation category [484] established by Statistics Canada for the 12-month period ending on 31 December of the preceding year and the average of those indexes established for the 12-month period ending on 31 December of the year prior to the preceding year.

If an annual average or the ratio between the averages calculated under the first paragraph or the amount of indexed charges has more than two decimals, only the first two decimals are retained and the second one is increased by one unit if the third decimal is equal to or greater than 5.

However, if the charges resulting from the calculation under the first paragraph are lower than the charges for the preceding year, the indexation is without effect.

If, pursuant to the third paragraph, the indexation for the preceding year had no effect, the indexation calculation under the first paragraph is made on the basis of the charges for the preceding year, as they would have been indexed had it not been for the application of the third paragraph.

The Minister of Transport publishes the result of the indexation each year in the *Gazette officielle du Québec*."

REGULATION RESPECTING ROAD VEHICLE REGISTRATION

98. Section 2.1 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing "whose licence plate bears the prefix "CC" or "CD"" in the first paragraph by "referred to in section 91".

99. Section 2.1.1 of the Regulation is amended by replacing "98 or 99" in subparagraph 1 of the second paragraph by "91".

100. Section 91 of the Regulation is replaced by the following section:

"**91.** The owner of a passenger vehicle is exempt from paying the fees payable for registration of the vehicle and for the right to operate it if the vehicle

(1) is an official vehicle belonging to a foreign State that has representation in Québec, except in the case of representation headed by an honorary consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963;

(2) is an official vehicle belonging to an international government organization that has entered into an agreement with the Government regarding its establishment in Québec;

(3) is an official vehicle belonging to a political division of a foreign State to which fiscal privileges are granted under the Regulation respecting fiscal privileges granted to members of a diplomatic mission, consular post or office of a political division of a foreign State, to the members of their families and to that office (chapter A-6.002, r. 5);

(4) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec or Canada:

(*a*) a diplomatic agent or a member of the administrative and technical staff of a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations entered into on 18 April 1961;

(*b*) a senior officer of an international government organization designated under the agreement referred to in subparagraph 2;

(*c*) a career consular officer or a consular employee within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963; or

(*d*) a representative of an office of a political division of a foreign State referred to in subparagraph 3; or

(5) belongs to one of the following persons from the International Civil Aviation Organization who do not have Canadian citizenship, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(*a*) a permanent representative of a foreign State that is a recognized member of that organization; or

(*b*) the President of the Council, the Secretary General and officers belonging to the categories of administrators D-1, D-2 and higher.

A person referred to in subparagraph 4 or 5 of the first paragraph may use the exemption for a maximum number of two vehicles."

101. Section 98 of the Regulation is amended

(1) in the first paragraph,

(*a*) by replacing "permanent mission with" in subparagraph 1 by "permanent representation accredited to";

(*b*) by replacing subparagraph 3 by the following subparagraphs:

"(3) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec or Canada:

(*a*) a diplomatic agent or a member of the administrative and technical staff of a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations entered into on 18 April 1961; or

(*b*) a senior officer of an international government organization designated under the agreement referred to in subparagraph 1; or

"(4) belongs to one of the following persons from the International Civil Aviation Organization who do not have Canadian citizenship, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(*a*) a permanent representative of a foreign State that is a recognized member of that organization; or

(*b*) the President of the Council, the Secretary General and officers belonging to the categories of administrators D-1, D-2 and higher.";

(2) by inserting "or 4 of the first paragraph" after "subparagraph 3" in the third paragraph.

102. Section 99 of the Regulation is replaced by the following section:

"**99.** The prefix "CC" shall be borne by the licence plate of a passenger vehicle that

(1) is an official vehicle belonging to a foreign State that has a consular post established in Québec, headed by a career consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963;

(2) is an official vehicle belonging to a political division of a foreign State to which fiscal privileges are granted under the Regulation respecting fiscal privileges granted to members of a diplomatic mission, consular post or office of a political division of a foreign State, to the members of their families and to that office (chapter A-6.002, r. 5);

(3) belongs to one of the following persons who do not have Canadian citizenship or permanent resident status in Canada, who are registered with the Ministère des Relations internationales and who perform their duties in Québec:

(*a*) a career consular officer or a consular employee within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963; or

(*b*) a representative of an office of a political division of a foreign State referred to in subparagraph 2; or

(4) belongs to an honorary consular officer within the meaning of the Vienna Convention on Consular Relations entered into on 24 April 1963 who is registered with the Ministère des Relations internationales and who performs his or her duties in Québec.

The owner of the vehicle is exempt from paying the fees required to retain the right to operate the vehicle, except the owner referred to in subparagraph 4 of the first paragraph.

A maximum of two vehicles belonging to a person referred to in subparagraph 3 of the first paragraph may be registered with a CC licence plate. Only one vehicle belonging to a person referred to in subparagraph 4 of the first paragraph may be registered with a CC licence plate."

REGULATION DEFINING WHAT CONSTITUTES A SCHOOL ZONE FOR THE PURPOSE OF USING A PHOTO RADAR DEVICE OR A RED LIGHT CAMERA SYSTEM

103. The Regulation defining what constitutes a school zone for the purpose of using a photo radar device or a red light camera system (chapter C-24.2, r. 53) is repealed.

REGULATION RESPECTING THE CONTRIBUTION OF MOTORISTS TO PUBLIC TRANSIT

104. The Regulation respecting the contribution of motorists to public transit (chapter T-12, r. 3) is amended by inserting the following section after section 1:

"**1.1.** Motorists who are exempt from paying fees under sections 91, 98 and 99 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) are, according to the same conditions as those prescribed by those sections, exempt from paying the contribution of motorists to public transit."

TRANSITIONAL AND FINAL PROVISIONS

105. A victim who, by reason of an accident that occurred in the period from 1 January 1990 to 30 June 2021, suffers from catastrophic injuries or sequelae within the meaning of the Regulation respecting catastrophic injuries or sequelae, enacted by section 91, is compensated from 1 July 2022 according to the following rules:

(1) if the victim is entitled to an income replacement indemnity for that accident, other than the indemnity provided for in any of sections 29.1 to 33, 36.1 to 39 and 55 of the Automobile Insurance Act (chapter A-25), the provisions of section 26.2 of that Act, enacted by section 1, apply subject to the following:

(*a*) the yearly average computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada corresponds to the average established for each of the 12 months preceding 1 July 2021; and

(*b*) the date that is 12 months after the date of the accident is replaced by 1 July 2022; and

(2) if the victim is entitled to an income replacement indemnity referred to in section 55 of the Automobile Insurance Act for that accident, that indemnity is equal to the difference between

(*a*) the income replacement indemnity, computed on the basis of the gross income revalorized in accordance with section 83.33 of the Automobile Insurance Act, to which the victim was entitled at the time the Société de l'assurance automobile du Québec determined an employment for the victim under section 46 of that Act, which gross income shall not be less than that

equal to the yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021; and

(*b*) the net income, computed on the basis of the gross income revalorized in accordance with section 83.33 of the Automobile Insurance Act, that the victim derives or could derive from the employment determined by the Société under section 46 of that Act.

If the victim is, on 1 July 2022, in a period of disability resulting from a relapse of the victim's bodily injury suffered more than two years after the end of the last period of disability in respect of which the victim was entitled to an income replacement indemnity or within two years after the date of the accident if the victim was not entitled to such an indemnity, the victim is compensated from 1 July 2022 as if the disability had not been interrupted. The income replacement indemnity to which the victim is entitled following the relapse is computed on the basis of the highest of the following amounts:

(1) the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021;

(2) the gross income, revalorized in accordance with section 83.33 of the Automobile Insurance Act, used as the basis for computing the income replacement indemnity to which the victim was entitled on the 181st day following the date of the accident; and

(3) the gross income used as the basis for computing the income replacement indemnity to which the victim was entitled on 30 June 2022 following the relapse.

If the victim referred to in the second paragraph is also entitled to an income replacement indemnity under section 55 of the Automobile Insurance Act, computed again pursuant to subparagraph 2 of the first paragraph, payment of that indemnity is interrupted from 1 July 2022 until the disability resulting from the relapse ends.

106. Despite section 57.1 of the Automobile Insurance Act, enacted by section 6, the income replacement indemnity to which is entitled a victim referred to in section 105 of this Act who, after 30 June 2022, suffers a relapse of his bodily injury is computed from the date of the relapse on the basis of the highest of the following amounts:

(1) the gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July of the date of the relapse;

(2) the gross income, revalorized in accordance with section 83.33 of the Automobile Insurance Act, used as the basis for computing the income replacement indemnity to which the victim was entitled on the 181st day following the date of the accident; and

(3) the gross income actually earned by the victim at the time of the relapse.

107. Sections 2, 3 and 4, paragraph 1 of section 17, as regards the enactment of paragraph 9.2, and section 90 have effect from 1 January 1990 with respect to any victim who is alive and who has reached 67 years of age by 1 July 2022.

The income replacement indemnity to which the victim is entitled for the period that begins on the date on which the victim reached 67 years of age and ends on 30 June 2022 or, if the victim was 64 years of age at the time of the accident, for the period that begins on the date that is three years after the date of the accident and ends on 30 June 2022, is paid in one instalment, without interest. The Société de l'assurance automobile du Québec pays the instalment within six months after 1 July 2022, to the extent that the Société has the information needed to do so.

For the purposes of the second paragraph, a victim who received the income replacement indemnity during the year of their sixty-seventh birthday under section 43 of the Automobile Insurance Act, as it read before being repealed by section 3, and who is referred to in the fourth paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, is only entitled, for that period, to the difference between the income replacement indemnity determined in accordance with the second paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, and the indemnity received.

108. A victim who receives, on 1 July 2022, an income replacement indemnity determined under the second paragraph of section 40 of the Automobile Insurance Act, as amended by section 2, for an accident that caused the catastrophic injuries or sequelae suffered by the victim, is entitled to have the indemnity computed again according to the method prescribed by the Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, enacted by section 90, taking into account, for the purposes of subparagraph 1 of the second paragraph of section 1 of that Regulation, an amount of income replacement indemnity computed on the basis of a gross income equal to a yearly average, computed on the basis of the average weekly earnings of the Industrial Composite in Québec as established by Statistics Canada for each of the 12 months preceding 1 July 2021, if that gross income is greater than the gross income that should be taken into account for the purposes of subparagraph 1 of the second paragraph of section 1 of that Regulation.

109. For the purpose of computing the income replacement indemnity paid on the sixty-eighth birthday of a victim who is 67 years of age on 1 July 2022 for an accident that caused the catastrophic injuries or sequelae suffered by the

victim, the amount of the income replacement indemnity that must be taken into account to establish the letter A in subparagraph 1 of the second paragraph of section 1 of the Regulation respecting computation of the income replacement indemnity paid under the second and third paragraphs of section 40 of the Automobile Insurance Act, enacted by section 90, is the amount of the income replacement indemnity to which the victim is entitled on 1 July 2022.

110. Sections 105 to 109 also apply in respect of a victim compensated under section 54.2 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1) or section 71 of the Public Health Act (chapter S-2.2), with the necessary modifications.

111. Despite the second paragraph of section 79 of the Automobile Insurance Act, as it read on 31 December 1999, the maximum weekly amount that may be reimbursed to a victim of an automobile accident that occurred before 1 January 2000, who is referred to in section 44 of the Act to amend the Automobile Insurance Act and other legislative provisions (1999, chapter 22) and who has personal home assistance needs, is the amount established by the first paragraph or, if the victim requires continual attendance, by the third paragraph of section 3 of the Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14), as amended by section 93, and its subsequent amendments.

112. Until a regulation is made under paragraphs 11.1, 27 and 27.1 of section 195 of the Automobile Insurance Act, amended by paragraphs 2 and 5 of section 17, the amounts that must be determined by regulation for the purposes of sections 70, 80 and 83 of the Automobile Insurance Act, as amended by sections 8, 10 and 11, are the minimum amounts established by those sections.

113. Section 76.1.5.1 of the Highway Safety Code (chapter C-24.2), enacted by section 22, applies to holders of licences referred to in section 202 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), with the necessary modifications.

However, that section does not apply in respect of persons who, on the coming into force of section 22, hold a licence subject to the condition of driving a road vehicle equipped with an alcohol ignition interlock device under sections 76.1.3 and 76.1.5 of the Highway Safety Code, including those sections as they read before 25 November 2019.

114. An employee working within an international non-governmental organization recognized by the Gouvernement du Québec before 23 March 1996 may benefit from the advantages conferred by section 92 of the Highway Safety Code, replaced by section 23, even if that employee has permanent resident status in Canada.

115. Until the coming into force of section 34 of chapter 19 of the statutes of 2018, section 143.1 of the Highway Safety Code, as amended by section 25, is to be read as if "subparagraph 2" were replaced by "subparagraph 2 or 2.1".

116. Until the coming into force of paragraph 1 of section 50 of chapter 19 of the statutes of 2018, section 202.6.6 of the Highway Safety Code, as amended by section 30, is to be read as if "or 202.2.0.1" were inserted after "section 202.2" in subparagraph 1 of the first paragraph.

117. A firefighter who has obtained authorization from the Société de l'assurance automobile du Québec to use a flashing green light before the date of coming into force of sections 39 and 47 is deemed to be authorized by the municipal authority that established the fire safety service of which the firefighter is a member, unless the authorization has been revoked by the Société.

The certificate of authorization issued by the Société remains valid until replaced by the municipal authority.

118. The standards determined by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code in the manual entitled "Volume V – Traffic Control Devices" that concern flag persons who direct traffic because of exceptional events or sports events or competitions and, in particular, the clothing they must wear, are deemed to be determined under section 303.3 of the Highway Safety Code, as amended by section 49, until the coming into force of a regulation made under that section 303.3.

119. Daily logs completed before the date of coming into force of sections 61 to 65 are deemed to be records of duty status from that date.

120. Until a regulation is made under subparagraph 50.1 of the first paragraph of section 621 of the Highway Safety Code, enacted by paragraph 12 of section 76, the threshold that must be determined by regulation for the purposes of sections 209.18 and 209.19 of the Highway Safety Code, as amended by section 33, is the minimum threshold established by those sections.

121. The rule set out in the second paragraph of section 16 of the Transport Act (chapter T-12), as amended by section 85 of this Act, is deemed to be part of the conditions of employment of the members of the Commission des transports du Québec annexed to their deed of appointment. It replaces the rule relating to the expiry of their terms set out in section 4.3 of the conditions of employment.

122. The provisions of paragraph 1 of section 83 have effect from 1 August 2019.

123. The provisions of this Act come into force on 26 May 2022, except

(1) sections 35, 37, 38, 41 to 46, 48 to 50, 52 to 54, 59, 60, 66 and 67, paragraphs 9 and 10 of section 76, sections 78, 88, 92, 103 and 118, which come into force on 25 July 2022;

(2) sections 1 to 15, 18, 32, 33, 90, 91, 93 to 95, 97, 105 to 112 and 120, which come into force on 1 July 2022;

(3) sections 22, 82 and 113, which come into force on the date on which the first regulation is made under subparagraphs 2.1 and 2.2 of the first paragraph of section 619 of the Highway Safety Code, enacted by section 75;

(4) sections 25 and 30, which come into force on the date of coming into force of section 34 and paragraph 1 of section 50 of chapter 19 of the statutes of 2018;

(5) sections 39, 47, 57 and 77, which come into force on the date of coming into force of the first regulation made under subparagraph 5.2 of the first paragraph of section 621 of the Highway Safety Code, enacted by paragraph 1 of section 76; and

(6) paragraph 2 of sections 19 and 20, section 26, paragraph 1 and paragraph 2, insofar as it concerns section 202.2.0.1, of section 27, sections 28, 29, 31, 61 to 65 and 68, paragraphs 4 to 8, 11 and 13 of section 76 and sections 84, 115 and 116, which come into force on the date or dates to be determined by the Government.

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 206
(Private)

An Act respecting the International Air Transport Association

Introduced 5 May 2022
Passed in principle 1 June 2022
Passed 1 June 2022
Assented to 2 June 2022

Québec Official Publisher
2022

Bill 206

(Private)

AN ACT RESPECTING THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

AS the International Air Transport Association was incorporated by the Act to Incorporate the International Air Transport Association (Statutes of Canada, 1945, chapter 51);

AS, under section 1 of the Agreement between the Gouvernement du Québec and the International Air Transport Association relating to the privileges granted by the Gouvernement du Québec to the Association and its non-Canadian employees, signed in Montréal on 27 October 1988, the Association is recognized as an international non-governmental organization;

AS the head office of the International Air Transport Association is located in Montréal;

AS, under section 3 of the incorporating act of the International Air Transport Association, the mission of the Association is

(*a*) to promote safe, regular and economical air transport for the benefit of the peoples of the world, to foster air commerce and to study the problems connected therewith;

(*b*) to provide means for collaboration among the air transport enterprises engaged directly or indirectly in international air transport service; and

(*c*) to cooperate with the International Civil Aviation Organization and other international organizations;

AS the International Air Transport Association plays an important role in maintaining and developing standards for air traffic safety and efficiency;

AS there is a need to protect the integrity and security of the payment mechanisms and financial services that the International Air Transport Association provides to its members and to other participants;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite any provision to the contrary, no sum of money held by the International Air Transport Association and required to be paid to a participant in its financial services may be the subject of a seizure in the hands of a third person or of a measure having the same effect.

The first paragraph does not apply in the following cases:

(1) the Association expressly consents to the seizure in the hands of a third person or to the measure; or

(2) the sum of money is in an account held by the Association in a Québec branch of a bank, authorized trust company or financial services cooperative.

For the purposes of the first paragraph, "financial services" means all of the Association's settlement and clearing systems, including, but not limited to, the IATA Enhancement and Financing Services, the IATA Clearing House, the Billing and Settlement Plan, the Cargo Account Settlement Systems and the IATA Currency Clearing Service.

2. This Act has effect from 5 May 2022.

Coming into force of Acts

Gouvernement du Québec

O.C. 999-2022, 8 June 2022

Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18)
— Coming into force of certain provisions

Coming into force of certain provisions of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions

WHEREAS the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18) was assented to on 12 June 2018;

WHEREAS paragraph 5 of section 135 of the Act, as amended by paragraph 1 of section 193 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 25 March 2021 and to certain other measures (2021, chapter 36), provides that sections 2, 4, 5, 7 and 8, paragraph 1 of section 9, sections 10 to 12 and 14 to 27, paragraphs 4 to 6 of section 28, paragraphs 2, 3 and 4 of section 29, section 30, paragraphs 2, 4 and 5 of section 31 and section 32 come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 January 2023 as the date of coming into force of sections 7 and 8, paragraph 1 of section 9 and sections 11, 12 and 24 to 26 of the Act;

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

THAT 1 January 2023 be set as the date of coming into force of sections 7 and 8, paragraph 1 of section 9 and sections 11, 12 and 24 to 26 of the Act to improve the performance of the Société de l'assurance automobile du Québec, to better regulate the digital economy as regards e-commerce, remunerated passenger transportation and tourist accommodation and to amend various legislative provisions (2018, chapter 18).

YVES OUELLET
Clerk of the Conseil exécutif

105794

Gouvernement du Québec

O.C. 1139-2022, 15 June 2022

Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act mainly to introduce a basic income for persons with a severely limited capacity for employment

WHEREAS the Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11) was assented to on 15 May 2018;

WHEREAS, under section 31 of the Act, sections 6, 21 to 23 and 26 of the Act, insofar as they concern Chapter V of Title II of the Individual and Family Assistance Act (chapter A-13.1.1), and sections 13 and 27 to 29 of the Act have effect from 1 April 2018;

WHEREAS section 32 of the Act mainly to introduce a basic income for persons with a severely limited capacity for employment provides that the provisions of the Act come into force on the date or dates to be determined by the Government, except

(1) section 7, which comes into force on 15 May 2018; and

(2) sections 9 to 11, 17 and 18, and section 19 where it enacts section 133.3 of the Individual and Family Assistance Act, insofar as the latter section concerns the Social Solidarity Program, which come into force on 1 January 2019;

WHEREAS it is expedient to set 1 January 2023 as the date of coming into force of sections 1 to 5, 8, 12, 14 to 16, 20, 24, 25 and 30 of the Act mainly to introduce a

basic income for persons with a severely limited capacity for employment and sections 6, 19, 21 to 23 and 26 of the Act, insofar as they concern Chapter VI of Title II of the Individual and Family Assistance Act;

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

THAT 1 January 2023 be set as the date of coming into force of sections 1 to 5, 8, 12, 14 to 16, 20, 24, 25 and 30 of the Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11) and sections 6, 19, 21 to 23 and 26 of the Act, insofar as they concern Chapter VI of Title II of the Individual and Family Assistance Act (chapter A-13.1.1).

YVES OUELLET
Clerk of the Conseil exécutif

105805

Regulations and other Acts

Gouvernement du Québec

O.C. 954-2022, 8 June 2022

Act respecting the Pension Plan
of Elected Municipal Officers
(chapter R-9.3)

Regulation
— Amendment

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers

WHEREAS, under subparagraph 3 of the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), the Government may, by regulation, determine the terms and conditions applicable to the payment of contributions relating to the redemption of years of service;

WHEREAS, under subparagraph 4 of the first paragraph of section 75 of the Act, the Government may, by regulation, determine, for the purposes of the Act, the standards for calculating the actuarial value of a pension;

WHEREAS, under subparagraph 6 of the first paragraph of section 75 of the Act, the Government may, by regulation, determine the procedure for the establishment of any redemption cost referred to in section 63.0.3 or 63.0.8 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R 18.1), a draft Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers was published in Part 2 of the *Gazette officielle du Québec* of 2 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 Municipal Affairs and Housing:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers

Act respecting the Pension Plan
of Elected Municipal Officers
(chapter R-9.3, s. 75, 1st par., subpars. 3, 4 and 6)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3, r. 1) is amended by replacing section 9 by the following:

"**9.** For the purposes of this Division, the expression "CIA Standard" refers to section 3500 of the standards of practice of the Canadian Institute of Actuaries concerning pension commuted values in force on 1 February 2022.".

2. Section 9.0.1 is amended

(1) by replacing "80%" and "20%" in the section entitled "Actuarial method" by "70%" and "30%" respectively;

(2) in the section entitled "Actuarial assumptions"

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

"(1) Mortality rates:

The mortality rates are those taken from the mortality table promulgated by the Actuarial Standards Board of the Canadian Institute of Actuaries, whose date of coming into force is 1 October 2015.";

(*b*) by replacing "0.25%" in subparagraph 2 by "0.10%";

(*c*) by replacing the table in subparagraph *b* of subparagraph 3 by the following:

“

Inflation level	Addition to the result of the PI–3% formula	Adjusted indexing rate
0	0,00	0,00
0,5	0,00	0,00
1,0	0,00	0,00
1,5	0,05	0,05
2,0	0,10	0,10
2,5	0,20	0,20
3,0	0,40	0,40
3,5	0,20	0,70
4,0	0,10	1,10
4,5	0,05	1,55

”;

(*d*) by replacing subparagraph 6 by the following:

“(6) Proportion of persons with a spouse at death:

“

Age	Male	Female
18-54	0,90	0,60
55-59	0,85	0,60
60-64	0,85	0,55
65-69	0,80	0,50
70-74	0,80	0,40
75-79	0,80	0,30
80-84	0,75	0,20
85-89	0,60	0,10
90-109	0,50	0,05
110 and older	0,00	0,00

”;

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

“The economic assumptions are established based on the rates and returns of bond indexes, as described in the CIA Standard, applicable to the second calendar month preceding the month in which the evaluation took place, rather than those applicable to the preceding month.”.

3. Schedule II is replaced by the attached Schedule II.

4. This Regulation comes into force on the first day of the month occurring four months after the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE II

(Section 9.2)

RATE APPLICABLE TO CERTAIN REDEMPTIONS UNDER SECTION 9.2

The redemption cost is established by multiplying the annual pension credit, indexed in accordance with section 30 or section 63.0.7 of the Act, as the case may be, up to the date of receipt of the application for redemption, by the factor corresponding to the age of the person on that date.

Age of the person on the date of receipt of the application for redemption	Factor
18	3,00
19	3,20
20	3,30
21	3,50
22	3,70
23	3,80
24	4,00
25	4,20
26	4,30
27	4,50
28	4,70
29	4,80
30	5,00
31	5,30
32	5,50
33	5,70
34	6,00
35	6,20
36	6,50
37	6,70
38	6,90
39	7,20
40	7,40
41	7,70
42	7,90
43	8,20
44	8,40
45	8,60
46	8,90
47	9,10
48	9,40
49	9,60
50	9,80
51	9,90
52	10,10
53	10,20
54	10,30
55	10,40
56	10,50
57	10,60
58	10,70
59	10,80
60	10,90
61	11,00
62	11,10
63	11,20
64	11,30
65	11,40
66	11,50
67	11,60
68	11,70
69	11,90

105785

Gouvernement du Québec

O.C. 955-2022, 8 June 2022

Act respecting the Pension Plan
of Elected Municipal Officers
(chapter R-9.3)

Partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers —Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers

WHEREAS, under subparagraph 4.3 of the first paragraph of section 75 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), the Government may, by regulation, fix, for the purposes of section 63.2 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act, and determine, for the purposes of the said section, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under subparagraph 4.5 of the first paragraph of section 75 of the Act, the Government may, by regulation, prescribe, for the purposes of section 63.5 of the Act, the actuarial rules, assumptions and methods for reducing any sum payable under the plan, which may vary according to the nature of the benefit from which such sum is derived;

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 partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers was published in Part 2 of the *Gazette officielle du Québec* of 2 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 Municipal Affairs and Housing:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers

Act respecting the Pension Plan
of Elected Municipal Officers
(chapter R-9.3, s. 75, 1st par., subpars. 4.3 and 4.5)

1. The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Elected Municipal Officers (chapter R-9.3, r. 2) is amended in section 7

(1) by replacing "3800" in the first paragraph by "3500";

(2) by striking out ", in force since 1 February 2005 and periodically revised" in the first paragraph;

(3) by replacing "the sum of 80% of the actuarial value determined for a male and of 20% of the actuarial value determined for a female" in the second paragraph by "the sum of 70% of the actuarial value determined for a male and of 30% of the actuarial value determined for a female";

(4) by replacing the table in subparagraph 3 of the third paragraph by the following:

Inflation level	Addition to the result of the PI–3% formula	Adjusted indexing rate
0	0,00	0,00
0,5	0,00	0,00
1,0	0,00	0,00
1,5	0,05	0,05
2,0	0,10	0,10
2,5	0,20	0,20
3,0	0,40	0,40
3,5	0,20	0,70
4,0	0,10	1,10
4,5	0,05	1,55

(5) by replacing subparagraph 6 of the third paragraph by the following:

"(6) proportion of persons with a spouse at death:

"

Age	Male	Female
18-54 years	90%	60%
55-59 years	85%	60%
60-64 years	85%	55%
65-69 years	80%	50%
70-74 years	80%	40%
75-79 years	80%	30%
80-84 years	75%	20%
85-89 years	60%	10%
90-109 years	50%	5%
110 years and over	0%	0%

".

2. This Regulation comes into force on the first day of the month occurring four months after the date of its publication in the *Gazette officielle du Québec*.

105786

Gouvernement du Québec

O.C. 956-2022, 8 June 2022

Act respecting retirement plans for the mayors and councillors of municipalities
(chapter R-16)

Partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities — Amendment

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities

WHEREAS, under subparagraph *j* of the first paragraph of section 42 of the Act respecting retirement plans for the mayors and councillors of municipalities (chapter R-16), the Government may, by regulation, fix, for the purposes of section 41.5 of the Act, the rules which apply to the establishment of the benefits accrued under the plan, which may differ from the rules otherwise applicable under the Act, and determine, for the purposes of the said section, the actuarial rules, assumptions and methods which apply to the assessment of accrued benefits and which may vary according to the nature of the benefits;

WHEREAS, under subparagraph *l* of the first paragraph of section 42 of the Act, the Government may, by regulation, prescribe, for the purposes of section 41.8 of the Act, the actuarial rules, assumptions and methods for reducing any sum payable under the plan, which may vary according to the nature of the benefit from which such sum is derived;

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 partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities was published in Part 2 of the *Gazette officielle du Québec* of 2 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 Municipal Affairs and Housing:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities

Act respecting retirement plans for the mayors and councillors of municipalities
(chapter R-16, s. 42, 1st par., subpars. *j* and *l*)

1. The Regulation respecting the partition and assignment of benefits accrued under the general retirement plan for the mayors and councillors of municipalities (chapter R-16, r. 4) is amended in section 8

(1) by replacing "3800" in the first paragraph by "3500";

(2) by striking out ", in force since 1 February 2005 and periodically revised" in the first paragraph;

(3) by replacing "méthode actuarielle" in the second paragraph of the French text by "valeur actuarielle";

(4) by revoking subparagraphs 5 and 6 of the third paragraph.

2. This Regulation comes into force on the first day of the month occurring four months after the date of its publication in the *Gazette officielle du Québec*.

105787

Gouvernement du Québec

O.C. 972-2022, 8 June 2022

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

Environment Quality Act (chapter Q-2)

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

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)

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

Development, implementation and financial support of a deposit-refund system for certain containers — Amendment

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

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, in particular, require any person who markets or otherwise distributes products in containers acquired for that purpose to develop, implement and contribute financially to, on the terms and conditions fixed, measures to reduce, recover or reclaim residual materials generated by the containers;

WHEREAS, under subparagraph 8 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, in particular, prescribe the information or documents that a person, a municipality, a group of municipalities or an Aboriginal community, represented by its band council, must transmit to a person who must, under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of the section, meet the obligations referred to in the regulation as well as the other terms and conditions applicable to the transmission and the time limit for doing so;

WHEREAS, under section 53.30.2 of the Act, a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act that requires, as a measure, certain persons to develop, implement and contribute financially to a deposit system may, in particular,

— under paragraph 1 of the section, determine the products concerned by the system;

— under paragraph 2 of the section, prescribe the time limits and the terms and conditions applicable to the entering into of contracts, if applicable, between the persons, the municipalities, the groups of municipalities and any Aboriginal community, represented by its band council, determined in the regulation and the minimum content of such contracts;

— under paragraph 3 of the section, determine the terms and conditions applicable to the return, transportation, sorting and conditioning of returnable products, including their storage, to recover and reclaim such products;

— under paragraph 4 of the section, determine, in addition to the persons who are required to develop, implement and contribute financially to the system, the other persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

— under paragraph 5 of the section, determine the obligations, rights and responsibilities of the persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

— under paragraph 6 of the section, determine, in particular with respect to the obligations referred to in paragraph 5, the obligations that certain persons concerned by the system must meet as regards their participation in the organization of the return of returnable products;

— under paragraph 7 of the section, fix a deposit payable on the purchase of any of the products referred to in paragraph 1 that, upon return, is refundable in whole or, as determined under paragraph 8, in part only, or prescribe the parameters to be used by a body designated under a regulation made under section 53.30.3 of the Act to fix such a deposit, which is not payable until it has been approved by the Minister;

— under paragraph 9 of the section, determine the persons who are required to collect and refund, in the cases and on the conditions it prescribes, the deposit fixed under paragraph 7;

— under paragraph 10 of the section, fix the indemnity payable for management costs, or the parameters to be used to fix it by a body designated under a regulation made under section 53.30.3 of the Act, in particular for the handling and storage of products referred to in paragraph 1 following their return, and determine the persons who are entitled to receive such an indemnity, the persons who are required to pay such an indemnity and the terms and conditions applicable to the payment of such an indemnity;

— under paragraph 11 of the section, prescribe a mechanism for resolving disputes that may arise following the entering into or performance of contracts referred to in paragraph 2 or the obligation to prescribe such a mechanism in such contracts;

WHEREAS, under section 53.30.3 of the Environment Quality Act, the Government may, by a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Act, in particular,

— under paragraph 1 of the section, prescribe that the responsibility for developing, implementing and contributing financially to a measure imposed by the regulation on certain persons the regulation determines be conferred, for the period it fixes, on a non-profit body designated by the Minister or the Société québécoise de récupération et de recyclage;

— under paragraph 2 of the section, exempt, in whole or in part, persons who are required, under the regulation, to meet obligations that are the responsibility of a body under paragraph 1 from meeting such obligations;

— under paragraph 3 of the section, prescribe the rules applicable to the designation of the body referred to in paragraph 1;

— under paragraph 4 of the section, prescribe the minimum obligations that the body must meet and the minimum rules that must be provided for in its general by-laws for it to be designated;

— under paragraph 5 of the section, prescribe the obligations, rights and responsibilities of the designated body and its method of financing;

— under paragraph 6 of the section, prescribe the obligations to the designated body that the persons referred to in paragraph 1 have, in particular the obligations to become a member of the body and to provide the body with the documents and information it requests to enable it to meet the responsibilities and obligations conferred on it by the regulation, prescribe the conditions for preserving and transmitting such documents and information, and determine which such documents and information are public;

— under paragraph 7 of the section, prescribe the documents and information that the designated body must provide to the Minister or the Société québécoise de récupération et de recyclage, determine their form and content and the conditions for preserving and transmitting them, and determine which such documents and information are public;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, enacted 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 (2022, chapter 8), 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 failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and 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;

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 determine the provisions of a regulation the Government has made under that 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, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt any person, municipality or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons, municipalities and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 19 of the first paragraph of section 15.4.40 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, as amended by section 38 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, any other sum provided for by law or a regulation of the Government or a regulation of the Minister is credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State;

WHEREAS, under section 21 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5), despite section 13 of that Act, any permit issued under the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and any agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in force on the date of coming into force of that section remains in force until a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30, as amended by section 3 of that Act, and section 53.30.2, enacted by section 4 of that Act, terminates it;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the development, implementation and financial support of a deposit system for certain containers was published in Part 2 of the *Gazette officielle du Québec* of 26 January 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 with amendments;

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

THAT the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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

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

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, s. 53.30.2, pars. 1 to 7 and 9 to 11, s. 53.30.3, pars. 1 to 7, and s. 95.1, 1st par., subpar. 9)

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

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, s. 38)

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.))

CHAPTER I
GENERAL

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

2. In this Regulation,

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

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

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

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

"designated management body" means any body designated pursuant to Division I of Chapter III; (*organisme de gestion désigné*)

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

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

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

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

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

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

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

"multi-layer container" means a container mainly made from fibre, as well as thin layers of plastic and, in some cases, a thin layer of aluminum; (*contenant multicouches*)

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

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

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

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

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

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

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

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

3. The types of redeemable containers are as follows:

(1) single-use metal containers;

(2) single-use plastic containers;

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

(4) single-use fibre containers, including multi-layer containers;

(5) single-use biobased containers;

(6) reusable glass containers and containers made of other breakable material;

(7) reusable containers made of a material other than glass or other breakable material.

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

4. Every redeemable container must be marked with a bar code that, when scanned, shows its type, weight and volume and a description of the product commercialized, marketed or otherwise distributed in the container, as well as the amount of the deposit.

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

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

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

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

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

6. Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligations specified in the first paragraph of section 5 apply to

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

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

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

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

9. Every producer who commercializes, markets or otherwise distributes a product in a reusable container may add to the return sites provided for in Chapter II the supplementary return sites the producer chooses and for which the producer is not required to comply with sections 25 to 40. The producer must however provide, for the redeemable containers returned to those sites, so that they may be considered in calculating the recovery,

reclamation, local reclamation and recycling rates for redeemable containers prescribed by this Regulation, the information and documents that a designated management body requests, within the time limit it sets to do so, to allow that body to fulfill its responsibilities and obligations under this Regulation. The costs associated with adding sites fall entirely on the producer who adds sites.

10. The documents and information required by or pursuant to this Regulation must be sent electronically.

CHAPTER II
DEVELOPMENT, IMPLEMENTATION AND FINANCING OF THE DEPOSIT-REFUND SYSTEM

DIVISION I
PARAMETERS

11. Every producer must, to fulfill its obligation to develop, implement and finance a deposit-refund system and in connection with the charging and refunding of deposits, the return and management of redeemable containers, and the cost of developing, implementing and operating the system,

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

(2) ensure the presence of return sites for redeemable containers throughout Québec, in accordance with the rules set out in sections 25 to 43, if applicable;

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

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

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

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

(5) take steps so that the disposal of a redeemable container or a material obtained following the conditioning of such a container is the last option chosen;

(6) determine the costs involved in the development, implementation and operation of the deposit-refund system;

(7) distribute the costs by type of redeemable container, taking into account, for each type, the cost of recovery, transportation, storage, sorting, conditioning and reclamation;

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

(9) ensure the collection of redeemable containers at return sites and in establishments offering on-site consumption, and determine the terms and conditions applicable to the transportation, sorting and conditioning of those containers and, as the case may be, of the material obtained following their conditioning as far as their final destination;

(10) ensure the traceability of the redeemable containers recovered and, as the case may be, of the material obtained following their conditioning;

(11) determine the requirements that all service providers, including managers of return sites and subcontractors, must observe in managing the redeemable containers that are recovered;

(12) ensure the presence of a research and development component on recovery, sorting, conditioning and reclamation techniques for the redeemable containers and, in the latter case, for the material obtained following their conditioning, and ensure the presence of such a component on the development of market outlets for those containers and material; and

(13) take steps to ensure that the system is used only for redeemable containers in Québec.

The final destination of a redeemable container or of the material obtained following its conditioning is the place where it is

(1) reused;

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

(3) used for energy recovery;

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

(5) disposed of.

12. The traceability of redeemable containers involves using quantitative data to monitor such containers from each return site in Québec where redeemable containers are returned to the site of their final destination and, where they are conditioned, to monitor the material obtained following conditioning to its final destination.

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

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

(2) use a means of communication to make public, each year, the information listed in section 134 and ensure that the information remains accessible for a minimum period of five years.

14. Every producer must, in addition, for the same purposes as those set out in section 11 and with respect to the auditing of certain activities,

(1) see to the verification, by a person who is not employed by a producer or by a designated management body and who meets one of the following conditions, of the management of the containers recovered and of compliance with the requirements set out in subparagraph 11 of the first paragraph of section 11:

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

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

(2) ensure that the verification referred to in paragraph 1 is performed at the following frequency:

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

(*b*) in other cases, the verification must take place during the first full calendar year during which the deposit-refund system is implemented, and at least every three years thereafter.

15. Every producer must, for the same purposes as those set out in section 11, plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) and measures to contribute to the fight against climate change.

16. When, as part of the implementation of a deposit-refund system, the measures provided for in sections 11 to 15 are to be applied in an isolated or remote territory, they must be adapted to reflect the needs and particularities of the territory concerned.

DIVISION II
AMOUNT OF THE deposit

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

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

(2) $0.10 for glass containers less than 500 ml and for other types of containers.

Despite the first paragraph, the amount of the deposit for a fibre container, including a multi-layer container, is applicable as of the date occurring two years after the date specified in the first paragraph.

18. From the expiry of a five-year period beginning in the sixteenth month following (insert the date of coming into force of this Regulation), a designated management body may modify the amount of the deposit for a container on the following conditions:

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

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

The designated management body must, when modifying the amount of a deposit, take into account the anticipated impact of the modification on the recovery rate for the containers concerned. It may also take into account the format and volume of the containers.

A deposit amount that is different from the amounts in force can only be specified if

(1) the recovery rate achieved for the type of container associated with the deposit amount the body intends to modify is more than 10% below the minimum recovery rate prescribed by section 99, for the two consecutive years preceding the year for which the modification is planned; and

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

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

19. Despite sections 17 and 18, any designated management body may, beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), specify a deposit amount for reusable containers that is different from the deposit amount for other types of containers. It may also modify the deposit amount at any time it determines.

The designated management body must take into account, when specifying or modifying a deposit amount, the anticipated impact on the recovery rates for the containers concerned. It may also take into account the format and volume of the containers.

The amount specified or modified pursuant to the first paragraph must be higher than any other deposit amount in force.

The designated management body must, before specifying or modifying an amount referred to in the first paragraph, consult all the producers that use reusable containers to commercialize, market or other distribute a product.

20. Any modification of a deposit amount pursuant to section 18 and any deposit amount specified or modified pursuant to section 19 must be approved by the Minister before it can be charged, after the Minister has requested the opinion of the Société québécoise de récupération et de recyclage, herein referred to as the "Société".

The designated management body must submit, with its request for approval, an assessment of the impact of modifying or specifying the deposit amount on the recovery rates for the containers concerned, on the income generated from unclaimed deposits, and on the amounts producers are required to pay as contributions. It must also submit the results of the consultation referred to in the fourth paragraph of section 19.

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

If the Société fails to submit its opinion within the time specified in the third paragraph, it is deemed to agree with the modification or specification of a deposit amount for which an approval is requested.

21. A designated management body must post the deposit amounts for containers on its website, not later than the thirtieth day preceding the date of their coming into force.

It must also publish in the *Gazette officielle du Québec*, within the time limit specified in the first paragraph, any new deposit amount and the date of its coming into force.

22. The deposit amount for a container under an agreement entered into pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) or under a private deposit-refund system for reusable containers is the amount specified in section 17 beginning in the sixteenth month following the date of coming into force of that section, or, if an amount is specified pursuant to section 19, the amount if it comes into force as of the same month. The amount of such a deposit is thereafter the amount modified pursuant to section 18 or, if an amount is specified or modified pursuant to section 19, that amount if it comes into force after the sixteenth month.

23. A person who purchases a product in a redeemable container is required to pay the amount of the deposit for the container to the person selling the product, and the deposit for the container then belongs to the person to whom it is paid.

24. When a redeemable container is returned to a return site, the deposit amount must be refunded in full.

A producer must refund the deposit to the manager of the return site where the amount was refunded, at the frequency agreed on by contract or, when no contract has been entered into, within 30 days after the manager sends a claim to that effect, which must be accompanied by documents that prove the claim.

DIVISION III
RETURN OF REDEEMABLE CONTAINERS AND REFUNDING

§1. Return sites for redeemable containers and refunding

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

(1) all redeemable containers must be accepted;

(2) reusable containers must be handled in a manner that allows their reuse;

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

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

(5) a recovery bin, other than a garbage container, for the disposal of containers rejected when they are returned and also for the disposal of boxes or other recipients used to transport redeemable containers, must be situated in the client area and be clearly marked for that purpose;

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

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

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

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

(10) except in isolated or remote territories, the site must have year-round road access;

(11) the site must be situated within a radius of not more than 1 km from a retail establishment operated by a retailer, except in the case of a group referred to in section 49.

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

26. Only the following personal information may be required from a person to whom a deposit is refunded electronically:

(1) name;

(2) address;

(3) telephone number;

(4) email address.

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

When a return site is installed by a single retailer outside an establishment, operated by the retailer, to which the site is associated, the site must be open during the same business hours as that of the establishment.

When a return site is installed by a group of retailers outside the establishments they operate and the business hours of each of those establishments are shorter than the period referred to in the fourth paragraph, the site must be open during the business hours of the establishment that is open the longest.

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

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

29. Various types of return sites may be installed at the same location. In such a case they are counted as one return site for the purposes of sections 41 and 42.

30. Except where the requirements of this Division apply, the organization of a return site, including its location, its form and the equipment therein, is a responsibility of the producer or, as the case may be, of the retailer referred to in section 45 if the retailer and the producer have not entered into a contract pursuant to section 47.

31. Return sites are of three types:

(1) return points;

(2) return centres;

(3) bulk return points.

§§1. Return points

32. A return point is designed to accept up small quantities of redeemable containers.

33. In addition to the requirements of sections 25 to 29, a return point must meet the following requirements:

(1) it offers refunding on site, in cash, of the deposit for a redeemable container;

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

(3) it is at a moderate temperature.

34. The manager of a return point may limit the number of redeemable containers that a person may return on each visit. However, that number may not be less than 50.

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

§§2. Return centres

35. A return centre is designed to accept both small and large quantities of redeemable containers at each visit. It may also, in certain cases, be used as a site where the operations for containers from other return sites are centralized.

36. In addition to the requirements of sections 25 to 29, a return centre must meet the following requirements:

(1) refunding of the deposit by a secure electronic process, within two consecutive business days of the transaction at the centre is offered on site;

(2) it is at a moderate temperature;

(3) the manager of the centre ensures that personnel members are present during business hours to provide assistance to the clients.

37. The manager of a return centre may not limit the number of redeemable containers that may be returned on each visit.

§§3. Bulk return points

38. A bulk return point is a site where redeemable containers are returned using a recipient whose dimensions, material, colour and all other elements are determined by the producer that designed and implemented the deposit-refund system of which it forms a part.

39. In addition to the requirements of sections 25 to 29, a bulk return point must meet the following requirements:

(1) it offers refunding of the deposit by any means considered appropriate by the manager of the site;

(2) the refunding of the deposit by an electronic process is secure and completed within a maximum of seven days of the return of the containers at the site;

(3) the use of reusable transportation recipients is encouraged.

40. The manager of a bulk return point may not limit the number of redeemable containers that may be returned at each visit.

§2. Distribution of return sites

41. Beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), every producer must ensure that a minimum of 1,500 return sites, excluding bulk return sites, are functional across the administrative regions, with the exception of unorganized territories situated in those regions.

The producer must also ensure that the return sites are functional in isolated or remote territories, respecting the number of sites provided for in those territories in a contract entered into under section 57 or, if there is no contract, the number of sites provided for in section 59.

Each administrative region must have a minimum number of return points per number of inhabitants, as follows:

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

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

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

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

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

42. In addition to the requirements of section 41, every producer must ensure that there are, in each regional municipality, at least two return sites at which it is possible to return an unlimited number of containers at each visit.

The producer must also ensure that the return sites in each regional municipality are able, globally, to accept at least 80% of the redeemable containers in which a product is commercialized, marketed or other distributed in that regional municipality.

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

The population of the Aboriginal communities referred to in the third paragraph is counted in the section of the website of the Ministère des Affaires municipales et de l'Habitation on municipal organization and that is not counted in the order referred to in the third paragraph.

The number of inhabitants in a regional municipality is calculated by adding the number of inhabitants of each local municipality within it, that number being established by the order referred to in the third paragraph to which is added the number of inhabitants that are part of any Aboriginal community present in the regional municipality.

43. Every producer must, not later than the date that occurs three years after the date of coming into force of this Regulation, submit to the Société and to the Minister a plan containing all the measures it intends to implement for the return of redeemable containers in which products are consumed in a public space, including

(1) the spaces targeted;

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

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

(4) the terms and conditions applicable to the recovery of redeemable containers; and

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

Where the requirement provided for in the first paragraph is, pursuant to section 91, imposed on a designated management body, the plan must be sent not later than the date that occurs three years after the date of its designation.

Any part of a building, land, public road or other place that is accessible to the public on a continuous, periodic or occasional basis, except an establishment operated by a retailer or an establishment offering on-site consumption, is a public space.

44. Every producer must, not later than the fifteenth day following (insert the date of the last day of the sixteenth month following the date of coming into force of this Regulation), draw up a list of all return sites operating throughout Québec and map them. The producer must update the list and map and make them accessible to the public via a website.

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

§3. Retailers

45. Every retailer must, for each establishment the retailer operates in which products are offered for sale in a redeemable container, accept the redeemable containers that are returned to the retailer and refund the deposit amount, except if the area of the part of the establishment reserved for sales is equal to or less than 375 square metres.

46. Redeemable containers must be accepted by a retailer and the deposit must be refunded at a return site in accordance with sections 25 to 40.

Every producer must ensure that a return site is installed for each establishment referred to in section 45.

47. From the fourth month following (*insert the date of coming into force of this Regulation*), every producer must take steps to enter into a contract with every retailer which, once signed, must specify

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

(2) whether it is the producer or the retailer who is responsible for installing and managing the return sites;

(3) the terms and conditions applicable to the access to the return sites and the parking spaces available close to the sites;

(4) the types of devices and other equipment that will be installed for the return of redeemable containers and the person responsible for their purchase or leasing and their maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices and other pieces of equipment installed;

(6) if applicable, the number of redeemable containers that it will be possible to return at each visit;

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

(8) the terms and conditions applicable to the storing the containers returned;

(9) the mode or modes for refunding deposits that will be offered;

(10) the terms and conditions applicable to client service for the return sites;

(11) the terms and conditions applicable to the refunding to the manager of a return site the deposit that the manager has refunded for the return of redeemable containers;

(12) the management process for the redeemable containers rejected by a device;

(13) the management process for containers that are non-returnable and for the recipients used to transport containers that are abandoned in a return site, until a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(14) the terms and conditions applicable for collecting redeemable containers and containers that are non-refundable and recipients referred to in subparagraph 13 from the return sites, including the frequency of collection, until, in the case of the containers and recipients referred to in subparagraph 13, a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(15) the costs relating to

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

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

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

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

(*e*) training for the personnel members responsible for client services and the handling of containers, on deposit or not, as well as recipients used to transport those containers for their collection from a return site;

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

(17) if a single return site is installed for more than one establishment, the responsibilities of each retailer operating one or more establishments with respect to the elements in subparagraphs 1 to 16;

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

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

(20) the duration of the contract;

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

(22) the dispute resolution method.

In the cases referred to in subparagraphs 13 and 14 of the first paragraph, the producer and the retailer must attempt to agree, within three months from the date of the signing of a system harmonization agreement or an arbitration award, on the terms and conditions applicable to the elements listed in those subparagraphs, if the elements are covered by the agreement or the arbitration award and the producer and the retailer do not comply with what is provided for in their respect in the agreement or award. If they agree on the terms and conditions, they must sign an agreement, which becomes an integral part of the contract entered into pursuant to the first paragraph as of the date on which the contract is signed.

If the producer and the retailer do not agree on the elements listed in subparagraphs 13 and 14 of the first paragraph at the end of the three-month period provided for in the second paragraph, section 50 applies, with the necessary modifications.

At the end of the three-month period following the mediation provided for in section 50, if the parties still do not agree, the Société determines, within 30 days after that time limit, the obligations of the producer and the retailer with respect to the elements listed in subparagraphs 13 and 14 of the first paragraph.

48. Several retailers may group together to fulfill their obligations under this subdivision, on condition that the group has obtained prior approval from any producer that has developed and implemented the deposit-refund system, but remain individually responsible for compliance.

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

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

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

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

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

50. If, at the end of the ninth month following (*insert the date of coming into force of this Regulation*), a producer and a retailer have not succeeded in entering into a contract pursuant to section 47 or have not succeeded in agreeing on all the elements to be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the retailer pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer in writing, within the same 14-day time limit, of the elements of the dispute preventing the entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the retailer discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

51. Not later than the twelfth month following (*insert the date of coming into force of this Regulation*), if a producer and a retailer have still not succeeded in entering into a contract pursuant to section 47, the retailer is required to install, within three months of that date, a return point or return centre for each establishment it operates and in which it sells a product in a redeemable container. Sections 25 to 40 apply to the retailer.

The producer must, in such a case,

(1) reimburse to the retailer, within 30 days of the filing of a claim by the retailer, the amounts spent to meet the obligation imposed on the retailer by the first paragraph, and the amounts that the retailer incurs to cover the elements listed in subparagraph 14 of the first paragraph of section 47; the claim must detail the costs claimed and include the documents that show those costs; and

(2) ensure that the redeemable containers stored at the site are collected at least twice per week.

The retailer must provide the producer, within the time set by the producer, with all the information and documents requested by the producer concerning the elements listed in subparagraphs 1, 3, 6 to 10 and 12 of the first paragraph of section 47.

52. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, inside the establishment at the place where the product is offered for sale, the amount of the deposit for the container.

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

53. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, in or at the entrance to the establishment, the address of the return site for that establishment, if its area is greater than 375 square metres, or the address of the return site nearest to the establishment, if its area is equal to or less than 375 square metres.

54. Despite section 51, a contract between a producer and a retailer may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the obligations provided for in that section.

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

56. This subdivision does not apply in isolated or territories and unorganized territories, or to establishments offering on-site consumption.

§4. Isolated or remote territories and establishments offering on-site consumption

§§1. Isolated or remote territories

57. Every producer must offer the authorities responsible for the administration of isolated or remote territories to install, in those territories, return sites for redeemable containers in which products are sold.

For that purpose, the producer must, from the fourth month following (*insert the date of coming into force of this Regulation*), begin a process with each authority to enter into a contract which, once signed, must specify at least

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

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

(3) the terms and conditions applicable to the access to the return sites and their business hours;

(4) the type of devices that may be installed at a return site and the person responsible for their purchase or leasing, maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices installed;

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

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

(8) the management mode for the return sites;

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

(10) the mode or modes for refunding deposits that will be offered;

(11) the terms and conditions applicable to client service at the return sites;

(12) the terms and conditions applicable to the refunding by the producer to the manager of a return site the deposits that the manager has refunded for the return of redeemable containers;

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

(14) the terms and conditions applicable for collecting redeemable containers and containers and recipients referred to in paragraph 13 from the return sites, including the frequency of collection;

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

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

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

(18) the duration of the contract;

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

(20) the dispute resolution method.

58. If, at the end of the ninth month following (*insert the date of coming into force of this Regulation*), a producer and an authority referred to in the first paragraph of section 57 have not succeeded in entering into a contract pursuant to section 57 or have not succeeded in agreeing on all the elements to be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the authority pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer in writing, within the same 14-day time limit, of the elements of the dispute preventing the entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the authority concerned discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

59. Not later than by the end of the twelfth month following (*insert the date of coming into force of this Regulation*), if a producer and an authority referred to in the first paragraph of section 57 have still not succeeded in entering into a contract pursuant to section 57, the producer is required, within three months of that date, to install and finance return sites in the territory for which the authority is responsible, refund the deposits for redeemable containers, collect containers from the return sites, and transport, condition and, in the case of redeemable containers, reclaim them, in accordance with the following distribution:

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

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

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

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

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

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

For a return site put in place in a locality that is not accessible year-round by road or rail, the producer must collect redeemable containerss at least twice per year.

60. Despite section 59, a contract between a producer and an authority referred to in the first paragraph of section 57 may be entered into at any time after the expiry of the time specified in section 59. In such a case, the clauses of the contract are substituted for the obligations provided for in that section.

61. The producer is responsible for the installation and the operational and financial management of a return site referred to in this sub-subdivision.

§§2. Establishments offering on-site consumption

62. The operator of an establishment offering on-site consumption must participate in the deposit-refund system developed and implemented pursuant to this Regulation.

The operator must, for that purpose, in addition to the requirements of sections 63 and 65, take the other necessary steps to do so within the establishment.

63. Beginning in the fourth month following (*insert the date of coming into force of this Regulation*), a producer must take steps to enter into a contract with any group of persons authorized to do so and that acts on behalf of a group of establishments offering on-site consumption or with any establishment offering on-site consumption individually if no group of persons acts on its behalf, which, once signed, must specify

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

(2) an undertaking, by any party to the contract, to draw up a list showing the number of participating establishments offering on-site consumption, their name and address, their type, the particularities to be taken into account concerning access to the establishment, and the terms and conditions applicable for updating the list;

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

(4) the frequency and modes of collection of redeemable containers in such establishments;

(5) the types of vehicles that may be used for the collection of redeemable containers in each establishment;

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

(7) the mode or modes for refunding the deposit for redeemable containers collected and the terms and conditions applicable to refunds;

(8) the information, awareness and education measures to be implemented for personnel members at such establishments to ensure a proper management of redeemable containers in which they sell or otherwise offer a product; and

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

64. If, at the end of the eleventh month following (*insert the date of coming into force of this Regulation*), a producer and a group of persons acting on behalf of a group of establishments offering on-site consumption or, as the case may be, an establishment offering on-site consumption acting individually, have not succeeded in entering into a contract pursuant to section 63, or have not succeeded in agreeing on the elements that must be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the group of persons or, as the case may be, the establishment offering on-site consumption acting individually, pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer and by the group of persons or, as the case may be, the establishment offering on-site consumption concerned, within the same 14-day time limit, of the elements of the dispute preventing them from entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the group of persons or, as the case may be, the establishment offering on-site consumption concerned discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

65. If, not later than the end of the fourteenth month following (insert the date of coming into force of this Regulation), a producer and a group of persons or an establishment offering on-site consumption referred to in section 63 have still not succeeded in entering into a contract, the producer must offer each establishment offering on-site consumption on whose behalf the group acts or the establishment offering on-site consumption concerned, not later than the end of the sixth week following the expiry of the time prescribed, a collection service for redeemable containers, on the following conditions:

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

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

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

(4) the producer must provide the equipment and accessories needed to facilitate the collection of redeemable containers, including compactors, bins, crates or other types of recipients, and take the necessary steps to ensure that redeemable containers are emptied and sorted on site, if possible;

(5) the producer must refund the deposit for redeemable containers collected to the establishment concerned within a maximum of seven consecutive business days following collection;

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

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

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

DIVISION IV
TRANSPORTATION, SORTING, CONDITIONING AND RECLAMATION OF REDEEMABLE CONTAINERS

§1. Obligations of producers

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

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

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

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

(3) the ability of the service provider, depending on the nature of the contract,

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

(*b*) to contribute to the fight against climate change, considering for example the effort made by the service provider to reduce greenhouse gas emissions by selecting a conditioning process or a form of recovery that generates such a reduction or by selecting routes and modes of transportation to collect redeemable containers; and

(*c*) to use the materials sent to it as a substitute for raw materials of a similar or different nature, except where the materials are used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre, or for energy recovery.

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

§2. Contracts

69. A contract entered into pursuant to section 67 must specify

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

(2) the places where services will be provided;

(3) the type of equipment used to deliver services and the terms and conditions applicable to the maintenance and replacement;

(4) the conditions for the storage of redeemable containers or materials obtained following their conditioning, at each stage of transportation, sorting, conditioning and reclamation, if applicable;

(5) the management of contamination in redeemable containers;

(6) the traceability of redeemable containers or materials obtained following their conditioning, for the part covered by the delivery of the service;

(7) the requirements concerning the quality of the redeemable containers following transportation or sorting and the quality of the material obtained following the conditioning of those containers;

(8) the terms and conditions applicable to the quality control procedure referred to in paragraph 7, including the methods used to characterize redeemable containers, site visits and the use of audits or an external auditor;

(9) the requirements that all service providers, including subcontractors, must observe in managing the recovered containers and the measures that must be implemented to assure those requirements;

(10) the financial parameters, including the price of the services provided and the terms and conditions applicable to payment;

(11) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(12) the dispute resolution mechanism;

(13) the conditions ensuring the health and safety of workers at the site where materials are transported, sorted, conditioned or reclaimed; and

(14) a list of the information and documents that the service provider must submit to the producer to allow it to meet its obligations under this Regulation, and the frequency of submission.

CHAPTER III
MANAGEMENT BODY

DIVISION I
DESIGNATION

70. During the third month following the coming into force of this Regulation, the Société designates a body that meets the requirements of sections 73 and 74, for which the requirements of sections 71 and 72 have been met, and for which an application to be designated as the management body for the deposit-refund system has been sent to the Société, to assume, in place of producers, the obligation to develop, implement and contribute financially to a deposit-refund system. The Société must, without delay, send confirmation of the designation to the body and to the Minister.

The designation provided for in the first paragraph is effective as of the date on which the confirmation provided for in the first paragraph is sent by the Société.

The Société must post on its website, on the date provided for in the second paragraph, the name of the body designated as the management body for the deposit-refund system and the date on which the designation takes effect.

71. Every application for the initial designation of a body must be filed with the Société within two months after the coming into force of this Regulation or, for a subsequent designation pursuant to section 84, not later than the eighth week preceding the expiry of the current designation. It must contain the following information and documents:

(1) the body's name, address, telephone number and email address;

(2) the Québec business number assigned if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name of its representative;

(4) a list of the directors of its board of directors and the information for identifying them;

(5) a list of its members;

(6) in the case of an initial designation, a plan for the development and implementation of the deposit-refund system whose contents meet the requirements of section 72;

(7) a copy of any other document showing that the body meets the requirements of sections 73 and 74;

(8) a list of the producers who support the body's designation, signed by each producer.

A person who files an application pursuant to the first paragraph must send a copy to the Minister on the date on which the application is filed with the Société.

72. A development and implementation plan for a deposit-refund system must contain

(1) a general description of the activities of the producers that, if the body is designated by the Société, will be required to be members;

(2) the terms and conditions applicable to membership of the body;

(3) a summary description of the planned system, covering the operational and financial components for the first five years of implementation;

(4) with respect to the returning of redeemable containers, a template for the contracts that may be entered into with the following persons must take into account the various geographical and operational realities of each person:

(*a*) retailers;

(*b*) groups of persons acting on behalf of a group of establishments offering on-site consumption or an establishment offering on-site consumption individually;

(*c*) representatives in isolated or remote territories;

(5) a list of the measures that the body plans to implement to promote the development of markets throughout Québec for the material obtained following the conditioning of the redeemable containers, and the ecodesign criteria it intends to require producers to consider;

(6) a list of the information, awareness and education measures the body plans to implement to encourage consumer participation in the deposit-refund system;

(7) a draft timeframe for the development and implementation of the deposit-refund system and the implementation of the measures referred to in subparagraph 6; and

(8) a proposal for harmonizing the deposit-refund system with any selective collection system for certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, hereinafter referred to as the "selective collection system", which must provide for, without limiting the possibility of adding other elements, the elements provided for in section 143.

The operational component referred to in subparagraph 3 of the first paragraph includes all stages in the implementation of the deposit-refund system, and more specifically the stages involving the return of redeemable containers and their management to their final destination or, as the case may be, to the site of the material obtained following conditioning.

73. Any body that meets the following requirements may be designated pursuant to section 70:

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec and it pursues most of its activities in Québec;

(3) each of the following categories of producers classified based on the types of products they commercialize, market or otherwise distribute, is represented by a producer on its board of directors:

(*a*) producers of beer and other malt-based alcoholic beverages;

(*b*) producers of alcoholic beverages other than those referred to in subparagraph *a*;

(*c*) producers of carbonated soft drinks other than sparkling water;

(*d*) producers of water, including sparkling water;

(*e*) producers of milk and milk substitutes;

(*f*) producers of all other beverages that do not contain alcohol;

(4) each category of producers, based on the types of containers they use among those listed in subparagraphs 1 to 4, 6 and 7 of the first paragraph of section 3, mainly to commercialize, market or otherwise distribute their products, is represented by a producer on the board of directors; producers who mainly use one of the types of containers referred to in subparagraphs 6 and 7 of the first paragraph of section 3 form a single category for the purposes of this subparagraph;

(5) most of the body's activities are connected to the recovery and reclamation of residual materials;

(6) the body is able to take financial responsibility for the development of the deposit-refund system to which this Regulation applies.

A single member of the body's board of directors may fulfill a requirement specified in both subparagraph 3 and subparagraph 4 of the first paragraph.

74. In addition to the requirements of section 73, a body must, to be designated, have adopted general by-laws that are in effect when the application for designation is filed and provide for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee referred to in sub-subdivision 8 of subdivision 1 of Division II of this Chapter on the agenda at the next ensuing meeting of the board of directors, at the member's request, and an invitation to the member to present it; and

(5) the possibility for producers to become members.

75. The Société may, if it notes that the development and implementation plan filed with an application for designation does not meet all the requirements of section 72, ask the applicant to make changes before selecting the body that will be designated pursuant to section 70.

76. If, among the applications filed, more than one body meets the requirements of sections 73 and 74, the requirements of sections 71 and 72 are met by each body and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers in each of the categories listed in subparagraph 3 of the first paragraph of section 73.

77. On the expiry of the time limit set in section 71, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of sections 73 and 74, or if the requirements of sections 71 and 72 have not been met for a body, the Société designates, within 30 days following the expiry of the time limit, a body which, in its opinion, is able to assume the obligations referred to in subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

The designation provided for in the first paragraph is effective as of the date on which the notice informing the body of the designation is received by the body.

78. If the Société has not designated a body within the time limit set in section 70 or the first paragraph of section 77, the obligation set out therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

79. A body's designation is valid for a period of five years.

On expiry, it is automatically renewed for the same period, provided that

(1) the body has filed with the Société and the Minister, not later than six months prior to expiry, a report on the implementation and effectiveness of the deposit-refund system during the designation in progress, which must also include consultations and discussions with environmental groups and consumers, the dates of the consultations and discussions, the topics discussed, the recommendations made and any follow-up action taken;

(2) the report sets out the body's strategic aims and priorities for the deposit-refund system for the new five-year period; and

(3) the Société declares to the designated management body that it is satisfied with the report, not later than four months before the expiry of designation.

80. Not later than four months before the expiry of a designation, the Société must send to the Minister the results of its analysis of the report sent by the body and, if applicable, make recommendations.

81. The Société may, before the expiry of the four-month time limit set in subparagraph 3 of the second paragraph of section 79, suggest that the designated management body make changes to a report filed with the Société pursuant to subparagraph 1 of the second paragraph of section 79.

82. If the Société has not ruled on a five-year report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry, with no further notice or time limit.

83. When a designation is not renewed because of non-compliance with a condition in the second paragraph of section 79, the Société must, at least four months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

84. When a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the four months prior to expiry, to designate, to ensure the operation and financing of the deposit-refund system, a body that meets the requirements of sections 73 and 74, for which the requirements of sections 71 and 72 have been met and for which an application for designation as a management body for the deposit-refund system has been sent. It sends confirmation of the designation to the body and to the Minister without delay.

85. At the end of the time limit provided for in the first paragraph of section 84, if no application for designation has been sent or if no body for which an application has been sent meets the requirements provided for in section 73 and 74 or for which the requirements of sections 71 and 72 have not been met, section 77 applies, with the necessary modifications.

86. If the Société has not designated a body within the time limit set to do so in section 84 or 85, the obligation provided therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

87. The Société may terminate a current designation if

(1) the designated management body fails to comply with one of its obligations under this Regulation or an obligation in its general by-laws;

(2) the designated management body ceases operations for any reason, including bankruptcy, liquidation or the assignment of its property;

(3) the designated management body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated management body request termination.

To terminate a current designation, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If the reason is the reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If the reason is a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société publishes as soon as possible, on its website, a notice informing producers that the designation of a management body is terminated.

88. Where the Société sends a notice referred to in the second paragraph of section 87, it must take steps, within 6 months of sending the notice, to designate a body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which the body receives a notice sent as soon as possible by the Société.

If the Société has not designated a body within the time limit set in the first paragraph, the obligation is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

89. Despite section 88, an application for designation as a management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 87.

Sections 70 to 74, with the necessary modifications, apply to any application filed pursuant to the first paragraph.

90. If the designation of a management body terminates prior to expiry or is not renewed, the body must continue to meet its obligations until a new management body has been designated.

A management body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The two bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the management body designated pursuant to this Regulation.

DIVISION II
OBLIGATIONS, RIGHTS AND RESPONSIBILITIES

§1. Of the designated management body

91. A designated management body must assume, in place of the producers, the obligations of those producers under Chapters I and II.

§§1. Governance

92. The management body designated by the Société must, within three months following its designation, ensure

(1) that its board of directors has at least 10 directors and that at least two thirds of its directors are representatives of producers that have a domicile or establishment in Québec;

(2) that a producer is entitled to only one seat on the board of directors;

(3) that the number of directors on its board of directors ensures a fair representation of all the categories of producers referred to in subparagraphs 3 and 4 of the first paragraph of section 73. Their representation must be proportionate to the quantity and type of containers commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers;

(4) that each director on the board of directors who is not a producer has experience in the field of deposits; and

(5) that at least three directors on the board of directors are minor contributors while at least four are medium contributors.

The designated management body must also implement measures, within the time limit set out in the first paragraph, to ensure that data gathered for the development, implementation and operation of the system of selective collection are used in accordance with the applicable laws and regulations and that the measures ensure protection for the personal and confidential information of its members.

93. The following items must be entered on the agenda for each annual general meeting of the members of the designated management body:

(1) a presentation of the body's activities during the preceding calendar year;

(2) a presentation of the activities that the body plans to implement during the current calendar year;

(3) changes in the implementation of the system of selective collection and the costs incurred;

(4) the possibility for members to give their opinion on such topics.

§§2. Financing of the system

94. The designated management body may use, to meet its obligation to finance the deposit-refund system pursuant to section 70, any deposit amount paid by a producer pursuant to the first paragraph of section 97.

It may also use any other form of income generated by the operation of the system.

If the amounts referred to in the first and second paragraphs are not sufficient for the financing of the system in a given year, the designated management body may require producers to pay, as contributions, the sums necessary to cover the difference. The producers are bound to pay the amounts required by the designated management body within the time limit it sets.

95. The contributions a producer is required to pay pursuant to the third paragraph of section 94 are calculated by multiplying the quantity of redeemable containers used by the producer during the year for which the contribution is required to commercialize, market or otherwise distribute a product by a per-container amount set by the designated management body on the basis of, but not limited to, the elements and factors set out in the second paragraph.

In setting the amount referred to in the first paragraph, the designated management body must take into account the type of redeemable containers used by the producer during the year concerned to commercialize, market or otherwise distribute a product, the capacity of the deposit-refund system to take them in charge until their reclamation, and the factors connected to the impact of the containers on the environment, including

(1) the materials of which the containers are made;

(2) their actual recyclability;

(3) the existence of markets for all the materials of which a redeemable container is made;

(4) the existence of markets in Québec for all the materials used in a redeemable container;

(5) the inclusion of post-consumer recycled materials in those containers;

(6) the effort made to reduce, at source, the materials used to manufacture the redeemable containers; and

(7) the possibility that the containers will be used more than once to commercialize, market or otherwise distribute a product.

96. The designated management body must post and update the amount referred to in the first paragraph of section 94 on its website, without restricting access, for each type of container and based on the volume of the product commercialized, marketed or otherwise distributed in each type of container.

97. Every producer must pay to the designated management body, at the time it determines, the deposit for each container in which it commercializes, markets or otherwise distributes a product.

98. The per-container amount set pursuant to the first paragraph of section 95 may be allocated only to that container and, if it is partly or entirely included in the sale price for the product, must be internalized in the sale price as soon as the product is commercialized, marketed or otherwise distributed.

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

§§3. Recovery rate

99. The designated management body is required to achieve the following annual recovery rates for redeemable containers:

(1) for the years 2026 and 2027:

Type of container	Annual recovery rate
Single-use metal containers	75%
Single-use plastic containers	70%
Single-use containers made of glass or any other breakable material	65%
Single-use biobased containers	70%
Reusable containers made of glass or any other breakable material	85%
Reusable containers made of any material other than glass or other breakable material	70%
All containers	70%

(2) for the years 2028 and 2029:

Type of container	Annual recovery rate
Single-use metal containers	80%
Single-use plastic containers	75%
Single-use containers made of glass or any other breakable material	75%
Single-use fibre containers, including multi-layer containers	65%
Single-use biobased containers	75%
Reusable containers made of glass or any other breakable material	90%
Reusable containers made of any material other than glass or other breakable material	75%
All containers	80%

Starting in 2030, and every two years thereafter, the recovery rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

100. The recovery rates prescribed by section 99 are calculated by dividing, for a given year, for each type of containers, the quantity of redeemable containers that are recovered at all return sites by the quantity of redeemable containers in which a product has been commercialized, marketed or otherwise distributed by a producer, and by multiplying the result obtained by 100.

101. Only redeemable containers that have been traced may be considered in the calculation of the recovery rates achieved by the designated management body, which must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order concerned to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

102. Redeemable containers that are recovered via a selective collection system are eligible for the calculation of recovery rates if

(1) they are not accounted for in the calculation of recovery and reclamation rates for the selective collection system for certain residual materials;

(2) they are covered by an agreement entered into, pursuant to section 142, between the designated management body and a management body designated pursuant to the regulation respecting the selective collection system for certain residual materials, or are covered by an arbitration award that determines the elements not covered by such an agreement that enable the harmonization of the deposit and selective collection systems;

(3) they represent at most 5% of the redeemable containers in which a product is commercialized, marketed or otherwise distributed under the deposit-refund system;

(4) the quantity of redeemable containers that are eligible is limited to 10% of the total quantity of redeemable containers that are recovered that are counted for the achievement of those rates; and

(5) they meet all the requirements applicable to redeemable containers of the same type accounted for under the deposit-refund system.

§§4. Reclamation rates

103. The designated management body is required to achieve the following annual reclamation rates for the material obtained following the conditioning of the redeemable containers:

(1) for the years 2026 and 2027:

Type of container	Annual reclamation rate
Single-use metal containers	75%
Single-use plastic containers	68%
Single-use containers made of glass or any other breakable material	63%
Single-use biobased containers	68%
Reusable containers made of glass or any other breakable material	90%
Reusable containers of any material other than glass or other breakable material	80%
All containers	65%

(2) for the years 2028 and 2029:

Type of container	Annual reclamation rate
Single-use metal containers	80%
Single-use plastic containers	73%
Single-use containers made of glass or any other breakable material	73%
Single-use fibre containers, including multi-layer containers	60%
Single-use biobased containers	73%
Reusable containers made of glass or any other breakable material	90%
Reusable containers of any material other than glass or other breakable material	85%
All containers	75%

Starting in 2030, and every two years thereafter, the reclamation rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

104. Only materials obtained following the conditioning of redeemable containers that are sent to a site to be reclaimed as a substitute for raw materials of a similar or different nature, except when that material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment or for energy recovery, are eligible for the calculation of reclamation rates.

For a material obtained following the conditioning of reusable redeemable containers to be eligible in the calculation of the rates prescribed by section 103, the designated management body must demonstrate that the containers have, on average, been reused at least 10 times before being conditioned, each time for the same purposes as those for which they were used for the first time to commercialize, market or otherwise distribute a product.

105. For each type of single-use containers referred to in section 103, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, by the weight of all redeemable containers of the same type used to commercialize, market or otherwise distribute a product, and by multiplying the result obtained by 100.

106. For each type of reusable containers referred to in section 103, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, by the weight of all redeemable containers that are recovered of the same type, that may no longer be reused and before they are conditioned, and by multiplying the result obtained by 100.

107. The recovered redeemable containers referred to in section 102 are eligible for the calculation of reclamation rates if the requirements of that section are met.

§§5. Local reclamation rates

108. The designated management body is required to achieve the following annual local reclamation rates for the material obtained following the conditioning of the redeemable containers to which this Regulation applies:

Type of container	Annual local reclamation rate
Single-use metal containers	80% starting in 2026
Single-use plastic containers	80% starting in 2026
Single-use containers made of glass or other breakable material	90% starting in 2026
Single-use fibre containers, including multi-layer containers	80% starting in 2028
Single-use biobased containers	80% starting in 2028
Reusable containers made of glass or any other breakable material	90% starting in 2026
Reusable containers of any material other than glass or other breakable material	80% starting in 2026

Local reclamation is the reclamation, in Québec, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador or the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York and Pennsylvania, of a material obtained following the conditioning of a redeemable container.

109. For each type of containers referred to in section 108, the local reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following conditioning of containers of that type and that has been sent to a site to be reclaimed locally in the same manner as that referred to in the first paragraph of section 104, by the quantity, also by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, and by multiplying the result obtained by 100.

110. Where the material obtained following the conditioning of redeemable containers has been sent to a site to be reclaimed locally, but elsewhere than in Québec, in the same manner as that referred to in the first paragraph of section 104, the proportion, by weight, of what has been reclaimed and that may be included in calculating the local reclamation rate is at most 30% of the total weight of what has been sent to a site to be reclaimed locally in the same manner as that referred to in the first paragraph of section 104.

The quantities of material corresponding to the percentage referred to in the first paragraph may, as the body chooses, be accounted for entirely by a single type of container or shared between different types of container. However, the quantity of material obtained for a type of container as a result cannot exceed the actual quantity of material that has been sent to a site to be reclaimed locally, but elsewhere than in Québec, for that type of container.

§§6. Recycling rate

111. The designated management body must ensure, that for each type of redeemable containers, the material obtained following conditioning of the containers that are recovered are sent, in the following percentages and for the following purposes, to a site where it is transformed to be reintegrated in new products:

(1) as of 2026, at least 50% of the material obtained following the conditioning of metal containers, in order to manufacture new containers and packaging;

(2) as of 2026, at least 50% of the material obtained following the conditioning of plastic containers, in order to manufacture new containers and packaging;

(3) as of 2026, at least 50% of the material obtained following the conditioning of glass containers, in order to manufacture new containers;

(4) as of 2028, at least 50% of the material obtained following the conditioning of fibre containers, including multi-layer containers, in order to manufacture new containers, packaging or paper intended for the printing field.

112. The rates prescribed by section 111 are calculated by dividing the quantity, by weight and by material listed in paragraphs 1 to 4 of that section, the material obtained following the conditioning of redeemable containers that has been sent to a site referred to in that section by quantity, by weight, of material obtained following the conditioning of the redeemable containers referred to in the first paragraph of section 103, and by multiplying the result obtained by 100.

§§7. Remediation plan

113. The designated management body must determine each year, for each type of container referred to in section 3, if the recovery, reclamation, local reclamation and recycling rates prescribed have been achieved.

When one or more prescribed rates have not been achieved, the designated management body must, within three months from the date set for submitting the annual report referred to in sub-subdivision 9 of this subdivision, send to the Société and the Minister, for information purposes, a remediation plan covering all the rates and detailing, for each rate, the measures that will be implemented to achieve the rate.

114. The measures contained in a remediation plan must

(1) allow the prescribed rates to be achieved within two years; and

(2) take into account the measures contained in a remediation plan previously submitted to the Société and the Minister.

The measures in a remediation plan for local reclamation rates and recycling rates must

(1) if a local reclamation rate is not achieved, stimulate the development, in Québec, of markets for the material obtained following the conditioning of redeemable containers; and

(2) if a recycling rate is not achieved, stimulate the development of markets for the material obtained following the conditioning of redeemable containers to promote its re-use in new containers, packaging or paper intended for the printing field.

115. The measures in a remediation plan are financed by the designated management body and the plan must contain the amount associated with that financing.

The amount associated with the financing provided for in the first paragraph is calculated as follows:

(1) Recovery rate – for the prescribed recovery rate, using the equation

MFr = Qcm x MC

where:

MFr = the amount of the financing for the measures for the year concerned;

Qcm = the quantity, by type and in units, of redeemable containers needed to achieve the prescribed recovery rates for the year concerned;

MC = an amount equivalent to the amount of the deposit for a container needed to achieve the prescribed rates;

(2) Reclamation rate, local reclamation rate and recycling rate – for the reclamation rates, the local reclamation rates and the prescribed recycling rates, by multiplying the quantity of materials, the weight of which is converted into the number of containers, which, for a given type of redeemable containers, is needed to achieve the prescribed reclamation rate, local reclamation rate or recycling rate by an amount equal to the amount set by container, by the designated management body, in accordance with the second paragraph of section 95.

The quantity needed referred to in subparagraph 2 of the second paragraph is, in the cases below, calculated as follows:

(1) where, for a given year, no contribution is required from the producers for a type of redeemable containers, the quantity of material that is needed is multiplied by $0.02;

(2) where, for a type of redeemable container, two rates prescribed for a given year are not achieved, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.75;

(3) where, for a type of contained on deposit, three or more of the rates prescribed for a given year are not achieved, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

116. If, for a given type of redeemable containers or, as the case may be, material obtained following the conditioning of that type of containers, the designated management body does not achieve the prescribed recovery and reclamation rates, except the local reclamation rates, for a period of five consecutive years despite the implementation of remediation plans during that period, it must make a payment to the Minister of Finance, not later than 15 May following the last of those years, in an amount equal to the amount for the financing of the measures for that type of containers, provided for in the last remediation plan sent to the Société and the Minister pursuant to the second paragraph of section 113. If the gap between the prescribed rate and the rate achieved is less than 5%, the amount of the payment is reduced by half.

The sums paid pursuant to the first paragraph are paid to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

117. The sums referred to in section 116 that are not paid within the prescribed time bear interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid sums is added to the sum owed if the failure to pay exceeds 60 days.

118. If a local reclamation rate or recycling rate is not achieved during five consecutive years, the amount associated with the financing of the measures that the designated management body has put in place or planned to put in place to achieve the rate and that are provided for in the remediation plan will double until it is achieved.

§§8. Monitoring committee

119. During the first year of the implementation of a deposit-refund system, the designated management body must establish a monitoring committee, whose members are independent of the members of its board of directors and mandated by the following persons or bodies having a domicile or establishment in Québec to represent them:

(1) return point managers;

(2) return centre managers;

(3) bulk return point managers;

(4) conditioners, who must mandate two representatives for persons conditioning different types of containers;

(5) a person whose activities involve recycling the material obtained following the conditioning of redeemable containers to manufacture new containers, packaging or paper intended for the printing field, and a person whose activities involve reclaiming such a material by using it as a substitute for raw materials of a similar or different nature, except where the materials are used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre or for energy recovery;

(6) transporters, who must mandate one representative for persons who collect redeemable containers from return sites and one representative for persons who collect redeemable containers from establishments offering on-site consumption;

(7) retailers;

(8) establishments offering on-site consumption;

(9) the authorities responsible for the administration of the isolated or remote territories;

(10) municipal bodies, including associations established to represent the municipalities;

(11) a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, if such a body exists.

Each person and body listed in the first paragraph may be represented by a maximum of two persons as member of the monitoring committee.

Three seats as observers on the monitoring committee must be reserved for the designated management body, for the Ministère du Développment durable, de l'Environnement et des Parcs and for the Société.

120. The members of the monitoring committee representing the persons or bodies listed in subparagraphs 1 to 8 of the first paragraph of section 119 serve for a term of two years. At the expiry of their term, the persons or bodies must mandate new representatives to sit on the monitoring committee.

121. The monitoring committee is responsible for

(1) monitoring the implementation and operation of the system;

(2) anticipating the issues that the designated management body may face when implementing and operating the system; and

(3) raising the issues with the designated management body and recommending ways to resolve them.

122. The designated management body must send to the monitoring committee, at its request, all operational and financial information on the system needed by the committee to perform its duties.

123. The monitoring committee must hold at least two meetings per year.

124. At least once every five years, before the report referred to in section 79 is sent, the designated management body must hold a meeting with environmental groups and consumers to present the development of the system and gather their comments and recommendations.

§§10. Bar code information and register

125. The designated management body must take the necessary steps to ensure that it is possible for a site where a product if offered for sale in a redeemable container and a return site to obtain all the information listed in section 4 from the bar code marked on a redeemable container.

126. The management body must also keep a register containing the quantity of redeemable containers, by type, returned each month to each return site.

§§11. Annual report

127. Not later than 15 May each year, the designated body must send to the Société and the Minister a report on its activities in connection with the deposit-refund system for the preceding calendar year along with its audited financial statements.

The first annual report on the activities of the body must be sent on May 15 following the first full year of implementation of the deposit-refund system. It must cover the period beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*) and ending on 31 December of that full year.

The financial statements and the data referred to in subparagraphs *b* to *g*, *k* and *l* of subparagraph 2 and in subparagraph *c* of subparagraph 3 of the first paragraph of section 129, and those referred to in the second paragraph of that section must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

128. The report referred to in the first paragraph of section 127 must contain the following information:

(1) the name of the body;

(2) the name and professional contact information of each of its directors;

(3) the category of producers to which each director belongs, from among those listed in subparagraphs *a* to *f* of subparagraph 3 of the first paragraph of section 73;

(4) a list of its members;

(5) the dates of the meetings of its board of directors;

(6) a list of its committees, the mandate of each committee, the names of its members and the number of its meetings;

(7) more specifically, with respect to the monitoring committee, the dates of its meetings, the items on the agenda at each meeting, and the recommendations made by the committee to the board of directors;

(8) the actions taken on the recommendations made by the monitoring committee and, if applicable, the reason for which no action is taken on a recommendation.

129. The report referred to in the first paragraph of section 127 must, in addition, contain the following information more specifically connected with the development and implementation of the deposit-refund system:

(1) the name of the system, if any;

(2) for each type of redeemable container,

(*a*) the types of product it contains and the trademark or name associated with each type of product;

(*b*) the quantity, in units and by weight, of the redeemable containers used to commercialize, market or otherwise distribute a product in Québec;

(*c*) the quantity, in units and by weight, of redeemable containers recovered, by administrative region, or by isolated or remote territory, for the whole of Québec and by inhabitant;

(*d*) the quantity, in units and by weight, of redeemable containers recovered in return sites and in establishment offering on-site consumption;

(*e*) the quantity, by weight and by material, of the material obtained followingthe conditioning of redeemable containers that has been used as a substitute for raw materials of a similar or different nature, except where the material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre or for energy recovery, and its final destination;

(*f*) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers that has been reclaimed otherwise than as a substitute for raw materials of a similar or different nature and its final destination;

(*g*) the estimated quantity of redeemable containers rejected by the devices installed at return sites and the method used to estimate the quantity;

(*h*) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers recovered that has been disposed of and its final destination;

(*i*) the quantity, in units, of redeemable containers returned to a return site and that are disposed of;

(*j*) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers that was sent to a place to be processed and re-used in new containers, packaging or paper intended for the printing field and the address of that place;

(*k*) the quantity, in units, of the containers recovered and the quantity, by weight, of the materials obtained following their conditioning that are stored for at least 30 days, with the name and address of the place where they are stored; and

(l) the name and address of the persons who condition, the name and address of the persons who reclaim, including the mode of reclamation, and the name and address of the persons who dispose of the containers;

(3) for each type of reusable redeemable container,

(*a*) the quantity, in units, on the first day of the year covered by the report, of reusable containers in circulation on the market;

(*b*) the quantity, in units, of new containers added to those referred to in subparagraph *a* during the year covered by the report;

(*c*) the quantity, in units, of containers recovered that have been re-used and their final destination; and

(*d*) a demonstration of the average number of uses of a given container for the same purposes as those for which it was first used to commercialize, market or otherwise distribute a product;

(4) if an agreement has been entered into pursuant to section 142 or an arbitration award has been rendered pursuant to Division II of Chapter IV, the quantity of redeemable containers that are taken in charge by a selective collection system and the quantity, by weight, of residual materials targeted by the system that are taken in charge by the deposit-refund system;

(5) in the case referred to in section 145, an estimate during the period provided for in that section and based on the data obtained following the characterizations, of the quantity of redeemable containers, by type, that were taken in charge by a selective collection system and the quantity of residual materials, by type, that were taken in charge by the deposit-refund system and, in the latter case, the manner in which the residual materials were taken in charge for their reclamation;

(6) a list of return sites, by type and by administrative region, and also by isolated or remote territory;

(7) for each return site, its type, address, modes of refund offered, business hours, location inside an establishment or, if not, distance between the site and any establishment with which it is associated, and number of redeemable containers that a person may return per visit if there is a limit;

(8) the address of the website where the list referred to in section 44 can be viewed;

(9) a description of the collection services in return sites and establishments offering on-site consumption;

(10) if applicable, a description of the collection service for redeemable containers, scheduled and completed, in public places;

(11) if applicable, reports from studies completed by the designated management body during the year covered by the report, including studies to determine, by type, the quantities of redeemable containers that are recovered via a selective collection system;

(12) a description of the requirements that all service providers, including subcontractors, must observe in managing the redeemable containers that are recovered and that they take in charge, along with the results from all verifications of such service providers during the year;

(13) a description of the main information, awareness and education activities and research and development activities completed during the year and scheduled for the following year;

(14) a description of the steps referred to in section 169 that were taken during the year and the means planned, agreed to and implemented with the bodies with which exchanges have take place, to optimize the use of their resources.

The report must also contain the following information for the whole of Québec:

(1) the detailed calculation for the contributions producers are required to pay for each type of redeemable container, including the per-container amount used to calculate such contributions and the way in which the factors connected to the impact of the containers on the environment were applied when setting the per-container amount for calculating contributions;

(2) for each type of redeemable container and for all redeemable containers, the recovery rate for redeemable containers, as a percentage, based on data by units and weight and the gap between the rates achieved and the rates prescribed;

(3) for each type of redeemable container and for all redeemable containers, the rates, as a percentage, for the reclamation, local reclamation and recycling of containers, and the gap between the rates achieved and the rates prescribed.

130. The report referred to in the first paragraph of section 127 must, in addition, contain

(1) a list of the contracts, except those entered into with a service provider referred to in Division IV of Chapter II but including any system harmonization agreement, entered into during the year by the designated management body and their contents and, if applicable, a list of any changes made to a current or renewed contract or harmonization agreement;

(2) a list of the contracts entered into during the year by the designated management body with a service provider referred to in Division IV of Chapter II including, for each contract, its purpose, the area covered, the clients targeted by collection and transportation services, the type of container or material targeted, the date on which it takes effect and its duration;

(3) a description of the measures implemented to promote the design of containers using an approach that reduces negative impacts on the environment throughout their life cycle and contributes to the fight against climate change;

(4) an explanation of how the designated management body has ensured, with respect to the management of the redeemable containers that are recovered, that the selection of a form of reclamation complies with the order of priority set out in subparagraph 4 of the first paragraph of section 11;

(5) an explanation of how the body has, in developing and implementing the deposit-refund system, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

(6) any change to the system made or planned for the year following the year covered by the report;

(7) if an agreement has been entered into pursuant to section 142, or if an arbitration award has been made, a description of the activities completed under the agreement or award; and

(8) if such an agreement has not been signed and no arbitration award has been made, a description of the steps taken, up to the date of the report, pursuant to section 142.

131. Where the final destination for a redeemable container or the material obtained following its conditioning must be provided pursuant to sections 128 to 130, it must include a name and an address.

132. Where a remediation plan must be produced by the designated management body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report and the reason why some measures have not been implemented, along with the costs incurred or to be incurred for the implementation of the measures.

133. The financial statements referred to in the first paragraph of section 126 must contain the following information:

(1) the contributions paid by producers to finance the system, for all contributions and for each type of redeemable container;

(2) all forms of income resulting from the operation of the system and, if applicable, from a selective collection system;

(3) by type of containers, the total of the deposit amounts for redeemable containers in which a product was sold or otherwise offered that were not refunded during the year;

(4) the costs associated with the operation of return sites, for all administrative regions and for all remote or isolated territories;

(5) the costs associated with the collection of redeemable containers from return sites, and the costs associated with the transportation of containers from return sites to the sites where they are conditioned;

(6) the costs associated with the collection of redeemable containers from establishments offering on-site consumption, and the costs associated with the transportation of containers from such establishments;

(7) the costs associated with the sorting, conditioning and reclamation of redeemable containers, by type of container;

(8) the costs associated with information, awareness and education activities;

(9) the costs associated with market research and development activities on techniques to recover and condition redeemable containers and reclaim materials from their conditioning, and market development;

(10) the costs associated with the implementation, during the year covered by the financial statements, of the measures in a remediation plan;

(11) the amount of the indemnity paid to the Société pursuant to section 170;

(12) costs associated with the management of redeemable containers recovered via a selective collection system;

(13) all expenses associated with the requirement referred to in subparagraph 5 of the first paragraph of section 129;

(14) any other cost associated with the operation of the system.

134. The designated management body must post the following information annually on its website, not later than the sixtieth day following date on which the results referred to in section 135 are sent or, if the Société has set a time limit pursuant to subparagraph 1 of the first paragraph of that section, not later than the sixtieth day following the expiry of that time limit, covering the year preceding the posting:

(1) the information referred to in paragraphs 1 to 6 of section 128 and the recommendations referred to in paragraph 7 of that section, along with any action taken on the recommendations;

(2) the information referred to in subparagraphs 1 to 11 and 13 of the first paragraph of section 129, except the information referred to in subparagraph *l* of subparagraph 2 and in subparagraphs *a* and *b* of subparagraph 3 of the first paragraph; only the province or state, among the information listed in the second paragraph of section 108, or the country in other cases, in which a final destination is situated and only the result of a demonstration made pursuant to subparagraph *d* of subparagraph 3 of the first paragraph of that section may be posted;

(3) the information referred to in subparagraphs 1 to 3 of the second paragraph of section 128;

(4) the information referred to in paragraphs 3 to 5 of section 130;

(5) the detailed description of the measures referred to in section 132 that have been implemented;

(6) the information referred to in paragraphs 1 to 10, 12 and 13 of section 133.

Such information is public and the body must make it accessible to all persons for a minimum period of five years.

135. The Société must, within 3 months following receipt of the designated management body's annual report, send to it the results of its analysis of the report, including, if applicable,

(1) a list of the information required by sections 128 to 133 that is not shown and the time limit for providing it; and

(2) any other obligation of this Regulation that the body has not fulfilled, as well as the time limit set to allow the body to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the body's annual report, which must include the list required under subparagraph 1 of the first paragraph and a list of the obligations referred to in subparagraph 2 of that paragraph, and make recommendations on ways to improve the deposit-refund system.

§§12. Exchanges with other bodies

136. The designated management body must take steps to exchange with a body referred to in subparagraph 7 of the first paragraph of section 53.30 of the Act on the means to optimize the use of their resources.

§2. Of producers towards the body

137. A producer must be a member of the designated management body not later than the fourth month following the date of its designation.

Every natural person who becomes covered by section 5, 6 or 7 after the time limit referred to in the first paragraph or every legal person constituted, continued or amalgamated after that time limit must be a member of the body within 10 days, as the case may be, of the date on which it becomes covered by any of those sections or the date on which it is constituted, continued or amalgamated.

138. The conditions for membership of the body may in no case include the payment of a contribution.

139. Every producer that is a member of the designated management body must provide the following information:

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if the enterprise is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name and contact information of its representative;

(4) for each product to which this Regulation applies that the producer commercializes, markets or otherwise distributes,

(*a*) the associated trademark or name, if applicable;

(*b*) the bar code on the containers in which it commercializes, markets or otherwise distributes a product and the elements listed in section 4 that the bar code shows when scanned; and

(*c*) an update of the information if a change is made;

(5) its status in connection with the product, in other words if the producer is the owner or user of the trademark or name associated with it, if the producer is the first supplier of the product in Québec or if the producer sells a product in one of the situations referred to in section 6.

140. Every member of the designated management body is bound to comply with the terms and conditions determined by the body with respect to the deposit-refund system.

141. Every member of the designated management body must provide, within the time limit it sets, the information and documents it requests in order to fulfill its responsibilities and obligations under this Regulation, including the quantity and weight of the redeemable containers used to commercialize, market, or otherwise distribute a product in the course of a year.

The following are included in the calculation of the weight of redeemable containers referred to in the first paragraph:

(1) for plastic containers, fibre containers, including multi-layer containers, and biobased containers: the caps;

(2) for plastic containers, single-use or reusable glass containers: the labels and shrink sleeves;

(3) for metal containers, the elements listed in paragraph 2 along with the tabs.

CHAPTER IV
HARMONIZATION OF SYSTEMS

142. A management body designated pursuant to this Regulation must, within nine months following its designation or following the designation, if later, of a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, take steps to agree with that body on the elements needed for system harmonization that will be developed, implemented and financially supported by them.

143. System harmonization must include

(1) a determination of the types of container or types of residual materials that may be taken in charge by a system when not targeted by that system;

(2) the methods used to determine the quantities of containers or residual materials targeted by one system that are taken in charge by the other system, including the criteria used to characterize, as the case may be, redeemable containers or residual materials, and to identify the persons responsible for determining those quantities and for providing follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials targeted by one system that are taken in charge by the other system, in particular as regards their traceability and, if applicable, the way in which they may be taken in charge once again by the system that targets them;

(4) the financial terms and conditions applicable to the performance of the obligations on which the two bodies agree; and

(5) the terms and conditions for communications between the two bodies.

144. An agreement on system harmonization must specify, in addition to the elements provided for in section 143,

(1) its duration and the conditions for its amendment, renewal or cancellation; and

(2) the dispute resolution mechanism.

A copy of an agreement entered into by the bodies must be sent to the Minister and to the Société within 15 days of signing.

145. If the designated management bodies submit a dispute to an arbitrator, pursuant to section 149, concerning an element referred to in paragraph 2 of section 143, they must, beginning on 1 January 2024, and every three months until an arbitration award is made, characterize the redeemable containers or residual materials targeted by the selective collection system and taken in charge by one of the systems despite not being targeted by that system.

The bodies must, not later than 31 December 2023, jointly mandate a person to perform the characterizations referred to in the first paragraph.

A characterization must make it possible to determine the types and quantities of redeemable containers taken in charge by the selective collection system or of residual materials taken in charge by the deposit-refund system despite not being targeted by that system.

To determine the types and quantities of redeemable containers taken in charge by the selective collection system, each characterization must be performed using samples taken at a place where residual materials coming mostly from urban territories are sorted, a place where residual materials coming mostly from peri-urban territories are sorted, and a place where residual materials coming mostly from rural territories are sorted, all of which are situated in different administrative regions.

To determine the types and quantities of residual materials taken in charge by the deposit-refund system, each characterization must be performed using samples taken in ten operating return sites, including at least two of each type of return site, situated in at least five administrative regions,

The number of samples and the frequency at which the samples are taken must be validated by a statistician with a university diploma in statistics or an accreditation issued by the Statistical Society of Canada or by a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

The financial terms and conditions applicable to the taking in charge, by a system, of redeemable containers or residual materials that are not targeted by that system are, beginning on 1 January 2024 and until the date of the arbitration award, if the terms and conditions were not the subject of an agreement before that date, the terms and conditions determined by the arbitrator based on the information obtained as part of its mandate. The calculation of the amounts to be paid for taking containers or residual materials in charge must be carried out on the basis of their quantity, determined by the characterizations conducted under this section.

DIVISION I
MEDIATION

146. If the bodies fail to agree, within the time prescribed by section 142, on all the elements for system harmonization, they must, within 14 following the end of that time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

The Minister and the Société must be notified in writing by the bodies, within the same time limit, of the elements of the dispute referred to in the first paragraph and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the bodies discontinued their application. Within the same time limit, the bodies must record in writing the elements on which agreement has been reached and send a copy of the agreement to the Minister and to the Société. If an agreement has been entered into before the mediation process, the agreement entered into after the mediation process becomes an integral part of the agreement.

147. The bodies pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

148. The mediation process lasts a maximum of three months.

DIVISION II
ARBITRATION

§1. General

149. If, at the expiry of the time limit specified in section 148, the mediation process has not allowed the bodies to agree on all the elements for system harmonization, they must submit the elements on which they disagree to an arbitrator who is accredited by a body referred to in the first paragraph of section 146 that accredits arbitrators.

150. The bodies cannot, in an arbitration agreement, derogate from the provision of this Division.

151. The arbitrator may, if the bodies so request and the circumstance allow, attempt to effect conciliation between the bodies. Following conciliation, if the bodies agree on some or all of the elements submitted to the arbitrator, they must record them in writing and send a copy of the agreement to the Société and to the Minister. The agreement becomes an integral part of any agreement entered into before or after the mediation process. Arbitration continues for the other elements on which the bodies have not reached an agreement.

152. The arbitrator must personally perform the mandate entrusted by the bodies or, as the case may be, by the body that accredited the arbitrator, and must act at all times in a neutral and impartial manner.

The arbitrator must avoid any situation of conflict of interest in performing the mandate. If such a situation arises, the arbitrator must so inform the bodies and the bodies may indicate to the arbitrator how to remedy the conflict of interest or they may terminate the mandate by sending a signed notice.

§2. Selection of an arbitrator

153. The bodies have 14 days following the time limit in section 149 to choose an arbitrator to hear their dispute. On the expiry of that time limit, if the bodies have failed to agree on the choice of an arbitrator, they must, within two business days, ask a body referred to in the first paragraph of section 146 that accredits arbitrators to designate one.

The body selected then has five business days to designate an arbitrator.

154. An arbitrator who cannot continue with the mandate must inform the bodies without delay. The bodies must then choose another arbitrator within five business days of being informed. If the bodies fail to agree on the choice of a new arbitrator, they must ask the body referred to in the first paragraph of section 153 to designate a new arbitrator within five business days of the expiry of the time limit for choosing a new arbitrator themselves.

An arbitrator whose mandate is terminated must transfer the entire case to the new arbitrator as soon as possible, as agreed with the new arbitrator.

§3. Conduct of arbitration

155. Not later than 10 days after the choice or designation of an arbitrator, each body must submit to the arbitrator, and to the other body, all the documents and information that support its claims.

156. The arbitrator determines the procedure for the conduct of the arbitration. It may be conducted in writing, by telephone conference call, or in person or using two or more such methods. In all cases, the arbitrator gives preference to the procedure that is the most practical and the least likely to generate costs. However, the arbitrator must see that the adversarial principle and the principle of proportionality are observed.

When arbitration takes place in person, witnesses are called, heard and indemnified according to the rules applicable to a trial before a court.

157. The arbitrator has all the necessary powers to exercise jurisdiction, including the power to administer oaths, the power to appoint an expert and the power to rule on the arbitrator's own jurisdiction.

If the arbitrator rules on the arbitrator's own jurisdiction, a body may, within 30 days of being advised of the decision, ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed.

For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

158. If a body fails to submit its documents and information or fails to state its contentions, attend at the hearing or present evidence in support of its contentions, the arbitrator, after recording the default, may continue the arbitration.

159. At any time before the award is made, the arbitrator may ask the bodies to provide additional information and documents.

160. Execution of the elements on which the bodies have reached agreement before the arbitration continues without interruption while arbitration is conducted.

§4. Arbitration award

161. The arbitration award must be made within three months after the matter is taken under advisement and is binding on the bodies. It must be made in writing, be signed by the arbitrator, and include reasons. It must state its date and the place where it was made. The award is deemed to have been made on that date and at that place.

The time limit set in the first paragraph may, before its expiry, be extended by one month at the discretion of the arbitrator.

162. The arbitration award must be notified to the bodies without delay. The notification ends the arbitration.

The arbitration award becomes enforceable as soon as it is received by the bodies. It has all the effects of a final judgment of a court not subject to appeal.

163. The arbitrator may, on the arbitrator's own initiative, correct any error in writing or calculation or any other clerical error within 30 days after the award date.

Within 30 days after receiving the award, a body may ask the arbitrator to correct any clerical error or ask for a supplemental award on a part of the dispute that was not dealt with in the award or, with the other party's consent, for an interpretation of a specific passage of the award, in which case the interpretation becomes an integral part of the award.

The arbitrator's decision correcting, supplementing or interpreting the arbitration award must be made within two months after it is requested. The rules applicable to the arbitration award apply to such a decision. If the decision is not rendered before the expiry of the prescribed time, a body may ask the court to issue an order to safeguard the parties' rights. The decision of the court cannot be appealed.

164. The arbitrator is required to preserve the confidentiality of the arbitration process and protect deliberative secrecy but violates neither by stating conclusions and reasons in the award.

165. The bodies must send a copy of the arbitration award to the Société and to the Minister within 10 days of its notification.

166. The arbitration award has effect only for the duration of the current designation of the bodies to which it applies.

§5. Fees and expenses

167. The arbitrator is entitled to receive fees for the time taken to study the file, draft the award and, if applicable, hold hearings in the presence of the bodies, including preparation.

168. The arbitrator is entitled to a reimbursement of expenses, including travel and accommodation expenses, based on the standards in force set out in the Directive concernant les frais de déplacement des personnes engagées à honoraires par des bodies publics made by the Conseil du trésor on 26 March 2013, as amended.

The arbitrator's travelling time is remunerated when the distance travelled is greater than 90 km measured as a radius from the arbitrator's base.

The actual expenses and other costs necessary to the performance of the arbitrator's mandate are reimbursed on presentation of supporting documents.

169. The invoice of fees and expenses is sent to the bodies by the arbitrator, broken down to allow the bodies to verify the justification of each day for which fees or expenses are claimed. It must include supporting documents for the expenses claimed, if any.

The bodies are equally liable for the arbitrator's fees and expenses.

CHAPTER V
INDEMNITY TO THE SOCIÉTÉ

170. The designated management body must pay an amount to the Société annually corresponding to its management costs and other expenses incurred for fulfilling the obligations imposed under this Regulation.

To allow the designated management body to make the payment referred to in the first paragraph, the Société must send to the body, not later than 30 September each year, a detailed list by obligation for the year in progress of the management costs and other expenses referred to in that paragraph that it has incurred up to that date and

those it expects to incur until the end of the fiscal year. It must also send to the body, after receiving it, the auditor general's report provided for in section 30 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), an update of the list setting out the management costs and other expenses actually incurred during the year concerned.

Not later than 31 October each year, the designated management body must pay to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses indicated in the list required as of 30 September. After the update referred to in the second paragraph has been received, if the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated management body pays the difference to the Société within 30 days after the documents are received. If the indemnity already paid is greater than the amount of the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equal to the overpayment.

The indemnity is calculated using the activity-based costing method.

171. The indemnity owed to the Société on the date provided for in section 170 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

CHAPTER VI
MONETARY ADMINISTRATIVE PENALTIES

172. A monetary administrative penalty of $250 in the case of a natural person or $1,000 in other cases may be imposed on any person who

(1) sends information or a document by a means other than electronically, in contravention of section 10;

(2) fails to send with a request for approval the information referred to in the second paragraph of section 20;

(3) fails to give reasons for a notice in accordance with the third paragraph of section 20;

(4) fails to post deposit amounts as required by section 21 or within the time limit specified;

(5) requires personal information other than the information listed in section 26 from a person;

(6) fails to post the business days and hours of a return site in accordance with the requirements of section 28;

(7) limits the number of redeemable containers that may be returned on each visit to less than 50, in contravention of section 34;

(8) limits the number of redeemable containers that may be returned on each visit, in contravention of section 37 or section 40;

(9) fails to draw up the list provided for in section 44, to update it or to make it available on a website or fails to do so within the time limit specified in that section;

(10) fails to send notification as required by the second or third paragraph of section 50, the second or third paragraph of section 58, the second or third paragraph of section 64 or the second or third paragraph of section 146, or to send notification in writing or within the time limit specified therein;

(11) fails to post the amount of the deposit, in contravention of the first paragraph of section 52, or the address of the return site, in contravention of section 53;

(12) fails to comply with the requirements of the second paragraph of section 52 or section 55;

(13) fails to post on its website the information provided for in the third paragraph of section 70 or the fourth paragraph of section 87, or fails to post them on the date or within the time limit specified, or the information provided for in section 96;

(14) fails to send to the Minister a copy of the application referred to in the first paragraph of section 71, in contravention of the second paragraph of that section;

(15) fails to send the report referred to in section 127 with all the information provided for in sections 128 to 131, and the information provided for in section 132, where it applies;

(16) fails to send the financial statements referred to in section 127 along with all the information provided for in section 133;

(17) fails to post the information provided for in the first paragraph of section 134 or to make the information available within the time limit specified in the second paragraph of that section;

(18) fails to send to the Minister the summary provided for in the second paragraph of section 135 or to send it within the time limit specified;

(19) fails to provide the information provided for in section 139;

(20) fails to send to the Société and to the Minister a copy of the agreement referred to in the second paragraph of section 144 or to send it within the time limit specified;

(21) fails to send to the Société and to the Minister a copy of the arbitration award referred to in section 165 or to send it within the time limit specified;

(22) fails to take the steps referred to in section 136;

(23) fails to send a document or information requested by the Minister to the Minister, in contravention of section 186, or to send it within the time limit specified;

(24) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

173. A monetary administrative penalty of $1,500 may be imposed on any designated management body that

(1) fails to establish the monitoring committee provided for in the first paragraph of section 119;

(2) fails to comply with the time limit in section 127 for sending the report and financial statements referred to in that section.

174. A monetary administrative penalty of $500 in the case of a natural person or $2,500 in other cases may be imposed on any person who

(1) fails to obtain approval before grouping with other retailers, in contravention of section 48;

(2) fails to ensure the collection of redeemable containers as required by subparagraph 2 of the second paragraph of section 51 or by the third or fourth paragraph of section 59 or to ensure collection at the required frequency;

(3) fails to comply with the requirements of the second paragraph of section 59;

(4) fails to send the confirmation provided for in the first paragraph of section 70 or the first paragraph of section 84, or to send it within the time limit specified;

(5) fails to send the notice provided for in the third paragraph of section 77, section 83, the second paragraph of section 87 or the third paragraph of section 88 or to send the notice within the time limit specified;

(6) fails to implement the measures provided for in the second paragraph of section 92 or to implement them within the time limit specified;

(7) fails to send a remediation plan, in contravention of the second paragraph of section 113, or to send it within the time limit specified;

(8) fails to hold the meeting referred to in section 124 and to gather comments and recommendations as provided for;

(9) fails to send the report or the financial statements provided for in the first paragraph of section 127, the audited financial statements, as provided for in that first paragraph, the audited data required under the third paragraph of section 127 or the financial statements and data required under the third paragraph of section 127 audited by a person referred to therein or any of the documents within the time limit specified;

(10) fails to send to the designated management body the results referred to in the first paragraph of section 135 or to send them within the time limit specified;

(11) fails to comply with the time limit in section 142.

175. A monetary administrative penalty of $750 in the case of a natural person or $3,500 in other cases may be imposed on any person who fails to comply with the distances provided for in section 49.

176. A monetary administrative penalty of $1,000 in the case of a natural person or $5,000 in other cases may be imposed on any person who

(1) fails to comply with the requirements of section 9, section 18, the second, third or fourth paragraph of section 19, section 95 or section 98;

(2) modifies or specifies a deposit amount without having obtained the Minister's approval, in contravention of section 20;

(3) fails to pay the deposit for a container, in contravention of section 23;

(4) fails to reimburse a deposit in full, in contravention of the first paragraph of section 24, or fails to do so in compliance with the conditions set out in the second paragraph of that section;

(5) fails to comply with the requirements of section 25, 27, 33, 36, 39 or 42;

(6) fails to send the plan provided for in section 43 or sends a plan that does not cover all the measures listed in that section or fails to send it within the time limit specified;

(7) offers to accept and refund a redeemable container without complying with the provisions of sections 25 to 40, in contravention of the first paragraph of section 46;

(8) fails to ensure that a return site is installed for each establishment referred to in section 45, in contravention of the second paragraph of section 46;

(9) enters into a contract that does not contain all the elements provided for in section 47, the second paragraph of section 57, section 63 or section 69 or an agreement that does not contain all the elements provided for in sections 143 and 144;

(10) fails to enter into a mediation process, in contravention of the first paragraph of section 50, the first paragraph of section 58, the first paragraph of section 64 or the first paragraph of section 146, or to enter into the process within the time limit specified;

(11) fails to provide the information and documents required pursuant to the third paragraph of section 51 or the first paragraph of section 141 or fails to provide them within the time limit specified;

(12) fails to offer to install return sites for redeemable containers in contravention of the first paragraph of section 57;

(13) fails to comply with the obligations set out in section 62;

(14) fails to offer a collection service, in contravention of section 65, or offers it without complying with the conditions in that section;

(15) fails to take into account the elements provided for in the first paragraph of section 68 when selecting a service provider;

(16) fails to facilitate participation by social economy enterprises when selecting a service provider, in contravention of the second paragraph of section 68;

(17) except in the case provided for in section 77, designates a management body without complying with the conditions in the first paragraph of section 71;

(18) except in the case provided for in section 77, designates a management body despite the fact that it does not meet the requirements of section 73 or the requirements of section 74;

(19) designates a management body pursuant to section 76 without meeting the requirement provided for;

(20) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 77 or the second paragraph of section 88;

(21) fails to send to the Minister the results provided for in section 80;

(22) fails to ensure compliance with the requirements of the first paragraph of section 92;

(23) fails to pay the sums provided for in the third paragraph of section 94 within the time limit specified;

(24) fails to make the payment provided for in section 97 at the time determined by the designated management body;

(25) fails to make the payment provided for in the first paragraph of section 116;

(26) fails to keep the register provided for in section 126;

(27) fails to provide the designated management body with the information provided for in section 139;

(28) fails to take the steps referred to in section 142;

(29) fails to perform the characterizations provided for in the first paragraph of section 145 or fails to perform them at the required times;

(30) fails to comply with the requirements of the second, third, fourth or fifth paragraph of section 145 when performing a characterization;

(31) fails to comply with all the clauses of a contract entered into pursuant to this Regulation to which the person is a party, in contravention of section 187.

177. A monetary administrative penalty of $1,500 in the case of a natural person or $7,500 in other cases may be imposed on any person who

(1) fails to ensure that a minimum of 1,500 return sites, excluding bulk return points, are functional across the administrative regions, in contravention of the first paragraph of section 41;

(2) fails to ensure that return sites are functional in isolated or remote territories or fails to comply with the number of sites set for those territories, in contravention of the second paragraph of section 41;

(3) fails to comply with the minimum number of return points per number of inhabitants provided for in the third paragraph of section 41;

(4) fails to accept the redeemable containers that are returned or to refund the deposit on those containers, in contravention of section 45;

(5) fails to comply with the requirements provided for in the first paragraph of section 51;

(6) fails to take the steps referred to in the second paragraph of section 90;

(7) fails to comply with the obligations referred to in sections 147, 149 and 150.

178. A monetary administrative penalty of $2,000 in the case of a natural person or $10,000 in other cases may be imposed on any person who

(1) fails to mark a bar code on the redeemable containers in which the person commercializes, markets or otherwise distributes a product, in contravention of section 4;

(2) fails to develop, implement or financially support a deposit-refund system, in contravention of sections 5 to 7;

(3) fails to fulfill the obligations of section 8 collaboratively with the other persons referred to in sections 5, 6 and 7 or fails to develop a single deposit-refund system in contravention of the said section 8;

(4) fails to fulfill the obligations of sections 11 to 16;

(5) fails to take the steps provided for in the first paragraph of section 47, the second paragraph of section 57, section 63 or the first paragraph of section 88;

(6) fails to meet the requirements provided for in the first paragraph of section 59 or to ensure that redeemable containers are transported, sorted, conditioned and reclaimed, in contravention of section 67;

(7) fails to designate a body, in contravention of the first paragraph of section 70, the first paragraph of section 77 or the first paragraph of section 84;

(8) fails to continue to meet the obligations referred to in the first paragraph of section 90 or fails to assume the obligations provided for in section 91;

(9) fails to make the payment provided for in the third paragraph of section 94;

(10) fails to make the payment provided for in section 97;

(11) fails to meet the obligation provided for in section 125 or section 137;

(12) fails to comply with the terms and conditions determined by the designated management body, in contravention of section 140.

CHAPTER VII
OFFENCES

179. Every person who

(1) sends information or a document by a means other than electronically, in contravention of section 10,

(2) fails to send, with a request for approval, the information referred to in the second paragraph of section 20,

(3) fails to give reasons for a notice in accordance with the third paragraph of section 20,

(4) fails to post deposit amounts as provided for in section 21 or within the time limit specified,

(5) requires personal information other than the information listed in section 26 from a person,

(6) fails to post the business days and hours of a return site in accordance with the requirements of section 28,

(7) limits the number of redeemable containers that may be returned on each visit to less than 50, in contravention of section 34,

(8) limits the number of redeemable containers that may be returned on each visit, in contravention of section 37 or section 40,

(9) fails to draw up the list provided for in section 44, to update it or to make it accessible on a website or fails to do so within the time limit specified in that section,

(10) fails to send the notice provided for in the second or third paragraph of section 50, the second or third paragraph of section 58, the second or third paragraph of section 64 or the second or third paragraph of section 146, or to send the notice in writing or within the time limit specified,

(11) fails to post the amount of the deposit, in contravention of the first paragraph of section 52, or the address of the return site, in contravention of section 53,

(12) fails to comply with the requirements provided for in the second paragraph of section 52 or section 55,

(13) fails to post on its website the information provided for in the third paragraph of section 70 or the fourth paragraph of section 87, or fails to post them on the date or within the time limit specified, or the information provided for in section 96,

(14) fails to send to the Minister a copy of the application referred to in the first paragraph of section 71, in contravention of the second paragraph of that section,

(15) fails to send the report referred to in section 127 with all the information provided for in sections 128 to 131 and the information provided for in section 132, where it applies,

(16) fails to send the financial statements referred to in section 127 with all the information provided for in section 133,

(17) fails to post the information provided for in the first paragraph of section 134 or to make the information available during the period provided for in the second paragraph of that section,

(18) fails to send to the Minister the summary provided for in the second paragraph of section 135 or to send it within the time limit specified,

(19) fails to provide the information provided for in section 139,

(20) fails to send to the Société and to the Minister a copy of the agreement referred to in the second paragraph of section 144 or to send it within the time limit specified,

(21) fails to send to the Société and to the Minister a copy of the arbitration award referred to in section 165 or to send it within the time limit specified,

(22) fails to take the steps referred to in section 136,

(23) fails to send a document or information request by the Minister to the Minister, in contravention of section 186, or to send it within the time limit specified,

(24) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for,

is liable, in the case of a natural person, to a fine of $1,000 to $100,000 and, in other cases, to a fine of $3,000 to $600,000.

180. Every person who

(1) fails to establish the monitoring committee provided for in the first paragraph of section 119,

(2) fails to comply with the time limit in section 127 for sending the report and financial statements referred to in that section,

is liable, in the case of a natural person, to a fine of $2,000 to $100,000 and, in other cases, to a fine of $6,000 to $600,000.

181. Every person who

(1) fails to obtain approval before grouping with other retailers, in contravention of section 48,

(2) fails to ensure the collection of redeemable containers as required by subparagraph 2 of the second paragraph of section 51 or by the third or fourth paragraph of section 59 or to ensure collection at the required frequency,

(3) fails to comply with the requirements of the second paragraph of section 59,

(4) fails to send the confirmation provided for in the first paragraph of section 70 or the first paragraph of section 84, or to send it within the time limit specified,

(5) fails to send the notice provided for in the third paragraph of section 77, section 83, the second paragraph of section 87 or the third paragraph of section 88 or to send it within the time limit specified,

(6) fails to implement the measures provided for in the second paragraph of section 92 or to implement them within the time limit specified,

(7) fails to send a remediation plan, in contravention of the second paragraph of section 113 or to send it within the time limit specified,

(8) fails to hold the meeting referred to in section 124 and to gather comments and recommendations as provided for,

(9) fails to send the report or the financial statements provided for in the first paragraph of section 127, the audited financial statements, as provided for in that first paragraph, the audited data required in the third paragraph of section 127 or the financial statements and data

required in the third paragraph of section 127 audited by a person referred to therein, or to send any of the documents within the time limit specified,

(10) fails to send to the designated management body the results referred to in the first paragraph of section 135 or to send them within the time limit specified,

(11) fails to comply with the time limit in section 141 or the time limit in section 142,

is liable, in the case of a natural person, to a fine of $2,500 to $250,000 and, in other cases, to a fine of $7,500 to $1,500,000.

182. Every person who fails to comply with the distances provided for in section 49 is liable, in the case of a natural person, to a fine of $4,000 to $250,000 and, in other cases, to a fine of $12,000 to $1,500,000.

183. Every person who

(1) fails to comply with the requirements of section 9, section 18, the second, third or fourth paragraph of section 19, section 95 or section 98,

(2) modifies or specifies a deposit amount without having obtained the Minister's approval, in contravention of the first paragraph of section 20,

(3) fails to pay the deposit for a container, in contravention of section 23,

(4) fails to reimburse a deposit in full, in contravention with the first or second paragraph of section 24, or fails to do so in compliance with the conditions set out in the second paragraph of that section,

(5) fails to comply with the requirements of section 25, 27, 33, 36, 39 or 42,

(6) fails to send the plan provided for in section 43 or sends a plan that does not cover all the measures listed in that section or fails to send it within the time limit specified,

(7) offers to accept and refund a redeemable container without complying with the provisions of sections 25 to 40, in contravention of the first paragraph of section 46,

(8) fails to ensure that a return site is installed for each establishment referred to in section 45, in contravention of the second paragraph of section 46,

(9) enters into a contract that does not contain all the elements provided for in section 47, the second paragraph of section 57, section 63 or section 69 or an agreement that does not contain all the elements provided for in sections 143 and 144,

(10) fails to enter into a mediation process, in contravention of the first paragraph of section 50, the first paragraph of section 58, the first paragraph of section 64 or the first paragraph of section 146 or to enter into the process within the time limit specified,

(11) fails to provide the information and documents required pursuant to the third paragraph of section 51 or the first paragraph of section 141 or fails to provide them within the time limit specified,

(12) fails to offer to install return sites for redeemable containers in contravention of the first paragraph of section 57,

(13) fails to comply with the obligations set out in section 62,

(14) fails to offer a collection service, in contravention of section 65, or offers it without complying with the conditions in that section,

(15) fails to take into account the elements provided for in the first paragraph of section 68 when selecting a service provider,

(16) fails to facilitate participation by social economy enterprises when selecting a service provider, in contravention of the second paragraph of section 68,

(17) except in the case provided for in section 77, designates a management body without complying with the conditions in the first paragraph of section 71,

(18) except in the case provided for in section 77, designates a management body despite the fact that it does not meet the requirements of section 73 or the requirements of section 74,

(19) designates a management body pursuant to section 76 without complying with the requirement provided for,

(20) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 77 or the second paragraph of section 88,

(21) fails to send to the Minister the results provided for in section 80,

(22) fails to ensure compliance with the requirements of the first paragraph of section 92,

(23) fails to pay the sums provided for in the third paragraph of section 94 within the time limit specified,

(24) fails to make the payment provided for in section 97 at the time determined by the designated management body,

(25) fails to make the payment provided for in in the first paragraph of section 116,

(26) fails to keep the register provided for in section 126,

(27) fails to provide the designated management body with the information provided for in section 139,

(28) fails to take the steps referred to in section 142,

(29) fails to perform the characterizations provided for in the first paragraph of section 145 or fails to perform them at the required times,

(30) fails to comply with the requirements provided for in the second, third, fourth or fifth paragraph of section 145 when performing a characterization,

(31) fails to comply with all the clauses of a contract entered into pursuant to this Regulation to which the person is a party, in contravention of section 187,

is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, in other cases, to a fine of $15,000 to $3,000,000.

184. Every person who

(1) fails to ensure that a minimum of 1,500 return sites, excluding bulk return points, are functional across the administrative regions, in contravention of the first paragraph of section 41,

(2) fails to ensure that return sites are functional in isolated or remote territories or fails to comply with the number of sites set for those territories, in contravention of the second paragraph of section 41,

(3) fails to comply with the minimum number of return points per number of inhabitants provided for in the third paragraph of section 41,

(4) fails to accept the redeemable containers that are returned or to refund the deposit on those containers, in contravention of section 45,

(5) fails to comply with the requirements provided for in the first paragraph of section 51,

(6) fails to take the steps referred to in the second paragraph of section 90,

(7) fails to comply with the obligations provided for in sections 147, 149 and 150,

is liable, in the case of a natural person, to a fine of $8,000 to $500,000 or, in other cases, to a fine of $24,000 to $3,000,000.

185. Every person who

(1) fails to mark a bar code on the redeemable containers in which the person commercializes, markets or otherwise distributes a product, in contravention of section 4,

(2) fails to develop, implement or financially support a deposit-refund system, in contravention of sections 5 to 7,

(3) fails to fulfill the obligations of section 8 collaboratively with the other persons referred to in sections 5, 6 or 7 or fails to develop a single deposit-refund system in contravention of the said section 8,

(4) fails to fulfill the obligations of sections 11 to 16,

(5) fails to take the steps provided for in the first paragraph of section 47, the second paragraph of section 57, section 63 or the first paragraph of section 88,

(6) fails to comply with the requirements provided for in the first paragraph of section 59 or to ensure that redeemable containers are transported, sorted, conditioned and reclaimed, in contravention of section 67,

(7) fails to designate a body, in contravention of the first paragraph of section 70, the first paragraph of section 77 or the first paragraph of section 84,

(8) fails to continue to meet the obligations referred to in the first paragraph of section 90 or fails to assume the obligations provided for in section 91,

(9) fails to make the payment provided for in the third paragraph of section 94,

(10) fails to make the payment provided for in section 97,

(11) fails to meet the obligation provided for in section 125 or section 137,

(12) fails to comply with the terms and conditions determined by the designated management body, in contravention of section 140,

is liable, in the case of a natural person, to a fine of $10,000 to $1,000,000 or, in other cases, to a fine of $30,000 to $6,000,000.

CHAPTER VIII
MISCELLANEOUS

186. Any document and any information obtained pursuant to this Regulation must be sent to the Minister not later than 15 days following a request to that effect.

187. Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

188. Producers are exempted from the obligations of Chapter II until the expiry of the time available to the Société to designate a management body pursuant to section 70 or, as the case may be, until the expiry of the time limit set in section 77.

189. Section 118.3.3 of the Act does not apply to a municipality regulating one of the materials referred to in sections 25 to 40 and 43, for the purposes of the by-law concerned.

CHAPTER IX
TRANSITIONAL AND FINAL

190. Every permit issued pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) that is in force on (*insert the date of coming into force of this Regulation*) ceases to have effect on the first day of the sixteenth month following that date.

Every agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in effect on (*insert the date of coming into force of this Regulation*) terminates on the first day of the sixteenth month following that date.

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

105788

Gouvernement du Québec

O.C. 973-2022, 8 June 2022

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

Environment Quality Act
(chapter Q-2)

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

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)

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

System of selective collection of certain residual materials

Regulation respecting a system of selective collection of certain residual materials

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, in particular require any person whose activities generate residual materials to develop, implement and contribute financially to, on the terms and conditions fixed, measures to reduce, recover or reclaim those residual materials;

WHEREAS, under subparagraph 8 of the first paragraph of section 53.30 of the Environment Quality Act, the Government may, by regulation, in particular prescribe the information or documents that a person, a municipality, a group of municipalities or an Aboriginal community, represented by its band council, must transmit to a person who must, under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of the section, meet the obligations referred to in the regulation as well as the other terms and conditions applicable to the transmission and the time limit for doing so;

WHEREAS, under section 53.30.1 of the Act, a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act that requires,

as a measure, certain persons to develop, implement and contribute financially to a system of selective collection of certain residual materials, including the collection, transportation, sorting and conditioning of those materials, whenever those materials are stored, to ensure their recovery and reclamation may, in particular,

— under paragraph 1 of the section, determine the products concerned by the system;

— under paragraph 2 of the section, prescribe the time limits and the terms and conditions applicable to the entering into of contracts, if applicable, between the persons, the municipalities, the groups of municipalities and any Aboriginal community, represented by its band council, determined in the regulation and the minimum content of such contracts;

— under paragraph 3 of the section, determine the terms and conditions applicable to the collection, transportation, sorting and conditioning of the products referred to in paragraph 1, including their storage, where they are considered to be residual materials within the meaning of the Act;

— under paragraph 4 of the section, determine, in addition to the persons who are required to develop, implement and contribute financially to the system, the other persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

— under paragraph 5 of the section, determine the obligations, rights and responsibilities of the persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

— under paragraph 6 of the section, prescribe a mechanism for resolving disputes that may arise following the entering into or performance of contracts referred to in paragraph 2 or the obligation to prescribe such a mechanism in such contracts;

WHEREAS, under section 53.30.3 of the Act, the Government may, by a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, in particular,

— under paragraph 1 of the section, prescribe that the responsibility for developing, implementing and contributing financially to a measure imposed by the regulation on certain persons the regulation determines be conferred, for the period it fixes, on a non-profit body designated by the Société québécoise de récupération et de recyclage;

— under paragraph 2 of the section, exempt, in whole or in part, persons who are required, under the regulation, to meet obligations that are the responsibility of a body under paragraph 1 from meeting such obligations;

— under paragraph 3 of the section, prescribe the rules applicable to the designation of the body referred to in paragraph 1;

— under paragraph 4 of the section, prescribe the minimum obligations that the body must meet and the minimum rules that must be provided for in its general by-laws for it to be designated;

— under paragraph 5 of the section, prescribe the obligations, rights and responsibilities of the designated body and its method of financing;

— under paragraph 6 of the section, prescribe the obligations to the designated body that the persons referred to in paragraph 1 have, in particular the obligations to become a member of the body and to provide the body with the documents and information it requests to enable it to meet the responsibilities and obligations conferred on it by the regulation, prescribe the conditions for preserving and transmitting such documents and information, and determine which such documents and information are public;

— under paragraph 7 of the section, prescribe the documents and information that the designated body must provide to the Minister or the Société québécoise de récupération et de recyclage, determine their form and content and the conditions for preserving and transmitting them, and determine which such documents and information are public;

WHEREAS, under section 20 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5), a regulation made under section 53.30 of the Environment Quality Act may, for the cases provided for in the third paragraph of section 17 of the Act, prescribe a mechanism for compensating the services referred to in section 53.31.1 of the Environment Quality Act, as it read before being repealed, if the services are provided on or after 31 December 2024;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, enacted 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 (2022, chapter 8), 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 failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and 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;

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 determine the provisions of a regulation the Government has made under that 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, under subparagraph 19 of the first paragraph of section 15.4.40 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, as amended by section 38 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, any other sum provided for by law or a regulation of the Government or a regulation of the Minister is credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a system of selective collection of certain residual materials was published in Part 2 of the *Gazette officielle du Québec* of 26 January 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 with amendments;

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

THAT the Regulation respecting a system of selective collection of certain residual materials, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting a system of selective collection of certain residual materials

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

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, and ss. 53.30.1 and 53.30.3)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5, s. 20)

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, s. 38)

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.))

CHAPTER I
GENERAL

1. The purpose of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers or packaging or commercialize, market or otherwise distribute containers, packaging and printed matter to develop, implement and contribute financially to a system of selective collection of residual materials generated to allow them to be recovered and reclaimed.

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

"Aboriginal community" means any Aboriginal community represented by its band council; (*communauté autochtone*)

"conditioning" means any stage in the treatment of residual materials subsequent to sorting that involves dismantling, shredding, reassembling, cleaning or transforming them in any other way in order to reclaim them; (*conditionnement*)

"containers and packaging" means a product made of flexible or rigid material such as paper, cardboard, plastic, glass or metal, and any combination of such materials,

excluding pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings, that

(1) is used to contain, protect, wrap, support or present products at any stage in the movement of the product from the producer to the ultimate user or consumer; or

(2) is intended for a single or short-term use of less than 5 years and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups, or to be used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils.

"establishment offering on-site consumption" means an establishment that is not mobile that offers meals, snacks or drinks for sale for immediate consumption in or outside the premises, with no table service; (*établissement de consommation sur place*)

"municipal body" means a municipality, the metropolitan community of Montréal, the metropolitan community of Québec, an intermunicipal board or any group of municipalities; (*organisme municipal*)

"outdoor public place" means any part of land, public road or other outdoor place accessible to the public, continuously, periodically or occasionally, and that is owned by a municipal body or operated by such a body; (*lieu public extérieur*)

"printed matter" means any product made of paper and other cellulosic fibres, whether or not used as a medium for text or images, except books with a useful life of more than 5 years; (*imprimés*)

"residual materials" means residual materials generated by the containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9; (*matières résiduelles*)

"trademark" means a sign or combination of signs that is used by a person for the purpose of distinguishing or so as to distinguish products or services manufactured, sold, leased, hired or performed by that person from those manufactured, sold, leased, hired or performed by others. However, "trademark" does not include a certification mark within the meaning of section 2 of the Trademarks Act (R.S.C. 1985, c. T-13). (*marque de commerce*)

In this Regulation, the use of the term "sorting, conditioning and reclamation" includes the transfers required for those operations, unless otherwise indicated by context.

CHAPTER II
DEVELOPMENT, IMPLEMENTATION AND FINANCIAL CONTRIBUTION OF A SYSTEM OF SELECTIVE COLLECTION

DIVISION I
DEVELOPMENT, IMPLEMENTATION AND FINANCING OBLIGATION

3. In this Regulation, every person referred to in section 4, paragraph 1 or 2 of section 5, section 6 or 8, paragraph 1 or 2 of section 9 or section 10 is a "producer".

§1. Containers and packaging

4. Every person that is the owner or user of a name or trademark and has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by

(1) the containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of a product under that name or trademark; and

(2) the containers and packaging identified by that name or trademark.

The obligations set out in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier in Québec, other than the manufacturer,

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

(2) of a product the owner or user of the name or the trademark for which has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product outside Québec, following which the product is commercialized, marketed or otherwise distributed in Québec;

(3) of a product that is commercialized, marketed or otherwise distributed without a name or trademark in a container or packaging; and

(4) of a container or packaging that is not identified by a name or trademark.

5. Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a

municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated, the containers and packaging used for its commercialization or marketing, or, where the product is a container or packaging, the residual materials generated by the container or packaging, applies to

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

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

6. Where the persons referred to in the second paragraph of section 4 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 4 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

7. Despite sections 4 to 6, a person is not required to develop, implement and contribute financially to a system of selective collection of residual materials generated by containers or packaging for which

(1) the person is already required, pursuant to a regulation made under the Environment Quality Act (chapter Q-2), to develop, implement or contribute financially to measures to recover and reclaim the containers or packaging;

(2) the person is already required, pursuant to a system of selective collection established pursuant to another law in Québec, to implement or contribute financially to measures to recover and reclaim the containers covered by the system; or

(3) the person is able to show a direct contribution to another system to recover and reclaim the containers and packaging to which this Regulation applies that operates on a stable and regular basis in Québec and that

(*a*) ensures the recovery of the residual materials concerned throughout Québec; and

(*b*) enables the achievement of the recovery and reclamation rates, including local reclamation rates, by a designated management body for the purposes of section 30.

For the purposes of subparagraph 3 of the first paragraph, a person determines the person's direct contribution to another recovery and reclamation system by sending to the Société québécoise de récupération et de recyclage and the Minister, on 15 May each year, a demonstration of the contribution the data of which have been audited by a person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26), and authorized by the order of which the person is a member to complete an audit mission.

§2. Printed matter

8. Every person who owns or uses a name or trademark and that has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by printed matter identified by that name or trademark.

Despite the first paragraph, the obligation it specifies applies to the person having a domicile or establishment in Québec that acts as the first supplier, in Québec,

(1) of printed matter identified by a name or trademark the owner of which has no domicile or establishment in Québec;

(2) of printed matter the owner or user of the name or the trademark for which has a domicile or establishment in Québec but sells the printed matter outside Québec, following which the printed matter is marketed, commercialized or otherwise distributed in Québec; or

(3) of printed matter that is not identified by a name or trademark.

9. Where printed matter is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated by that printed matter, including the containers and packaging used for its commercialization or marketing, applies to

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

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

10. Where the persons referred to in the second paragraph of section 8 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 8 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

11. The obligations set out in section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 must be performed collaboratively by the persons concerned and they may only develop, implement and contribute financially to a single system of selective collection for all such persons.

DIVISION II
SYSTEM CONTENT

12. Producers must, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection with respect to the collection and transportation of residual materials throughout Québec, except in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1),

(1) collect and transport, in accordance with the terms and conditions set out in Division III of this Chapter, residual materials from

(*a*) the residential sector, from institutions, businesses and industries whose residual materials and volumes are similar to those of the residential sector, from educational institutions other than university institutions, and from institutions, businesses, industries and outdoor public places whose residual materials are collected and transported, on (*insert the date of coming into force of this Regulation*), by a person, a municipal body or an Aboriginal community;

(*b*) not later than 5 years after the coming into force of this Regulation, all institutions and businesses as well as university institutions;

(*c*) not later than 2 years after the submission of the plan referred to in section 56, two thirds of the outdoor public spaces identified in the plan;

(*d*) not later than 3 years after the submission of the plan referred to in section 56, all the outdoor public spaces identified in the plan; and

(*e*) not later than 8 years after the coming into force of this Regulation, all industries;

(2) define the terms and conditions for the collection and transportation of the residual materials from the places listed in subparagraph 1 to the place where they are sorted and from there to a place where they are conditioned, reclaimed or disposed of;

(3) promote the entering into the contracts referred to in Division III of this Chapter with groups of municipalities to optimize the collection and transportation of residual materials;

(4) promote the entering into the contracts referred to in Division III of this Chapter, where they concern the collection and transportation of residual materials in the territory of Îles-de-la-Madeleine, and in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act" (chapter D-8.0.1) with, as the case may be, the agglomeration of Les Îles-de-la-Madeleine, the Eeyou Istchee James Bay Regional Government or the Cree Nation Government;

(5) promote the entering into the contracts provided for in Division III of this Chapter with service providers operating at the time when a producer must take steps to enter into contracts pursuant to sections 18 and 20; and

(6) provide, with respect to services to collect and transport residual materials referred to in this Regulation, client services to allow, in particular, for the filing and processing of complaints from clients of those services.

Where, on 1 January 2025, the collection and transportation of residual materials from an industry, a business, an institution, an educational institution referred to in subparagraph *a* of subparagraph 1 of the first paragraph or a residential building with 9 dwellings or more has not been the subject of a contract for the purposes of Division III of this Chapter, producers must provide the collection and transportation of the materials.

Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, with respect to the collection and transportation of residual materials in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1),

(1) not later than 1 January 2025, provide the collection and transportation of those materials in the territory of at least 1 Northern village;

(2) not later than 1 January 2027, provide the collection and transportation of those materials in the territory of all the Northern villages; and

(3) promote the entering into of contracts for the collection and transportation of those materials with the Kativik Regional Government.

13. Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, with respect to the sorting, conditioning and reclamation of residual materials,

(1) manage residual materials in a way that gives priority to reclamation, with the choice of reclamation processes respecting the following order:

(*a*) reuse;

(*b*) recycling, with the exception of biological treatment;

(*c*) any other form of reclamation by which residual materials are treated for use as a substitute for raw materials;

(*d*) energy recovery, subject to the following cases:

i. a life cycle analysis, complying with the applicable ISO standards and taking into account the perenniality of resources and the externalities of various reclamation methods for recovered materials, that shows that a reclamation method is more advantageous than another in environmental terms;

ii. the existing technology or the applicable laws and regulations does not allow for the use of a reclamation method in the prescribed order;

(2) define the places where residual materials may be stored for processing and reclamation;

(3) promote the local sorting, conditioning and reclamation of residual materials and give priority to, in the following order, maintaining, optimizing and developing players in the value chain in Québec;

(4) plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1); and

(5) sort and condition the residual materials recovered in accordance with the terms and conditions set out in Division IV of this Chapter.

14. Producers must ensure that the system of selective collection they develop, implement and finance allows residual materials to be traced from collection to final destination.

The traceability of residual materials involves using quantitative data to monitor quantities of residual materials covered by the system of selective collection, at each stage in the collection, transportation, sorting and conditioning process until their final destination.

15. Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, ensure that the system of selective collection they develop

(1) includes operating rules, criteria and requirements that all service providers, including subcontractors, must comply with for the purpose of the management of the residual materials recovered and provides for the establishment of measures to ensure compliance;

(2) includes measures to promote the ecodesign of containers, packaging and printed matter to ensure that they are compatible with the system of selective collection, in particular concerning

(*a*) their recyclability;

(*b*) the existence of market outlets for the residual materials;

(*c*) the inclusion of recycled materials in containers, packaging and printed matter;

(*d*) the effort made to reduce, at source, the materials used to manufacture containers, packaging and printed matter; and

(*e*) the quantities of containers, packaging and printed matter marketed;

(3) includes information, awareness and education activities, in particular to inform consumers about the environmental benefits of recovering and reclaiming the residual materials concerned and the types of residual materials targeted by the system of selective collection;

(4) includes a research and development component on

(*a*) techniques to recover and reclaim the residual materials generated by containers, packaging and printed matter;

(*b*) the development of market outlets allowing the reclamation of the materials, which must be situated in the following areas, by order of priority: Québec, regions adjacent to Québec, elsewhere in Canada and the United States; and

(*c*) the measures that may be implemented to ensure that the system of selective collection contributes to the fight against climate change, in particular by reducing the greenhouse gas emissions attributable to the system;

(5) includes a means of communication to make public the following information covering the preceding year, each year, and ensure access for a minimum period of 5 years:

(*a*) the name of the person or management body designated pursuant to section 30 to implement the system;

(*b*) the name of the system, if any;

(*c*) the quantity of materials making up the containers, packaging and printed matter covered by this Regulation, by weight, type of material and type of resin where the materials are plastics;

(*d*) the quantity of materials referred to in subparagraph *c* of this subparagraph that are recovered;

(*e*) the quantity of materials referred to in subparagraph *c* of this subparagraph that are

i. sent to a place referred to in subparagraph 1 of the first paragraph of section 77;

ii. sent to a place referred to in subparagraph 2 of the first paragraph of section 77;

iii. otherwise reclaimed;

iv. stored for more than 30 days, per administrative region; or

v. disposed of;

(*f*) the province, state or, in the case of the United States, the American State in which are located the sites where recovered materials were, as the case may be, conditioned, stored, disposed of or reclaimed and, in the latter case, the reclamation method;

(*g*) the quantity, by weight, of residual materials made of rigid plastic recovered and sorted, by type of resin;

(*h*) a description of the main activities completed during the preceding year pursuant to subparagraphs 3 and 4;

(*i*) a description of the measures implemented to promote the ecodesign of containers, packaging and printed matter and so that the system of selective collection contributes to the fight against climate change, ion particular by reducing the greenhouse gas emission attributable to the system;

(*j*) the manner in which the body ensured, with respect to the management of residual materials produced by the containers, packaging and printed matter recovered, to comply, in the choice of a reclamation process, in the order of priority referred to in paragraph 1 of section 13 and a justification for failing to respect that order;

(*k*) the manner in which the basic principles of the circular economy and the social economy within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) were taken into account;

(*l*) if applicable, a description of the remedial plan referred to in the second paragraph of section 82, the amount of financing for the measures included in the plan, the implementation schedule and a list of the measures completed during the year;

(*m*) the contract models used by the producer to provide the collection, transportation, sorting and conditioning of the residual materials; the models must be made public within 8 months after the coming into force of this Regulation;

(*n*) in the case of a system implemented by a management body designated pursuant to section 30,

i. the name of the body;

ii. the names of the body's members;

iii. the composition of the body's board of directors;

iv. a list of the committees set up by the body, their composition and their mandate;

v. with reference to the information referred to in subparagraph *d* of this subparagraph, the recovery rate achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 73;

vi. with reference to the information referred to in subparagraph *e* of this subparagraph, the reclamation rate, including the local reclamation rate, achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 75; and

vii. a report setting out the income resulting from the collection, from its members, of amounts to cover the costs of developing and implementing the system of selective collection, which must indicate the apportionment made under subparagraph 7 and be detailed as follows:

(*I*) the costs relating to the collection and transportation of residual materials covered by this Regulation, including costs for client services;

(*II*) the costs relating to the sorting, conditioning and reclamation of the residual materials concerned;

(*III*) the costs referred to in subparagraphs *I* and *II*, per inhabitant and by industry, business or institution served;

(*IV*) the management costs of the designated management body and the costs incurred by the Société québécoise de récupération et de recyclage (referred to herein as the "Société") for the system of selective collection;

(*V*) the costs for the collection, transportation, sorting, conditioning and reclamation of containers or residual materials not covered by the system of selective collection that were collected;

(*VI*) the costs for the activities referred to in subparagraphs 3 and 4;

(*VII*) the other costs;

(6) provides for the determination of the costs involved in the recovery and reclamation of residual materials generated by the containers, packaging and printed matter covered by this Regulation, after subtraction of any income or gain derived from those materials;

(7) apportions the costs referred to in subparagraph 6 based on characteristics such as those referred to in subparagraphs *a* to *d* of subparagraph 2 and taking into account the percentage of post-consumer recycled materials of which the containers, packaging and printed matter are made;

(8) provides for the verification, by a person who is not employed by a producer or a designated management body under section 30 and who meets any of the following conditions, of the management of the residual materials recovered and of compliance with the requirements of subparagraph 1:

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

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

(9) ensures that the verification referred to in subparagraph 8 is conducted at each sorting centre and each conditioner at the following frequency:

(*a*) at least once in the 2 years following 2025;

(*b*) as of the first verification conducted under subparagraph *a*, at least once every 3 years;

(10) is not used for purposes for which it is not intended.

The cost of recovering and reclaiming residual materials generated by a container, packaging or printed matter referred to in subparagraph 6 of the first paragraph may only be allocated to a product commercialized, marketed or otherwise distributed using that container, packaging or printed matter, or to the container, packaging or printed matter, and must be internalized in the sale price as soon as it is commercialized, marketed or otherwise distributed.

This internalized cost may only be made visible on the initiative of the producer who commercializes, markets or otherwise distributes the product, container, packaging or printed matter, and in such a case the information must be disclosed as soon as its product is commercialized, marketed or otherwise distributed. The information must include a mention that the cost is used to ensure the recovery and reclamation of the residual materials covered by this Regulation and the address of the website where more information can be obtained.

16. Where the system provides for the management of the residual materials concerned in a territory referred to in paragraph 4 of section 12, the producer must ensure that the measures set out in this Division are adapted to the needs and particularities of that territory.

DIVISION III
CONTRACTS FOR THE COLLECTION AND TRANSPORTATION OF RESIDUAL MATERIALS

§1. Object of contracts

17. This Division concerns the time limits, terms and conditions that apply to the contracts entered into by producers for the collection and transportation of residual materials referred to in this Regulation and their minimum content.

§2. Time limits, terms and conditions applicable to the entering into contracts

18. Where, on (*insert the date of coming into force of this Regulation*), a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends not later than 31 December 2024, a producer must, not later than 8 months after (*insert the date of coming into force of this Regulation*), take steps to enter into, with that municipal body or Aboriginal community or with any other municipal body or Aboriginal community, a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings and in the territory covered by that contract with the minimum content set out in section 25.

Where, 14 months after (*insert the date of coming into force of this Regulation*), no contract has been entered into pursuant to the first paragraph, the producer and the municipal body or Aboriginal community, as the case may be, may, within 14 days after the time limit, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified by the producer, within the same time limit, of the reasons of the dispute preventing the entering into the contract referred to in the first paragraph and of the selection of a mediator, if applicable.

The Minister and the Société must be notified in writing of the outcome by the mediator within 30 days of the end of the mediation process.

If the municipal body or Aboriginal community and the producer opt to begin the mediation process referred to in the second paragraph, it may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the third paragraph.

19. If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph of section 18 despite the mediation process undertaken pursuant to the second paragraph of that section, or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract, the producer may choose

(1) before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party, to enter into a contract containing, as a minimum the elements set out in section 25 with the exception of the elements listed in subparagraphs 9 and 10 of the first paragraph and the second paragraph of that section, in order to ensure the collection and transportation of those residual materials; or

(2) starting on the date referred to in subparagraph 1, to undertake to collect and transport the residual materials itself.

Where, pursuant to the first paragraph, the producer enters into a contract for the collection and transportation of residual materials with a person, or undertakes to collect and transport the residual materials itself, the producer must send a notice to the municipal body or Aboriginal community, as the case may be, indicating the date from which the residual materials will be collected and transported by that person or by the producer.

The notice referred to in the second paragraph must be sent before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party and which is referred to in the first paragraph of section 18.

20. Where, on (*insert the date of coming into force of this Regulation*), a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends on a date after 31 December 2024, a producer must, not later than 18 months before 31 December 2024 choose to

(1) take steps to enter into, with the municipal body or Aboriginal community, as the case may be, a contract specifying compensation for the body or Aboriginal community for the services referred to in 53.31.1 of the Environment Quality Act (chapter Q-2), as it read prior to 31 December 2024 provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party; or

(2) take steps to enter into, with the municipal body or Aboriginal community, as the case may be, a contract in which

(*a*) the municipal body or Aboriginal community agrees to cancel the contract for the collection and transportation of residual materials to which it is a party; and

(*b*) the producer undertakes to compensate the municipal body or Aboriginal community for the costs, penalties or other claims resulting from the cancellation referred to in subparagraph *a* of this paragraph.

Not later than 18 months prior to the end of a contract referred to in subparagraph 1 of the first paragraph, the producer must take steps to enter into, with the municipal body or Aboriginal community concerned, as the case may be, or with any other municipal body or Aboriginal community, a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings and in the territory covered by the contract with the minimum content set out in section 25.

Where the producer chooses to enter into a contract referred to in subparagraph 2 of the first paragraph, the producer must, not later than 18 months before the cancellation referred to in subparagraph *a* of that subparagraph takes effect, enter into, with the municipal body or Aboriginal community concerned, as the case may be, or with any other municipal body, a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings covered by the cancelled contract and in the territory covered by the contract with the minimum content set out in section 25.

21. Where, 12 months prior to 31 December 2024, no other contract has been entered into pursuant to the first paragraph of section 20, the producer and the municipal body or Aboriginal community, as the case may be, must, within 14 days, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified by the producer, within the same time limit, of the reasons for the dispute preventing the entering into the contract referred to in section 20 and of the selection of a mediator.

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

The mediation process referred to in the first paragraph may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the second paragraph.

22. Where, 10 months prior to 31 December 2024, despite the mediation process undertaken in accordance with section 21, no other contract referred to in section 20 has been entered into by the producer and the municipal body or Aboriginal community, as the case may be, the producer must pay annually to the municipal body or Aboriginal community, as compensation for the services referred to in section 53.31.1 of the Environment Quality Act (chapter Q-2) as it read prior to 31 December 2024 and provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials, an amount corresponding to the average compensation received by the body or community for services provided during the years 2022 to 2024 under the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10).

The amount corresponding to the average compensation paid annually by the producer pursuant to the first paragraph is determined using the information forwarded by the Société to the municipal body or Aboriginal community and to the producer at their request.

23. Where, on (*insert the date of coming into force of this Regulation*), no service to collect and transport residual materials covered by this Regulation is provided in the territory of a municipal body or Aboriginal community or the service is provided directly by the municipal body or Aboriginal community, a producer must, not later than 18 months prior to 31 December 2024, take steps to enter into a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings on the conditions set out in subparagraphs 1 to 4 of the first paragraph of section 24 with the minimum content set out in section 25.

If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph before the date that occurs 12 months prior to 31 December 2024, the second, third, fourth and fifth paragraphs of section 18 apply, with the necessary modifications.

If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph despite the mediation process provided for in section 18, or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract, the producer must choose

(1) to enter into a contract that contains, as a minimum, the elements referred to in section 25, except those referred to in subparagraphs 9 and 10 of the first paragraph

and the second paragraph of that section, with a person, to provide the collection and transportation of those materials from the day following 31 December 2024; or

(2) from the day following 31 December 2024, provide itself the collection and transportation of those materials.

24. In addition to the collection and transportation of residual materials covered by a contract entered into pursuant to sections 18 and 20, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must cover the collection and transportation of the following residual materials:

(1) residual materials generated by containers, packaging and printed matter covered by this Regulation, with the exception of

(*a*) residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils, and residual materials generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer; and

(*b*) residual materials consisting of

i. rigid plastic belonging to the polystyrene category;

ii. flexible plastic; or

iii. compostable or biodegradable plastic;

(2) not later than 1 January 2027, residual materials consisting of rigid plastic belonging to the polystyrene category or flexible plastic, and residual materials generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer;

(3) not later than 1 January 2029, residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils;

(4) not later than 1 January 2031, residual materials consisting of compostable or degradable plastic.

Despite the first paragraph, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must, throughout the territory covered by the contract, allow the collection of residual materials whose collection was provided on all or part of the territory before (*insert the date of coming into force of this Regulation*).

§3. Minimum content

25. A contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must contain, in particular, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

(2) the clients to whom residual material collection services are provided;

(3) the locations in which residual materials are collected, including outdoor public places;

(4) the territory in which residual materials are collected;

(5) all the parameters for the collection and transportation of residual materials, such as those relating to

(*a*) the type of equipment used for collection and transportation and the parameters relating to its origin and maintenance; and

(*b*) the conditions for the storage and transfer of residual materials during transportation, if applicable;

(6) the destination of the residual materials collected and the conditions for their transfer, if applicable;

(7) the financial parameters of the contract, including prices and terms of payment;

(8) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(9) the procedure for client service, in particular concerning complaint processing;

(10) the conditions for the awarding of contracts by the municipal body or Aboriginal community, if applicable, covering some or all of the collection and transportation of residual materials under its responsibility;

(11) the traceability of residual materials during their transportation to the place where they are sorted;

(12) the mechanism for resolving disputes arising from the performance of the contract, as selected by the parties;

(13) the conditions ensuring the health and safety of workers during the collection and transportation of residual materials;

(14) where an Aboriginal community is a party to the contract, details on training for the local workforce;

(15) the parameters for communications between the parties;

(16) the quality control procedure for the collection and transportation of residual materials covered by the contract, including the methods used to characterize the residual materials, site visits, and reliance on audits or an external auditor;

(17) the terms and conditions for adding a party to the contract;

(18) the information, awareness and education measures implemented to garner the support of system of selective collection clients;

(19) the conditions for optimizing the procedure for collecting residual materials in order, in particular, to facilitate citizens' access to collection equipment;

(20) where an Aboriginal community is a party to the contract, the manner in which its cultural and linguistic particularities are taken into account in the selective collection services and in the elements referred to in subparagraphs 9 and 18.

Where a contract entered into pursuant to section 18 or 19, the second or third paragraph of section 20 or section 23 concerns the collection and transportation of residual materials in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1), or in the territory of the regional municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent, it must include as a minimum, in addition to the elements listed in the first paragraph, the conditions for the storage, sorting or conditioning of residual materials prior to transportation, if applicable.

DIVISION IV
CONTRACTS FOR THE SORTING, CONDITIONING AND RECLAMATION OF RESIDUAL MATERIALS

§1. Object of contracts

26. This Division concerns the time limits, terms and conditions that apply to the entering, by producers, into contracts for the sorting, conditioning and reclamation of residual materials covered by this Regulation and their minimum content.

§2. Time limits, terms and conditions applicable to the entering into contracts

27. Producers must enter into all the contracts needed to ensure the sorting, conditioning and reclamation of residual materials covered by this Regulation.

Where, on (*insert the date of coming into force of this Regulation*), a municipal body or an Aboriginal community is a party to a contract for the sorting, conditioning or reclamation of residual materials that ends on a date after 31 December 2024, sections 20 to 22 apply, with the necessary modifications, to the entering into the contract referred to in the first paragraph.

28. In selecting a service provider to enter into a contract pursuant to section 27, a producer must take into account

(1) the ability of the service provider to meet the determined requirements for the sorting, conditioning or reclamation of the residual materials targeted and to ensure local management of the residual materials recovered;

(2) the presence of a service provider able to provide the necessary services in the territory concerned;

(3) the system's accessibility for various types of service providers; and

(4) the business model of the service provider and the benefits generated for the community.

In making a selection, the producer must, when entering into a contract pursuant to section 27, give priority to service providers that are already operating when steps are taken to enter into the contract.

§3. Minimum content

29. A contract entered into pursuant to section 27 must contain, in particular, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

(2) the origin of the residual materials;

(3) all the parameters for the sorting and conditioning of the residual materials, such as those relating to

(*a*) the type of equipment used to sort, condition or reclaim the residual materials and the parameters relating to their origin and maintenance;

(*b*) the types of bales of materials produced;

(*c*) the conditions for the storage and transfer of residual materials, at each state of sorting, conditioning or reclamation;

(*d*) the management of residual materials taken in charge by the system of selective collection without being covered by this Regulation;

(*e*) the expected quality of the materials following sorting or conditioning; and

(*f*) the traceability of residual materials at each stage leading from sorting to conditioning and from conditioning to reclamation;

(4) if applicable, the destination for the materials once sorted or conditioned;

(5) the financial parameters for the contract, including prices and terms of payment;

(6) the quality control procedure for the sorting, conditioning or reclamation covered by the contract, including the methods used to characterize residual materials, site visits, and reliance on audits or an external auditor;

(7) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(8) the mechanism for resolving disputes relating to the performance of the contract selected by the parties;

(9) the conditions ensuring the health and safety of workers at the site where materials are sorted, conditioned or reclaimed;

(10) the information, awareness and education measures implemented to garner the support of system of selective collection clients;

(11) the parameters for communications between the parties.

CHAPTER III
MANAGEMENT BODY

DIVISION I
DESIGNATION

30. In the third month after the coming into force of this Regulation, the Société designates, to assume, in place of the producers, the obligations of developing, implementing and contributing financially to a system of selective collection, a body that meets the requirements of section 31 and for which the requirements of sections 32 and 33 have been met and for which an application for designation has been sent. The Société must, without delay, send to the body and to the Minister a written confirmation of the designation.

The designation referred to in the first paragraph is effective as of the date on which the Société sends the confirmation referred to in the first paragraph.

The Société publishes on its website, on the date provided for in the second paragraph, the name of the body designated as the management body of the system of selective collection and the date from which the designation is effective.

31. Any body may be designated pursuant to section 30 if

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec and it carries on most of its activities in that province;

(3) its board of directors has at least 10 members and at least two thirds of its elected members are producers having their domicile or an establishment in Québec;

(4) the number of members of the board of directors mentioned in paragraph 3 ensures a fair representation of all the sectors of activity to which the producers belong. Their representation is in proportion to the quantity, by weight, and type of containers, packaging and printed matter commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers, packaging and printed matter;

(5) it pursues its activities in the field of selective collection and the management of systems to recover and reclaim residual materials; and

(6) it is able to bear financial responsibility for developing a system of selective collection in accordance with this Regulation.

32. Every application for the designation of a body must be sent to the Société not later than (*insert the date occurring 2 months after the date of coming into force of this Regulation*) or, for a designation other than an initial designation, not later than 2 months before the expiry of the current designation, and must include the following information and documents:

(1) the body's name, address, telephone number and email address;

(2) the business number assigned to the body if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name of its representative;

(4) a list of the members of the board of directors, with information allowing them to be identified;

(5) in the case of a first designation, a plan for the development and implementation of a system referred to in section 33;

(6) a copy of any document showing that the body meets the requirements of section 31;

(7) a list of the producers supporting the designation of the body and any document showing support from producers;

(8) a list of the body's members, if any.

Every person sending an application under the first paragraph must forward a copy of the application to the Minister on the same date as the date on which the application has been sent to the Société.

In cases other than an initial designation, the Société designates a body that meets the requirements of section 31 and for which the requirements of sections 32 and 33 are met and for which an application for designation has been sent, within 30 days of receiving the application.

33. A plan for the development and implementation of a system of selective collection must contain

(1) a general description of the activities of the producers;

(2) the terms and conditions of membership in the body;

(3) a summary description of the planned system, covering the operational and financial components for the first 5 years of implementation;

(4) the model contracts to be used by the body to provide the collection, transportation, sorting and conditioning of the residual materials;

(5) a list of the measures that the body plans to implement to promote ecodesign and the development of market outlets, in particular in Québec, for various containers, packaging and printed matter and the ecodesign criteria it intends to ask the producers to take into account;

(6) a list of the information, awareness and education measures the body plans to implement, in particular to facilitate the commissioning of the system of selective collection;

(7) a draft timeframe for the development and implementation of the system, detailing in particular the implementation stages referred to in subparagraph 1 of the first paragraph of section 12; and

(8) a proposal for harmonizing the system of selective collection with any deposit-refund system developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and of section 53.30.2 of the Environment Quality Act (chapter Q-2), hereinafter referred to as "deposit-refund system", which must contain, without limiting the possibility to provide for other elements, the elements of section 88.

34. The Société may, if it notes that the development and implementation plan submitted to it with an application for designation pursuant to section 32 does not meet all the requirements of section 33, ask the applicant to make changes.

35. If, among the applications sent, more than one body meets the requirements of section 31, the requirements of sections 32 and 33 are met and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers.

36. On the expiry of the time limit set in the first paragraph of section 32, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of section 31, or if the requirements of sections 32 and 33 have not been met, the Société designates, within 30 days of the expiry of the time limit, any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

37. If the Société has not designated a body within the time allowed in section 30 or the first paragraph of section 36, the obligation provided for therein falls, as of the expiry of the time, on the Minister, who must act as soon as possible.

38. A body is designated for a period of 5 years.

On expiry, it is automatically renewed for the same period, provided that the body has filed with the Société and with the Minister, not later than 6 months prior to expiry, a report on the implementation and effectiveness of the system of selective collection and that the Société has indicated that it is satisfied with the report not later than 4 months prior to expiry.

39. The report referred to in section 38 must contain at least the following information on the current designation period:

(1) an overview of the progress of the types of materials taken in charge by the system of selective collection;

(2) a description of the main problems encountered in the implementation of the system and the manner in which the designated management body solved them;

(3) a description of the elements that, according to the body, allowed the system to generate positive benefits on the management of residual materials in Québec;

(4) a description of the progress of the percentages of recovery and reclamation achieved;

(5) an estimate of the quantities of greenhouse gas emissions that the measures implemented by the system of selective collection allowed to prevent;

(6) if applicable, a description of the measures contained in a remedial plan sent pursuant to section 82;

(7) the proportion of residual materials sent to a reclamation site within the meaning of section 77, per type of material, that were processed and transformed for reintroduction as a substitute for raw materials of the same nature into an industrial process to manufacture new products within the meaning of subparagraph 1 of the first paragraph of section 77.

The report referred to in the first paragraph must set out the aims and priorities of the designated management body for the following 5 years, which must describe in particular, for those years, the elements referred to in subparagraphs 3 to 7 of the first paragraph of section 33.

The report must also state the comments and recommendations made by environmental groups and consumers, in particular during the consultations held pursuant to section 65. Where the body decides not to act on certain recommendations, it must justify its position in the report.

40. The Société may, within the month following the submission of the report referred to in the second paragraph of section 38, suggest changes to the body that submitted the report.

The Société informs the Minister, within the time limit set in the first paragraph, of the changes it has suggested to the body.

The body has 2 weeks from the receipt of the proposed changes from the Société to make changes to the report or justify its decision not to make a suggested change.

41. If the Société has not ruled on a report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry with no further notice or time limit.

42. A body's designation is not renewed if

(1) the body has failed to submit its report within the time limit set in the second paragraph of section 38; or

(2) the body has submitted a report within the time limit set in the second paragraph of section 38, but the Société has not stated that it is satisfied with the report within the time limit set in the second paragraph of that section.

Where a designation is not to be renewed for a reason set out in the first paragraph, the Société must, at least 4 months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

The Société must also, as soon as possible, post on its website a notice informing producers that the body's designation has not been renewed.

43. Where a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the 4 months prior to expiry, to designate, to ensure the implementation and financing of a system of selective collection developed and implemented by another body, any body that meets the requirements of section 31, for which the requirements of sections 32 and 33 have been met and for which an application for designation as a management body for the system of selective collection has been filed. It sends confirmation of the designation to the body and to the Minister without delay.

If the Société has not designated a body within the time limit in the first paragraph, the obligation provided for therein falls, as of the expiry of the time limit, on the Minister, who must act as soon as possible.

44. At the end of the time limit provided for in section 43, if no application for designation has been sent, or if no body for which an application has been sent meets the requirements of section 31 or for which the requirements of sections 32 and 33 have not been met, section 36 applies, with the necessary modifications.

45. The Société may terminate a current designation if

(1) the designated management body fails to comply with a provision of this Regulation or of its general by-laws;

(2) the designated management body ceases operations for any reason, including its bankruptcy, its liquidation or the assignment of its property;

(3) the designated management body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated management body request termination.

To terminate a designation in progress, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If termination is for a reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If termination is for a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société must post on its website, as soon as possible, a notice informing producers that the body's designation has been terminated.

46. Where the Société sends a notice referred to in the second paragraph of section 45, it must take steps, within 6 months of sending the notice, to designate any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which a notice informing the body of the designation is received by the body.

47. Despite section 46, an application for designation as management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 45.

Sections 30 to 35 apply, with the necessary modifications, to any application filed pursuant to the first paragraph.

The designation of a body whose application was filed pursuant to the first paragraph and which meets the conditions of section 31 must be given priority over the designation of a body pursuant to the first paragraph of section 46.

48. If the designation of a body ends prior to expiry or is not renewed, the body must continue to meet its obligations until a new body has been designated.

A body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The 2 bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the body whose designation is terminated.

DIVISION II
OBLIGATIONS, RIGHTS AND RESPONSIBILITIES

§1. Of the designated management body

49. Every management body designated pursuant to Division I of this Chapter must assume, in place of the producers, the obligations of those producers under this Regulation.

§§1. Rules of governance

50. A designated management body must, within 8 months after its designation, ensure that

(1) in addition to the conditions set out in paragraphs 3 and 4 of section 31, the board of directors of the body has enough members to ensure representation in proportion to the financial contribution made by producers to the system of selective collection;

(2) each producer is entitled to only one seat on the board of directors;

(3) each member of the board of directors who is not a member of the body pursues or has pursued activities in the field of selective collection.

51. A body must, within 8 months after its designation, adopt general by-laws providing for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the necessary quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee established pursuant to section 66 on the agenda at the next ensuing meeting of the board of directors, at the member's request, and the presence of the member to present it.

The body must also implement measures, within the same time limit, to ensure that data gathered for the development, implementation and management of the system of selective collection are used in accordance with the applicable laws and regulations and ensure protection for the personal and confidential information of its members.

52. The following items must be entered on the agenda for each annual general meeting of the members of a designated management body:

(1) a presentation of the body's activities during the preceding calendar year;

(2) changes in the implementation of the system and the costs incurred;

(3) the possibility for members to give their opinion on those topics.

53. Within 30 days after its designation, the designated management body must establish a committee to select mediators pursuant to the second paragraph of section 18 or section 21.

The committee referred to in the first paragraph must include 2 persons chosen by the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), and 2 persons who are members of the designated management body, chosen by the body.

The selection committee must, within 3 months of its establishment, draw up a list of 20 mediators accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

If training on the operation of the system of selective collection is needed to allow the mediators referred to in the third paragraph to perform their duties, the costs of the training are borne jointly and equally by the designated management body and the municipal federations referred to in the second paragraph.

54. The list of mediators drawn up pursuant to section 53 is sent to the Minister, the Société and the mediation or arbitration body referred to in the third paragraph of section 53 within 14 days of being drawn up.

55. Within 4 months after its designation, the designated management body must set up a contingency fund that allows it to meet its obligations under this Regulation, and maintain it for the duration of its designation.

Within the same time limit, the body must establish the terms and conditions for contributions to the contingency fund by its members.

As of 2025, the contingency fund must be sufficient to allow the body to meet its obligations for a period of at least 3 months.

§§2. Submission of plans and reports and monitoring committees

56. Not later than 3 years after its designation, the designated management body must submit a plan to the Société and to the Minister describing how it intends to fulfill its obligation to collect and transport residual materials from outdoor public spaces in municipalities of over 25,000 inhabitants referred to in subparagraphs *c* and *d* of paragraph 1 of section 12, when those public spaces are not covered by a contract to collect and transport residual materials entered into pursuant to sections 18 to 24.

The Société may, within 2 months after submitting the plan referred to in the first paragraph, propose to the body to make changes to the plan.

The Société informs the Minister, within the same period as the period referred to in the second paragraph, of the changes to the plan it proposed to the body.

The body has 2 months after receiving the change proposals from the Société to make the changes in the plan or justify its decision not to make the proposed changes.

57. The plan referred to in section 56 must contain

(1) an identification and a map of all the outdoor public spaces concerned; and

(2) a description of the way in which the designated management body intends to collect and transport residual materials from the outdoor public spaces.

58. Not later than 30 June each year, as of 2024, the designated management body must send to the Société and the Minister, with respect to the system of selective collection, a report on its activities for the preceding calendar year along with its financial statements.

The report's information on the quantities or achievement of the rates and the financial statements must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order of which the professional is a member to complete an audit mission. The financial statements may also be audited by any other person legally authorized to perform such an activity in Québec.

Despite the first paragraph, the first report sent by the designated management body covers its activities for the period beginning on the date of its designation and ending on 31 December 2023.

59. The report referred to in the first paragraph of section 58 must contain

(1) the name and professional contact information of the directors of the designated management body, the sectors of activities of the producers they represent and the dates of the meetings of the board of directors;

(2) a list of the body's members and of the persons referred to in section 7;

(3) the name of the system of selective collection, if any;

(4) any website address;

(5) a description of the selective collection services, detailing the collection services provided for the residential sector, industries, businesses and institutions as well as outdoor public spaces;

(6) the quantity of materials making up the containers, packaging and printed matter referred to in this Regulation, by weight, by type of materials and by type of resin where the materials are plastics;

(7) the information referred to in subparagraph *d* of subparagraph 5 of the first paragraph of section 15 by type of material, by administrative region, by isolated or remote territory, for the whole of Québec, and by inhabitant;

(8) the quantity, by weight and by type of materials, of residual materials generated by containers, packaging and printed matter covered by this Regulation that

(*a*) were disposed of, detailed in total quantity and by inhabitant;

(*b*) were the subject of energy recovery;

(*c*) were the subject of a biological treatment;

(*d*) were sent to a site referred to in subparagraph 1 of the first paragraph of section 77;

(*e*) were sent to a site referred to in subparagraph 2 of the first paragraph of section 77;

(*f*) were stored for more than 30 days, and the address of each storage site and the name of the person operating the site;

(*g*) following their conditioning, were sent to a site to be transformed for their reintroduction into an industrial process to manufacture new containers, packaging or printed matter, and the contact information of the site;

(9) the quantity, by weight, of residual materials made of rigid plastic recovered and sorted, by type of resin;

(10) the quantity, by weight, of residual materials not covered by this Regulation and that were taken in charge by the system of selective collection, and the quantity of redeemable containers under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2) taken in charge by that system and the manner in which the containers and residual materials were taken in charge for their reclamation;

(11) the quantity, by weight, of the residual materials referred to in this Regulation and that were taken in charge as part of a deposit-refund system implemented under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act;

(12) the recovery and reclamation rates referred to in sections 73, 75 and 79 that were achieved, based on the data by weight and the difference between the rates achieved and the rates prescribed;

(13) the final destination of the residual materials referred to in subparagraph *e* of subparagraph 5 of the first paragraph of section 15 and the name and address of the persons who recovered them, conditioned them, stored them, disposed of them or reclaimed them and, in the latter case, the reclamation method;

(14) for each type of container, packaging and printed matter, the criteria for apportioning the cost of collecting, transporting, sorting, conditioning and reclaiming them, taking into account criteria such as those set out in subparagraphs *a* to *d* of subparagraph 2 of the first paragraph of section 15;

(15) a description of the operating rules, criteria and requirements that all service providers, including subcontractors, must comply with for the purpose of the management of the residual materials recovered and the measures put in place to ensure compliance;

(16) the amounts charged to producers by the designated management body, pursuant to section 121, to finance the cost of recovering and reclaiming the residual materials referred to in subparagraph 6 of the first paragraph of section 15 and the apportionment of the cost made pursuant to subparagraph 7 of that section and, if the costs are internalized in the sale price of a product, the cost of collecting, transporting, sorting, conditioning and reclaiming the residual materials concerned whose cost is internalized in the sale price of the product; and

(17) the quantity, by weight, of compostable or degradable materials referred to in the first paragraph of section 86 and, if applicable, the amount of the sum paid pursuant to the second paragraph of section 86 and the measures the body put in place to reduce the use of those materials.

60. The report referred to in the first paragraph of section 58 must, in addition, contain

(1) a list of the contracts entered into by the designated management body and a summary of their contents and, if applicable, a list of any changes made to current or renewed contracts;

(2) a description of the measures put in place to promote the eco-design of containers, packaging and printed matter and to allow the system of selective collection to contribute to the fight against climate change, in particular by avoiding the greenhouse gas emissions attributable to the system;

(3) a description of the way in which the body has ensured, with respect to the management of the residual materials generated by containers, packaging and printed matter that have been recovered, that the selection of a form of reclamation complies with the order of priority set out in paragraph 1 of section 13;

(4) a description of the way in which the body has, in developing and implementing the system of selective collection, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1);

(5) a description of its information, awareness and education activities and of the research and development activities completed during the year or scheduled for the following year;

(6) the results of all the studies carried out during the year, in particular the studies of the characterization of residual materials carried out pursuant to section 81;

(7) a list of its committees, the mandate of each committee and the names of its members;

(8) more specifically, with respect to the monitoring committees, the dates of their meetings, the topics on the agenda at each meeting, and the recommendations made by the committees to the board of directors;

(9) the actions taken on the recommendations made by the monitoring committees and, if applicable, the reason for which no action is taken on a recommendation;

(10) a list of the mediators selected pursuant to section 53;

(11) a report containing the information listed in subparagraph *vii* of subparagraph *h* of subparagraph 5 of the first paragraph of section 15;

(12) the number and sites where verifications referred to in subparagraph 9 of the first paragraph of section 15 were conducted during the year, the name and address of the person who conducted the verifications, a copy of the documents demonstrating that the person meets the conditions set in subparagraph 8 of that paragraph,

the observations resulting from the verifications and, if applicable, the adjustment to be made by the body to correct the problems;

(13) any change made to the system and any change planned for the following year;

(14) if the designated management body has agreed with a management body designated under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2) on the elements for ensuring harmonization of the systems that will be developed, implemented and contributed financially to them, a description of the elements referred to in section 88; and

(15) a description of the steps referred to in section 115 that were taken during the year and the means planned, agreed to and implemented by the bodies with which exchanges occurred, to optimize the use of their resources.

61. The financial statements referred to in the first paragraph of section 58 must contain

(1) the contributions required from the producers for the financing of the system;

(2) any form of income from the operation of the system and, if applicable, of a deposit-refund system developed, implemented and financed under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2);

(3) the expenses for the collection and transportation of residual materials, including expenses for the provision of the service to the clients served, and the expenses for the sorting, conditioning and reclamation of the residual materials;

(4) the expenses for the management of the redeemable containers and residual materials referred to in subparagraphs 10 and 11 of the first paragraph of section 59;

(5) the expenses for the information, awareness and education activities aimed in particular at informing consumers on the environmental benefits of recovery and reclamation of the residual materials concerned and on the types of residual materials involved in the system of selective collection;

(6) the expenses associated with the research and development activities on the elements referred to in subparagraph 4 of the first paragraph of section 15;

(7) the amount of the indemnity paid to the Société pursuant to section 116; and

(8) any other expenses for the implementation of the system of selective collection.

62. Where a remedial plan referred to in the second paragraph of section 82 must be produced by the designated management body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report, if applicable, the reasons for which certain measures were not implemented and the expenses incurred and that have not yet been incurred for the implementation of the measures.

63. The Société must, within 3 months after receipt of the designated management body's annual report, send to the designated management body the results of its analysis of the report including, if applicable,

(1) a list of the information required by sections 59 to 62 that do not appear and the time limit for providing the information; and

(2) any other obligation provided for in this Regulation that has not been complied with by the body and the time limit set for indicating how the situation is to be remedied and the schedule to do so.

It must also, in the same time limit as that set in the first paragraph, send to the Minister a written summary of the results of the analysis it made of the body's annual report, which must include the list provided for in subparagraph 1 of the first paragraph and a list of the obligations referred to in subparagraph of that paragraph, and formulate its recommendations on the manner in which the system of selective collection could be improved.

64. Not later than the 60th day after the date on which the results referred to in section 63 are sent or, if a time limit is set by the Société pursuant to subparagraph 1 of the first paragraph of that section, not later than the 60th day after the end of that time limit, the body makes the information referred to in subparagraph 5 of the first paragraph of section 15 public.

65. At least every 5 years, the designated management body must consult with environmental groups carrying on activities in the field of selective collection or in the field of management of residual material recovery and reclamation systems and with consumers to present the development of the system of selective collection and gather their comments and recommendations.

66. Not later than 2025, the designated management body must establish a committee to monitor the implementation of local services and a committee to monitor the collection of materials.

The members of the committees must be independent from the members of the designated management body's board of directors.

67. The designated management body must ensure that the members of each committee meet at least twice during the first year of development of the system of selective collection and at least 3 times per year thereafter.

68. The members of the committee monitoring the implementation of local services are mandated by the following persons, communities and bodies:

(1) municipal bodies that are parties to the contracts entered into pursuant to Chapter II, that must mandate 3 to 5 representatives taking into account the regional or territorial characteristics;

(2) Aboriginal communities that are parties to the contracts entered into pursuant to Chapter II, that must mandate 2 representatives taking into account the regional or territorial characteristics;

(3) institutions, businesses and industries that are parties to contracts entered into pursuant to Chapter II, that must mandate 4 representatives taking into account the diversity of the needs of the institutions, businesses and industries in the collection of residual materials;

(4) the providers of services to collect and transport residual materials covered by this Regulation, that must mandate 3 representatives taking into account the range of business models and the various types of material making up the containers, packaging and printed matter.

Three seats as observers on the monitoring committee are held by the designated management body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

69. The members of the committee monitoring the collection of materials are mandated by the following persons having a domicile or establishment in Québec:

(1) the managers of sorting centres for the sorting of residual materials, who must mandate 3 representatives taking into account the range of business models;

(2) residual material conditioners, who must mandate 1 representative whose conditioning activities concern mainly plastic, 1 representative whose conditioning activities concern mainly glass and 1 representative whose conditioning activities concern mainly cellulosic fibres;

(3) residual material reclaimers, who must mandate 3 representatives whose reclamation activities concern mainly each of the 3 types of materials referred to in subparagraph 2;

(4) if applicable, persons acting mainly as intermediaries in the buying or selling of residual materials, such as brokers;

(5) a management body designated under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2), if such a body exists.

A person or body referred to in the first paragraph may only be represented on the committee by a single person

Three seats as observers on the monitoring committee are held by the designated management body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

70. Every 2 years, one third of the members of each committee referred to in sections 68 and 69 must be replaced by new members who meet the conditions in those sections.

71. The monitoring committees are responsible for

(1) monitoring the implementation and management of the system;

(2) anticipating the issues that may arise when implementing and managing the system; and

(3) raising the issues with the designated management body and recommending ways to resolve them.

72. The designated management body must follow up on all the issues raised and all ways to resolve them recommended by a monitoring committee.

The designated management body must send to the monitoring committees, at their request, any operational and financial information for the system that they need to fulfill their mandate.

§§3. Recovery and reclamation rates

73. A management body designated pursuant to section 30 is required to achieve the recovery rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in the year 2027 are as follows:

Type of material	Minimum annual recovery rate to be achieved beginning in year 2027
1- Cardboard	85%, increased to 90% after 5 years
2- Printed matter, containers and packaging made of fibres other than cardboard	80%, increased to 85% after 5 years
3- Rigid plastics of the high-density polyethylene (HDPE) type	80%, increased by 5% every 5 years until the rate reaches 90%
4- Rigid plastics of the polyethylene terephthalate (PET) type	80%, increased by 5% every 5 years until the rate reaches 90%
5- Other rigid plastics	75%, increased by 5% every 5 years until the rate reaches 85%
6- Flexible plastics	50%, increased by 5% every 5 years until the rate reaches 85%
7- Glass	70%, increased by 5% every 5 years until the rate reaches 85%
8- Metals other than aluminum	75%, increased by 5% every 5 years until the rate reaches 90%
9-Aluminum	55%, increased by 5% every 5 years until the rate reaches 80%

74. The recovery rates for residual materials listed in section 73 are calculated by dividing, for each type of material, the weight of the materials recovered by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100.

For the purposes of the first paragraph, the weight of the materials recovered is determined by the designated management body through characterization performed in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced may be considered in the calculation referred to in the first paragraph.

75. A management body designated pursuant to section 30 is required to achieve the reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved are as follows:

(1) for the years 2027 to 2029:

Type of material	Minimum annual reclamation rate to be achieved for years 2027 to 2029
1- Cardboard	75%
2- Printed matter, containers and packaging made of fibres other than cardboard	70%
3- Rigid plastics of the high-density polyethylene (HDPE) type	65%
4- Rigid plastics of the polyethylene terephthalate (PET) type	70%
5- Other rigid plastics	65%
6- Flexible plastics	40%
7- Glass	65%
8- Metals other than aluminum	70%
9-Aluminum	45%

(2) for the years 2030 and following:

Type of material	Minimum annual reclamation rate to be achieved beginning in the year 2030
1- Cardboard	75%, increased by 5% every 5 years until the rate reaches 85%
2- Printed matter, containers and packaging made of fibres other than cardboard	70%, increased by 5% every 5 years until the rate reaches 80%
3- Rigid plastics of the high-density polyethylene (HDPE) type	65%, increased by 10% every 5 years until the rate reaches a minimum of 85%

Type of material	Minimum annual reclamation rate to be achieved beginning in the year 2030
4- Rigid plastics of the polyethylene terephthalate (PET) type	70%, increased by 5% every 5 years until the rate reaches 85%
5- Other rigid plastics	65%, increased to 75% after 5 years
6- Flexible plastics	40%, increased by 10% every 5 years until the rate reaches 80%
7- Glass	70%, increased by 5% every 5 years until the rate reaches 80%
8- Metals other than aluminum	70%, increased by 10% every 5 years until the rate reaches 80%
9-Aluminum	45%, increased by 10% every 5 years until the rate reaches 85%

76. The reclamation rates for residual materials listed in section 75 are calculated as follows:

(1) for the rates referred to in subparagraph 1 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent after sorting to a conditioner by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100;

(2) for the rates referred to in subparagraph 2 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent by a conditioner to a reclamation site by the weight of the materials of which containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100.

For the purposes of the first paragraph, the weight of materials sent to a conditioner or to a reclamation site, as the case may be, is determined by the designated management body through a characterization performed in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced within the meaning of section 14 may be considered in the calculation referred to in the first paragraph.

77. The following sites are reclamation sites for the purposes of section 76:

(1) sites where the materials sent are processed and transformed for reintroduction as a substitute for raw materials of the same nature into an industrial process to manufacture new products;

(2) sites where the materials sent are processed to be used as a substitute for raw materials of a different nature.

The following sites are not reclamation sites for the purposes of section 76:

(1) sites where the materials sent are used to produce a fuel, heat or any other form of energy;

(2) sites where the materials sent are used as backfill for a landfill site or used for the landscaping of such a site;

(3) sites where the materials sent are subjected to biological processing, except those situated in the territories referred to in paragraph 4 of section 12.

78. The rates listed in sections 73 and 75 that are achieved by a producer must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order of which the professional is a member to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

79. A management body designated pursuant to section 30 is required to achieve the local reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in 2030 are as follows:

Type of material	Minimum annual local reclamation rate to be achieved beginning in 2030
1- Cardboard	90%
2- Printed matter, containers and packaging made of fibres other than cardboard	90%
3- Rigid plastics of the high-density polyethylene (HDPE) type	90%
4- Rigid plastics of the polyethylene terephthalate (PET) type	80%

Type of material	Minimum annual local reclamation rate to be achieved beginning in 2030
5- Other rigid plastics	75%
6- Flexible plastics	50%
7- Glass	70%
8- Metals other than aluminum	50%
9-Aluminum	50%

80. The local reclamation rates listed in section 79 are calculated by dividing, by type of material, the weight of the materials sent by a conditioner to a local reclamation site by the weight of the materials sent to any reclamation site referred to in the first paragraph of section 77 and by multiplying the result obtained by 100.

A local reclamation site within the meaning of the first paragraph is a reclamation site referred to in section 77 and situated in the territory of Québec, in the territory of Ontario, New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland and Labrador and in the territory of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York or Pennsylvania.

Where residual materials are sent to a local reclamation site situated elsewhere than in Québec, the proportion, by weight, of what has been sent that may be counted for the purposes of calculating the local reclamation rates is not more than 30% of the total weight of what has been sent to a local reclamation site.

The quantities of materials that correspond to the percentage referred to in the first paragraph may, at the body's choice, be completely counted for only one type of material or distributed among the various types of materials. The quantity of material obtained following such counting for a type of material may not exceed the actual quantity of material reclaimed locally, but elsewhere than in Québec, for that type of material.

81. To determine the weight of materials needed to calculate the rates referred to in sections 74 and 76, the designated management body performs a characterization using samples of residual materials taken in sorting centres and with conditioners in compliance with the following conditions:

(1) sampling in a sorting centre is conducted before and after the sorting of the materials;

(2) sampling with a conditioner is conducted when the materials are sent, by the conditioner, to the reclamation site or, if the conditioner is also the person who reclaims the materials, once conditioning has been completed;

(3) one third of the sorting centres and conditioners must be the subject of a characterization each year, allowing each sorting centre and each conditioner to have been the subject of a characterization at least once every 3 years;

(4) the samples taken as part of the characterization are taken in accordance with a sampling plan approved by a statistician who holds an accreditation issued by the Statistical Society of Canada or a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

82. The designated management body must, each year and for each type of material referred to in sections 73, 75 and 79, determine if the recovery, reclamation and local reclamation rates have been achieved.

Where one or more prescribed rates have not been achieved, the body must, within 3 months after the date for submitting the annual report referred to in section 58, submit a remedial plan to the Société and to the Minister detailing the measures that will be implemented to achieve the rates.

83. The measures in the remedial plan must

(1) ensure that the minimum rates covered by the remedial plan can be achieved within 2 years; and

(2) take into account the measures contained in any remedial plan previously submitted to the Société and to the Minister.

The remedial plan must specify that the body must finance the measures it contains and the amount of the financing calculated in accordance with section 84.

In the case of a failure to achieve the minimum rate for local reclamation, the measures in the remedial plan must, in addition to the measures specified in the first paragraph,

(1) detail what the designated management body plans to do to stimulate the development of local market outlets for the materials concerned; and

(2) specify that if the local reclamation rate is not achieved during 10 consecutive years, the increase in the financing of measures that the body has implemented for the local reclamation of materials and that is specified in the remedial plan referred to in the second paragraph of section 82 will double until the rate is achieved.

84. The amount of financing for the measures referred to in the second paragraph of section 83 is established

(1) using the equation

MFm = Pmm x M

where:

MFm = the amount of the financing for the measures for the year concerned;

Pmm = the weight, in kilograms and by type of material, of the materials of which the containers, packaging and printed matter covered by this Regulation are made that are needed to achieve the prescribed rates for the year concerned;

M = an amount equivalent to the amount that the body required its members to pay during the previous year as a contribution to finance the costs of recovering and reclaiming materials for which the rate was not achieved; and

(2) when neither the recovery rate nor the reclamation rate is achieved, in a given year, for a type of material, by adding together the amount used to finance the measures in the remedial plan and multiplying by 0.75;

(3) where, for a type of material, at least 3 of the prescribed rates for a given year are not achieved, the result obtained by adding the amounts for financing the measures contained in the remedial plan is multiplied by 0.60.

85. Where, for a given type of material, the recovery and reclamation rates, except the local reclamation rate, do not achieve the prescribed rates for a period of 5 consecutive years, despite the implementation of the remedial plans sent to the Société and to the Minister during that period, the body must pay to the Minister of Finance, not later than 30 June after the last of those years, an amount equivalent to the amount of the financing for the measures targeting that type of material that were included in the last remedial plan sent to the Minister pursuant to the second paragraph of section 82. If, for the last of those years, the gap between the rate prescribed and rate achieved is less than 5%, the amount to be paid is reduced by half.

The sums paid pursuant to the first paragraph are paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

Any sum not paid within the prescribed time bears interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid amount is added to the sum owed if the failure to pay exceeds 60 days.

86. The designated management body must determine each year, for the preceding year and by type of materials, the weight of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made and the weight of the materials sent, as the case may be, to a conditioner or a reclamation site using a characterization performed in accordance with the conditions set out in section 81.

The body must, not later than 30 June each year, pay to the Minister of Finance a sum the amount of which is calculated using the following equation:

$$Mcd = \frac{Crv}{Qm} \times Qmr$$

where:

Mcd = the amount of the sum to be paid for compostable or degradable materials for a given year;

Crv = the costs for the recovery and reclamation of compostable or degradable materials of which the containers and packaging are made, for the preceding year;

Qm = the quantity of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made;

Qmr = the quantity of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made and that have been recovered under the system of selective collection.

The second, third and fourth paragraphs of section 85 apply to any sum referred to in the second paragraph of this section.

§§4. –Harmonization of systems

87. A management body designated pursuant to Division I of Chapter III of this Regulation must, within 9 months after its designation or after the designation, if it is subsequent to that date, of a management body designated under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30

and section 53.30.2 of the Environment Quality Act (chapter Q-2), take steps to agree with that body on the elements allowing to harmonize the systems to be developed, implemented and contributed financially to them.

88. System harmonization must include

(1) a determination of the types of containers or residual materials that each system may be required to take in charge despite them not being covered by any of the system, including

(*a*) with respect to redeemable containers that the system of selective collection may be required to deal with, caps, tabs, labels and shrink sleeves; and

(*b*) with respect to containers or residual materials that the deposit-refund system may be required to deal with, cardboard, containers not covered by the deposit-refund system, recipients and plastic film used to transport redeemable containers;

(2) the methods used to determine the quantities of containers or residual materials covered by a system that must be dealt with by the other system, including the criteria used for the characterization, as the case may be, of the redeemable containers or residual materials and an identification of the persons responsible for determining the quantities and the persons responsible for ensuring follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials covered by a system that must be dealt with by the other system, in particular concerning traceability and, where applicable, the manner in which they may be dealt with by the system by which they are covered;

(4) the financial terms and conditions for the performance of the obligations on which the 2 bodies agree;

(5) the terms and conditions for communications between the 2 bodies.

89. Any agreement on system harmonization must specify, in addition to the elements provided for in section 88,

(1) the duration of the agreement and the conditions for its amendment, renewal or cancellation;

(2) the dispute resolution mechanism.

A copy of an agreement entered into by the bodies must be sent to the Minister and to the Société within 15 days of signing.

90. If the designated management bodies submit a dispute to an arbitrator, pursuant to section 94, concerning an element referred to in paragraph 2 of section 88, they must, beginning on 1 January 2024, and every 3 months until an agreement referred to in section 87 is entered into or, as the case may be, until the end of a mediation process or the release of an arbitration award, characterize the redeemable containers covered by the deposit-refund system or the residual materials targeted by the system of selective collection, taken in charge by each system despite not being targeted by that system.

The bodies must, not later than 31 December 2023, jointly mandate a person to perform the characterizations referred to in the first paragraph.

A characterization must make it possible to determine the types and quantities of redeemable containers taken in charge by the system of selective collection or of residual materials taken in charge by the deposit-refund system despite not being targeted by that system.

To determine the types and quantities of redeemable containers taken in charge by the system of selective collection, each characterization must be performed using samples taken at a place where residual materials coming mostly from urban territories are sorted, a place where residual materials coming mostly from semi-urban territories are sorted and a place where residual materials coming mostly from rural territories are sorted, all of which are situated in different administrative regions.

To determine the types and quantities of residual materials taken in charge by the deposit-refund system, each characterization must be performed using samples taken in at least 10 operating return sites, including at least 2 of each type of return site, situated in at least 5 administrative regions.

The number of samples and the frequency at which the samples are taken must be validated by a statistician with a university diploma in statistics or an accreditation issued by the Statistical Society of Canada or by a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

The financial terms and conditions applicable to the taking in charge, by a system, of redeemable containers or residual materials that are not targeted by that system are, beginning on 1 January 2024 and until the date of the arbitration award, if the terms and conditions were not the subject of an agreement before that date, the terms and conditions determined by the arbitrator based on the information obtained as part of the arbitrator's mandate. The calculation of the amounts to be paid for taking containers

or residual materials in charge must be carried out on the basis of their quantity, determined by the characterizations performed under this section.

91. If the bodies fail to agree, within the time limit set in section 87, on all the elements for system harmonization, they must, within 14 days following the end of that time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

The Minister and the Société must be notified in writing by the bodies, within the same time limit, of the elements of the dispute referred to in the first paragraph and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the retailer discontinued their application. Within the same time limit, the bodies record in writing the elements on which they agree and send a copy of the agreement to the Minister and the Société. If an agreement has been entered into before the mediation process, the agreement entered into after the process forms an integral part of the agreement.

92. The bodies pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

93. The mediation process lasts a maximum of 3 months.

94. If, on the expiry of the time limit specified in section 93, the mediation process has not allowed the bodies to agree on all the elements for system harmonization, they must submit the elements on which they disagree to an arbitrator who is accredited by a body referred to in the first paragraph of section 90 that accredits arbitrators.

95. The bodies cannot, in an arbitration agreement, derogate from this Division.

96. The arbitrator may, if the bodies so request and circumstances allow, attempt to effect reconciliation between the bodies. Following conciliation, if the bodies agree on some or all of the elements submitted to the arbitrator, they must record them in writing and send a copy of the agreement to the Société and to the Minister. The agreement becomes an integral part of any agreement entered into before the mediation process. Arbitration continues for the other elements on which the bodies have not reached an agreement.

97. The arbitrator must personally perform the mandate entrusted by the bodies or, as the case may be, by the body that accredited the arbitrator, and must act at all times in a neutral and impartial manner.

The arbitrator must avoid any situation of conflict of interest in performing the mandate. If such a situation arises, the arbitrator must so inform the bodies and the bodies may indicate to the arbitrator how to remedy the conflict of interest or they may terminate the mandate by sending a signed notice.

98. The bodies have 14 days following the time limit in section 94 to choose an arbitrator to hear their dispute. On the expiry of that time limit, if the bodies have failed to agree on the choice of an arbitrator, they must, within 2 business days, ask a body referred to in the first paragraph of section 91 that accredits arbitrators to designate one.

The body selected then has 5 business days to designate an arbitrator.

99. An arbitrator who cannot continue with the mandate must inform the bodies without delay. The bodies must then choose another arbitrator within 5 business days of being informed. If the bodies fail to agree on the choice of a new arbitrator, they must ask the body referred to in the first paragraph of section 98 to designate a new arbitrator within 5 days of the expiry of the time limit for choosing a new arbitrator themselves.

An arbitrator whose mandate is terminated must transfer the entire case to the new arbitrator as soon as possible, as agreed with the new arbitrator.

100. Not later than 10 days after the choice or designation of the arbitrator, each body must submit to the arbitrator, and to the other body, all the documents and information that support its claims.

101. The arbitrator determines the procedure for the conduct of the arbitration. It may be conducted in writing, by telephone conference call, or in person or using 2 or more such methods. In all cases, the arbitrator gives preference to the procedure that is the most practical and the least likely to generate costs. The arbitrator must, however, see that the adversarial principle and the principle of proportionality are observed.

Where arbitration takes place in person, witnesses are called, heard and indemnified according to the rules applicable to a trial before a court.

102. The arbitrator has all the necessary powers to exercise jurisdiction, including the power to administer oaths, the power to appoint an expert and the power to rule on the arbitrator's own jurisdiction.

If the arbitrator rules on the arbitrator's own jurisdiction, a body may, within 30 days of being advised of the decision, ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed.

For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

103. If a body fails to submit its documents and information or fails to state its contentions, attend a hearing or present evidence in support of its contentions, the arbitrator, after recording the default, may continue the arbitration.

104. At any time before the award is made, the arbitrator may ask the bodies to provided additional information and documents.

105. Execution of the elements on which the bodies have reached an agreement before the arbitration continues without interruption while arbitration is conducted.

106. The arbitration award must be made within 3 months after the matter is taken under advisement and is binding on the bodies. It must be made in writing, give reasons and be signed by the arbitrator. It must state its date and the place where it was made. The award is deemed to have been made on that date and at that place.

The time limit set in the first paragraph may, before its expiry, be extended by 1 month at the discretion of the arbitrator.

107. The arbitration award must be notified to the bodies without delay. The notification ends the arbitration.

The arbitration award becomes enforceable as soon as it is received by the bodies. It has all the effects of a final judgment of a court not subject to appeal.

108. The arbitrator may, on the arbitrator's own initiative, correct any error in writing or calculation or any other clerical error in the arbitration award within 30 days after the award date.

Within 30 days after receiving the award, a body may ask the arbitrator to correct any clerical error or ask for a supplemental decision on a part of the dispute that was not dealt with in the award or, with the other party's consent, for an interpretation of a specific passage of the award, in which case the interpretation becomes an integral part of the award.

The decision correcting, supplementing or interpreting the arbitration award must be made within 2 months after it is requested. The rules applicable to the arbitration award apply to such a decision. If the decision is not rendered before the expiry of the prescribed time, a body may ask the court to issue an order to safeguard the parties' rights. The decision of the court cannot be appealed.

109. The arbitrator is required to preserve the confidentiality of the arbitration process and protect deliberative secrecy but violates neither by stating conclusions and reasons in the award.

110. The arbitration award has effect only for the duration of the current designation of the bodies to which it applies.

111. The bodies must send a copy of the arbitration award to the Société and the Minister within 10 days of its notification.

112. An arbitrator is entitled to fees for the time taken to study the file, drafting of the award and, if applicable, hold hearings in the presence of the bodies, including preparation.

113. The arbitrator is entitled to a reimbursement of expenses, including travel and accommodation expenses, based on the standards in force set out in the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* made by the Conseil du trésor on 26 March 2013, as amended.

The arbitrator's travelling time is remunerated when the distance travelled is greater than 90 km measures as a radius from the arbitrator's base.

The actual expenses and other costs necessary to the performance of the arbitrator's mandate are reimbursed on presentation of supporting documents.

114. The invoice of fees and expenses is sent to the bodies by the arbitrator, broken down to allow the bodies to verify justification of each day for which fees or expenses are claimed. It must include supporting documents for the expenses claimed, if any.

The bodies are equally liable for the arbitrator's fees and expenses.

§§6. Exchanges with other bodies

115. The designated management body must undertake steps to exchange with any body referred to in subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2) on the means to optimize the use of their resources.

§§7. Indemnity to the Société

116. The designated management body must pay an indemnity to the Société annually corresponding to its management costs and other expenses incurred to fulfill the obligations imposed under this Regulation.

To allow the designated management body to make the payment referred to in the first paragraph, the Société must send to the body, not later than 1 September each year, a detailed list, by obligation for the fiscal year in progress of the management costs and other expenses referred to in that paragraph that it has incurred up to that date and those it expects to incur until the end of that fiscal year. It must also send to the body, after receiving it, auditor general's report provided for in section 30 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), an update of the list setting out the management costs and other expenses actually incurred during the year concerned.

Not later than 31 October each year concerned by the payment, the designated management body must pay to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses indicated in the list required as of 30 September. After the update referred to in the second paragraph has been received, if the amount of the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated management body pays the difference to the Société within 30 days after the documents are received. If the indemnity already paid is greater than the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equal to the overpayment.

The indemnity is calculated using the activity-based costing method.

117. Any amount still owed to the Société on the date provided for in section 116 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

§2. Of producers towards the body

118. A producer must be a member of the designated management body not later than the end of the fourth month after the date of designation.

A natural person who becomes covered by section 4, paragraph 1 or 2 of section 5, sections 6 or 8, paragraph 1 or 2 of section 9 or section 10 after the time limit provided for in the first paragraph or a legal person constituted, continued or amalgamated after that time limit must be a member of the body within 10 days, as the case may be, of the date on which the person becomes covered by any of the sections or of the date on which the legal person is constituted, continues or amalgamated.

119. The conditions for membership of the body may in no case include the payment of a contribution.

120. As a member of the designated management body, the producer must provide

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name and contact information of its representative;

(4) for each container, packaging or printed matter covered by this Regulation that it commercializes, markets or otherwise distributes, the associated trademark or name, if any; and

(5) its status in connection with the product, in other words if it is the owner or user of the trademark or name associated with it, the first supplier of the product in Québec, or the operator of a transactional website referred to in section 5 or 9.

121. Every member of the designated management body is bound to comply with the terms and conditions determined by the body with respect to every stage in the system of selective collection. It is also bound to pay to the body, within the time limit it sets, as a contribution, the amounts needed by the body to finance the costs of recovering and reclaiming residual materials referred to in subparagraph 6 of the first paragraph of section 15.

The amounts referred to in the first paragraph are modulated in accordance with the conditions of subparagraph 7 of the first paragraph of section 15 and must match the cost per kilogram of the material concerned.

122. A producer must provide to the designated management body, within the time it indicates, all the documents and information it requests to allow the body to perform its responsibilities and obligations pursuant to this Regulation.

§3. Of other persons covered by the system of selective collection

123. Every institution, business and industry must, not later than 1 year after the date on which a producer begins to collect residual materials from it in accordance with subparagraph 1 of the first paragraph of section 12, participate in the system of selective collection implemented pursuant to this Regulation by ensuring, in particular, that the residual materials generated by containers, packaging and printed matter covered by this Regulation, if used for its activities or by persons who attend it, can be dealt with by the system.

For the purposes of the first paragraph, participation in the system of selective collection means in particular, with respect to establishments offering on-site consumption, providing clients with recovery bins clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be easily locatable, clearly identified and situated directly in the establishment or in clear view near the establishment.

124. The owner or manager of a multiple-unit residential complex and the syndicate of an immovable under divided co-ownership must, within 1 year from the date on which a producer starts to collect residual materials from them in accordance with paragraph 1 of section 12, make recovery bins available to occupants and co-owners, clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be placed in the common areas, clearly identified, and be situated in the building or close to and clearly visible from the building.

125. A municipal body or an Aboriginal community which, on (*insert the date of coming into force of this Regulation*), is a party to a contract for the collection, transportation, sorting or conditioning of residual materials covered by this Regulation must, within 2 months after the designation of a body pursuant to section 30, send the following information to the body:

(1) the nature of the contract and the terms and conditions for its execution;

(2) the identification of the parties to the contract;

(3) the identification of the residual materials covered by the contract;

(4) the territory covered and the number and address of the dwellings, institutions, businesses and industries from which the residual materials are collected under the contract and the number from which the residual materials are not collected under the contract;

(5) the end date of the contract and the conditions that may lead, as the case may be, to its amendment, renewal or cancellation.

126. Every person who, on (*insert the date of coming into force of this Regulation*), is a party to a contract for the collection, transportation, sorting or conditioning of the residual materials covered by this Regulation must, within 2 months after the designation of a body pursuant to section 30 and, thereafter, on 30 April each year until 2024, send to the body the following information for the preceding calendar year:

(1) the nature of the contract and the terms and conditions of its performance;

(2) the identification of the parties to the contract;

(3) in the case of a person who is a party to a contract for the sorting of residual materials, the rate of discharge of the materials;

(4) the origin and destination of the residual materials covered by the contract;

(5) the end date of the contract and the conditions that may lead, as the case may be, to its amendment, renewal or cancellation.

127. The persons, municipal bodies and Aboriginal communities referred to, as the case may be, in sections 123 to 126 must provide to the designated management body, within the time limit it indicates, the documents and information it requests to enable it to meet the responsibilities and obligations conferred on it by this Regulation.

CHAPTER IV
MONETARY ADMINISTRATIVE PENALTIES

128. A monetary administrative penalty of $250 in the case of a natural person or $1,000 in other cases may be imposed on any person who fails

(1) to file with the Minister a copy of an application referred to in the first paragraph of section 32, in contravention of the second paragraph of that section;

(2) to include in its annual report the information listed in sections 59 to 62;

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for sending them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act or by this Chapter.

129. A monetary administrative penalty of $350 in the case of a natural person or $1,500 in other cases may be imposed on any person who fails

(1) to send an annual report to the Minister at the frequency and on the conditions set out in the first paragraph of section 58 or to send the financial statements contained in the report for an audit mission as provided for in the second paragraph of that section;

(2) to establish any committee required by this Regulation;

(3) to send to a designated management body the information referred to in section 125 or 126;

(4) to comply with a clause in a contract entered into pursuant to this Regulation, in contravention of section 140.

130. A monetary administrative penalty of $750 in the case of a natural person or $3,500 in other cases may be imposed on any person who fails to put in place the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82.

131. A monetary administrative penalty of $1,000 in the case of a natural person or $5,000 in other cases may be imposed on any person who

(1) fails to take steps to enter into contracts for the collection and transportation of residual materials referred to in section 20, within the time limits and according to the conditions set out in sections 21 to 25;

(2) fails to take steps to enter into contracts for the sorting, conditioning and reclamation of residual materials referred to in the first paragraph of section 27, within the time limits and in accordance with the conditions set out in the second paragraph of that section and section 29;

(3) designates a body without the conditions of the first paragraph of section 31 being met;

(4) fails to comply with the obligations set out in sections 49 to 52, sections 55 and 56, section 81 and the first paragraph of section 86;

(5) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections;

(6) fails to take steps to agree with a body on the elements to ensure system harmonization to be developed, implemented and contributed financially to the bodies in accordance with section 87, within the time limits and in accordance with the conditions set out in that section and in sections 88 to 114, in contravention of those sections;

(7) fails to participate in the system of selective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or of section 124.

132. A monetary administrative penalty of $2,000 in the case of a natural person or $10,000 in other cases may be imposed on any person who fails

(1) to meet the obligations of section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 collaboratively with the other persons mentioned to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11;

(2) to meet any of the requirements concerning the content of the system of selective collection set out in sections 12 to 16;

(3) to designate a body, in contravention of section 30;

(4) to be a member of a management body designated in accordance with section 118.

CHAPTER V
OFFENCES

133. Every person who fails

(1) to send to the Minister a copy of an application referred to in the first paragraph of section 32, in contravention of the second paragraph of that section,

(2) to include in its annual report the information listed in sections 59 to 62,

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for providing them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act or by this Chapter, commits an offence and is liable, in the case of a natural person, to a fine of $1,000 to $100,000 and, in other cases, to a fine of $3,000 to $600,000.

134. Every person who fails

(1) to send an annual report to the Minister at the frequency and on the conditions set out in the first paragraph of section 58 or to send the financial statements contained in the report for an audit mission as provided for in the second paragraph of that section,

(2) to establish any committee required by this Regulation,

(3) to send to a designated management body the information provided for in section 125 or 126,

(4) to comply with a clause in a contract entered into pursuant to this Regulation, in contravention of section 140,

commits an offence and is liable, in the case of a natural person, to a fine of $2,000 to $100,000 and, in other cases, to a fine of $6,000 to $600,000.

135. Every person who fails to implement the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82 commits an offence and is liable, in the case of a natural person, to a fine of $4,000 to $250,000 and, in other cases, to a fine of $12,000 to $1,500,000.

136. Every person who

(1) fails to take steps to enter into contracts for the collection and transportation of residual materials referred to in section 20, within the time limits and according to the conditions set out in sections 21 to 25,

(2) fails to take steps to enter into contracts for the sorting, conditioning and reclamation of residual materials referred to in the first paragraph of section 27, within the time limits and in accordance with the conditions set out in the second paragraph of that section and section 28,

(3) designates a body without the conditions of the first paragraph of section 31 being met,

(4) fails to comply with the obligations set out in sections 49 to 52, sections 55 and 56, section 81 and the first paragraph of section 86,

(5) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections,

(6) fails to take steps to agree with a body on the elements to ensure system harmonization to be developed, implemented and contributed financially to the bodies in accordance with section 87, within the time limits and in accordance with the conditions set out in that section and in sections 88 to 114, in contravention of those sections,

(7) fails to participate in the system of selective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or of section 124, commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 and, in other cases, to a fine of $15,000 to $3,000,000.

137. Every person who

(1) fails to meet the obligations of section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 collaboratively with the other persons also mentioned therein to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11,

(2) fails to meet any of the requirements concerning the content of the system of selective collection set out in sections 12 to 16,

(3) fails to designated a body, in contravention of section 30;

(4) fails to be a member of a management body designated in accordance with section 118,

(5) for the purposes of this Regulation, makes a declaration, files information or produces a document that is false or misleading, commits an offence and is liable, in the case of a natural person, to a fine of $10,000 to $1,000 000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or both, and, in other cases, to a fine of $15,000 to $3,000,000.

138. Every person who contravenes any other obligation set out in this Regulation commits an offence and is liable, if no other sanction is provided for by this Chapter or the Environment Quality Act, to a fine of $1,000 to $100,000 in the case of a natural person and to a fine of $3,000 to $600,000 in other cases.

CHAPTER VI
MISCELLANEOUS

139. Any document and any information obtained pursuant to this Regulation must be forwarded to the Minister not later than 15 days after a request to that effect.

140. Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

141. Producers are exempted from the obligations of Chapter II of this Regulation until the expiry of the time limit the Société has to designate a body pursuant to section 30 or, as the case may be, until the expiry of the time limit set in section 36.

CHAPTER VII
FINAL

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

105789

Gouvernement du Québec

O.C. 996-2022, 8 June 2022

Highway Safety Code
(chapter C-24.2)

Licences
— Amendment

Regulation to amend the Regulation respecting licences

WHEREAS, under paragraph 1 of section 619 of the Highway Safety Code (chapter C-24.2), the Government may by regulation determine, according to the nature of each licence, the information that the title evidencing it must include and the form of that title;

WHEREAS, under paragraph 1.0.1 of section 619 of the Code, the Government may by regulation determine the period of validity of each licence and of the title evidencing it, except as regards a restricted licence issued under section 118 of the Code;

WHEREAS, under paragraph 4.1 of section 619 of the Code, the Government may by regulation prescribe at what intervals the payment of duties exigible under section 93.1 of the Code must be made;

WHEREAS, under paragraph 4.2 of section 619 of the Code, the Government may by regulation determine the period within which payment of the duties, fees and insurance contribution exigible under section 93.1 of the Code must be made;

WHEREAS, under paragraph 5 of section 619 of the Code, the Government may by regulation prescribe the cases and conditions giving entitlement to a reimbursement of part of the duties exigible for obtaining a licence and of the duties exigible under section 93.1 of the Code and establish the calculation method or fix the exact amount of the duties to be reimbursed;

WHEREAS, under paragraph 5.2 of section 619 of the Code, the Government may by regulation prescribe the cases and conditions allowing claims for repayment, upon expiration of the period prescribed by regulation, of the duties, fees and insurance contribution exigible under section 93.1 of the Code and establish the calculation method or fix the exact amount of the sums claimed, as well as the maximum period which may be covered by such a claim;

WHEREAS, under paragraph 2 of the first paragraph of section 619.3 of the Code, the Government may prescribe, by regulation, calculation methods for the duties exigible for obtaining a learner's licence, probationary licence, driver's licence or restricted licence, on the basis of one or more of the following factors:

— the time remaining between the date of issue of the licence and the date of the prescribed day within the prescribed period under paragraph 4.2 of section 619 of the Code for the payment of duties exigible under section 93.1 of the Code;

— the time expired between the date of issue of the licence and the expiration date of a previous licence;

— the cancellation of a previous licence;

— the cancellation of a previous licence at the holder's request;

— the applicant's entitlement to a reimbursement of part of the duties for the previous licence;

WHEREAS, under the third paragraph of section 619.3 of the Code, the calculation methods prescribed on the basis of the factors referred to in paragraph 2 of the first paragraph must be based on the licence duties fixed under section 619.2 of the Code which would be exigible under section 93.1 of the Code or on the monthly licence duties fixed by the Government, by regulation, on the basis of one or more of the factors prescribed in section 619.2 of the Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting licences was published in

Part 2 of the *Gazette officielle du Québec* of 5 January 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting licences, attached to this Order in Council, be made

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting licences

Highway Safety Code
(chapter C-24.2, s. 619, pars. 1, 1.0.1, 4.1, 4.2, 5 and 5.2, and s. 619.3, 1st par., subpar. 2, and 3rd par.)

1. The Regulation respecting licences (chapter C-24.2, r. 34) is amended in section 1 by replacing the definition of "net mass" by the following:

""net mass" means the mass of a road vehicle as indicated by the manufacturer at the time of shipment, or that indicated on the weight certificate issued when the road vehicle was altered or fitted with an accessory or with equipment in order to bring it into conformity with its intended use; where the road vehicle is a truck, as defined in the third paragraph of section 28.3, having 2 axles altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the net mass of the vehicle is established by subtracting from it, after its alteration, the weight of the battery;".

2. Section 5 is amended by striking out subparagraph 1 of the second paragraph.

3. Sections 7.1 and 7.2 are replaced by the following:

"**7.1.** A probationary licence, restricted licence or driver's licence is in plastic form.

7.2. A learner's licence is in paper form or in plastic form, at the choice of the applicant.

However, a class 5 or 6A learner's licence is in plastic form, but is in paper form or plastic form, at the choice of the applicant, if issued only for the duration of the practical session of a proficiency examination.

7.3. Despite sections 7.1 and 7.2, a licence bearing the word "temporary" is in paper form.".

4. Section 8.1 is amended by striking out ", 4C" in subparagraphs 1 and 2 of the second paragraph.

5. Section 35.1 is amended by striking out the second paragraph.

6. Sections 50 to 50.3 are revoked.

7. Section 50.5 is replaced by the following:

"**50.5.** Despite section 50.4, a driver's licence issued without a photograph or signature in accordance with section 7.7 is valid from the date on which it is issued until the end of the holder's birthday that follows its issue. If the period thus obtained is less than 3 months, 12 months must be added thereto.".

8. Section 50.6 is amended by replacing "sections 50 to 50.3" by "section 50.5".

9. The following is inserted after section 50.6:

"**CHAPTER V.1**
RESTRICTED LICENCE AUTHORIZING ONLY THE DRIVING OF A ROAD VEHICLE EQUIPPED WITH AN ALCOHOL IGNITION INTERLOCK DEVICE

50.7. A restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) is valid from the date on which it is issued until the end of the period of ineligibility for a new licence established, following a finding of guilt for an offence mentioned in that section, pursuant to sections 76 and 76.1.4 of the Code.

However, if the period of validity calculated pursuant to the first paragraph is more than 96 months, the licence is valid from the date on which it is issued until the end of the holder's birthday occurring during the year where the age of the holder becomes a multiple of 8. If the period thus obtained is less than 3 months, 96 months must be added thereto.".

10. Section 73.3 is amended

(1) by inserting "referred to in section 118 of the Highway Safety Code (chapter C-24.2)" after "restricted licence" in the first paragraph;

(2) by inserting "referred to in section 118 of the Highway Safety Code" after "restricted licence" in the second paragraph.

11. Section 73.4 is amended by inserting "referred to in section 118 of the Highway Safety Code (chapter C-24.2)" after "restricted licence" in the first paragraph.

12. The following is inserted after section 73.4:

"**73.4.1.** The annual duties payable pursuant to the first paragraph of section 93.1 of the Highway Safety Code (chapter C-24.2) are $18.60 for a restricted licence referred to in section 76.1.1 of the Code, other than a licence exclusively in class 8, for which the annual duties are $24.50.

If less than 12 months remain between the due date determined pursuant to section 73.5 and the expiry date of a restricted licence referred to in section 76.1.1 of the Highway Safety Code, the amount of the duties payable pursuant to the first paragraph of section 93.1 of the Code is the product obtained by multiplying the monthly duties calculated pursuant to the third paragraph by the number of months, including parts of a month, less one, between the due date and the expiry date.

The monthly duties for a restricted licence referred to in section 76.1.1 of the Highway Safety Code are the quotient obtained by dividing by 12 the duties fixed for that licence under the first paragraph.

73.4.2. If, on the issue of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), the authorization to drive is valid for less or more than 12 months, the amount of the duties payable is the product obtained by multiplying the monthly duties calculated according to the third paragraph of section 73.4.1 by the number of months, including parts of a month, less one, during which the licence holder is authorized to drive.

73.4.3. The rules set out in sections 63, 66 to 70.1 and 73.4, with the necessary modifications, apply to a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2).".

13. Section 73.5 is amended by replacing "the driver's license holder" by "the holder of a driver's licence or of a restricted licence referred to in section 76.1.1 of the Code" at the end of the first paragraph.

14. Section 73.9 is amended

(1) by replacing "a driver's licence holder" in subparagraph *a* of paragraph 2 by "the holder of a driver's licence or of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2)";

(2) by replacing "a restricted licence or a probationary licence holder" in subparagraph *b* of paragraph 2 by "the holder of a restricted licence referred to in section 118 of the Highway Safety Code or of a probationary licence".

15. Section 73.10 is amended by replacing "A driver's licence holder" in the portion before paragraph 1 by "The holder of a driver's licence or of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2)".

16. Section 75.1 is amended by inserting "referred to in section 118 of the Highway Safety Code (chapter C-24.2)" after "restricted licence".

17. The following is inserted after section 75.1:

"**75.2.** The holder of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) who requests the cancellation of his licence is entitled to a reimbursement of a portion of the duties paid, calculated according to section 84.3.1.".

18. Section 76 is amended by replacing "83 and 84.2" by "83, 84.2 and 84.3.2".

19. Section 77 is amended by replacing "82 and 84.1" in the first paragraph by "82, 84.1 and 84.3.1".

20. Section 78 is amended by replacing "84 and 84.3" in the first paragraph by "84, 84.3 and 84.3.3".

21. Sections 84.1, 84.2 and 84.3 are amended by inserting "referred to in section 118 of the Highway Safety Code (chapter C-24.2)" after "restricted licence".

22. The following is inserted after section 84.3:

"**84.3.1.** In the case of cancellation or revocation of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of cancellation or revocation and the due date for the payment of the amounts referred to in the first paragraph of section 93.1 of the Highway Safety Code had the licence not been cancelled or revoked, or the date on which the licence was to expire, whichever occurs first.

84.3.2. In the case of death of a holder of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of death and the due date for the payment of the amounts referred to in the first paragraph of

section 93.1 of the Highway Safety Code had the licence not been cancelled or revoked, or the date on which the licence was to expire, whichever occurs first.

84.3.3. In the case of suspension of a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2), other than a licence exclusively in class 8, the amount of the reimbursement of the duties is the product obtained by multiplying the monthly duties calculated in accordance with the third paragraph of section 73.4.1 by the number of months, excluding parts of a month, between the date of the suspension and the date on which the suspension is lifted.".

23. Section 84.5 is amended by replacing "84.3" by "84.3.3".

24. Despite section 73.4.1 of the Regulation respecting licences (chapter C-24, r. 34), enacted by section 12 of this Regulation, and section 73.5 of the Regulation respecting licences, as amended by section 13 of this Regulation, no annual duties are payable for a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) issued before 1 January 2023.

25. Despite sections 75.2, 84.3.1, 84.3.2 and 84.3.3 of the Regulation respecting licences (chapter C-24, r. 34), enacted by sections 17 and 22 of this Regulation, sections 75.1, 76 to 78, 84.1, 84.2, 84.3 and 84.5 of the Regulation respecting licences, as they read on 31 December 2022, continue to apply to a restricted licence referred to in section 76.1.1 of the Highway Safety Code (chapter C-24.2) issued before 1 January 2023.

26. This Regulation comes into force on 1 January 2023, except section 1, which comes into force on 12 July 2023.

105791

Gouvernement du Québec

O.C. 997-2022, 8 June 2022

Highway Safety Code
(chapter C-24.2)

Road vehicle registration
— Amendment

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS, under the first paragraph of section 32.3 of the Highway Safety Code (chapter C-24.2), the holder of a personalized registration plate is required to pay the management fee for the administration of the personalized registration plate system, at the intervals and during the periods prescribed by government regulation;

WHEREAS, under paragraph 2 of section 618 of the Code, the Government may by regulation determine in which cases and subject to what conditions any of the following documents are issued or invalidated: a registration certificate, registration plate, validation sticker, temporary registration certificate or detachable registration plate;

WHEREAS, under paragraph 3 of section 618 of the Code, the Government may by regulation determine, according to the class or sub-class of road vehicles, the information forming the registration which is entered in the registers of the Société de l'assurance automobile du Québec, to be supplied by the person applying for registration or paying sums with regard thereto;

WHEREAS, under paragraph 4 of section 618 of the Code, the Government may by regulation determine the information which must appear on each of the following documents: the registration plate, validation sticker, identification sticker or detachable registration plate, and determine their respective periods of validity;

WHEREAS, under paragraph 4.1 of section 618 of the Code, the Government may by regulation determine, according to the class or sub-class of road vehicles, the information which must appear on the registration certificate and temporary registration certificate, the form of those certificates and of copies of them, and their term of validity;

WHEREAS, under paragraph 7 of section 618 of the Code, the Government may by regulation determine the documents which must be produced with an application for registration or the payment of amounts under section 31.1 of the Code as well as the information they must contain and any other condition or formality for obtaining registration or for renewing the authorization to put a road vehicle into operation;

WHEREAS, under paragraph 8.9 of section 618 of the Code, the Government may by regulation prescribe with regard to the owner of a road vehicle any exemptions of duties and additional duties exigible under section 31.1 of the Code concerning a road vehicle registered according to the class or sub-class of road vehicles to which it belongs;

WHEREAS, under paragraph 9 of section 618 of the Code, the Government may by regulation define, in relation to the fixing and computing of the duties exigible for obtaining the registration of a road vehicle and in relation to the fixing and computing of the duties exigible under section 31.1 of the Code, the terms "axle" and "net mass"

and establish the method for calculating the number of axles of a road vehicle as well as the rules governing any increase in the number of axles or any change in the net mass during the term of the registration of the vehicle;

WHEREAS, under paragraph 10 of section 618 of the Code, the Government may by regulation provide, subject to the conditions established by it, cases of exemption or reduction of the fee exigible for obtaining the registration of a road vehicle;

WHEREAS, under paragraph 15 of section 618 of the Code, the Government may by regulation determine any other place on the vehicle where a temporary registration certificate, a registration plate or a detachable registration plate may be affixed;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting road vehicle registration was published in Part 2 of the *Gazette officielle du Québec* of 5 January 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 Transport:

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(chapter C-24.2, s. 32.3, 1st par., and s. 618, pars. 2, 3, 4, 4.1, 7, 8.9, 9, 10 and 15)

1. The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended by replacing the definition of "net weight" in the first paragraph of section 2 by the following:

""net weight" means the weight of a road vehicle as stated by the manufacturer at the time of shipment, or that indicated on the weight certificate following alteration of the road vehicle or fitting of an accessory or equipment to bring it into conformity with the particular use for which it is intended; where the road vehicle is a 2-axle truck altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the net weight of the vehicle is established by subtracting from it, after its alteration, the weight of the battery;".

2. The heading of Division II of Chapter I is amended by striking out ", VALIDATION STICKERS".

3. Section 3 is amended

(1) by adding the following after subparagraph *d* in paragraph 7:

"(*e*) engine displacement or rated output, if applicable;

(*f*) vehicle status, if applicable;

(*g*) vehicle use;";

(2) by striking out paragraph 8;

(3) by adding the following at the end:

"(11) the name of the joint owner, if applicable.".

4. Section 4 is replaced by the following:

"**4.** A temporary registration certificate shall contain the following information:

(1) the date of issue, the start of its period of validity and the date of expiry;

(2) the period of validity;

(3) the number of the registration certificate;

(4) the vehicle identification number;

(5) the number of the licence plate, if applicable;

(6) the reason for moving the road vehicle;

(7) in the case of a road vehicle sold by a dealer, the date of the sale and the number of the form, prescribed by the Société, attesting the sale of the vehicle.".

5. Section 5 is replaced by the following:

"**5.** A licence plate other than a detachable plate is valid for as long as it is associated with a road vehicle.".

6. Section 6 is revoked.

7. Section 7 is amended

(1) by striking out the last sentence;

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

"However, the Société shall issue a registration certificate only where

(1) the owner applies for the registration of a road vehicle covered by section 95;

(2) the owner requests the Société to associate the vehicle with a licence plate held by the owner;

(3) the owner requests the Société to keep a licence plate already associated with the vehicle for which the owner is applying for registration in his own name.

For the purposes of subparagraphs 2 and 3 of the second paragraph, the category of the licence plate must correspond to the declared use of the vehicle and the owner must meet the conditions for the issue of the plate.".

8. Section 7.1 is amended by inserting "or powered by a hydrogen fuel cell" after "network" in the first paragraph.

9. The following is inserted after section 7.1:

"**7.1.1.** Where a metal licence plate cannot be issued at the time of registration, the Société shall issue, for the time required, a licence plate bearing the indication "temporary" and, where applicable, the following indications:

(1) "green plate" in the case of an electric-powered vehicle equipped with a battery rechargeable by connecting to the electric network or powered by a hydrogen fuel cell;

(2) "PRP" in the case of a road vehicle that meets the conditions for apportioned registration.".

10. Section 7.7 is replaced by the following:

"**7.7.** The management fee provided for in section32.3 of the Highway Safety Code (chapter C-24.2) must be paid annually during the 3-month period ending on the date of the birthday of the holder of the personalized registration plate.

Despite the first paragraph, if, when the personalized registration plate is issued, more than 12 months remains before the due date, the payment of the management fee is postponed for 12 months.".

11. The following is inserted after section 9:

"**9.1.** A licence plate bearing the indications "temporary" and, if applicable, "green plate" or "PRP" must be affixed in the upper left portion of the vehicle's rear window or, if not possible, in the upper left portion of the windshield.".

12. Section 13 is amended

(1) by adding "or rated output, if applicable" at the end of subparagraph *b* of paragraph 6;

(2) by adding "or power mode" at the end of subparagraph *d* of paragraph 6;

(3) by adding the following at the end:

"(14) the date of the start of the period of validity and the date of expiry of a licence plate bearing the indication "temporary" and, where applicable, the indications "green plate" or "PRP".".

13. Section 14 is amended by replacing "that they bear valid licence plates of that place" in paragraph 4 by "that the valid registration number of that place appears on the snowmobile".

14. Section 35 is revoked.

15. Section 43 is replaced by the following:

"**43.** Where a road vehicle is prohibited from being operated pursuant to the Highway Safety Code (chapter C-24.2) because it has a minor or major defect or because the windows on each side of the driver's compartment admit less light than the standard established by the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 34), a temporary registration certificate may be issued to the owner to enable the vehicle to be driven to an inspection site to establish its compliance.

The certificate is valid for 12 hours and may be renewed twice.

The owner is exempt from payment of the registration fees otherwise payable for the temporary registration of a road vehicle and for the right to operate the vehicle temporarily.

The road vehicle covered by the certificate may be operated, during the validity period of the certificate, only for the reason set out in the first paragraph.".

16. Section 44 is amended by striking out "a licence plate and" in the second paragraph.

17. Section 47 is amended by striking out the last sentence in the first paragraph.

18. Section 48 is amended by inserting the following after paragraph 1:

"(1.1) if the road vehicle is a 2-axle truck altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the weight certificate must then indicate the net weight of the vehicle after its alteration and the weight of the battery, which must be established by the person who carried out the alteration;".

19. Section 90.2 is amended by replacing "the latest edition of the Guide d'Évaluation des Automobiles or the Guide d'Évaluation des Camions Légers published by Hebdo Mag Inc." by "the most recent edition of any of the road vehicle value guides, as the case may be, referred to in section 55.0.2 of the Act respecting the Québec sales tax (chapter T-0.1).".

20. Section 96.1 is amended by inserting "or powered by a hydrogen fuel cell" after "network".

21. Section 142.1 is amended by replacing the second paragraph by the following:

"Despite the first paragraph, the owner of an electric-powered road vehicle equipped with a battery rechargeable by connecting to the electric network or powered by a hydrogen fuel cell is exempt from paying the additional duty, but only on the portion of the duty calculated on the value of the vehicle that is between $40,000 and $75,000.".

22. Section 179 is revoked.

23. This Regulation comes into force on 1 January 2023, except

(1) sections 8, 10, 17 and 19 to 22, which come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*;

(2) sections 1 and 18, which come into force on 12 July 2023;

(3) section 13, which comes into force on 31 December 2025.

105792

Gouvernement du Québec

O.C. 998-2022, 8 June 2022

Automobile Insurance Act
(chapter A-25)

Exemptions from the obligation to hold a liability insurance contract
— Amendment

Regulation to amend the Regulation respecting exemptions from the obligation to hold a liability insurance contract

WHEREAS, under paragraph *c* of section 196 of the Automobile Insurance Act (chapter A-25), the Government may, by regulation, exempt owners of the categories of automobiles it indicates from the obligation of section 84 of the Act, in whole or in part and on the conditions it determines;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting exemptions from the obligation to hold a liability insurance contract was published in Part 2 of the *Gazette officielle du Québec* of 29 December 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting exemptions from the obligation to hold a liability insurance contract, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting exemptions from the obligation to hold a liability insurance contract

Automobile Insurance Act
(chapter A-25, s. 196, par. *c*)

1. The Regulation respecting exemptions from the obligation to hold a liability insurance contract (chapter A-25, r. 8) is amended in section 1

(1) by replacing "of the municipalities of Laval, Longueuil, Québec and Montréal" in subparagraph 8 of the first paragraph by "of a municipality that has adopted a resolution by which the municipality makes the decision to opt for self-insurance for its automobiles";

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

"For the purposes of subparagraph 8 of the first paragraph,

(1) a copy of the resolution must be sent to the Société de l'assurance automobile du Québec within 20 days following the date of its adoption by the municipality. The exemption provided for in that paragraph becomes effective on the 30th day following the date of the adoption of the resolution;

(2) a municipality that has sent a copy of the resolution referred to in subparagraph 8 of the first paragraph may withdraw from the exemption provided for in that paragraph. To that end, the municipality must adopt a resolution by which the municipality makes the decision to put an end to the self-insurance option for its automobiles and send a copy of the resolution to the Société within 20 days following the date of its adoption. The withdrawal from the exemption provided for in that paragraph becomes effective on the 30th day following the date of the adoption of the resolution.".

2. The municipalities of Laval, Longueuil, Québec and Montréal continue to be exempt, with respect to their automobiles, from the obligation provided for in section 84 of the Automobile Insurance Act (chapter A-25) and to be bound, in accordance with the second paragraph of section 1 of that Regulation, by the direct compensation agreement established by the Groupement des assureurs automobiles.

However, they may withdraw from the exemption in accordance with subparagraph 2 of the third paragraph of section 1 of that Regulation, as enacted by paragraph 2 of section 1 of this Regulation.

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

105793

Gouvernement du Québec

O.C. 1053-2022, 15 June 2022

Education Act
(chapter I-13.3)

Childcare services provided at school —Amendment

Regulation to amend the Regulation respecting childcare services provided at school

WHEREAS, under section 454.1 of the Education Act (chapter I-13.3), the Government may, by regulation, prescribe standards for the provision of childcare at school and the regulation may also deal with the nature and objectives of childcare provided at school as well as its general organizational framework and the financial contributions that may be required;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting childcare services provided at school was published in Part 2 of the *Gazette officielle du Québec* of 16 February 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 with amendments;

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

THAT the Regulation to amend the Regulation respecting childcare services provided at school, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting childcare services provided at school

Education Act
(chapter I-13.3, s. 454.1)

1. The Regulation respecting childcare services provided at school (chapter I-13.3, r. 11) is amended in section 1

(1) by replacing "ensure care to" by "be offered to";

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

"They shall be part of the children's environment and contribute, in accordance with the educational project of the school, to their global development.".

2. Section 2 is amended by replacing "pursuing, within the scope of the school's educational project, the global development of children through activities taking into account their interests and needs, complementing the school's educational services" in paragraph 1 by "offering an atmosphere conducive to their development".

3. The heading of Division I of Chapter II is amended by replacing "ACCESS" by "GENERAL".

4. The following is inserted before section 3:

"**2.1.** The principal shall take the measures necessary to ensure that the provisions of this Regulation are complied with.".

5. Section 4 is replaced by the following:

"**4.** A document in which the rules of operation of the childcare service are clearly set out shall be sent to the parent of a child registered for the service. The document shall be sent at the time of registration and each time a change is made to the document.

The document shall include

(1) the terms and conditions for the arrival and departure of children;

(2) the days and hours the service is open;

(3) the dates of the pedagogical days and days outside the school year during which childcare services are scheduled, and the manner in which the parents are to be informed of the addition of such days;

(4) the various terms and conditions for attending the childcare service that are possible and for changing the attendance established;

(5) the financial contributions payable and the terms of payment;

(6) the special rules of conduct or behaviour of the childcare service;

(7) the cases and conditions of suspension or exclusion of a child;

(8) the terms for closing childcare services in the event of bad weather or superior force.

4.1. The principal shall ensure that a program of activities is established and implemented.

The program of activities shall be coherent with the school's educational project. It shall take into account the characteristics of the children and allow their global physical and motor, emotional, social, language and cognitive development.

The program of activities shall first be submitted for an opinion to the childcare parents' committee, where a committee is established, as well as to the governing board. It shall be updated periodically and made public, particularly by sending it to the parents of children registered in the childcare service and to school staff members.".

6. Section 5 is amended by inserting ", including training on the management of severe allergic reactions" at the end of paragraph 1.

7. The heading of Division III of Chapter II is amended by replacing "HYGIENE, SALUBRITY AND SAFETY" by "HEALTH AND SAFETY".

8. Section 6 is amended by adding the following paragraph at the end:

"Only the childcare staff members present with the children may be taken into account for calculating the ratio provided for in the first paragraph.".

9. Section 8 is amended by replacing "a physician or by going to the nearest medical emergency service" at the end of the first paragraph by "the emergency services or Info-Santé".

10. Section 9 is amended by replacing "The childcare provider shall lock medication, toxic and household cleaning products" by "Medication, toxic products and household cleaning products shall be locked".

11. Section 10 is amended

(1) in the first paragraph

(*a*) by replacing the portion before subparagraph 1 by "A list of the following telephone numbers shall be posted near the telephone:"

(*b*) by replacing subparagraphs 1 to 6 by the following:

"(1) the Centre anti-poison du Québec;

(2) the emergency services;

(3) the Info-Santé service;

(4) the nearest health services and social services centre or the centre serving the territory.";

(2) by replacing the portion before subparagraph 1 of the second paragraph by

"The following must also be kept close to the telephone:".

12. Section 12 is amended

(1) by inserting ", safe and adapted to the needs of the children" after "condition";

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

"As part of the proposition concerning the use of premises or immovables made available to the school submitted by the principal to the governing board in accordance with section 93 of the Education Act, the principal shall provide for a sufficient number of premises for childcare services. The principal may, to that end, resort to the sharing of premises.".

13. Section 14 is amended by adding the following paragraph at the end:

"Every departure of a child shall comply with the terms and conditions provided for that purpose in the rules of operation determined under section 4.".

14. Section 15 is amended by replacing the second and third paragraphs by the following:

"A registration card of all the children attending childcare services shall also be kept and updated daily.

A parent has a right of access, on request, to the cards, as it concerns the parent's child, or a right to receive written or verbal communication thereof.".

15. Section 16 is amended by replacing paragraph 3 by the following:

"(3) the child's grade for the school year concerned;".

16. The following is inserted after section 17:

"**DIVISION IV.1**
FINANCIAL CONTRIBUTIONS

17.1. The financial contribution required for children registered for childcare services for a period during a day of the school year devoted to educational services may not exceed the amount obtained by multiplying $3.00 by the total number of hours of that period.

The financial contribution required for children registered for childcare services for more than 1 period during such a day, among the usual before-class, lunch and after-class periods, may not exceed $8.95.

The amount referred to in the second paragraph does not include the financial contribution that may be required where the childcare services are offered for more than 5 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying $3.00 by the total number of hours offered beyond 5 hours on the same day.

17.2. The financial contribution required for children registered for childcare services on a pedagogical day may not exceed $15.30.

The amount does not include the financial contribution that may be required where the childcare services are offered for more than 10 hours during such a day. The additional financial contribution may not exceed the amount obtained by multiplying $3.00 by the total number of hours offered beyond 10 hours on the same day.

The amount also does not include the financial contribution that may be required for outings, for activities similar to an outing conducted with the participation of a person who is not a childcare staff member or for a special activity organized by the childcare staff and involving additional costs. The additional financial contributions required for such outings or activities must comply with the policy on financial contributions provided for in section 212.1 of the Education Act and may not exceed the actual cost.

17.3. The financial contribution required for children attending childcare services during the school break week or any other day not referred to in section 17.1 or 17.2 may not exceed the actual cost of the service, including any outing or activity.

17.4. An additional financial contribution not exceeding the actual cost may be required where a child is attending the childcare services beyond the hours the service is open.

17.5. The governing board must consult the childcare parents' committee, where a committee is established, before requiring any financial contribution for

(1) an outing or activity during a pedagogical day; or

(2) a period of childcare services offered during a day devoted to educational services outside the usual before-class, lunch and after-class periods.

17.6. No financial contribution may be required for services of an administrative nature related to childcare, in particular those relating to registration or the opening of a file, or for using technological means of communication.

The first paragraph does not prevent charging fees for failure to pay or a late payment.

17.7. The amounts referred to in this Division shall be indexed on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index, excluding alcoholic beverages, tobacco products and recreational cannabis, for the 12-month period ending on 31 March of the preceding year. The result shall be rounded to the nearest multiple of $0.05 or, if it is equidistant from two such multiples, to the higher of the two. The Minister shall publish the result of the indexation in the *Gazette officielle du Québec*.".

17. Section 5 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), as amended by section 6 of this Regulation, applies to the holder of an attestation valid on 1 July 2023 only as of the obtaining of a new attestation in accordance with the time period provided for therein.

Section 17.7 of the Regulation respecting childcare services provided at school, made by section 16 of this Regulation, applies from the school year 2023-2024.

18. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 5, as it concerns section 4.1 of the Regulation respecting childcare services provided at school (chapter I-13.3, r. 11), and sections 6 and 8, which come into force on 1 July 2023.

105807

Gouvernement du Québec

O.C. 1055-2022, 15 June 2022

Education Act
(chapter I-13.3)

Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year

Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 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 the Government made the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) and it is expedient to amend it for the 2022-2023 school year;

WHEREAS, under subparagraph 1 of the second paragraph of section 447 of the Education Act, the basic school regulation made by the Government relates to the nature and objectives of educational services, including preschool education, instructional services, student services and special educational services as well as the general organizational framework thereof;

WHEREAS, under subparagraph 4 of the third paragraph of section 447 of the Act, the basic school regulation may also establish rules on the evaluation of learning achievement and the certification of studies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year was published in Part 2 of the *Gazette officielle du Québec* of 13 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 amendment;

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

THAT the Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Amended Basic school regulation for preschool, elementary and secondary education for the 2022-2023 school year

Education Act
(chapter I-13.3, s. 447, 1st par., 2nd par., subpar. 1, and 3rd par., subpar.4)

1. Section 30.3 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 2022-2023 school year:

"**30.3.** Subject to section 34 of this Basic school regulation and section 470 of the Act, a student's result for an examination set by the Minister is worth 10% of the student's final mark.".

2. Section 34 is to be read as follows for the 2022-2023 school year:

"**34.** For all programs of studies offered at the secondary level that lead to a Secondary School Diploma, the pass mark is 60%.

For all programs of studies for which the Minister sets an examination, the Minister shall take into account the summative evaluation of the student transmitted by the school service centre in a proportion of 80%, subject to section 470 of the Education Act (chapter I-13.3). The Minister shall then certify success or failure in that program.".

3. This Regulation applies despite any inconsistent provision of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8).

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

105809

Gouvernement du Québec

O.C. 1140-2022, 15 June 2022

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and Family Assistance —Amendment

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, under paragraphs 8, 9 and 10 of section 131 of the Individual and Family Assistance Act (chapter A-13.1.1), for the purposes of Title I of the Act, the Government may make regulations

— determining the cases in which and the conditions under which a child is not a person's dependant or is a dependant of another adult than the child's father or mother and designating that adult;

— determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

— determining the cases in which and the conditions under which an adult resides in Québec;

WHEREAS, under paragraphs 1, 2, 4, 7, 8, 10, 13, 14 and 17 of section 132 of the Act, for the purposes of the Social Assistance Program, the Government may make regulations

— determining basic benefit amounts and the cases in which and the conditions under which those amounts are to be granted;

— determining the maximum amount of liquid assets referred to in the second paragraph of section 48 of the Act;

— determining the cases in which and the conditions under which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporarily limited capacity allowance;

— determining the amount of the temporarily limited capacity allowance and the adjustments for adults and for dependent children, and determining the cases in which and the conditions under which those amounts are to be granted;

— prescribing special benefit amounts to provide for certain particular needs, and determining the cases in which and the conditions under which they are to be granted;

— excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets and property of a person eligible under the program;

— prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions under which the standards are to be applied;

— prescribing a method for determining the value of property, and determining the percentage applicable to that value;

— prescribing a method for calculating a benefit for the month of application, and determining the maximum amount of liquid assets at the time of the application;

WHEREAS, under paragraphs 2, 2.1 and 3 of section 133 of the Act, for the purposes of the Social Solidarity Program, the Government may make regulations

— prescribing, for the purposes of the first paragraph of section 72 of the Act, the amounts of the adjustments for adults, which may vary according to the time elapsed since they became recipients under the program, and determining the cases in which and the conditions under which those amounts are to be granted;

— prescribing, for persons referred to in the second paragraph of section 72 of the Act, the periods that may be considered in calculating the time provided for in the first paragraph of that section and determining the cases in which and the conditions under which such periods are considered;

— prescribing, for the purposes of the third paragraph of section 72 of the Act, more flexible rules concerning the matters referred to in that paragraph;

WHEREAS, under paragraph 1 of section 133.1 of the Act, for the purposes of the Aim for Employment Program, the Government may make regulations prescribing, for the purposes of the second paragraph of section 83.1 of the Act, the cases in which and the conditions under which a person is required to participate in the Aim for Employment Program;

WHEREAS, under paragraphs 1 to 9 of section 133.2 of the Act, for the purposes of the Basic Income Program, the Government may make regulations

— prescribing, for the purposes of the first paragraph of section 83.17 of the Act, the period during which a person must have a severely limited capacity for employment and be a recipient under the Social Solidarity Program, as well as the other eligibility requirements for the program;

— prescribing, for the purposes of the second paragraph of section 83.17 of the Act, the cases in which and the conditions under which a person who has a severely limited capacity for employment that should in all likelihood prevent the person from acquiring economic self-sufficiency permanently or indefinitely is also eligible under the Basic Income Program;

— prescribing, for the purposes of the second paragraph of section 83.18 of the Act, the cases in which and the conditions under which a person may elect not to take advantage of the program;

— prescribing, for the purposes of the third paragraph of section 83.18 of the Act, the cases in which and the conditions under which a person may apply to take advantage of the program;

— prescribing, for the purposes of section 83.19 of the Act, the cases in which and the conditions under which a person who is no longer eligible under the program becomes eligible again;

— prescribing, for the purposes of section 83.21 of the Act, the method for calculating the basic income;

— prescribing, for the purposes of the third paragraph of section 83.21 of the Act, the exceptions to the cases in which and the conditions under which a special benefit is granted;

— prescribing, for the purposes of section 83.22 of the Act, the cases in which and the conditions under which a person may own certain property or liquid assets;

— prescribing, for the purposes of section 83.23 of the Act, the terms for payment of the basic income;

WHEREAS, under paragraphs 1, 2, 4, 5, 8, 9 and 10 of section 134 of the Act, for the purposes of Chapter II of Title III, the Government may make regulations

— determining that all or part of a recoverable amount need not be repaid by the debtor;

— determining, for the purposes of section 87 of the Act, the other cases in which and the conditions under which an amount granted is recoverable;

— determining the conditions under which an amount under section 91 of the Act is recoverable and the rules of calculation;

— prescribing the conditions of repayment of an amount owed to the Minister;

— prescribing the maximum amount the Minister may withhold for application to the repayment of a debt, and determining the cases in which and the conditions under which the withholding is to be suspended;

— setting, for the purposes of section 102 of the Act, the calculation rules for establishing the amount below which an amount granted may not be reduced when an amount is withheld;

— determining, for the purposes of section 106.1 of the Act, the more flexible rules applicable to a voluntary declarant;

WHEREAS, under section 135 of the Act, for the purposes of section 119, the Government may make regulations determining the cases in which and the conditions under which the Minister is required to pay interest and prescribing the interest rate;

WHEREAS certain provisions of the Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11) come into force on the date set in Order in Council 1139-2022 dated 15 June 2022;

WHEREAS the Government made the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Individual and Family Assistance Regulation 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 with amendments;

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

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, ss. 131, 132, 133, 133.1, 133.2, 134 and 135)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 3 by inserting ", the Basic Income Program" after "Aim for Employment Program" in the first paragraph.

2. The following is added after section 3:

"**3.1.** For the purposes of this Regulation, an independent adult is an adult who has no spouse or dependent child.

The provisions applicable to an independent adult apply to an adult who is a recipient under a last resort financial assistance program and has a spouse who is a recipient under the Basic Income Program.".

3. The following is added after section 12:

"**12.1.** Where the parents of a child cohabit and at least one of them is a recipient under the Basic Income Program, the child is a dependant

(1) of the parent who is a recipient under the program, where only one of them is a recipient under the program; or

(2) of the parent whom they jointly designate, where they are both recipients under the program.

If the parents referred to in subparagraph 2 of the first paragraph have 2 or more children born of their union, only one of them may be designated as having the children as dependants.

Such designation may be jointly modified at the beginning of each new reference period.

The parent so designated must inform the Minister. A parent designated in accordance with the third paragraph must inform the Minister before the beginning of the reference period.".

4. Section 16.1 is amended by replacing "or the Aim for Employment Program" by ", the Aim for Employment Program or the Basic Income Program".

5. The following is added after section 19:

"**19.1.** Despite section 19, for the purposes of a last resort financial assistance program and the Aim for Employment Program,

(1) an adult who is no longer eligible under the Basic Income Program for a reason provided for in subparagraph 4 of the second paragraph of section 19 is not considered to form a family with his or her spouse for 3 months following the beginning of his or her incarceration or detention;

(2) an adult who is no longer eligible under the Basic Income Program is not considered to form a family with his or her spouse for 3 months following his or her ineligibility, where his or her liquid assets considered pursuant to subparagraph *e* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled and the total of his or her other resources taken into consideration pursuant to subparagraph 3 of the second paragraph of section 177.60 is equal to zero; and

(3) where an adult has a spouse who is a recipient under the Basic Income Program and the spouse dies, they are considered to form a family for 3 months following the month of death.".

6. Section 21 is amended by inserting "or has a spouse residing in Québec" after "Québec" in paragraph 4.

7. Section 32 is amended

(1) in paragraph 3

(*a*) by striking out "independent";

(*b*) by inserting ", 83.9" after "sections 49";

(2) by striking out "independent" in paragraph 4.

8. Section 41 is amended by inserting "or the Basic Income Program" after "program" in subparagraph 3 of the first paragraph.

9. Section 52 is amended by inserting the following after the second paragraph:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.".

10. Section 53 is amended by inserting the following after the second paragraph:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.".

11. Section 57 is amended

(1) by inserting "or the Basic Income Program" after "program" in paragraph 1;

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

"Despite the second paragraph of section 3.1, the first paragraph does not apply in the case of an adult with a spouse who is a recipient under the Basic Income Program.".

12. Section 62 is amended

(1) by inserting ", except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program," after "independent adult" in the first paragraph;

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

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, a temporarily limited capacity allowance is added to the basic benefit if the adult provides childcare to the adult's dependent child who is under 5 years of age on the previous 30 September or, if the child is 5 years of age on that date, if no full-time kindergarten class is available for the child and if the adult's spouse who is a recipient under the Basic Income Program is in one of the situations referred to in subparagraphs 1 to 3 of the second paragraph.".

13. Section 67.1 is amended by adding the following after the third paragraph:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 2 of the first paragraph, unless the adult and spouse reside in the same dwelling unit as another independent adult or another family. If applicable, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 1 of the first paragraph.".

14. Section 67.3 is amended by inserting "or, despite the second paragraph of section 3.1, of a recipient under the Basic Income Program" after "student" in subparagraph 6 of the first paragraph.

15. Section 68 is amended by inserting ", except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program," after "adult".

16. Section 74 is amended by replacing "adults," in the second paragraph by "adults or an adult with a spouse who is a recipient under the Basic Income Program,".

17. Section 79 is amended by adding the following at the end:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of a family that includes only 1 adult.".

18. Section 82 is amended by inserting "referred to in the first paragraph, the adult referred to in the second paragraph of section 177.76" after "adult" in the second paragraph.

19. Section 88.1 is amended by striking out "independent" in the sixth paragraph.

20. Section 89 is amended by striking out "independent" in the third paragraph.

21. Section 90 is amended by striking out "independent" in the third paragraph.

22. Section 93 is amended by inserting the following after the second paragraph:

"Despite the second paragraph of section 3.1, in the case of an adult with a spouse who is a recipient under the Basic Income Program, a special benefit referred to in this section is granted to only one of them.".

23. Section 100 is amended by inserting "and that adult, despite the second paragraph of section 3.1, does not have a spouse who is a recipient under the Basic Income Program" after "member" in paragraph 2.

24. Section 101 is amended by adding the following paragraph at the end:

"The special benefit may be granted to the mother where the child is a dependant of the other parent pursuant to the first paragraph of section 12.1.".

25. Section 109 is amended in the first paragraph

(1) by striking out "independent" after "suffered by an" in the portion before subparagraph 1;

(2) in subparagraph 1

(*a*) by inserting ", subject to subparagraph *c*," after "person" in subparagraph *a* and striking out "and" at the end of subparagraph *a*;

(*b*) by replacing "adult; and" in subparagraph *b* by "adult, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program; or";

(*c*) by adding the following after subparagraph *b*:

"(*c*) $1,000 per adult where they are spouses and at least one of them is a recipient under the Basic Income Program, plus $500 per dependent child, up to a maximum of $4,000 for all of those persons; and";

(3) by striking out "independent" in subparagraph 2.

26. Section 111 is amended by inserting ", except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program" after "mother" in paragraph 5.

27. Section 116 is amended by inserting the following after the second paragraph:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.".

28. Section 128 is amended by inserting ", subject to the third paragraph of section 177.101," after "include" in the first paragraph.

29. Section 132 is amended by inserting the following after the second paragraph:

"In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.".

30. Section 138 is amended by adding the following:

"(17) for the month in which it is received, financial assistance to contribute to the needs of a child born as a result of a sexual aggression received retroactively

pursuant to the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).".

31. Section 142 is amended by inserting "or the Aim for Employment Program" after "program" in the second paragraph.

32. Section 147 is amended by inserting ", except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program," after "adult" in paragraph 2.

33. Section 151 is amended

(1) by inserting "or, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program" after "family";

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

"The total property value is determined taking into account section 177.92.".

34. Section 157.1, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is amended by striking out the second paragraph.

35. Section 157.2, introduced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is revoked.

36. Section 158 is amended by adding the following paragraph at the end:

"The same applies in the case of a family in which the adult member has a spouse who is a beneficiary under the Basic Income Program.".

37. Section 160 is amended by striking out "independent".

38. Section 161 is amended by striking out "independent".

39. Section 169 is amended by inserting ", an adult who is sheltered and has a spouse who is a beneficiary under the Basic Income Program" after "an adult who is sheltered" in the second paragraph.

40. Section 171, amended by section 5 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is further amended by inserting "or the Aim for Employment Program" after "financial assistance program" in the third paragraph.

41. Section 173 is amended by inserting "or the Aim for Employment Program" after "program" in the third paragraph.

42. Section 177.1 is amended in the third paragraph

(1) by replacing "third paragraph" in subparagraph 2 by "fourth paragraph";

(2) by replacing "fourth" in subparagraph 3 by "fifth";

(3) by replacing "third paragraph" in subparagraph 5 by "fourth paragraph";

(4) by replacing "fourth" in subparagraph 6 by "fifth";

(5) by replacing "third paragraph" in subparagraph 11 by "fourth paragraph";

(6) by replacing "fourth" in subparagraph 12 by "fifth";

(7) by inserting ", 133" after "sections 132" in subparagraph 13.

43. Section 177.9 is amended by inserting "or the Basic Income Program" after "program" in paragraph 2.

44. Section 177.10 is amended by inserting "or the Basic Income Program" after "Program" in paragraph 1.

45. The following is inserted after section 177.42:

"**TITLE IV.2**
BASIC INCOME PROGRAM

CHAPTER I
ELIGIBILITY

DIVISION I
GENERAL ELIGIBILITY REQUIREMENTS

177.43. A person is eligible under the Basic Income Program where, for 66 months during the preceding 72 months, the person had a severely limited capacity for employment and is a recipient under the Social Solidarity Program as an adult.

177.44. An adult is eligible under the program where, in addition to meeting the conditions set out in section 177.43, the adult

(1) has a spouse and is required to reside in a half-way house in the cases and on the conditions set out in 26;

(2) is covered by section 47; or

(3) attends a secondary-level educational institution in a vocational program or a postsecondary educational institution.

DIVISION II
CALCULATION OF THE ELIGIBILITY PERIOD

177.45. For the purposes of calculating the period provided for in section 177.43, the following months are considered:

(1) the months during which an adult was no longer eligible under the Social Solidarity Program and was eligible to receive dental and pharmaceutical services pursuant to section 48;

(2) the months during which the parent of a person who applies for eligibility under the program received, in respect of that person, the supplement for handicapped children requiring exceptional care pursuant to the Taxation Act (chapter I-3).

The months during which a person received, while residing in Québec, an amount equivalent to the social solidarity allowance under an on-reserve income assistance program of the Government of Canada are also considered.

177.46. For the purposes of calculating the period provided for in section 177.43, the months during which a person, while residing in Québec, received the following are considered:

(1) a disability pension or an additional amount for disability after retirement pursuant to the Act respecting the Québec Pension Plan (chapter R-9);

(2) a disability pension or a post-retirement disability benefit payable under the Canada Pension Plan (R.S.C. 1985, c. C-8);

(3) a disability allowance under the War Veterans Allowance Act (R.S.C. 1985, c. W-3).

A month that may be considered for the purposes of the first paragraph may be considered only once, when the person becomes eligible under the Social Solidarity Program for the first time.

177.47. For the purposes of calculating the period provided for in section 177.43, the months are not considered during which the adult or family

(1) was a recipient of financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance paid; or

(2) was a recipient of financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

Despite the first paragraph, the months referred to therein and for which the assistance paid would no longer have to be repaid in full are considered for the purposes of calculating the period provided for in section 177.43.

DIVISION III
INITIAL ADMISSION TO THE PROGRAM

177.48. On initial admission to the Basic Income Program, a person must, for the month following the month of application, be eligible to receive a social solidarity allowance due to a deficit in resources compared to needs, while also considering, if applicable, the resources of the person's spouse and any dependent child.

The deficit is determined without taking into account any special benefit that might be granted to those persons under section 83.

In addition, no sum is taken into account that a person may receive and that is provided for in subparagraphs 1 to 3 of the first paragraph of section 177.46.

177.49. A person eligible under the program may choose, one time only, not to participate in it. In that case, the person must so inform the Minister in the form and manner determined by the Minister and not later than 6 months after the date he or she becomes eligible under the program for the first time.

That decision takes effect from the month following the month in which the Minister is informed thereof.

177.50. A person who has chosen not to participate in the program may nonetheless, at any time thereafter, ask to be admitted to the program by submitting to the Minister an application for that purpose, in the form and manner determined by the Minister.

The person must then meet the conditions set out in Divisions I to III.

DIVISION IV
READMISSION TO THE PROGRAM

177.51. A person may be readmitted to the program as of the date on which the situation that rendered the person ineligible ceases. An application for readmission must be submitted to the Minister in the form and manner determined by the Minister.

177.52. To be readmitted to the program, a person is not required to meet the conditions of section 177.43. The person must nonetheless have a severely limited capacity for employment at the time of the application.

The person must also, for the month of the application, be eligible to receive a basic income due to the fact that he or she has a deficit in resources compared to needs, without taking into account any special benefit that might be granted to the person or, if applicable, to which any of his or her dependent children might have been entitled.

DIVISION V
MONTH OF THE APPLICATION AND REFERENCE PERIOD

§1. Month of the application

177.53. For the month of the application, the basic benefit and, if applicable, the adjustments referred to in sections 177.73 and 177.74 are determined without taking into account the number of days elapsed in the month in which the application is submitted to the Minister.

177.54. An application for eligibility is made on the date on which the form provided by the Minister, duly completed and signed, is received by the Minister.

If the Minister has already received a written document from the applicant indicating the applicant's intent to make an application, the date of application is the date on which the Minister receives the document, if the form provided by the Minister is completed and signed within a reasonable time.

177.55. A statement by an adult who is sheltered to the effect that the adult wishes to be exempted from paying the price of the shelter stands in lieu of a validly completed application for eligibility if the statement contains the information relevant to such an application.

177.56. A person who was a recipient under the Social Solidarity Program in the month preceding the person's admission to the Basic Income Program is presumed to have submitted an application for financial assistance to the Minister in the month of that admission.

§2. Reference period

177.57. For the purposes of this Title, a reference period has a duration of 12 months and begins on 1 July of each year.

177.58. Despite section 177.57, the reference period of an adult admitted to the Basic Income Program during the period corresponds to the remaining duration of the period.

An adult admitted on 1 July of a year is considered admitted during a reference period.

CHAPTER II
FINANCIAL ASSISTANCE

DIVISION I
BASIC INCOME AND CALCULATION METHOD

177.59. The basic income is granted to an adult from the month in which the adult becomes eligible under the program.

177.60. The basic income of an adult is determined, for each month, by considering the adult's situation as provided for in this Chapter.

It is equal to the deficit in resources compared to needs, which is calculated by

(1) determining the amount of the basic benefit applicable to the adult;

(2) increasing it, if applicable, by the adjustments provided for in sections 177.73 and 177.74; and

(3) subtracting from the amount obtained pursuant to subparagraphs 1 and 2, except to the extent that they are excluded,

(*a*) the income, earnings and other benefits earned or received by the adult that are considered pursuant to section 177.77;

(*b*) the amount determined for the income, earnings and other annual benefits that the adult received, according to the calculation method provided for in section 177.79;

(*c*) the amount determined for the income, earnings and other annual benefits that the adult's spouse received, according to the calculation method provided for in section 177.80;

(*d*) the amount obtained by applying the percentage determined to the value of the property that the adult owns in accordance with section 177.91; and

(*e*) the liquid assets that the adult and spouse own on the last day of the preceding month.

In addition, if the amount obtained pursuant to the application of the second paragraph is greater than zero, the basic revenue is increased, if applicable, by the special benefits as provided for in section 177.76.

If the amount obtained is equal to or less than zero, the adult is no longer eligible under the program.

177.61. The amounts provided for in subparagraphs *b*, *c* and *d* of subparagraph 3 of the second paragraph of section 177.60 are determined for the full duration of a reference period.

177.62. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, each month in which the adult meets the following conditions:

(1) his or her income, earnings and other benefits considered pursuant to subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.63. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, unless the adult continues to be eligible to receive the dental and pharmaceutical services referred to in section 48 each month in which he or she meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.64. An adult who is not eligible under the program continues to receive the dental and pharmaceutical services referred to in section 48 each month in which the adult meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) on the last day of the preceding month, he or she has a spouse who is a recipient under the Basic Income Program or who is eligible to receive the dental and pharmaceutical services referred to in section 48 pursuant to this section or does not have a spouse.

177.65. The basic income of an adult admitted to the program for the first time is determined pursuant to this Chapter, subject to sections 177.66 to 177.68.

177.66. The income, earnings and other annual benefits of an adult referred to in section 177.65 are not taken into consideration during the adult's first reference period.

177.67. Where an adult referred to in section 177.65 has a spouse at the time the adult is admitted, the income, earnings and other annual benefits of the spouse are not taken into consideration during his or her first reference period.

177.68. The amount to be considered during the first reference period for the value of the property of an adult referred to in section 177.65 is determined by taking into account his or her situation on the last day of the month preceding the application.

In the case of an adult admitted to the program for the first time between 1 January and 30 June of a year, the amount is determined in the same way for the subsequent reference period.

177.69. The basic income of an adult readmitted to the program is established pursuant to this Chapter.

DIVISION II
BASIC BENEFIT AND AMOUNTS THAT MAY INCREASE IT

177.70. The basic benefit granted to an adult is $1,138.

177.71. The basic benefit of an independent adult who is sheltered, an independent adult referred to in the second paragraph of section 60 and an independent adult required to reside in an institution corresponds to the amount of the personal expense allowance referred to in the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2). The amount is published in Part I of the *Gazette officielle du Québec*.

177.72. The basic benefit of a person referred to in section 177.71 is adjusted for the month in which a change in circumstances results in an increased benefit amount, after deducting, if applicable, the special benefit provided for in section 82 granted to pay the dwelling expenses for the month of the adjustment.

177.73. The basic benefit granted to an adult without a spouse on the last day of the preceding month is adjusted by $337.

The adjustment may not be granted to a person referred to in section 177.71.

177.74. The basic benefit is adjusted, based on the adult's situation on the last day of the preceding month,

(1) by $20 for each of the adult's minor dependent children; and

(2) by $345 for each of the adult's dependent children of full age attending a secondary-level educational institution in a vocational program or a postsecondary educational institution.

177.75. An adjustment provided for in section 177.73 or 177.74 is granted from the month following the month in which a change of circumstances occurs.

177.76. Where the basic benefit granted to an adult may be increased by special benefits pursuant to the third paragraph of section 177.60, it may be increased by all such special benefits to which the adult or any of his or her dependent children would have been entitled under the Social Solidarity Program, except

(1) the special benefit provided for in section 107; and

(2) the special benefit provided for in paragraph 2 of section 100, if the adult has a spouse.

In addition, the special benefits provided for in the second paragraph of section 81 and in section 82 may be granted to an adult who has a spouse.

Subdivision 4 of Division II of Chapter III of Title IV applies to the granting of a special benefit.

DIVISION III
INCOME, EARNINGS AND OTHER BENEFITS

177.77. The income, earnings and other benefits that an adult earned or received during the preceding month and that are considered for the purposes of subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are the following:

(1) the amount of the income replacement indemnities received under a public or private compensation plan;

(2) sums received as retirement benefits under a public or private pension plan, including

(*a*) sums received as pension under the Old Age Security Act (R.S.C. 1985, c. O-9) and the net amount of federal supplements paid that must be taken into consideration for the purposes of determining the adult's net income pursuant to Part I of the Taxation Act (chapter I-3);

(*b*) benefits received under the Act respecting the Québec Pension Plan (chapter R-9) or under a similar plan within the meaning of paragraph *u* of section 1 of that Act, except death benefits received in accordance with section 168 of that Act or a similar provision of the similar plan;

(*c*) sums received under a pooled registered pension plan;

(*d*) a retirement income security benefit received under the Veterans Well-being Act (S.C. 2005, c. 21);

(*e*) sums received under a specified pension plan or from such a plan; and

(*f*) sums received under a foreign retirement arrangement established under the legislation of a country or from such an arrangement;

(3) sums received as a benefit out of or under a registered retirement savings plan, except a withdrawal excluded for the purposes of the Home Buyers' Plan or the Lifelong Learning Plan whose provisions are provided for, respectively, in Title IV.1 and Title IV.2 of Book VII of Part I of the Taxation Act;

(4) sums received under a registered retirement income fund;

(5) sums received under a deferred profit sharing plan;

(6) income replacement benefits received under the Veterans Well-being Act the amount of which is determined under subsection 1 of section 19.1, paragraph *b* of subsection 1 of section 23 or subsection 1 of section 26.1 of that Act, as modified, where applicable, under Part 5 of that Act;

(7) sums received under an income-averaging annuity, an advanced life deferred annuity or as pension;

(8) employment-assistance allowances paid by the Minister and employment-assistance allowances paid by a third party and recognized as such by the Minister, exceeding $222 per month or, if the person has no spouse but has a dependent child, exceeding $353 per month;

(9) support allowances paid by a third party and recognized as such by the Minister, exceeding $130 per month;

(10) sums received as living expenses pursuant to the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);

(11) amounts paid as maternity, paternity, parental or adoption benefits under the Act respecting parental insurance (chapter A-29.011) or as maternity, parental, compassionate care or employment insurance benefits under the Employment Insurance Act (S.C. 1996, c. 23).

All the income, earnings and other benefits referred to in the first paragraph are considered, whether they were received by the adult during the month or the adult is entitled to receive them.

Section 124 applies to this section.

177.78. For the purposes of calculating basic income, the amounts taken into consideration as income, earnings and other annual benefits of the adult and, if applicable, his or her spouse are those entered in their respective income tax return for the calendar year preceding the reference period concerned, confirmed by their respective notice of assessment or, failing that, those entered in their sworn statements of income for that same calendar year referred to in section 177.83.

177.79. The income, earnings and other annual benefits of an adult that are considered for the purposes of subparagraph *b* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse, except those paid into a group registered retirement savings plan offered by an employer, that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act;

(3) subtracting the following amounts received during the calendar year preceding the reference period:

(*a*) the sums received as last resort financial assistance benefits and basic income;

(*b*) the amounts already taken into consideration pursuant to subparagraphs 1 to 7, 10 and 11 of the first paragraph of section 177.77; and

(*c*) the allowances referred to in subparagraphs 8 and 9 of the first paragraph of section 177.77, including the excess amounts provided for therein.

The amount to be considered is then determined by multiplying by 55% the amount obtained as a result of the operations performed in the first paragraph that exceeds the amount obtained by multiplying by 12 the amount provided for in section 177.70, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained as a result of the operations performed in the first paragraph, divided by 12.

177.80. The income, earnings and other annual benefits of an adult's spouse who are considered for the purposes of subparagraph *c* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse, except those paid into a group registered retirement savings plan offered by an employer, that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act.

The amount to be considered is determined by multiplying by 30% the amount obtained following the operations carried out in the first paragraph exceeding $28,000, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained following the operations carried out in the first paragraph, divided by 12.

177.81. For the purposes of the first paragraph of section 177.79 and the first paragraph of section 177.80, where an adult or the adult's spouse has not, for the purposes of the Taxation Act (chapter I-3), resided in Canada throughout the calendar year preceding a reference period, the net income for that calendar year is deemed to be equal to the net income that would be determined in his or her respect for that calendar year under Part I of that Act, if the person had, for the purposes of that Act, resided in Québec and in Canada throughout the calendar year.

177.82. An adult and, if applicable, the adult's spouse, is deemed to earn the income from employment that would have been received if he or she did not take advantage of work time reduction measures or leave without pay measures available under the conditions of employment applicable to him or her, unless that decision was made for a serious reason, in particular because of the state of health of the adult, the adult's spouse or a member of the family, or if he or she is receiving benefits granted under the Act respecting parental insurance (chapter A-29.011) or section 22 or 23 of the Employment Insurance Act (S.C. 1996, c. 23).

§1. Filing of the income tax return

177.83. A person admitted to the program must, not later than 31 October of each year, send to the Minister his or her income tax return for the preceding year filed pursuant to the Taxation Act (chapter I-3) and, if applicable, his or her spouse's income tax return.

A person who did not file an income tax return must, within the same time limit and in the form and manner determined by the Minister, send a sworn statement of his or her income for the preceding calendar year. The person must include with it, if applicable, a sworn statement of income produced by his or her spouse if the latter did not file an income tax return.

Where it is impossible for a person admitted to the program to send the income tax return or sworn statement of income of his or her spouse because of violence on the spouse's part against the person or a dependent child, the person may submit a sworn statement of the spouse's income.

177.84. In case of failure to comply with an obligation provided for in section 177.83, the Minister may reduce the basic income by $500 per month as of 1 November following, for so long as the failure of compliance continues.

Where a reduction would result in the basic income being reduced below 50% of the amount to which the adult would have been entitled without the failure of compliance, the reduction imposed is fixed at 50%.

The amounts corresponding to the reductions are nonetheless paid without interest to a recipient who remedies the failure of compliance not later than 31 March of the following year.

177.85. The Minister may, after the date provided for in the third paragraph of section 177.84, refuse to pay the amounts corresponding to the reductions and reduce or cease to pay the financial assistance.

177.86. Sections 177.83 to 177.85 do not limit the scope of section 83.25 of the Act insofar as it refers to sections 30 and 36 of that Act.

§2. Reassessment

177.87. An adult may, at any time, apply to the Minister, in the form and manner determined by the Minister, to reduce the amount taken into consideration as income, earnings and other annual benefits for the purposes of calculating the adult's basic income, pursuant to section 177.79.

The amount may be reduced if the total of the income, gains and other annual benefits that the adult received for at least two consecutive years, projected on an annual basis, has decreased by at least 50% compared to the total that was taken into consideration.

The same applies in the case of the income, gains and other annual benefits of the adult's spouse compared to the amount that was taken into consideration pursuant to the second paragraph of section 177.80.

The amount may not be reduced if, before the reduction is granted, the adult or the adult's spouse, as the case may be, can reasonably expect that the decrease will cease before the end of the reference period in which it occurs.

177.88. A reduction in the amount taken into consideration as a result of a reassessment is applicable from the month following the month in which the decrease began and for the remainder of the reference period.

177.89. For the purposes of section 177.60, the terms used in subparagraphs *a*, *b* and *c* of subparagraph 3 of the second paragraph of that section and in sections 177.77 and 177.79 to 177.81 have the meaning assigned by the Taxation Act (chapter I-3), except the term "spouse".

DIVISION IV
PROPERTY

177.90. The value of the property that an adult owns is excluded up to a total amount of $500,000 for the purposes of calculating the basic income.

The amount provided for in the first paragraph includes the amount of liquid assets that are considered to be property pursuant to sections 177.102 and 177.103.

177.91. For the purposes of calculating the basic income, the amount to be considered is determined by multiplying by 15% the value of the property exceeding $500,000, then dividing it by 12.

The amount to be considered for the value of property is determined for the reference period concerned, taking into account the adult's situation on 31 December preceding that reference period.

The amount is determined without taking into account property that cannot be alienated due to a legal impediment beyond the adult's control.

In the case of a claim made following a false declaration concerning the value of property, the amount to be considered is the amount exceeding $500,000 each month.

177.92. Where an adult is a co-owner of property, only the value of the adult's share is taken into account for the purposes of calculating his or her basic income. That share is presumed to be 50%.

In such a case, the value of the adult's share of the property must not be taken into account for the purposes of calculating the financial assistance granted under this Regulation to another co-owner of that property.

177.93. An adult may apply to the Minister to reduce the amount of the value of property taken into consideration for the purposes of calculating the adult's basic income, in the form and manner determined by the Minister.

The amount may be reduced if, for at least 1 month, the value of the property owned by the adult no longer exceeds the amount set in section 177.90.

The adult must not reasonably expect that the amount will exceed the amount of the exclusion before the end of the calendar year in which the decrease occurs.

A reduction of the amount taken into consideration is applicable, as the case may be,

(1) where the reduction occurs between 1 January and 30 April preceding the reference period and the value of the property no longer exceeds the amount set in section 177.90, as of the beginning of that period; or

(2) where the reduction occurs after 30 April of a year, from the second month following the month in which the value of the property no longer exceeds the amount set in section 177.90 and for the remainder of the reference period.

177.94. The total property value includes the value of all the property that is not excluded for the purposes of calculating the basic income.

177.95. The provisions of section 145 relating to the value of property apply to the Basic Income Program.

177.96. For the purpose of calculating the basic income, the following property is excluded:

(1) the total value of movables, except automobiles, and household effects;

(2) books, instruments and tools necessary for gainful employment or for a trade or craft;

(3) the value of pension credits accumulated through membership in a pension plan other than the plan established by the Act respecting the Québec Pension

Plan (chapter R-9) or in a similar plan within the meaning of that Act, and the sums accrued with interest as a result of the adult's participation in another retirement savings instrument that, under the plan, the savings instrument or the law, cannot be returned to the adult before retirement age;

(4) equipment adapted to the needs of an adult who has functional limitations, including a retrofit vehicle not used for commercial purposes;

(5) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an adult, the adult's spouse or a dependent child who may not dispose of them in the short term, according to the terms and conditions applicable to the plan;

(6) sums received as compensation for essential movable property under a financial assistance or compensation program established under the Civil Protection Act (chapter S-2.3), if the sums are used within 90 days of their receipt;

(7) sums received otherwise than as extra temporary housing, food and clothing costs or as compensation for essential movable property under a program referred to in paragraph 6, if the sums are used within 2 years of their receipt for the purposes for which they are received.

177.97. The value of all the following property is excluded for the purposes of calculating the basic income:

(1) the value of a residence or a working farm;

(2) the value of a residence or farm belonging to an adult with no spouse who no longer resides in the residence or operates the farm since being sheltered or taken in charge by an intermediate resource or a foster home, for a period of not more than 2 years after the sheltering or taking in charge;

(3) the value of a residence belonging to an adult who no longer resides in the residence for health reasons, for a period of not more than 2 years after the move;

(4) the value of the residence belonging to an adult who no longer resides in the residence because of a separation, for a period of not more than 2 years after the date on which family mediation or a judicial proceeding was commenced to the date on which the court decides the right of ownership or, if applicable, the date on which the court confirms or approves an agreement between the parties;

(5) the value of property used for self-employment or in the operation of a farm;

(6) the principal from an indemnity paid as compensation for immovable property following expropriation, a fire or other disaster, an act of war, an attack or an indictable offence if used within 2 years after it is received to repair or replace the immovable property or in the operation of an enterprise; and

(7) the principal from an indemnity paid as compensation for immovable property following a fire or other disaster, an act of war, an attack or an indictable offence if used within 90 days after it is received;

(8) the principal from the sale of a residence if used to purchase a new residence or have a residence built within 6 months of the sale.

177.98. The exclusions provided for in paragraphs 6 and 7 of section 177.96 and paragraphs 6 to 8 of section 177.97 apply only if the amounts concerned are immediately deposited in a separate account in a financial institution or, in the case provided for in paragraph 6 of section 177.97, are invested by a trustee as authorized under the Civil Code.

Every part of the principal referred to in those paragraphs constitutes liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph.

DIVISION V
LIQUID ASSETS

177.99. For the purposes of calculating the basic income, the liquid assets of an adult are excluded up to an amount of $20,000.

177.100. Where an adult has a spouse who is a recipient under a last resort financial assistance program or the Basic Income Program, the liquid assets of the spouse are wholly excluded.

Where an adult has a spouse who is not a recipient under a program referred to in the first paragraph, the liquid assets of the spouse are determined in accordance with the provisions of this Regulation that are applicable to a recipient under the Social Assistance Program. Despite sections 131 to 133, they are excluded up to an amount of $50,000.

177.101. Liquid assets include everything that an adult or the adult's spouse owns in cash or in an equivalent form and the value of assets that may be converted into cash in the short term such as

(1) sums, whether demand deposits or term deposits, that a financial institution holds on deposit for the adult or spouse or sums it holds on behalf of the adult or spouse if they have ready access to the sums;

(2) securities the adult or spouse owns if the securities are currently traded on the market;

(3) debts for which the adult or spouse may obtain immediate repayment; and

(4) any assets negotiable at sight.

Liquid assets include the value of a term deposit made on behalf of an adult or the adult's spouse, even if they do not have ready access to the funds, if the deposit is made while the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program or to qualify the adult under such a program.

Section 177.92 applies where the adult is a co-owner of liquid assets, with the necessary modifications.

177.102. Despite section 177.101, the following are considered to be property:

(1) lump sums paid to an adult to compensate a loss or impairment of physical or mental integrity and death benefits paid to an adult, received in one or more payments, provided they are immediately deposited in a separate account in a financial institution;

(2) liquid assets received by an adult from a succession in excess of the debts and charges for which the adult is liable;

(3) proceeds from a life insurance policy received by an adult following the death of a person, provided they are paid in a lump sum.

In order for the first paragraph to apply, the following must have been received during a month in which the adult or the family is a recipient under a last resort financial assistance program otherwise than pursuant to section 49 of the Act, the Aim for Employment Program or the Basic Income Program or during a month in which the adult or family is eligible to receive dental or pharmaceutical services pursuant to section 48:

(1) a lump sum or, if applicable, the first payment thereof, in the case of death benefits referred to in subparagraph 1 of the first paragraph; and

(2) liquid assets and proceeds from a life insurance policy referred to in subparagraphs 2 and 3 of the first paragraph.

This paragraph applies even if the benefit granted for the month is later claimed in its entirety by the Minister, unless the claim is made following a false declaration, up to the date on which a formal repayment notice is sent by the Minister, pursuant to section 97 of the Act.

177.103. Despite section 177.101, are considered to be property

(1) the value of the sums or pension credits referred to in paragraph 3 of section 177.96 which, under the pension plan or instrument concerned or under the law, may be returned to the participant;

(2) the principal of a sum or pension credit referred to in paragraph 1, if it is used within 30 days after it is received for the purposes of a contribution to another pension plan or retirement savings instrument;

(3) the principal of a grant or loan to repair a residence if it is used within 6 months after it is received for the purpose for which it was obtained;

(4) the principal of a grant or loan to start an enterprise or create self-employment if it is used within 6 months after it is received for the purpose for which it was obtained;

(5) sums accumulated by the adult in an individual savings plan or an institutional savings plan recognized by the Minister, up to a total amount of $5,000; and

(6) the value of the sums accumulated in a registered education savings plan.

177.104. The exclusion in paragraph 5 of section 177.103 applies if the sums accumulated are to allow an adult

(1) to undergo training;

(2) to purchase tools or equipment necessary for gainful employment;

(3) to create self-employment or start an enterprise;

(4) to purchase or repair a residence; or

(5) to purchase an automobile.

In the case of an individual savings plan, the savings must begin during a month in which the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program, or is eligible to receive dental and pharmaceutical services pursuant to section 48. In addition, the adult must inform the Minister in writing of the adult's savings plan before depositing the sums or at the latest by the last day of the month following the date of the deposit.

If the benefit paid for the month during which savings begin under an individual savings plan is later claimed in its entirety by the Minister, the exclusion applies, unless the claim is made following a false declaration, up to the date on which a formal repayment notice was sent by the Minister pursuant to section 97 of the Act.

177.105. The exclusions in paragraphs 2 to 5 of section 177.103 apply only if the amounts referred to are immediately deposited in a separate account in a financial institution. In the case described in paragraph 5, the financial institution must have an establishment in Canada.

177.106. For the purposes of section 177.101, liquid assets owned by an adult or the adult's spouse include any amount excluded from income, earnings or benefits to establish the basic income granted.

177.107. The amount in section 177.99 is increased for a period of 12 consecutive months by an amount equal to the amount of a retroactive adjustment of benefits paid following an administrative error, a review decision or a decision of the Administrative Tribunal of Québec, or paid pursuant to section 176.

The amount in section 177.99 is also increased for the same period by an amount equal to the indemnity paid by the Minister following a decision of the Administrative Tribunal of Québec pursuant to section 114.1 of the Act respecting administrative justice (chapter J-3) and by the amount paid to a debtor following a discharge granted pursuant to section 104 of the Act.

The increase applies from the date of payment and only in respect of the adult concerned.

177.108. For the purpose of calculating the basic income, the following liquid assets are excluded:

(1) sums from a registered education savings plan and sums from loans and bursaries that an adult receives as a student if used for the purpose for which they were obtained within 6 months of their withdrawal or receipt, as the case may be;

(2) the cash surrender value of a life insurance policy;

(3) sums paid by the Minister as additional expenses related to participation in an employment-assistance or social assistance and support measure or program and sums paid by a third person and recognized as such by the Minister;

(4) sums paid by the Minister as additional expenses related to participation in a specific program;

(5) sums withdrawn from a registered retirement savings plan to be used under the Home Buyers' Plan provided the sums are immediately deposited in a separate account in a financial institution and used for the purposes of the plan before 1 October of the year following the withdrawal;

(6) sums paid by an institution or an organization to an adult discharged from a psychiatric hospital centre to allow the person to purchase certain items of everyday use;

(7) sums from income, earnings or benefits referred to in section 177.77 for the month in which the sums are taken into account to reduce the benefit;

(8) for the month in which they are received, sums received as income tax refunds;

(9) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of the adult, the adult's spouse or a dependent child and who may dispose of them in the short term, according to the terms and conditions applicable to that plan;

(10) financial assistance or an indemnity received for extra temporary housing, food and clothing costs under a financial assistance or compensation program established under the Civil Protection Act (chapter S-2.3);

(11) for the month of its receipt, financial assistance granted under a program established by the Commission des partenaires du marché du travail to favour enrolment in a training program leading to a profession deemed a priority by the Commission;

(12) for the month of its receipt, financial assistance aimed at contributing to support for a child born as a result of a sexual aggression paid retroactively under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).

177.109. For the purpose of calculating the basic income, the amount of a loan obtained for the consolidation of debts or the purchase of property or goods described in paragraphs 1, 2 and 4 of section 177.96, paragraph 8 of section 146 and for the purchase of an automobile is excluded if

(1) the amount is immediately deposited in a separate account in a financial institution; and

(2) the amount is used within 30 days of receipt for the purpose for which it was obtained.

177.110. Advance payments as a work premium made under the Taxation Act (chapter I-3), advance payments related to the family allowance paid under section 1029.8.61.28 of that Act and advance payments paid as Canada child benefits under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)) are excluded for the purposes of calculating the benefit for the month of their receipt.

If they are paid quarterly, advance payments related to the Working Income Tax Benefit and the supplement for handicapped persons paid by the Canada Revenue Agency as well as the amounts related to the family allowance granted under section 1029.8.61.28 of the Taxation Act are wholly excluded for the month in which they are paid and are excluded in the proportion of two-thirds for the following month and one-third for the last month.

Payment of arrears in respect of the amounts referred to in this section and those granted by the federal government as Canada child tax benefits, national child benefit supplements and universal child care benefits are excluded for a 12-month period from the date of their payment.

177.111. Every part of the capital referred to in paragraphs 2 to 5 of section 177.103, paragraphs 1 and 5 of section 177.108 and section 177.109 constitutes liquid assets for the entire month in which it is used contrary to those provisions or is not deposited as required by the applicable provisions.

The first paragraph does not apply if, during the same month, the sums in paragraphs 2 and 5 of section 177.103 and paragraph 1 of section 177.108 are transferred to a plan referred to in paragraphs 1, 5 and 6 of section 177.103 on the conditions set out therein.

DIVISION VI
PAYMENT AND INCREASE

177.112. The basic income is paid monthly, on the first day of the month, except in case of exceptional circumstances.

Special benefits are paid according to the same conditions as if they are granted under a last resort financial assistance program.

177.113. The amounts referred to in sections 177.70, 177.73 and 177.74 and the second paragraph of section 177.80 are increased on 1 January of each year, based on the adjustment factor established in the first, second and third paragraphs of section 750.2 of the Taxation Act (chapter I-3) for that year.

If an amount that results from the adjustment provided for in the first paragraph is not a multiple of $1, it must be rounded to the nearest multiple of $1 or, if it is equidistant from two such multiples, to the higher thereof.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

DIVISION VII
MISCELLANEOUS

177.114. An adult must not, within 2 years preceding an application or the payment of financial assistance, have waived his or her rights, disposed of property or liquid assets without adequate consideration or squandered those assets so as to become eligible under the program or obtain a greater amount than would otherwise have been granted.

Where an adult has a spouse, the spouse must not, within 2 years preceding an application by the adult or the payment of financial assistance to the adult, have waived his or her rights, disposed of liquid assets without adequate consideration or squandered those assets so as to make the adult eligible under the program or enable the adult to obtain a greater amount than would otherwise have been granted.

177.115. In the case of a contravention of section 177.114, the Minister reduces, refuses or ceases to pay the basic income by including, in the income calculation, the value of the rights, property or liquid assets on the date of the waiver, disposal or squandering, after subtracting adequate consideration received and, for each month elapsed since that date and for not more than 2 years, an amount of $2,500.

For the purposes of the first paragraph, the value of the property or liquid assets to be considered corresponds each month,

(1) for the adult's property, to the amount exceeding $500,000 divided by 12;

(2) for the adult's liquid assets, to the amount exceeding $20,000; and

(3) for the liquid assets of the adult's spouse, to the amount exceeding $50,000.

177.116. For the purposes of section 64 of the Act, an adult who is a creditor of support for himself or herself must inform the Minister of any agreement or judicial proceeding by sending a copy thereof within the specified time to the Service des pensions alimentaires of the Ministère de l'Emploi et de la Solidarité sociale.

The address of the Service des pensions alimentaires is published on the department's website.

177.117. If a basic income application has been refused or the basic income of the adult or family has been reduced or has ceased to be paid because of sums granted under another Act and the Minister or body that paid the sums claims them, in whole or in part, the amount of the basic income granted or that could have been granted for the months covered by the claim is recalculated, on a request made within 30 days after receipt of the claim, if the sums claimed were paid because of an administrative error of the Minister or body concerned.

For the purposes of this section and when required, new declarations relating to the months covered by the claim must be filed.".

46. Section 178 is amended

(1) by inserting ", adult who is a recipient under the Basic Income Program and has a spouse" after "adult" in the first paragraph;

(2) by inserting ", adult who is a recipient under the Basic Income Program and has a spouse" after "adult" in the second paragraph.

47. Section 180 is amended by inserting "or the Basic Income Program" after "program".

48. Section 181 is amended by inserting "or the Basic Income Program" after "program" in the first paragraph.

49. Section 183 is amended by inserting "or the Basic Income Program" after "program".

50. Section 184 is amended

(1) by inserting "or Basic Income Program benefits" after "benefits" in the first paragraph;

(2) in the second paragraph

(*a*) by striking out "independent" in subparagraph 1;

(*b*) by inserting ", 177.74" after "sections 68" in subparagraph 1;

(*c*) by striking out "independent" in subparagraph 2.

51. Section 185 is amended by replacing "and an adult who is a minor sheltered with her dependent child" in the second paragraph by ", an adult who is a minor sheltered with her dependent child or a recipient under the Basic Income Program who has a spouse".

52. Section 187 is amended by replacing "or an independent adult required to reside in an institution" in subparagraph 1 of the second paragraph by ", an independent adult required to reside in an institution or a recipient under the Basic Income Program who has a spouse".

53. Section 188 is amended by inserting ", a recipient under the Basic Income Program who has a spouse" after "adult".

54. Section 191 is amended by inserting "and the Basic Income Program" after "program" in paragraph 1.

55. Section 194.1 is amended

(1) by replacing subparagraph 2 of the first paragraph by the following:

"(2) the third paragraph of section 177.79;

(2.1) the third paragraph of section 177.80;

(2.2) the fourth paragraph of section 177.91;";

(2) by replacing "The exceptions in subparagraphs 1 and 2 of the first paragraph do not apply" in the third paragraph by "The exception in paragraph 1 of the first paragraph does not apply".

TRANSITIONAL AND FINAL

56. The second paragraph of section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, continues to apply to the following persons who, on that date, received sums referred to in that paragraph, so long as they

continue, without interruption, to be recipients under the Social Solidarity Program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Regulation:

(1) a person who receives financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received;

(2) a person who receives financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

57. A recipient whose social solidarity allowance is adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, is considered to meet the conditions set out in section 177.43, made by section 45 of this Regulation, except persons who, on that same date,

(1) received financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received; or

(2) received financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act, except only adjustments for dependent children referred to in subdivision 3 of Division II of Chapter III of Title IV.

58. In the case of a recipient whose social solidarity allowance is not adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, the months that were considered on that date for the purposes of calculating the period provided for in that paragraph continue to be so considered for the purposes of the calculation provided for in section 177.43, made by section 45 of this Regulation, so long as the person continues to be a recipient under that program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Individual and Family Assistance Regulation.

Sections 177.43 and 177.45 to 177.47, made by section 45 of this Regulation, apply in respect of such a recipient for taking into consideration months subsequent to December 2022.

Despite the second paragraph, if the recipient did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

59. Where a person has previously received a social solidarity allowance between 1 November 2021 and 30 December 2022 and the person is no longer a recipient under the program on 31 December 2022, the period referred to in the second paragraph of section 177.46 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is presumed to have already been considered for the purposes of calculating the period provided for in section 177.43, made by section 45 of this Regulation.

If the person did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder before 31 December 2022, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

60. Despite section 177.57 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, the first reference period begins on 1 January 2023 and ends on 30 June 2023.

61. Despite the first paragraph of section 177.49 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, a person admitted to the Basic Income Program between 1 January and 30 June 2023 may choose, one time only and not later than 31 December 2023, not to participate in it.

62. The amount referred to in section 177.70 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is increased as of 1 January 2023 according to section 177.113, made by section 45 of this Regulation.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

63. This Regulation comes into force on 1 January 2023.

105806

M.O., 2022

Order 2022-002 of the Minister of Education dated 6 June 2022

Education Act
(chapter I-13.3)

Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required

THE MINISTER OF EDUCATION,

CONSIDERING section 457.2.1 of the Education Act (chapter I-13.3), which provides that the Minister may, by regulation, determine the services and school activities to which the right to free educational services, provided for in section 3 of the Act, does not apply, specify certain objects or categories of objects to which the right of free use of instructional material, provided for in section 7 of the Act, does or does not apply, and establish standards for the financial contributions that may be required for services, school activities and material to which the right to free access, provided for in section 3, 7 or the third paragraph of section 292 of the Act, does not apply;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 16 February 2022 of a draft Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendment;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required, attached to this Order, is hereby made.

Québec, 6 June 2022

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation to amend the Regulation respecting free instructional material and certain financial contributions that may be required

Education Act
(chapter I-13.3, s. 457.2.1)

1. The Regulation respecting free instructional material and certain financial contributions that may be required (chapter I-13.3, r. 6.2) is amended in section 9 by replacing "or for material to which the right of free use does not apply" by ", for material to which the right of free use does not apply or for the supervision of students at lunch time".

2. The following is added after section 11:

"**11.1.** The financial contribution required for the supervision of a child at the preschool and elementary school level at lunch time must be determined by taking into account the number of days during which the child stays at school for lunch. That number is established with the parents, according to the conditions set by the school service centre.

In addition to the actual cost of the service, the financial contribution may not exceed the amount obtained by multiplying $3.00 by the total number of hours of the lunch period.

The amount provided for in the second paragraph is adjusted on 1 July of each year by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 31 March of the preceding year. The result is rounded to the nearest multiple of $0.05, or if it is equidistant from two such multiples, to the higher of the two. The Minister publishes the result of the adjustment in the *Gazette officielle du Québec*.

11.2. No financial contribution may be required for the supervision of a secondary school student at lunch time when the student eats lunch throughout the school year outside the premises of the educational institution the student attends, except those lunch periods where educational services are offered to the student, and the student's parents so notify in writing the school service centre.".

3. The third paragraph of section 11.1 of the Regulation respecting free instructional material and certain financial contributions that may be required, made by section 2 of this Regulation, is applicable from the school year 2023-2024.

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

105763

List of electoral divisions

An Act respecting French, the official and common language of Quebec (chapter 14)

An Act to foster voting in the next general election in Quebec (chapter 24)

Election Act (chapter E-3.3)

List of electoral divisions with their name and their boundaries

Pursuant to sections 178 and 179 of An Act respecting French, the official and common language of Québec (2022, c. 14) and section 29 of the Election Act (CQLR, c. E-3.3), the Commission de la représentation électorale has published the list of electoral divisions updated following the re-naming of the electoral division Bourget to Camille-Laurin. The list indicates the name and boundaries of each electoral division, in alphabetical order.

The municipalities, Indian reserves and settlements, reserved lands, unorganized territories and their boundaries are those that existed on January 31, 2017.

In the description of the electoral divisions, the name of a local municipality is occasionnaly followed by an abbreviation which refers to the designation of the municipality. The following list gives the abbreviations and their meaning.

CT — canton (township)
CU — cantons unis (united townships)
EI — établissement indien (Indian settlement)
M — municipalité (municipality)
NO — territoire non organisé (unorganized territory)
P — paroisse (parish)
R — réserve indienne (Indian reserve)
TC — terres réservées cries (Cree reserved territories)
TI — terres réservées inuites (Inuit reserved territories)
TK — terres réservées naskapies (Naskapi reserved territories)
V — ville (town)
VC — village cri (Cree village)
VK — village naskapi (Naskapi village)
VL — village
VN — village nordique (northern village)

Where the words "autoroute", "avenue", "boulevard", "chemin", "montée", "rue", "route", "railway line", "cycle path", "overhead electric power line", "lac", "fleuve", "rivière", and "ruisseau" are used, they refer to the median line unless provided otherwise.

According to section 28 of An Act to foster voting in the next general election in Quebec, (2022, c. 24) the following list of electoral divisions will enter into force on the day the 42nd Legislature ends.

Pierre Reid
Chairman of the Commission de la représentation électorale

1. ABITIBI-EST

The electoral division of Abitibi-Est comprises the following municipalities: Belcourt (M), Malartic (V), Rivière-Héva (M), Senneterre (P), Senneterre (V) and Val-d'Or (V).

It also comprises a part of the Ville de Rouyn-Noranda corresponding to the former Ville de Cadillac and former unorganized territories of Lac-Montanier, Lac-Surimau, and Rapide-des-Cèdres, as they existed on December 31, 2001.

It also comprises the Indian reserve of Lac-Simon and the Indian settlement of Kitcisakik.

It comprises, in addition, the following unorganized territories: Lac-Granet, Lac-Metei, Matchi-Manitou and Réservoir-Dozois.

2. ABITIBI-OUEST

The electoral division of Abitibi-Ouest comprises the following municipalities: Amos (V), Authier (M), Authier-Nord (M), Barraute (M), Berry (M), Champneuf (M), Chazel (M), Clermont (CT), Clerval (M), Duparquet (V), Dupuy (M), Gallichan (M), La Corne (M), La Morandière (M), La Motte (M), Landrienne (CT), La Reine (M), La Sarre (V), Launay (CT), Macamic (V), Normétal (M), Palmarolle (M), Poularies (M), Preissac (M), Rapide-Danseur (M), Rochebaucourt (M), Roquemaure (M), Saint-Dominique-du-Rosaire (M), Saint-Félix-de-Dalquier (M), Sainte-Germaine-Boulé (M), Sainte-Gertrude-Manneville (M), Sainte-Hélène-de-Mancebourg (P), Saint-Lambert (P), Saint-Marc-de-Figuery (P), Saint-Mathieu-d'Harricana (M), Taschereau (M), Trécesson (CT) and Val-Saint-Gilles (M).

It also comprises the Indian reserve of Pikogan.

It also comprises the following unorganized territories: Lac-Chicobi, Lac-Despinassy, Lac-Duparquet and Rivière-Ojima.

3. ACADIE

The electoral division of Acadie comprises a part of the Ville de Montréal situated in the borough of Ahuntsic-Cartierville and bounded as follows: the part of the borough of Ahuntsic-Cartierville situated between the autoroute des Laurentides (15) and the boulevard Saint-Laurent, and the extension of this boulevard.

It also comprises a part of the Ville de Montréal situated in the borough of Saint-Laurent and bounded as follows: the avenue O'Brien, the boundary of the borough of Saint-Laurent, the avenue Sainte-Croix, and the boulevard de la Côte-Vertu.

4. ANJOU−LOUIS-RIEL

The electoral division of Anjou−Louis-Riel comprises a part of the Ville de Montréal corresponding to the borough of Anjou.

It also comprises a part of the Ville de Montréal situated in the borough of Mercier–Hochelaga-Maisonneuve and bounded as follows: the autoroute Transcanadienne (25), the rue Sherbrooke Est, and the boundary of the borough of Mercier–Hochelaga-Maisonneuve.

5. ARGENTEUIL

The electoral division of Argenteuil comprises the following municipalities: Arundel (CT), Barkmere (V), Brownsburg-Chatham (V), Gore (CT), Grenville (VL), Grenville-sur-la-Rouge (M), Harrington (CT), Lac-des-Seize-Îles (M), Lachute (V), Mille-Isles (M), Montcalm (M), Morin-Heights (M), Saint-Adolphe-d'Howard (M), Saint-André-d'Argenteuil (M), Saint-Colomban (V), Wentworth (CT) and Wentworth-Nord (M).

6. ARTHABASKA

The electoral division of Arthabaska comprises the following municipalities: Inverness (M), Laurierville (M), Lyster (M), Notre-Dame-de-Lourdes (P), Plessisville (P), Plessisville (V), Princeville (V), Saint-Christophe-d'Arthabaska (P), Saint-Ferdinand (M), Saint-Louis-de-Blandford (M), Saint-Norbert-d'Arthabaska (M), Saint-Pierre-Baptiste (P), Saint-Rosaire (P), Sainte-Sophie-d'Halifax (M), Saint-Valère (M), Victoriaville (V) and Villeroy (M).

7. BEAUCE-NORD

The electoral division of Beauce-Nord comprises the following municipalities: Beauceville (V), Frampton (M), Saint-Alfred (M), Saints-Anges (P), Saint-Bernard (M), Saint-Elzéar (M), Saint-Frédéric (P), Sainte-Hénédine (P), Saint-Isidore (M), Saint-Joseph-de-Beauce (V), Saint-Joseph-des-Érables (M), Saint-Jules (P), Saint-Lambert-de-Lauzon (M), Sainte-Marguerite (P), Sainte-Marie (V), Saint-Odilon-de-Cranbourne (P), Saint-Séverin (P), Saint-Victor (M), Scott (M), Tring-Jonction (VL) and Vallée-Jonction (M).

8. BEAUCE-SUD

The electoral division of Beauce-Sud comprises the following municipalities: Courcelles (M), Lac-Poulin (VL), La Guadeloupe (VL), Notre-Dame-des-Pins (P), Sainte-Aurélie (M), Saint-Benjamin (M), Saint-Benoît-Labre (M), Sainte-Clotilde-de-Beauce (M), Saint-Côme–Linière (M), Saint-Éphrem-de-Beauce (M), Saint-Évariste-de-Forsyth (M), Saint-Gédéon-de-Beauce (M), Saint-Georges (V), Saint-Hilaire-de-Dorset (P), Saint-Honoré-de-Shenley (M), Saint-Ludger (M), Saint-Martin (P), Saint-Philibert (M), Saint-Prosper (M), Saint-René (P), Saint-Robert-Bellarmin (M), Saint-Simon-les-Mines (M), Saint-Théophile (M) and Saint-Zacharie (M).

9. BEAUHARNOIS

The electoral division of Beauharnois comprises the following municipalities: Beauharnois (V), Saint-Étienne-de-Beauharnois (M), Saint-Louis-de-Gonzague (P), Saint-Stanislas-de-Kostka (M) and Salaberry-de-Valleyfield (V).

10. BELLECHASSE

The electoral division of Bellechasse comprises the following municipalities: Armagh (M), Beaumont (M), Honfleur (M), Lac-Etchemin (M), La Durantaye (P), Notre-Dame-Auxiliatrice-de-Buckland (P), Saint-Anselme (M), Saint-Camille-de-Lellis (P), Saint-Charles-de-Bellechasse (M), Sainte-Claire (M), Saint-Cyprien (P), Saint-Damien-de-Buckland (P), Saint-Gervais (M), Saint-Henri (M), Sainte-Justine (M), Saint-Lazare-de-Bellechasse (M), Saint-Léon-de-Standon (P), Saint-Louis-de-Gonzague (M), Saint-Luc-de-Bellechasse (M), Saint-Magloire (M), Saint-Malachie (P), Saint-Michel-de-Bellechasse (M), Saint-Nazaire-de-Dorchester (P), Saint-Nérée-de-Bellechasse (M), Saint-Philémon (P), Saint-Raphaël (M), Sainte-Rose-de-Watford (M), Sainte-Sabine (P) and Saint-Vallier (M).

It also comprises a part of the Ville de Lévis situated in the borough of Desjardins and bounded as follows: the part of the borough of Desjardins situated to the south of the autoroute Jean-Lesage (20).

11. BERTHIER

The electoral division of Berthier comprises the following municipalities: Berthierville (V), Lanoraie (M), Lavaltrie (V), La Visitation-de-l'Île-Dupas (M), Mandeville (M), Saint-Alphonse-Rodriguez (M), Saint-Barthélemy (P), Sainte-Béatrix (M), Saint-Cléophas-de-Brandon (M), Saint-Côme (P), Saint-Cuthbert (M), Saint-Damien (P), Saint-Didace (P), Sainte-Élisabeth (M), Sainte-Émélie-de-l'Énergie (M), Saint-Félix-de-Valois (M), Saint-Gabriel (V), Saint-Gabriel-de-Brandon (M), Sainte-Geneviève-de-Berthier (M), Saint-Ignace-de-Loyola (M), Saint-Jean-de-Matha (M), Sainte-Marcelline-de-Kildare (M), Saint-Michel-des-Saints (M), Saint-Norbert (P) and Saint-Zénon (M).

It also comprises the Indian reserve of Manawan.

It also comprises the following unorganized territories: Baie-Atibenne, Baie-de-la-Bouteille, Baie-Obaoca, Lac-Cabasta, Lac-Devenyns, Lac-du-Taureau, Lac-Legendre, Lac-Matawin, Lac-Minaki, Lac-Santé and Saint-Guillaume-Nord.

12. BERTRAND

The electoral division of Bertrand comprises the following municipalities: Chertsey (M), Entrelacs (M), Estérel (V), Ivry-sur-le-Lac (M), Lantier (M), Notre-Dame-de-la-Merci (M), Rawdon (M), Sainte-Adèle (V), Sainte-Agathe-des-Monts (V), Saint-Donat (M), Sainte-Lucie-des-Laurentides (M), Sainte-Marguerite-du-Lac-Masson (V), Val-David (VL), Val-des-Lacs (M) and Val-Morin (M).

It also comprises the Indian reserve of Doncaster.

It also comprises the unorganized territory of Lac-des-Dix-Milles.

13. BLAINVILLE

The electoral division of Blainville comprises the following municipalities: Blainville (V), Bois-des-Filion (V) and Lorraine (V).

14. BONAVENTURE

The electoral division of Bonaventure comprises the following municipalities: Bonaventure (V), Caplan (M), Carleton-sur-Mer (V), Cascapédia–Saint-Jules (M), Chandler (V), Escuminac (M), Hope (CT), Hope Town (M), L'Ascension-de-Patapédia (M), Maria (M), Matapédia (M), New Carlisle (M), New Richmond (V), Nouvelle (M), Paspébiac (V), Pointe-à-la-Croix (M), Port-Daniel–Gascons (M), Ristigouche-Partie-Sud-Est (CT), Saint-Alexis-de-Matapédia (M), Saint-Alphonse (M), Saint-André-de-Restigouche (M), Saint-Elzéar (M), Saint-François-d'Assise (M), Saint-Godefroi (CT), Saint-Siméon (P) and Shigawake (M).

It also comprises the following Indian reserves: Gesgapegiag and Listuguj.

It also comprises the following unorganized territories: Rivière-Bonaventure, Rivière-Nouvelle and Ruisseau-Ferguson.

15. BORDUAS

The electoral division of Borduas comprises the following municipalities: Belœil (V), McMasterville (M), Mont-Saint-Hilaire (V), Otterburn Park (V), Saint-Antoine-sur-Richelieu (M), Saint-Charles-sur-Richelieu (M), Saint-Denis-sur-Richelieu (M), Saint-Jean-Baptiste (M), Sainte-Madeleine (VL), Saint-Marc-sur-Richelieu (M), Sainte-Marie-Madeleine (P) and Saint-Mathieu-de-Belœil (M).

16. BOURASSA-SAUVÉ

The electoral division of Bourassa-Sauvé comprises a part of the Ville de Montréal situated in the borough of Montréal-Nord and bounded as follows: the rivière des Prairies, the boundary of the borough of Montréal-Nord, and the Saint-Michel, Henri-Bourassa Est, and Pie-IX boulevards.

17. BROME-MISSISQUOI

The electoral division of Brome-Missisquoi comprises the following municipalities: Abercorn (VL), Bedford (CT), Bedford (V), Bolton-Ouest (M), Brigham (M), Brome (VL), Bromont (V), Cowansville (V), Dunham (V), East Farnham (M), Farnham (V), Frelighsburg (M), Lac-Brome (V), Notre-Dame-de-Stanbridge (M), Pike River (M), Saint-Alphonse-de-Granby (M), Saint-Armand (M), Saint-Ignace-de-Stanbridge (M), Sainte-Sabine (M), Shefford (CT), Stanbridge East (M), Stanbridge Station (M), Sutton (V), Warden (VL) and Waterloo (V).

18. CAMILLE-LAURIN

The electoral division of Camille-Laurin comprises a part of the Ville de Montréal situated in the borough of Mercier–Hochelaga-Maisonneuve and bounded as follows: the autoroute Transcanadienne (25), the boundary of the borough of Mercier–Hochelaga-Maisonneuve, the boundary of the Ville de Montréal in the fleuve Saint-Laurent, the extension of the railway line of the Canadian National Railway Company, this railway line and its extension, and the rue Sherbrooke Est.

19. CHAMBLY

The electoral division of Chambly comprises the following municipalities: Carignan (V), Chambly (V), Richelieu (V), Saint-Basile-le-Grand (V) and Saint-Mathias-sur-Richelieu (M).

20. CHAMPLAIN

The electoral division of Champlain comprises the following municipalities: Batiscan (M), Champlain (M), Hérouxville (P), Lac-aux-Sables (P), Notre-Dame-de-Montauban (M), Saint-Adelphe (P), Sainte-Anne-de-la-Pérade (M), Sainte-Geneviève-de-Batiscan (P), Saint-Luc-de-Vincennes (M), Saint-Maurice (P), Saint-Narcisse (P), Saint-Prosper-de-Champlain (M), Saint-Séverin (P), Saint-Stanislas (M), Sainte-Thècle (M) and Saint-Tite (V).

It also comprises a part of the Ville de Trois-Rivières situated to the east of the rivière Saint-Maurice, excluding all the islands at its mouth.

21. CHAPLEAU

The electoral division of Chapleau comprises a part of the Ville de Gatineau bounded as follows: the autoroute de l'Outaouais (50), the boulevard Lorrain, the railway line of Chemins de fer Québec-Gatineau, the boulevard Labrosse, the rue Sanscartier, its extension, the boundary of the Ville de Gatineau in the rivière des Outaouais, including the île Kettle, the rivière Gatineau, the ruisseau Desjardins, the avenue Gatineau, and the boulevard La Vérendrye Ouest.

22. CHARLESBOURG

The electoral division of Charlesbourg comprises a part of the Ville de Québec situated in the borough of Charlesbourg and bounded as follows: the rue de la Faune, the autoroute Laurentienne (73), the rue George-Muir, the boulevard Henri-Bourassa, the rear line of the rue de Dublin (south side), its extension, and the boundary of the borough of Charlesbourg.

23. CHARLEVOIX–CÔTE-DE-BEAUPRÉ

The electoral division of Charlevoix–Côte-de-Beaupré comprises the following municipalities: Baie-Sainte-Catherine (M), Baie-Saint-Paul (V), Beaupré (V), Boischatel (M), Château-Richer (V), Clermont (V), La Malbaie (V), L'Ange-Gardien (M), Les Éboulements (M), L'Isle-aux-Coudres (M), Notre-Dame-des-Monts (M), Petite-Rivière-Saint-François (M), Saint-Aimé-des-Lacs (M), Sainte-Anne-de-Beaupré (V), Sainte-Famille (P), Saint-Ferréol-les-Neiges (M), Saint-François-de-l'Île-d'Orléans (M), Saint-Hilarion (P), Saint-Irénée (P), Saint-Jean-de-l'Île-d'Orléans (M), Saint-Joachim (P), Saint-Laurent-de-l'Île-d'Orléans (M), Saint-Louis-de-Gonzague-du-Cap-Tourmente (P), Sainte-Pétronille (VL), Saint-Pierre-de-l'Île-d'Orléans (M), Saint-Siméon (M), Saint-Tite-des-Caps (M) and Saint-Urbain (P).

It also comprises the following unorganized territories: Lac-Jacques-Cartier, Lac-Pikauba, Mont-Élie, Sagard and Sault-au-Cauchon.

24. CHÂTEAUGUAY

The electoral division of Châteauguay comprises the following municipalities: Châteauguay (V), Léry (V), Mercier (V) and Saint-Isidore (P).

It also comprises the Indian reserve of Kahnawake.

25. CHAUVEAU

The electoral division of Chauveau comprises the following municipalities: Lac-Beauport (M), Lac-Delage (V) and Stoneham-et-Tewkesbury (CU).

It also comprises a part of the Ville de Québec situated in the borough of Charlesbourg and bounded as follows: the boundary of the Ville de Québec, the boundary of the borough of Charlesbourg, the extension of the rear line of the rue de Dublin (south side), this rear line, the boulevard Henri-Bourassa, the rue George-Muir, the autoroute Laurentienne (73), the rue de la Faune, and the boundary of the borough of Charlesbourg.

It also comprises a part of the Ville de Québec situated in the borough of La Haute-Saint-Charles and bounded as follows: the boundary of the Ville de Québec, the boundary of the borough of La Haute-Saint-Charles, the boulevard de l'Ormière, the extension of the rue Monseigneur-Cooke in a southern direction, this road, the avenue Industrielle, the rue du Petit-Vallon, the overhead electric power line, and the route de la Bravoure (573).

It comprises, in addition, the Indian reserve of Wendake.

Finally, it comprises the unorganized territory of Lac-Croche.

26. CHICOUTIMI

The electoral division of Chicoutimi comprises a part of the Ville de Saguenay corresponding to the former Ville de Chicoutimi, as it existed on February 17, 2002.

27. CHOMEDEY

The electoral division of Chomedey comprises a part of the Ville de Laval bounded as follows: the autoroute Jean-Noël-Lavoie (440), the autoroute des Laurentides (15), the boundary of the Ville de Laval in the rivière des Prairies, the autoroute Chomedey (13), the boulevard Notre-Dame, the avenue Clarendon, the chemin du Souvenir, the cycle path of the parc Le Boutillier until the intersection with the rue Dutrisac and the 100e Avenue, this avenue, its extension, and the 100e Avenue.

28. CHUTES-DE-LA-CHAUDIÈRE

The electoral division of Chutes-de-la-Chaudière comprises a part of the Ville de Lévis situated in the borough of Chutes-de-la-Chaudière-Est and bounded as follows: the part of the borough of Chutes-de-la-Chaudière-Est situated to the south of the autoroute Jean-Lesage (20).

It also comprises a part of the Ville de Lévis corresponding to the borough of Chutes-de-la-Chaudière-Ouest.

29. CÔTE-DU-SUD

The electoral division of Côte-du-Sud comprises the following municipalities: Berthier-sur-Mer (M), Cap-Saint-Ignace (M), Kamouraska (M), Lac-Frontière (M), La Pocatière (V), L'Islet (M), Mont-Carmel (M), Montmagny (V), Notre-Dame-du-Rosaire (M), Rivière-Ouelle (M), Saint-Adalbert (M), Saint-Alexandre-de-Kamouraska (M), Saint-André (M), Sainte-Anne-de-la-Pocatière (P), Saint-Antoine-de-l'Isle-aux-Grues (P), Sainte-Apolline-de-Patton (P), Saint-Aubert (M), Saint-Bruno-de-Kamouraska (M), Saint-Cyrille-de-Lessard (P), Saint-Damase-de-L'Islet (M), Saint-Denis-De La Bouteillerie (M), Sainte-Euphémie-sur-Rivière-du-Sud (M), Saint-Fabien-de-Panet (P), Sainte-Félicité (M), Saint-François-de-la-Rivière-du-Sud (M), Saint-Gabriel-Lalemant (M), Saint-Germain (P), Sainte-Hélène-de-Kamouraska (M), Saint-Jean-Port-Joli (M), Saint-Joseph-de-Kamouraska (P), Saint-Just-de-Bretenières (M), Sainte-Louise (P), Sainte-Lucie-de-Beauregard (M), Saint-Marcel (M), Saint-Omer (M), Saint-Onésime-d'Ixworth (M), Saint-Pacôme (M), Saint-Pamphile (V), Saint-Pascal (V), Saint-Paul-de-Montminy (M), Sainte-Perpétue (M), Saint-Philippe-de-Néri (P), Saint-Pierre-de-la-Rivière-du-Sud (P), Saint-Roch-des-Aulnaies (P) and Tourville (M).

It also comprises the following unorganized territories: Petit-Lac-Sainte-Anne and Picard.

30. D'ARCY-McGEE

The electoral division of D'Arcy-McGee comprises the following municipalities: Côte-Saint-Luc (V) and Hampstead (V).

It also comprises a part of the Ville de Montréal situated in the borough of Côte-des-Neiges–Notre-Dame-de-Grâce and bounded as follows: the chemin de la Côte-des-Neiges, the boulevard Édouard-Montpetit, the avenue Victoria, the chemin Queen-Mary, the rue Cedar Crescent, a straight line passing to the north of the site located at 4865 of the rue Cedar Crescent, the boundary of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce, the chemin de la Côte-Saint-Luc, the boundary of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce, and the railway line of the Canadian Pacific Railway Company that crosses the avenue Victoria.

31. DEUX-MONTAGNES

The electoral division of Deux-Montagnes comprises the following municipalities: Deux-Montagnes (V) and Saint-Eustache (V).

32. DRUMMOND–BOIS-FRANCS

The electoral division of Drummond–Bois-Francs comprises the following municipalities: Chesterville (M), Ham-Nord (CT), Kingsey Falls (V), Notre-Dame-de-Ham (M), Notre-Dame-du-Bon-Conseil (P), Notre-Dame-du-Bon-Conseil (VL), Saint-Albert (M), Sainte-Clotilde-de-Horton (M), Saint-Cyrille-de-Wendover (M), Sainte-Élizabeth-de-Warwick (M), Saint-Félix-de-Kingsey (M), Sainte-Hélène-de-Chester (M), Saint-Lucien (M), Saints-Martyrs-Canadiens (P), Saint-Rémi-de-Tingwick (M), Saint-Samuel (M), Sainte-Séraphine (P), Tingwick (M) and Warwick (V).

It also comprises a part of Ville de Drummondville situated to the northeast of Saint-Joseph and Saint-Joseph Ouest Boulevards.

33. DUBUC

The electoral division of Dubuc comprises the following municipalities: Bégin (M), Ferland-et-Boilleau (M), L'Anse-Saint-Jean (M), Petit-Saguenay (M), Rivière-Éternité (M), Saint-Ambroise (M), Saint-Charles-de-Bourget (M), Saint-David-de-Falardeau (M), Saint-Félix-d'Otis (M), Saint-Fulgence (M), Saint-Honoré (V) and Sainte-Rose-du-Nord (P).

It also comprises a part of the Ville de Saguenay corresponding to the borough of La Baie.

It also comprises a part of the Ville de Saguenay corresponding to the borough of Chicoutimi, with the exception of the former Ville de Chicoutimi, as it existed on February 17, 2002.

It comprises, in addition, a part of the Ville de Saguenay corresponding to the part of the borough of Jonquière situated to the north of the rivière Saguenay.

Finally, it comprises the following unorganized territories: Lac-Ministuk, Lalemant and Mont-Valin.

34. DUPLESSIS

The electoral division of Duplessis comprises the following municipalities: Aguanish (M), Baie-Johan-Beetz (M), Blanc-Sablon (M), Bonne-Espérance (M), Côte-Nord-du-Golfe-du-Saint-Laurent (M), Fermont (V), Gros-Mécatina (M), Havre-Saint-Pierre (M), Kawawachikamach (VK), L'Île-d'Anticosti (M), Longue-Pointe-de-Mingan (M), Natashquan (M), Port-Cartier (V), Rivière-au-Tonnerre (M), Rivière-Saint-Jean (M), Saint-Augustin (M), Schefferville (V) and Sept-Îles (V).

It also comprises the reserved land of Kawawachikamach, the Indian settlement of Pakuashipi, and the following Indian reserves: Lac-John, La Romaine, Maliotenam, Matimekosh, Mingan, Natashquan and Uashat.

It also comprises the following unorganized territories: Caniapiscau, Lac-Jérôme, Lac-Juillet, Lac-Vacher, Lac-Walker, Petit-Mécatina, Rivière-Mouchalagane and Rivière-Nipissis.

It comprises, in addition, the part of the unorganized territory of Rivière-Koksoak included between 55°00' and 55°20' north latitude, 67°10' west longitude and the boundary of Québec.

35. FABRE

The electoral division of Fabre comprises a part of the Ville de Laval bounded as follows: the boundary of the Ville de Laval in the rivière des Mille Îles, the autoroute Chomedey (13), the autoroute Jean-Noël-Lavoie (440), the 100e Avenue, its extension, the 100e Avenue until the intersection with the rue Dutrisac, the cycle path of the parc Le Boutillier, the chemin du Souvenir, the avenue Clarendon, the boulevard Notre-Dame, the autoroute Chomedey (13), and the boundary of the Ville de Laval in the rivière des Prairies and the lac des Deux Montagnes.

36. GASPÉ

The electoral division of Gaspé comprises the following municipalities: Cap-Chat (V), Cloridorme (CT), Gaspé (V), Grande-Rivière (V), Grande-Vallée (M), La Martre (M), Marsoui (VL), Mont-Saint-Pierre (VL), Murdochville (V), Percé (V), Petite-Vallée (M), Rivière-à-Claude (M), Sainte-Anne-des-Monts (V), Sainte-Madeleine-de-la-Rivière-Madeleine (M), Saint-Maxime-du-Mont-Louis (M) and Sainte-Thérèse-de-Gaspé (M).

It also comprises the following unorganized territories: Collines-du-Basque, Coulée-des-Adolphe, Mont-Albert, Mont-Alexandre and Rivière-Saint-Jean.

37. GATINEAU

The electoral division of Gatineau comprises the following municipalities: Aumond (CT), Blue Sea (M), Bois-Franc (M), Bouchette (M), Cantley (M), Cayamant (M), Chelsea (M), Déléage (M), Denholm (M), Egan-Sud (M), Gracefield (V), Grand-Remous (M), Kazabazua (M), Lac-Sainte-Marie (M), La Pêche (M), Low (CT), Maniwaki (V), Messines (M), Montcerf-Lytton (M), Sainte-Thérèse-de-la-Gatineau (M) and Val-des-Monts (M).

It also comprises a part of the Ville de Gatineau bounded as follows: the boundary of the Ville de Gatineau, the montée Mineault, the autoroute de l'Outaouais (50), the boulevard La Vérendrye Ouest, the avenue Gatineau, the ruisseau Desjardins, the rivière Gatineau, and the boundary of the Ville de Gatineau in the rivière Gatineau.

It also comprises the following Indian reserves: Kitigan Zibi and Lac-Rapide.

It comprises, in addition, the following unorganized territories: Cascades-Malignes, Dépôt-Échouani, Lac-Lenôtre, Lac-Moselle and Lac-Pythonga.

38. GOUIN

The electoral division of Gouin comprises a part of the Ville de Montréal situated in the borough of Rosemont –La Petite-Patrie and bounded as follows: the boundary of the borough of Rosemont–La Petite-Patrie, the 6e Avenue, and the rue Masson.

39. GRANBY

The electoral division of Granby comprises the Ville de Granby.

40. GROULX

The electoral division of Groulx comprises the following municipalities: Boisbriand (V), Rosemère (V) and Sainte-Thérèse (V).

41. HOCHELAGA-MAISONNEUVE

The electoral division of Hochelaga-Maisonneuve comprises a part of the Ville de Montréal situated in the borough of Mercier−Hochelaga-Maisonneuve and bounded as follows: the part of the borough of Mercier −Hochelaga-Maisonneuve situated to the southwest of the railway line of the Canadian National Railway Company and of its northwest and southeast extensions.

It also comprises a part of the Ville de Montréal situated in the borough of Le Plateau-Mont-Royal and bounded as follows: the rue Rachel Est, the boundary of the borough of Le Plateau-Mont-Royal, and the rue Frontenac.

It also comprises a part of the Ville de Montréal situated in the borough of Rosemont–La Petite-Patrie and bounded as follows: the part of the borough of Rosemont–La Petite-Patrie situated to the east of the rue Rachel Est.

It comprises, in addition, a part of the Ville de Montréal situated in the borough of Ville-Marie and bounded as follows: the part of the borough of Ville-Marie situated to the northeast of the rue Frontenac and of the extension of this street.

42. HULL

The electoral division of Hull comprises a part of the Ville de Gatineau bounded as follows: the boundary of the Ville de Gatineau, the rivière Gatineau, the boundary of the Ville de Gatineau in the rivière des Outaouais, the pont Champlain, the place Samuel-De Champlain, the chemin d'Aylmer, the western boundary of the lot no. 1 794 753 and its extension, the boulevard des Allumettières, the chemin Vanier, the chemin de la Montagne, and the chemin Notch.

43. HUNTINGDON

The electoral division of Huntingdon comprises the following municipalities: Dundee (CT), Elgin (M), Franklin (M), Godmanchester (CT), Havelock (CT), Hemmingford (CT), Hemmingford (VL), Hinchinbrooke (M), Howick (M), Huntingdon (V), Lacolle (M), Napierville (M), Ormstown (M), Saint-Anicet (M), Sainte-Barbe (M), Saint-Bernard-de-Lacolle (P), Saint-Chrysostome (M), Sainte-Clotilde (M), Saint-Cyprien-de-Napierville (M), Saint-Édouard (M), Saint-Jacques-le-Mineur (M), Sainte-Martine (M), Saint-Michel (M), Saint-Patrice-de-Sherrington (M), Saint-Paul-de-l'Île-aux-Noix (M), Saint-Urbain-Premier (M), Saint-Valentin (M) and Très-Saint-Sacrement (P).

It also comprises the Indian reserve of Akwesasne.

44. IBERVILLE

The electoral division of Iberville comprises the following municipalities: Ange-Gardien (M), Henryville (M), Marieville (V), Mont-Saint-Grégoire (M), Noyan (M), Rougemont (M), Saint-Alexandre (M), Sainte-Angèle-de-Monnoir (M), Sainte-Anne-de-Sabrevois (P), Sainte-Brigide-d'Iberville (M), Saint-Césaire (V), Saint-Georges-de-Clarenceville (M), Saint-Paul-d'Abbotsford (M), Saint-Sébastien (M) and Venise-en-Québec (M).

It also comprises a part of the Ville de Saint-Jean-sur-Richelieu situated to the east of the rivière Richelieu.

45. ÎLES-DE-LA-MADELEINE

The electoral division of Îles-de-la-Madeleine comprises the following municipalities: Grosse-Île (M) and Les Îles-de-la-Madeleine (M).

46. JACQUES-CARTIER

The electoral division of Jacques-Cartier comprises the following municipalities: Baie-D'Urfé (V), Beaconsfield (V), Pointe-Claire (V), Sainte-Anne-de-Bellevue (V) and Senneville (VL).

47. JEAN-LESAGE

The electoral division of Jean-Lesage comprises a part of the Ville de Québec situated in the borough of Beauport and bounded as follows: the boundary of the borough of Beauport parallel to the rue François-De Villars, the extension of this borough boundary, the rue Blanche-Lamontagne, the avenue Saint-David, the autoroute Félix-Leclerc (40), the rivière Beauport, the boundary of the Ville de Québec in the fleuve Saint-Laurent, and the boundary of the borough of Beauport.

It also comprises a part of the Ville de Québec corresponding to the part of the borough of La Cité-Limoilou situated to the north of the rivière Saint-Charles.

48. JEANNE-MANCE–VIGER

The electoral division of Jeanne-Mance–Viger comprises a part of the Ville de Montréal corresponding to the borough of Saint-Léonard.

49. JEAN-TALON

The electoral division of Jean-Talon comprises a part of the Ville de Québec situated in the borough of Sainte-Foy–Sillery–Cap-Rouge and bounded as follows: the boundary of the borough of Sainte-Foy–Sillery –Cap-Rouge, the boundary of the Ville de Québec in the fleuve Saint-Laurent, the overhead electric power line situated to the west of the boulevard Pie-XII, and the autoroute Duplessis (540).

50. JOHNSON

The electoral division of Johnson comprises the following municipalities: Acton Vale (V), Béthanie (M), Durham-Sud (M), L'Avenir (M), Lefebvre (M), Roxton (CT), Roxton Falls (VL), Roxton Pond (M), Sainte-Cécile-de-Milton (M), Sainte-Christine (P), Saint-Edmond-de-Grantham (P), Saint-Eugène (M), Saint-Germain-de-Grantham (M), Sainte-Hélène-de-Bagot (M), Saint-Joachim-de-Shefford (M), Saint-Majorique-de-Grantham (P), Saint-Nazaire-d'Acton (P), Saint-Théodore-d'Acton (M), Saint-Valérien-de-Milton (M), Upton (M) and Wickham (M).

It also comprises a part of Ville de Drummondville situated to the southwest of the Saint-Joseph and the Saint-Joseph Ouest Boulevards.

51. JOLIETTE

The electoral division of Joliette comprises the following municipalities: Crabtree (M), Joliette (V), Notre-Dame-de-Lourdes (M), Notre-Dame-des-Prairies (V), Saint-Ambroise-de-Kildare (M), Saint-Charles-Borromée (M), Sainte-Mélanie (M), Saint-Paul (M), Saint-Pierre (VL) and Saint-Thomas (M).

52. JONQUIÈRE

The electoral division of Jonquière comprises a part of the Ville de Saguenay corresponding to the part of the borough of Jonquière situated to the south of the rivière Saguenay.

53. LABELLE

The electoral division of Labelle comprises the following municipalities: Amherst (CT), Brébeuf (P), Chute-Saint-Philippe (M), Ferme-Neuve (M), Huberdeau (M), Kiamika (M), Labelle (M), Lac-des-Écorces (M), Lac-du-Cerf (M), La Conception (M), Lac-Saguay (VL), Lac-Saint-Paul (M), Lac-Supérieur (M), Lac-Tremblant-Nord (M), La Macaza (M), La Minerve (M), L'Ascension (M), Mont-Laurier (V), Mont-Saint-Michel (M), Mont-Tremblant (V), Nominingue (M), Notre-Dame-de-Pontmain (M), Notre-Dame-du-Laus (M), Rivière-Rouge (V), Saint-Aimé-du-Lac-des-Îles (M), Sainte-Anne-du-Lac (M) and Saint-Faustin–Lac-Carré (M).

It also comprises the following unorganized territories: Baie-des-Chaloupes, Lac-Akonapwehikan, Lac-Bazinet, Lac-De La Bidière, Lac-de-la-Maison-de-Pierre, Lac-de-la-Pomme, Lac-Douaire, Lac-Ernest, Lac-Marguerite, Lac-Oscar and Lac-Wagwabika.

54. LAC-SAINT-JEAN

The electoral division of Lac-Saint-Jean comprises the following municipalities: Alma (V), Desbiens (V), Hébertville (M), Hébertville-Station (VL), Labrecque (M), Lamarche (M), Larouche (M), L'Ascension-de-Notre-Seigneur (P), Métabetchouan–Lac-à-la-Croix (V), Saint-Bruno (M), Saint-Gédéon (M), Saint-Henri-de-Taillon (M), Saint-Ludger-de-Milot (M), Sainte-Monique (M) and Saint-Nazaire (M).

It also comprises the following unorganized territories: Belle-Rivière, Lac-Achouakan, Lac-Moncouche and Mont-Apica.

It also comprises the part of the unorganized territory of Passes-Dangereuses, without the township of Proulx (part) and the township of Hudon.

55. LAFONTAINE

The electoral division of LaFontaine comprises a part of the Ville de Montréal situated in the borough of Rivière-des-Prairies–Pointe-aux-Trembles and bounded as follows: the rivière des Prairies, including the île Boutin, the île Rochon, the île Lapierre and the île Gagné, the autoroute Félix-Leclerc (40), the boulevard Henri-Bourassa Est, and the boundary of the borough of Rivière-des-Prairies–Pointe-aux-Trembles.

56. LA PELTRIE

The electoral division of La Peltrie comprises the following municipalities: Fossambault-sur-le-Lac (V), Lac-Saint-Joseph (V), L'Ancienne-Lorette (V), Sainte-Catherine-de-la-Jacques-Cartier (V), Saint-Gabriel-de-Valcartier (M) and Shannon (M).

It also comprises a part of the Ville de Québec situated in the borough of La Haute-Saint-Charles and bounded as follows: the boundary of the Ville de Québec, the route de la Bravoure (573), the overhead electric power line, the rue du Petit-Vallon, the avenue Industrielle, the rue Monseigneur-Cooke, its extension, the boulevard de l'Ormière, and the boundary of the borough of La Haute-Saint-Charles.

It also comprises a part of the Ville de Québec corresponding to the borough of Sainte-Foy–Sillery–Cap-Rouge situated to the east of the route de l'Aéroport.

57. LA PINIÈRE

The electoral division of La Pinière comprises a part of the Ville de Brossard bounded as follows: the pont Champlain, the autoroute des Cantons-de-l'Est (10), the boulevards Taschereau and Lapinière, and the boundary of the Ville de Brossard.

58. LAPORTE

The electoral division of Laporte comprises the Ville de Saint-Lambert.

It also comprises a part of the Ville de Brossard bounded as follows: the boundary of the Ville de Brossard, the boulevards Lapinière and Taschereau, the autoroute des Cantons-de-l'Est (10), and the pont Champlain.

It also comprises a part of the Ville de Longueuil corresponding to the borough of Greenfield Park.

It comprises, in addition, a part of the Ville de Longueuil situated in the borough of Saint-Hubert and bounded as follows: the boundary of the borough of Saint-Hubert with the borough of Vieux-Longueuil, the railway line of the Canadian National Railway Company running alongside the boulevard Maricourt, and the boundary of the borough of Saint-Hubert with the borough of Greenfield Park.

Finally, it comprises a part of the Ville de Longueuil situated in the borough of Vieux-Longueuil and bounded as follows: the part of the borough of Vieux-Longueuil corresponding to the former Ville de LeMoyne, as it existed on December 31, 2001.

59. LA PRAIRIE

The electoral division of La Prairie comprises the following municipalities: Candiac (V), Delson (V), La Prairie (V) and Saint-Philippe (V).

60. L'ASSOMPTION

The electoral division of L'Assomption comprises the following municipalities: Charlemagne (V), L'Assomption (V), L'Épiphanie (P) and L'Épiphanie (V).

It also comprises a part of the Ville de Repentigny situated to the northwest of the rivière L'Assomption.

61. LAURIER-DORION

The electoral division of Laurier-Dorion comprises a part of the Ville de Montréal situated in the borough of Villeray–Saint-Michel–Parc-Extension and bounded as follows: the part of the borough of Villeray–Saint-Michel–Parc-Extension situated to the southwest of the avenue Papineau.

62. LAVAL-DES-RAPIDES

The electoral division of Laval-des-Rapides comprises a part of the Ville de Laval bounded as follows: the autoroute Jean-Noël-Lavoie (440), the autoroute Papineau (19), the boundary of the Ville de Laval in the rivière des Prairies and the autoroute des Laurentides (15).

63. LAVIOLETTE–SAINT-MAURICE

The electoral division of Laviolette–Saint-Maurice comprises the following municipalities: Grandes-Piles (VL), La Bostonnais (M), Lac-Édouard (M), La Tuque (V), Notre-Dame-du-Mont-Carmel (P), Saint-Roch-de-Mékinac (P), Shawinigan (V) and Trois-Rives (M).

It also comprises the following Indian reserves: Coucoucache, Obedjiwan and Wemotaci.

It also comprises the following unorganized territories: Lac-Boulé, Lac-Masketsi, Lac-Normand and Rivière-de-la-Savane.

64. LES PLAINES

The electoral division of Les Plaines comprises the Ville de Sainte-Anne-des-Plaines.

It also comprises a part of the Ville de Mirabel situated to the northeast of the autoroute des Laurentides (15).

It also comprises a part of the Ville de Terrebonne bounded as follows: the part of the Ville de Terrebonne corresponding to the former Ville de La Plaine, as it existed on June 26, 2001.

65. LÉVIS

The electoral division of Lévis comprises a part of the Ville de Lévis situated in the borough of Chutes-de-la-Chaudière-Est and bounded as follows: the part of the borough of Chutes-de-la-Chaudière-Est situated to the north of the autoroute Jean-Lesage (20).

It also comprises a part of the Ville de Lévis situated in the borough of Desjardins and bounded as follows: the part of the borough of Desjardins situated to the north of the autoroute Jean-Lesage (20).

66. LOTBINIÈRE-FRONTENAC

The electoral division of Lotbinière-Frontenac comprises the following municipalities: Adstock (M), Dosquet (M), East Broughton (M), Irlande (M), Kinnear's Mills (M), Laurier-Station (VL), Leclercville (M), Lotbinière (M), Notre-Dame-du-Sacré-Cœur-d'Issoudun (P), Sacré-Cœur-de-Jésus (P), Saint-Adrien-d'Irlande (M), Saint-Agapit (M), Sainte-Agathe-de-Lotbinière (M), Saint-Antoine-de-Tilly (M), Saint-Apollinaire (M), Sainte-Croix (M), Saint-Édouard-de-Lotbinière (P), Saint-Flavien (M), Saint-Fortunat (M), Saint-Gilles (M), Saint-Jacques-de-Leeds (M), Saint-Jacques-le-Majeur-de-Wolfestown (P), Saint-Janvier-de-Joly (M), Saint-Jean-de-Brébeuf (M), Saint-Joseph-de-Coleraine (M), Saint-Julien (M), Saint-Narcisse-de-Beaurivage (P), Saint-Patrice-de-Beaurivage (M), Saint-Pierre-de-Broughton (M), Saint-Sylvestre (M), Thetford Mines (V) and Val-Alain (M).

67. LOUIS-HÉBERT

The electoral division of Louis-Hébert comprises the Ville de Saint-Augustin-de-Desmaures.

It also comprises a part of the Ville de Québec situated in the borough of Sainte-Foy–Sillery–Cap-Rouge and bounded as follows: the boundary of the borough of Sainte-Foy–Sillery–Cap-Rouge, the route de l'Aéroport, the autoroute Duplessis (540), the overhead electric power line situated to the west of the boulevard Pie-XII, the boundary of the Ville de Québec in the fleuve Saint-Laurent, and the boundary of the Ville de Québec.

68. MARGUERITE-BOURGEOYS

The electoral division of Marguerite-Bourgeoys comprises a part of the Ville de Montréal corresponding to the borough of LaSalle, including the île Rock, the île aux Chèvres, the île aux Hérons, and the île des Sept Sœurs.

69. MARIE-VICTORIN

The electoral division of Marie-Victorin comprises a part of the Ville de Longueuil situated in the borough of Vieux-Longueuil and bounded as follows: the part of the borough of Vieux-Longueuil situated to the south of the chemin de Chambly and the extension of the chemin de Chambly, with the exception of the former Ville de LeMoyne, as it existed on December 31, 2001.

70. MARQUETTE

The electoral division of Marquette comprises the following municipalities: Dorval (V) and L'Île-Dorval (V).

It also comprises a part of the Ville de Montréal corresponding to the borough of Lachine.

71. MASKINONGÉ

The electoral division of Maskinongé comprises the following municipalities: Charette (M), Louiseville (V), Maskinongé (M), Saint-Alexis-des-Monts (P), Sainte-Angèle-de-Prémont (M), Saint-Barnabé (P), Saint-Boniface (M), Saint-Édouard-de-Maskinongé (M), Saint-Élie-de-Caxton (M), Saint-Étienne-des-Grès (P), Saint-Justin (M), Saint-Léon-le-Grand (P), Saint-Mathieu-du-Parc (M), Saint-Paulin (M), Saint-Sévère (P), Sainte-Ursule (P) and Yamachiche (M).

It also comprises a part of the Ville de Trois-Rivières situated to the west of the autoroute de l'Énergie (55).

72. MASSON

The electoral division of Masson comprises the Ville de Mascouche.

It also comprises a part of the Ville de Terrebonne bounded as follows: the boundary of the Ville de Terrebonne from where it meets the rivière Mascouche, the boundary of the Ville de Terrebonne in the rivière des Prairies and the rivière des Mille Îles, the extension of the rear line of the eastern part of the rue Samson (east side), this rear line, the montée Dumais, the autoroute 640, and the rivière Mascouche.

73. MATANE-MATAPÉDIA

The electoral division of Matane-Matapédia comprises the following municipalities: Albertville (M), Amqui (V), Baie-des-Sables (M), Causapscal (V), Grand-Métis (M), Grosses-Roches (M), Lac-au-Saumon (M), La Rédemption (P), Les Hauteurs (M), Les Méchins (M), Matane (V), Métis-sur-Mer (V), Mont-Joli (V), Padoue (M), Price (VL), Saint-Adelme (P), Saint-Alexandre-des-Lacs (P), Sainte-Angèle-de-Mérici (M), Saint-Charles-Garnier (P), Saint-Cléophas (P), Saint-Damase (P), Saint-Donat (P), Sainte-Félicité (M), Sainte-Flavie (P), Sainte-Florence (M), Saint-Gabriel-de-Rimouski (M), Sainte-Irène (P), Saint-Jean-de-Cherbourg (P), Sainte-Jeanne-d'Arc (P), Saint-Joseph-de-Lepage (P), Saint-Léandre (P), Saint-Léon-le-Grand (P), Sainte-Luce (M), Sainte-Marguerite-Marie (M), Saint-Moïse (P), Saint-Noël (VL), Saint-Octave-de-Métis (P), Sainte-Paule (M), Saint-René-de-Matane (M), Saint-Tharcisius (P), Saint-Ulric (M), Saint-Vianney (M), Saint-Zénon-du-Lac-Humqui (P), Sayabec (M) and Val-Brillant (M).

It also comprises the following unorganized territories: Lac-à-la-Croix, Lac-Alfred, Lac-Casault, Lac-des-Eaux-Mortes, Lac-Matapédia, Rivière-Bonjour, Rivière-Patapédia-Est, Rivière-Vaseuse, Routhierville and Ruisseau-des-Mineurs.

74. MAURICE-RICHARD

The electoral division of Maurice-Richard comprises a part of the Ville de Montréal situated in the borough of Ahuntsic-Cartierville and bounded as follows: the boundary of the borough of Ahuntsic-Cartierville, the boulevard Saint-Laurent and its extension, and the rivière des Prairies, including the île de la Visitation.

It also comprises a part of the Ville de Montréal situated in the borough of Montréal-Nord and bounded as follows: the rivière des Prairies, including the île du Cheval de Terre, the boulevard Pie-IX, the boulevard Henri-Bourassa Est, the boulevard Saint-Michel, and the boundary of the borough of Montréal-Nord.

75. MÉGANTIC

The electoral division of Mégantic comprises the following municipalities: Ascot Corner (M), Audet (M), Beaulac-Garthby (M), Bury (M), Chartierville (M), Cookshire-Eaton (V), Disraeli (P), Disraeli (V), Dudswell (M), East Angus (V), Frontenac (M), Hampden (CT), Lac-Drolet (M), Lac-Mégantic (V), Lambton (M), La Patrie (M), Lingwick (CT), Marston (CT), Milan (M), Nantes (M), Newport (M), Notre-Dame-des-Bois (M), Piopolis (M), Saint-Augustin-de-Woburn (P), Sainte-Cécile-de-Whitton (M), Saint-Isidore-de-Clifton (M), Sainte-Praxède (P), Saint-Romain (M), Saint-Sébastien (M), Scotstown (V), Stoke (M), Stornoway (M), Stratford (CT), Val-Racine (M), Weedon (M) and Westbury (CT).

76. MERCIER

The electoral division of Mercier comprises a part of the Ville de Montréal situated in the borough of Le Plateau-Mont-Royal and bounded as follows: the boundary of the borough of Le Plateau-Mont-Royal, the rue Rachel Est, the rue Rachel Ouest, the avenue de l'Esplanade, and the avenue du Mont-Royal Ouest.

77. MILLE-ÎLES

The electoral division of Mille-Îles comprises a part of the Ville de Laval bounded as follows: the boundary of the Ville de Laval in the rivière des Mille Îles and the rivière des Prairies, the autoroute Papineau (19), the avenue Papineau, the overhead electric power line, the montée Saint-François, the avenue des Perron, the boulevard Sainte-Marie and its extension, the rivière des Mille Îles, and a boundary between the île Saint-Joseph and the île Forget up to the municipal boundary.

78. MIRABEL

The electoral division of Mirabel comprises the following municipalities: Oka (M), Pointe-Calumet (M), Saint-Joseph-du-Lac (M), Sainte-Marthe-sur-le-Lac (V) and Saint-Placide (M).

It also comprises a part of the Ville de Mirabel situated to the southwest of the autoroute des Laurentides (15).

It also comprises the Indian settlement of Kanesatake.

79. MONTARVILLE

The electoral division of Montarville comprises the following municipalities: Boucherville (V) and Saint-Bruno-de-Montarville (V).

80. MONTMORENCY

The electoral division of Montmorency comprises the Ville de Sainte-Brigitte-de-Laval.

It also comprises a part of the Ville de Québec situated in the borough of Beauport and bounded as follows: the boundary of the Ville de Québec, the boundary of the Ville de Québec in the fleuve Saint-Laurent, the rivière Beauport, the autoroute Félix-Leclerc (40), the avenue Saint-David, the rue Blanche-Lamontagne, the extension

of the borough of Beauport boundary parallel to the rue François-De Villars, and the boundary of this borough that crosses the boulevard Louis-XIV.

81. MONT-ROYAL−OUTREMONT

The electoral division of Mont-Royal–Outremont comprises the Ville de Mont-Royal.

It also comprises a part of the Ville de Montréal corresponding to the borough of Outremont.

It also comprises a part of the Ville de Montréal situated in the borough of Côte-des-Neiges–Notre-Dame-de-Grâce and bounded as follows: the boundary of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce, a straight line passing to the north of the site located at 4865 of the rue Cedar Crescent, this street, the chemin Queen-Mary, the avenue Victoria, the boulevard Édouard-Montpetit, the chemin de la Côte-des-Neiges, and the railway line of the Canadian Pacific Railway Company that crosses the avenue Victoria.

It comprises, in addition, a part of the Ville de Montréal situated in the borough of Ville-Marie and bounded as follows: the part of the borough of Ville-Marie situated to the west of the voie Camillien-Houde.

82. NELLIGAN

The electoral division of Nelligan comprises the Ville de Kirkland.

It also comprises a part of the Ville de Montréal corresponding to the borough of L'Île-Bizard–Sainte-Geneviève.

It also comprises a part of the Ville de Montréal situated in the borough of Pierrefonds-Roxboro and bounded as follows: the extension of the boulevard des Sources, the boulevard des Sources, the boulevard de Pierrefonds, the boulevard Jacques-Bizard, the rue Sommerset, and the boundary of the borough of Pierrefonds-Roxboro.

83. NICOLET-BÉCANCOUR

The electoral division of Nicolet-Bécancour comprises the following municipalities: Aston-Jonction (M), Baie-du-Febvre (M), Bécancour (V), Daveluyville (V), Deschaillons-sur-Saint-Laurent (M), Fortierville (M), Grand-Saint-Esprit (M), La Visitation-de-Yamaska (M), Lemieux (M), Maddington Falls (M), Manseau (M), Nicolet (V), Parisville (P), Pierreville (M), Saint-Bonaventure (M), Sainte-Brigitte-des-Saults (P), Sainte-Cécile-de-Lévrard (P), Saint-Célestin (M), Saint-Célestin (VL), Saint-Elphège (P), Sainte-Eulalie (M), Saint-François-du-Lac (M), Sainte-Françoise (M), Saint-Guillaume (M), Saint-Léonard-d'Aston (M), Sainte-Marie-de-Blandford (M), Sainte-Monique (M), Sainte-Perpétue (P), Saint-Pie-de-Guire (P), Saint-Pierre-les-Becquets (M), Sainte-Sophie-de-Lévrard (P), Saint-Sylvère (M), Saint-Wenceslas (M) and Saint-Zéphirin-de-Courval (P).

It also comprises the following Indian reserves: Odanak and Wôlinak.

84. NOTRE-DAME-DE-GRÂCE

The electoral division of Notre-Dame-de-Grâce comprises the Ville de Montréal-Ouest.

It also comprises a part of the Ville de Montréal situated in the borough of Côte-des-Neiges–Notre-Dame-de-Grâce and bounded as follows: the part of the borough of Côte-des-Neiges–Notre-Dame-de-Grâce situated to the south of the chemin de la Côte-Saint-Luc.

85. ORFORD

The electoral division of Orford comprises the following municipalities: Austin (M), Ayer's Cliff (VL), Bolton-Est (M), Bonsecours (M), Eastman (M), Hatley (CT), Hatley (M), Lawrenceville (VL), Magog (V), North Hatley (VL), Ogden (M), Orford (CT), Potton (CT), Sainte-Anne-de-la-Rochelle (M), Saint-Benoît-du-Lac (M), Sainte-Catherine-de-Hatley (M), Saint-Étienne-de-Bolton (M), Stanstead (CT), Stanstead (V) and Stukely-Sud (VL).

86. PAPINEAU

The electoral division of Papineau comprises the following municipalities: Boileau (M), Bowman (M), Chénéville (M), Duhamel (M), Fassett (M), Lac-des-Plages (M), Lac-Simon (M), L'Ange-Gardien (M), Lochaber (CT), Lochaber-Partie-Ouest (CT), Mayo (M), Montebello (M), Montpellier (M), Mulgrave-et-Derry (M), Namur (M), Notre-Dame-de-Bonsecours (M), Notre-Dame-de-la-Paix (M), Notre-Dame-de-la-Salette (M), Papineauville (M), Plaisance (M), Ripon (M), Saint-André-Avellin (M), Saint-Émile-de-Suffolk (M), Saint-Sixte (M), Thurso (V) and Val-des-Bois (M).

It also comprises a part of the Ville de Gatineau bounded as follows: the boundary of the Ville de Gatineau, the boundary of the Ville de Gatineau in the rivière des Outaouais, excluding the île Kettle, the extension of the rue Sanscartier, the rue Sanscartier, the boulevard Labrosse, the railway line of Chemins de fer Québec-Gatineau, the boulevard Lorrain, the autoroute de l'Outaouais (50), and the montée Mineault.

87. POINTE-AUX-TREMBLES

The electoral division of Pointe-aux-Trembles comprises the Ville de Montréal-Est.

It also comprises a part of the Ville de Montréal situated in the borough of Rivière-des-Prairies–Pointe-aux-Trembles and bounded as follows: the autoroute Félix-Leclerc (40), the boundary of the Ville de Montréal in the rivière des Prairies and in the fleuve Saint-Laurent, the boundary of the borough of Rivière-des-Prairies–Pointe-aux-Trembles, and the boulevard Henri-Bourassa Est.

88. PONTIAC

The electoral division of Pontiac comprises the following municipalities: Alleyn-et-Cawood (M), Bristol (M), Bryson (M), Campbell's Bay (M), Chichester (CT), Clarendon (M), Fort-Coulonge (VL), L'Île-du-Grand-Calumet (M), L'Isle-aux-Allumettes (M), Litchfield (M), Mansfield-et-Pontefract (M), Otter Lake (M), Pontiac (M), Portage-du-Fort (VL), Rapides-des-Joachims (M), Shawville (M), Sheenboro (M), Thorne (M) and Waltham (M).

It also comprises a part of the Ville de Gatineau bounded as follows: the chemin Notch, the chemin de la Montagne, the chemin Vanier, the boulevard des Allumettières, the extension of the western boundary of the lot no. 1 794 753, the western boundary of this lot, the chemin d'Aylmer, the place Samuel-De Champlain, the pont Champlain, the boundary of the Ville de Gatineau in the rivière des Outaouais, and the boundary of the Ville de Gatineau.

It also comprises the unorganized territory of Lac-Nilgaut.

89. PORTNEUF

The electoral division of Portneuf comprises the following municipalities: Cap-Santé (V), Deschambault-Grondines (M), Donnacona (V), Lac-Sergent (V), Neuville (V), Pont-Rouge (V), Portneuf (V), Rivière-à-Pierre (M), Saint-Alban (M), Saint-Basile (V), Saint-Casimir (M), Sainte-Christine-d'Auvergne (M), Saint-Gilbert (P), Saint-Léonard-de-Portneuf (M), Saint-Marc-des-Carrières (V), Saint-Raymond (V), Saint-Thuribe (P) and Saint-Ubalde (M).

It also comprises the following unorganized territories: Lac-Blanc, Lac-Lapeyrère and Linton.

90. PRÉVOST

The electoral division of Prévost comprises the following municipalities: Piedmont (M), Prévost (V), Sainte-Anne-des-Lacs (P), Saint-Hippolyte (M), Saint-Sauveur (V) and Sainte-Sophie (M).

91. RENÉ-LÉVESQUE

The electoral division of René-Lévesque comprises the following municipalities: Baie-Comeau (V), Baie-Trinité (VL), Chute-aux-Outardes (VL), Colombier (M), Forestville (V), Franquelin (M), Godbout (VL), Les Bergeronnes (M), Les Escoumins (M), Longue-Rive (M), Pointe-aux-Outardes (VL), Pointe-Lebel (VL), Portneuf-sur-Mer (M), Ragueneau (P), Sacré-Cœur (M) and Tadoussac (VL).

It also comprises the following Indian reserves: Essipit and Pessamit.

It also comprises the following unorganized territories: Lac-au-Brochet and Rivière-aux-Outardes.

92. REPENTIGNY

The electoral division of Repentigny comprises the Paroisse de Saint-Sulpice.

It also comprises a part of the Ville de Repentigny situated to the southeast of the rivière des Prairies and the rivière L'Assomption.

93. RICHELIEU

The electoral division of Richelieu comprises the following municipalities: Massueville (VL), Saint-Aimé (M), Sainte-Anne-de-Sorel (M), Saint-Bernard-de-Michaudville (M), Saint-David (M), Saint-Gérard-Majella (P), Saint-Joseph-de-Sorel (V), Saint-Jude (M), Saint-Louis (M), Saint-Marcel-de-Richelieu (M), Saint-Ours (V), Saint-Robert (M), Saint-Roch-de-Richelieu (M), Sainte-Victoire-de-Sorel (M), Sorel-Tracy (V) and Yamaska (M).

94. RICHMOND

The electoral division of Richmond comprises the following municipalities: Asbestos (V), Cleveland (CT), Danville (V), Ham-Sud (M), Kingsbury (VL), Maricourt (M), Melbourne (CT), Racine (M), Richmond (V), Saint-Adrien (M), Saint-Camille (CT), Saint-Claude (M), Saint-Denis-de-Brompton (M), Saint-François-Xavier-de-Brompton (M), Saint-Georges-de-Windsor (M), Ulverton (M), Valcourt (CT), Valcourt (V), Val-Joli (M), Windsor (V) and Wotton (M).

It also comprises a part of the Ville de Sherbrooke corresponding to the borough of Rock Forest–Saint-Élie –Deauville, as it existed on January 31, 2017.

95. RIMOUSKI

The electoral division of Rimouski comprises the following municipalities: Esprit-Saint (M), La Trinité-des-Monts (P), Rimouski (V), Saint-Anaclet-de-Lessard (P), Saint-Eugène-de-Ladrière (P), Saint-Fabien (P), Saint-Marcellin (P), Saint-Narcisse-de-Rimouski (P) and Saint-Valérien (P).

It also comprises the unorganized territory of Lac-Huron.

96. RIVIÈRE-DU-LOUP–TÉMISCOUATA

The electoral division of Rivière-du-Loup–Témiscouata comprises the following municipalities: Auclair (M), Biencourt (M), Cacouna (M), Dégelis (V), Lac-des-Aigles (M), Lejeune (M), L'Isle-Verte (M), Notre-Dame-des-Neiges (M), Notre-Dame-des-Sept-Douleurs (P), Notre-Dame-du-Portage (M), Packington (P), Pohénégamook (V), Rivière-Bleue (M), Rivière-du-Loup (V), Saint-Antonin (M), Saint-Arsène (P), Saint-Athanase (M), Saint-Clément (M), Saint-Cyprien (M), Saint-Éloi (P), Saint-Elzéar-de-Témiscouata (M), Saint-Épiphane (M), Saint-Eusèbe (P), Sainte-Françoise (P), Saint-François-Xavier-de-Viger (M), Saint-Guy (M), Saint-Honoré-de-Témiscouata (M), Saint-Hubert-de-Rivière-du-Loup (M), Saint-Jean-de-Dieu (M), Saint-Jean-de-la-Lande (M), Saint-Juste-du-Lac (M), Saint-Louis-du-Ha! Ha! (P), Saint-Marc-du-Lac-Long (P), Saint-Mathieu-de-Rioux (P), Saint-Médard (M), Saint-Michel-du-Squatec (M), Saint-Modeste (M), Saint-Paul-de-la-Croix (P), Saint-Pierre-de-Lamy (M), Sainte-Rita (M), Saint-Simon (P), Témiscouata-sur-le-Lac (V) and Trois-Pistoles (V).

It also comprises the following Indian reserves: Cacouna and Whitworth.

It also comprises the unorganized territory of Lac-Boisbouscache.

97. ROBERT-BALDWIN

The electoral division of Robert-Baldwin comprises the Ville de Dollard-Des Ormeaux.

It also comprises a part of the Ville de Montréal situated in the borough of Pierrefonds-Roxboro and bounded as follows: the boulevard de Pierrefonds, the boulevard des Sources, the extension of this boulevard, the boundary of the borough of Pierrefonds-Roxboro, the rue Sommerset, and the boulevard Jacques-Bizard.

98. ROBERVAL

The electoral division of Roberval comprises the following municipalities: Albanel (M), Chambord (M), Dolbeau-Mistassini (V), Girardville (M), Lac-Bouchette (M), La Doré (P), Normandin (V), Notre-Dame-de-Lorette (M), Péribonka (M), Roberval (V), Saint-André-du-Lac-Saint-Jean (VL), Saint-Augustin (P), Saint-Edmond-les-Plaines (M), Saint-Eugène-d'Argentenay (M), Saint-Félicien (V), Saint-François-de-Sales (M), Sainte-Hedwidge (M), Sainte-Jeanne-d'Arc (VL), Saint-Prime (M), Saint-Stanislas (M) and Saint-Thomas-Didyme (M).

It also comprises the Indian reserve of Mashteuiatsh.

It also comprises the following unorganized territories: Lac-Ashuapmushuan and Rivière-Mistassini.

It comprises, in addition, the part of the unorganized territory of Passes-Dangereuses made up of the township of Proulx (part) and the township of Hudon.

99. ROSEMONT

The electoral division of Rosemont comprises a part of the Ville de Montréal situated in the borough of Rosemont –La Petite-Patrie and bounded as follows: the boundary of the borough of Rosemont–La Petite-Patrie, the rue Rachel Est, the boundary of the borough of Rosemont–La Petite-Patrie, the rue Masson, and the 6e Avenue.

100. ROUSSEAU

The electoral division of Rousseau comprises the following municipalities: Saint-Alexis (M), Saint-Calixte (M), Saint-Esprit (M), Saint-Jacques (M), Sainte-Julienne (M), Saint-Liguori (P), Saint-Lin –Laurentides (V), Sainte-Marie-Salomé (M), Saint-Roch-de-l'Achigan (M) and Saint-Roch-Ouest (M).

101. ROUYN-NORANDA–TÉMISCAMINGUE

The electoral division of Rouyn-Noranda –Témiscamingue comprises the following municipalities: Angliers (VL), Béarn (M), Belleterre (V), Duhamel-Ouest (M), Fugèreville (M), Guérin (CT), Kipawa (M), Laforce (M), Latulipe-et-Gaboury (CU), Laverlochère (M), Lorrainville (M), Moffet (M), Nédélec (CT), Notre-Dame-du-Nord (M), Rémigny (M), Saint-Bruno-de-Guigues (M), Saint-Édouard-de-Fabre (P), Saint-Eugène-de-Guigues (M), Témiscaming (V) and Ville-Marie (V).

It also comprises a part of the Ville de Rouyn-Noranda corresponding to the following former municipalities, as they existed on December 31, 2001: Arntfield (M), Bellecombe (M), Cléricy (M), Cloutier (M), D'Alembert (M), Destor (M), Evain (M), McWatters (M), Montbeillard (M), Mont-Brun (M), Rollet (M) and Rouyn-Noranda (V).

It also comprises the following Indian reserves: Kebaowek and Timiskaming.

It comprises, in addition, the following Indian settlements: Hunter's Point and Winneway.

Finally, it comprises the following unorganized territories: Laniel and Les Lacs-du-Témiscamingue.

102. SAINT-FRANÇOIS

The electoral division of Saint-François comprises the following municipalities: Barnston-Ouest (M), Coaticook (V), Compton (M), Dixville (M), East Hereford (M), Martinville (M), Sainte-Edwidge-de-Clifton (CT), Saint-Herménégilde (M), Saint-Malo (M), Saint-Venant-de-Paquette (M), Stanstead-Est (M) and Waterville (V).

It also comprises a part of the Ville de Sherbrooke corresponding to the boroughs of Brompton, Fleurimont, and Lennoxville, as they existed on January 31, 2017.

103. SAINT-HENRI–SAINTE-ANNE

The electoral division of Saint-Henri–Sainte-Anne comprises a part of the Ville de Montréal corresponding to the borough of Le Sud-Ouest.

104. SAINT-HYACINTHE

The electoral division of Saint-Hyacinthe comprises the following municipalities: La Présentation (M), Saint-Barnabé-Sud (M), Saint-Damase (M), Saint-Dominique (M), Saint-Hugues (M), Saint-Hyacinthe (V), Saint-Liboire (M), Saint-Pie (V) and Saint-Simon (M).

105. SAINT-JEAN

The electoral division of Saint-Jean comprises the Municipalité de Saint-Blaise-sur-Richelieu.

It also comprises a part of the Ville de Saint-Jean-sur-Richelieu situated to the west of the rivière Richelieu.

106. SAINT-JÉRÔME

The electoral division of Saint-Jérôme comprises the Ville de Saint-Jérôme.

107. SAINT-LAURENT

The electoral division of Saint-Laurent comprises a part of the Ville de Montréal situated in the borough of Ahuntsic-Cartierville and bounded as follows: the part of the borough of Ahuntsic-Cartierville situated to the southwest of the autoroute des Laurentides (15), including the île aux Chats.

It also comprises a part of the Ville de Montréal situated in the borough of Saint-Laurent and bounded as follows: the boundary of the borough of Saint-Laurent, the avenue O'Brien, the boulevard de la Côte-Vertu, and the avenue Sainte-Croix.

108. SAINTE-MARIE–SAINT-JACQUES

The electoral division of Sainte-Marie–Saint-Jacques comprises a part of the Ville de Montréal situated in the borough of Ville-Marie and bounded as follows: the boundary of the borough of Ville-Marie, the rue Frontenac and its extension, the fleuve Saint-Laurent, including the île Sainte-Hélène and the île Notre-Dame, the pont Victoria, the boundary of the borough of Ville-Marie, the rue de la Commune Ouest, the rue McGill, the rue du Square-Victoria, the rue Saint-Antoine Ouest, the rue Saint-Antoine Est, the extension of the rue Sanguinet, this street, the boulevard René-Lévesque Est, and the boulevard Saint-Laurent.

It also comprises a part of the Ville de Montréal situated in the borough of Le Plateau-Mont-Royal and bounded as follows: the rue Rachel Est, the rue Frontenac, the boundary of the borough of Le Plateau-Mont-Royal, and the boulevard Saint-Laurent.

109. SAINTE-ROSE

The electoral division of Sainte-Rose comprises a part of the Ville de Laval bounded as follows: the boundary of the Ville de Laval in the rivière des Mille Îles, the extension of the rear line of the rue Saint-Paul (east side), this rear line and its extension, the railway line of the Canadian Pacific Railway Company, the autoroute Jean-Noël-Lavoie (440), and the autoroute Chomedey (13).

110. SANGUINET

The electoral division of Sanguinet comprises the following municipalities: Sainte-Catherine (V), Saint-Constant (V), Saint-Mathieu (M) and Saint-Rémi (V).

111. SHERBROOKE

The electoral division of Sherbrooke comprises a part of the Ville de Sherbrooke corresponding to the boroughs of Jacques-Cartier and Mont-Bellevue, as they existed on January 31, 2017.

112. SOULANGES

The electoral division of Soulanges comprises the following municipalities: Coteau-du-Lac (V), Hudson (V), Les Cèdres (M), Les Coteaux (M), Pointe-des-Cascades (VL), Pointe-Fortune (VL), Rigaud (V), Rivière-Beaudette (M), Saint-Clet (M), Sainte-Justine-de-Newton (M), Saint-Lazare (V), Sainte-Marthe (M), Saint-Polycarpe (M), Saint-Télesphore (M), Saint-Zotique (M) and Très-Saint-Rédempteur (M).

113. TAILLON

The electoral division of Taillon comprises a part of the Ville de Longueuil situated in the borough of Vieux-Longueuil and bounded as follows: the part of the borough of Vieux-Longueuil situated north of the chemin de Chambly and the extension of the chemin de Chambly.

114. TASCHEREAU

The electoral division of Taschereau comprises the Paroisse de Notre-Dame-des-Anges.

It also comprises a part of the Ville de Québec corresponding to the borough of La Cité-Limoilou situated to the south of the rivière Saint-Charles.

115. TERREBONNE

The electoral division of Terrebonne comprises a part of the Ville de Terrebonne bounded as follows: the boundary between the Ville de Terrebonne and the former Ville de La Plaine, as it existed on June 26, 2001, the boundary of the Ville de Terrebonne, the rivière Mascouche, the autoroute 640, the montée Dumais, the rear line of the eastern part of the rue Samson (east side), the extension of this rear line, the boundary of the Ville de Terrebonne in the rivière des Mille Îles, and the boundary of the Ville de Terrebonne.

116. TROIS-RIVIÈRES

The electoral division of Trois-Rivières comprises a part of the Ville de Trois-Rivières bounded as follows: the boundary of the Ville de Trois-Rivières, the rivière Saint-Maurice, including all the islands situated at its mouth, the boundary of the Ville de Trois-Rivières in the fleuve Saint-Laurent, and the autoroute de l'Énergie (55).

117. UNGAVA

The electoral division of Ungava comprises the following municipalities: Akulivik (VN), Aupaluk (VN), Chapais (V), Chibougamau (V), Chisasibi (VC), Eastmain (VC), Gouvernement régional d'Eeyou Istchee Baie-James (M), Inukjuak (VN), Ivujivik (VN), Kangiqsualujjuaq (VN), Kangiqsujuaq (VN), Kangirsuk (VN), Kuujjuaq (VN), Kuujjuarapik (VN), Lebel-sur-Quévillon (V), Matagami (V), Mistissini (VC), Nemaska (VC), Puvirnituq (VN), Quaqtaq (VN), Salluit (VN), Tasiujaq (VN), Umiujaq (VN), Waskaganish (VC), Waswanipi (VC), Wemindji (VC) and Whapmagoostui (VC).

It also comprises the Indian settlement of Oujé-Bougoumou.

It also comprises the following reserved lands: Akulivik (TI), Aupaluk (TI), Chisasibi (TC), Eastmain (TC), Inukjuak (TI), Ivujivik (TI), Kangiqsualujjuaq (TI), Kangiqsujuaq (TI), Kangirsuk (TI), Kiggaluk (TI), Killiniq (TI), Kuujjuaq (TI), Kuujjuarapik (TI), Mistissini (TC), Nemaska (TC), Quaqtaq (TI), Salluit (TI), Tasiujaq (TI), Umiujaq (TI), Waskaganish (TC), Waswanipi (TC), Wemindji (TC) and Whapmagoostui (TC).

It comprises, in addition, the unorganized territory of Baie-d'Hudson as well as the unorganized territories whose geographic codes are: 99910, 99914, 99916, 99918, 99920, 99922 and 99924.

Finally, it comprises the unorganized territory of Rivière-Koksoak, minus the part included between 55°00' and 55°20' north latitude, 67°10' west longitude and the boundary of Québec.

118. VACHON

The electoral division of Vachon comprises a part of the Ville de Longueuil situated in the borough of Saint-Hubert and bounded as follows: the boundary of the borough of Saint-Hubert and the railway line of the Canadian National Railway Company running alongside the boulevard Maricourt.

119. VANIER-LES RIVIÈRES

The electoral division of Vanier-Les Rivières comprises a part of the Ville de Québec corresponding to the borough of Les Rivières.

120. VAUDREUIL

The electoral division of Vaudreuil comprises the following municipalities: L'Île-Cadieux (V), L'Île-Perrot (V), Notre-Dame-de-l'Île-Perrot (V), Pincourt (V), Terrasse-Vaudreuil (M), Vaudreuil-Dorion (V) and Vaudreuil-sur-le-Lac (VL).

121. VERCHÈRES

The electoral division of Verchères comprises the following municipalities: Calixa-Lavallée (M), Contrecœur (V), Saint-Amable (M), Sainte-Julie (V), Varennes (V) and Verchères (M).

122. VERDUN

The electoral division of Verdun comprises a part of the Ville de Montréal corresponding to the borough of Verdun.

123. VIAU

The electoral division of Viau comprises a part of the Ville de Montréal situated in the borough of Villeray –Saint-Michel–Parc-Extension and bounded as follows: the part of the borough of Villeray–Saint-Michel –Parc-Extension situated to the northeast of the avenue Papineau.

124. VIMONT

The electoral division of Vimont comprises a part of the Ville de Laval bounded as follows: the boundary of the Ville de Laval in the rivière des Mille Îles, a boundary between the île Saint-Joseph and the île Forget, the rivière des Mille Îles, the extension of the boulevard Sainte-Marie, the boulevard Sainte-Marie, the avenue des Perron, the montée Saint-François, the overhead electric power line, the avenue Papineau, the autoroute Papineau (19), the autoroute Jean-Noël-Lavoie (440), the railway line of the Canadian Pacific Railway Company, the extension of the rear line of the rue Saint-Paul (east side), this rear line, and its extension.

125. WESTMOUNT–SAINT-LOUIS

The electoral division of Westmount–Saint-Louis comprises the Ville de Westmount.

It also comprises a part of the Ville de Montréal situated in the borough of Ville-Marie and bounded as follows: the voie Camillien-Houde, the boundary of the borough of Ville-Marie, the boulevard Saint-Laurent, the boulevard René-Lévesque Est, the rue Sanguinet and its extension, the rue Saint-Antoine Est, the rue Saint-Antoine Ouest, the rue du Square-Victoria, the rue McGill, the rue de la Commune Ouest, and the boundary of the borough of Ville-Marie.

It also comprises a part of the Ville de Montréal situated in the borough of Le Plateau-Mont-Royal and bounded as follows: the avenue du Mont-Royal Ouest, the avenue de l'Esplanade, the rue Rachel Ouest, the boulevard Saint-Laurent, and the boundary of the borough of Le Plateau-Mont-Royal.

105803

Draft Regulations

Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

**Cartage industry in the Québec region
— Amendment**

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) and, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the cartage industry in the Québec region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree amends the definition of "solid waste" to clarify the application of the Decree to products collected for the purposes of recovery or recycling and makes the Decree compliant with the Act respecting labour standards (chapter N-1.1), as amended by the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

The regulatory impact analysis shows that the amendments have no financial impact on the enterprises covered by the Decree.

Further information on the draft Decree may be obtained by contacting Catherine Doucet, policy development advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80082, or 1 888 628-8934, extension 80149 (toll free); email: catherine.doucet@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to Jean Boulet, Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

Jean Boulet
Minister of Labour, Employment and Social Solidarity

Decree to amend the Decree respecting the cartage industry in the Québec region

Act respecting collective agreement decrees
(chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended in section 1.01 by inserting the following after paragraph 21:

"(21.1) "relative": the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children, and their children's spouses. The following are also considered to be an employee's relative for the purposes of this Decree:

(*a*) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(*b*) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(*c*) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;

(*d*) an incapable person having designated the employee or the employee's spouse as mandatary;

(*e*) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health;".

2. Section 10.02 is amended by inserting "an uninterrupted leave for a duration determined at the rate of" before "1 day of vacation".

3. Section 10.04 is amended by replacing "5 years" by "3 years".

4. Section 10.10 is amended by adding "or in the manner applicable for the regular payment of the employee's wages" at the end.

5. Section 10.11 is amended by replacing "or accident or" by ", an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or".

6. Section 11.02 is amended by replacing "1 day" and "4 extra days" in subparagraph 5 of the first paragraph by "2 days" and "3 extra days", respectively.

7. Section 11.04 is amended

(1) by striking out "if the employee is credited with 60 days of continuous service" at the end of the first paragraph;

(2) by striking out the third paragraph.

8. Section 11.05 is amended

(1) in the first paragraph

(*a*) by striking out ", without pay,";

(*b*) by replacing "of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents" by "of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)";

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

"The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 11.05.1.".

9. The following is inserted after section 11.05:

"**11.05.1.** An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may not, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 11.05.

This section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it.".

10. Section 13.01 is amended

(1) by replacing paragraph 5 by the following:

"(5) "solid waste": any waste product solid at 20°C from industrial, commercial or agricultural activities, detritus, incineration residue, domestic garbage, rubbish, rubble and other trash solid at 20°C; any product mentioned above that is collected for the purposes of recovery or recycling is also included.

Automobile bodies, soils and sands soaked with hydrocarbons, pesticides, explosive or spontaneously flammable products, pathological waste, manure, mining residues and radioactive waste, muds and solid residues from pulp and paper mills or from sawmills are excluded; ";

(2) by inserting the following after paragraph 9:

"(9.1) "relative": the employee's spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee's spouse as well as those persons' spouses, their children, and their children's spouses. The following are also considered to be an employee's relative for the purposes of this Decree:

(*a*) a person having acted, or acting, as a foster family for the employee or the employee's spouse;

(*b*) a child for whom the employee or the employee's spouse has acted, or is acting, as a foster family;

(*c*) a tutor or curator of the employee or the employee's spouse or a person under the tutorship or curatorship of the employee or the employee's spouse;

(*d*) an incapable person having designated the employee or the employee's spouse as mandatary;

(*e*) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health;".

11. Section 18.01.1 is revoked.

12. Section 20.02 is amended by inserting "an uninterrupted leave for a duration determined at the rate of" before "1 working day of vacation".

13. Section 20.04 is amended by replacing "5 years" by "3 years".

14. Section 20.07 is amended by adding "or in the manner applicable for the regular payment of the employee's wages" at the end.

15. Section 20.09 is amended by replacing "or accident or" by ", an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or".

16. Section 21.01 is amended by replacing "1 day" and "4 more days" in subparagraph 5 of the first paragraph by "2 days" and "3 extra days", respectively.

17. Section 21.03 is amended

(1) by striking out "if the employee has 60 days of continuous service";

(2) by striking out "However, the employee who adopts the child of his consort may be absent from work, without wages, for 2 days only." at the end.

18. Section 21.04 is amended

(1) in the first paragraph

(*a*) by striking out ", without pay,";

(*b*) by replacing "of his spouse, father, mother, brother, sister or one of the employee's grandparents" by "of a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)";

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

"The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 21.04.1. ".

19. The following is inserted after section 21.04:

"**21.04.1.** An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may not, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. The employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 21.04.

This section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

The employee must notify the employer of his or her absence as soon as possible, giving the reasons for it.".

20. Section 25.01 is replaced by the following:

"**25.01.** An employee who has 3 months of active and continuous service with the same employer and who has worked at least 32 hours in each week included in the period is entitled to 6 days of sick leave per year. The employee receives 8 times his or her hourly wage provided for in this Decree. The employer may request that the employee furnish a document attesting to the reasons for the absence.".

21. This Decree comes into force on (*insert the date of its publication in the* Gazette officielle du Québec).

105799

Draft Regulation

Act respecting financial assistance
for education expenses
(chapter A-13.3)

Financial assistance for education expenses
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting financial assistance for education expenses, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the other income of a student that is considered for the purpose of computing financial assistance for education expenses so as to increase the exemption of amounts received as support. It also amends the amounts used to determine the contribution of the parents, sponsor or spouse in order to decrease their contribution when computing the financial assistance of a student.

The draft Regulation also adds a situation for which advance financial assistance may be granted.

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

Further information on the draft Regulation may be obtained by contacting Simon Boucher-Doddridge, Director, Direction des programmes d'accessibilité financière aux études et des recours, Ministère de l'Enseignement supérieur, 1035, rue De La Chevrotière, 20e étage, Québec (Québec) G1R 5A5; telephone: 418 643-6276, extension 6085; email: simon.boucher-doddridge@mes.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Boulet, Acting Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, Aile René-Lévesque, bloc 4, 3e étage, Québec (Québec) G1R 6C8; email: jean.boulet@mes.gouv.qc.ca.

Danielle McCann
Minister of Higher Education

Regulation to amend the Regulation respecting financial assistance for education expenses

Act respecting financial assistance
for education expenses
(chapter A-13.3, s. 57, 1st par., subpars.1, 2, 3.2 and 24)

1. Section 82 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) as amended by section 24 of the Regulation to amend the Regulation respecting financial assistance for education expenses, made by Order in Council 1411-2021 dated 3 November 2021, is further amended by replacing "$62,250" in the second paragraph by "$75,000".

2. Section 96 is amended by inserting ", a basic income" after "last resort financial assistance" in the second paragraph.

3. Schedule II is amended by replacing "$4,200" wherever it appears in paragraph 6 by "$6,000".

4. Schedule III is replaced by the following:

SCHEDULE III

(Section 12)

CONTRIBUTION OF THE PARENTS, SPONSOR OR SPOUSE

Contribution of parents living together	
$0 to $75,000	$0
$75,001 to $102,000	$0 on the first $75,000 and 19% on the remainder
$102,001 to $112,000	$5,130 on the first $102,000 and 29% on the remainder
$112,001 to $125,000	$8,030 on the first $112,000 and 39% on the remainder
$125,001 and +	$11,930 on the first $125,000 and 49% on the remainder
Contribution of parent without a spouse or of sponsor	
$0 to $65,000	$0
$65,001 to $92,000	$0 on the first $65,000 and 19% on the remainder
$92,001 to $102,000	$5,130 on the first $92,000 and 29% on the remainder
$102,001 to $115,000	$8,030 on the first $102,000 and 39% on the remainder
$115,001 and +	$11,930 on the first $115,000 and 49% on the remainder
Contribution of spouse	
$0 to $63,000	$0
$63,001 to $90,000	$0 on the first $63,000 and 19% on the remainder
$90,001 to $100,000	$5,130 on the first $90,000 and 29% on the remainder
$100,001 to $113,000	$8,030 on the first $100,000 and 39% on the remainder
$113,001 and +	$11,930 on the first $113,000 and 49% on the remainder

5. The Regulation applies as of the 2022-2023 year of allocation.

6. The Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 2, which comes into force on 1 January 2023.

105808

Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

Maintenance of public buildings in the Montréal region — Levy of the Parity Committee — Amendment

Notice is hereby given, in accordance with subparagraph *i* of the second paragraph of section 22 of the Act respecting collective agreement decrees (chapter D-2), that the Comité paritaire de l'entretien d'édifices publics, région de Montréal has submitted an application to the Minister of Labour, Employment and Social Solidarity for the approval of the Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal and, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Regulation, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies that the levy and the contribution to the group retirement plan must be paid separately .

The amendments sought have no impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80172, or 1-888-628-8934, extension 80172 (toll free); email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET
Minister of Labour, Employment and Social Solidarity

Regulation to amend the Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal

Act respecting collective agreement decrees
(chapter D-2, s. 22, 2nd par., subpar. *i*)

1. The Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal[1] is amended in section 5 by adding the following paragraph at the end:

"The levy and the contribution to the group retirement plan must be paid separately.".

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

105779

Draft Regulation

Act respecting the Régie de l'énergie
(chapter R-6.01)

Act to amend the Act respecting energy efficiency and energy conservation standards for certain electrical or hydrocarbon-fuelled appliances
(2021, chapter 28)

Quantity of renewable natural gas to be delivered by a distributor
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the quantity of renewable natural gas to be delivered by a distributor, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies the materials, sources of energy and manufacturing processes required in order that the natural gas or hydrogen from renewable sources that is added to natural gas constitutes gas from renewable sources.

The draft Regulation also increases the minimum quantity of gas from renewable sources that must be delivered annually by a distributor and determines the terms and conditions according to which the quantity of delivered hydrogen from renewable sources is computed. The draft Regulation also provides that gas from renewable sources must be delivered for final consumption in the territory for which a distributor obtained exclusive distribution rights.

Study of the matter shows no negative impact on small and medium-sized businesses specifically, but it is estimated that there will be additional costs for natural gas distributors and consumers, and that those extra costs could constrain the competitiveness of enterprises.

Further information on the draft Regulation may be obtained by contacting Xavier Brosseau, Director, provisioning and biofuel, Ministère de l'Énergie et des Ressources naturelles, 5700, 4e Avenue Ouest, bureau A-422, Québec (Québec) G1H 6R1; telephone: 418 627-6385, extension 708351; email: xavier.brosseau@mern.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Dominique Deschênes, Associate Deputy Minister for Innovation and Energy Transition, Ministère de l'Énergie et des Ressources naturelles, 1300, rue du Blizzard, bureau 200, Québec (Québec) G2K 0G9.

JONATAN JULIEN
Minister of Energy and Natural Resources

[1] The Levy Regulation of the Comité paritaire de l'entretien d'édifices publics, région de Montréal was approved by Order in Council 2626-85 dated 11 December 1985 (1985, *G.O.* 2, 4379) and was amended by Orders in Council 673-2001 dated 30 May 2001 (2001, *G.O.* 2, 2653) and 1025-2011 dated 28 September 2011 (2011, *G.O.* 2, 2955).

Regulation to amend the Regulation respecting the quantity of renewable natural gas to be delivered by a distributor

Act respecting the Régie de l'énergie
(chapter R-6.01, s. 112, 1st par., subpars. 4 and 5; 2021, chapter 28, s. 8, par. 1)

1. The Regulation respecting the quantity of renewable natural gas to be delivered by a distributor (chapter R-6.01, r. 4.3) is amended in the title by replacing "renewable natural gas" by "gas from renewable sources".

2. The following is inserted before section 1:

"**0.1.** For the purposes of the Act respecting the Régie de l'énergie (*chapter R-6.01*) and this Regulation, natural gas is from renewable sources if it is produced

(1) from non-fossil organic materials degraded by means of biological processes, in particular by anaerobic digestion, or by means of thermochemical processes, in particular by gasification;

(2) from hydrogen produced in accordance with the second paragraph and from non-fossil carbon monoxide or carbon dioxide.

Another substance added to natural gas is from renewable sources if it is hydrogen that is produced

(1) from non-fossil organic materials degraded by means of thermochemical processes, in particular by gasification;

(2) by the electrolysis of water using electricity that comes exclusively from sources of renewable energy; or

(3) during an industrial process, the purpose of which is not to obtain the hydrogen and that is powered by energy that comes exclusively from renewable sources.".

3. Section 1 is amended

(1) in the first paragraph

(*a*) by inserting ", for final consumption in the territory for which the distributor obtained exclusive distribution rights," after "annually";

(*b*) by replacing "renewable natural gas" by "gas from renewable sources";

(2) in the second paragraph

(*a*) by adding the following at the end of subparagraph 1:

"(*d*) a rate of 0.07 as of the distributor's rate year beginning in 2028; and

(*e*) a rate of 0.1 as of the distributor's rate year beginning in 2030.";

(*b*) by striking out ", subtracted from any quantity of renewable natural gas" in subparagraphs 2, 3 and 4;

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

"Where the gas from renewable sources delivered by a distributor is hydrogen produced in accordance with the second paragraph of section 0.1, only 33 1/3% of that hydrogen may be computed in the calculation of total deliveries represented by the variables LRA3, LRA2 and LPA1, and in the calculation of the quantity of gas from renewable sources that the distributor delivers to meet its requirement provided for in this section.".

4. This Regulation comes into force on 1 January 2023.

105810

Draft Regulation

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

Threatened or vulnerable plant species and their habitats —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation designates, in addition to the 57 existing threatened plant species, 8 new threatened species. The draft Regulation also designates, in addition to the 21 existing vulnerable plant species, 3 new vulnerable plant species. It withdraws the threatened species status of 3 species. It revises from threatened to vulnerable the status of 3 species. It also revises the nomenclature of several threatened and vulnerable species.

The draft Regulation has an impact on enterprises that carry on activities on a lot where a designated threatened or vulnerable plant species is located. The prohibitions related to designated threatened or vulnerable plant

species could affect the nature of the activities that may be authorized. The impact is however limited and localized, given the rarity of the 11 new species concerned and the prohibitions limited to specimens of those species. Most populations of those species grow in wetlands that are already subject to use restrictions under other regulations, while other populations occupy environments that are not suitable for human activities.

Further information on the draft Regulation may be obtained by contacting Christine Gélinas, Director, Direction de la protection des espèces et des milieux naturels, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675, boulevard René-Lévesque Est, 4e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: (418) 521-3907, extension 7008; email: christine.gelinas@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Christine Gélinas at the above contact information.

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

Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats

Act respecting threatened or vulnerable species (chapter E-12.01, ss. 10, 16, 17 and 39)

1. The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended in section 2

(1) by replacing

(*a*) "butterfly weed (*Asclepias tuberosa* (Linnaeus) var. *interior* (Woodson) Shinners)" by "butterfly weed (*Asclepias tuberosa* (Linnaeus) subsp. *interior* Woodson)";

(*b*) "Indian's dream (*Aspidotis densa* (Brackenridge in Wilkes) Lellinger)" by "Indian's dream (*Aspidotis densa* (Brackenridge) Lellinger)";

(*c*) "white wood aster (*Eurybia divaricata* (Linnaeus) Nesom)" by "white wood aster (*Eurybia divaricata* (Linnaeus) G. L. Nesom)";

(*d*) "Gulf of St. Lawrence aster (*Symphyotrichum laurentianum* (Fernald) Nesom)" by "Gulf of St. Lawrence aster (*Symphyotrichum laurentianum* (Fernald) G.L. Nesom)";

(*e*) "American water-willow (*Justicia americana* (Linnaeus) M. Vahl)" by "American water-willow (*Justicia americana* (Linnaeus) Vahl)";

(*f*) "Victorin's water-hemlock (*Cicuta maculata* Linnaeus var. *victorinii* (Fernald) Boivin)" by "Victorin's water-hemlock (*Cicuta maculata* Linnaeus var. *victorinii* (Fernald) B.Boivin)";

(*g*) "broom crowberry (*Corema conradii* (Torrey) Torrey)" by "broom crowberry (*Corema conradii* (Torrey) Torrey ex Loudon)";

(*h*) "wall-rue (*Asplenium ruta-muraria* Linnaeus)" by "wall-rue (*Asplenium ruta-muraria* Linnaeus var. *cryptolepis* (Fernald) Wherry)";

(*i*) "Macoun's fringed gentian (*Gentianopsis virgata* (Rafinesque) Holub subsp. *macounii* (Th. Holm) J.S. Pringle) where it grows in the territory of Municipalité régionale de comté de Bonaventure" by "Macoun's fringed gentian (*Gentianopsis virgata* (Rafinesque) Holub subsp. *macounii* (Holm) J.S. Pringle) where it grows in the territory of Municipalité régionale de comté de Bonaventure";

(*j*) "Victorin's gentian (*Gentianopsis virgata* (Rafinesque) Holub subsp. *victorinii* (Fernald) Lammers)" by "Victorin's gentian (*Gentianopsis virgata* (Rafinesque) Holub subsp. *victorinii* (Fernald) Lammers)";

(*k*) "southern twayblade (*Listera australis* Lindley)" by "southern twayblade (*Neottia bifolia* (Rafinesque) Baumbach)";

(*l*) "roundleaf monkeyflower (*Mimulus glabratus* Kunth var. *jamesii* (Torr. & A. Gray) A. Gray)" by "Geyer's yellow monkeyflower (*Erythranthe geyeri* (Torrey) G.L. Nesom)";

(*m*) "la monarde ponctuée (*Monarda punctata* Linnaeus var. *villicaulis* (Pennell) E.J. Palmer & Steyemark)" in the French text by "la monarde à tige velue (*Monarda punctata* Linnaeus var. *villicaulis* (Pennell) E.J. Palmer & Steyemark)";

(*n*) "soft-hair marble-seed (*Onosmodium bejariense* A. de Candolle var. *hispidissimum* (Mackenzie) B.L. Turner)" by "soft-hair marble-seed (*Lithospermum parviflorum* Weakley, Witsell & D. Estes)";

(*o*) "hooded arrowhead (*Sagittaria montevidensis* Chamisso & Schlechtendal subsp. *spongiosa* (Engelmann) C. Bogin)" by "hooded arrowhead (*Sagittaria montevidensis* Chamisso & Schlechtendal subsp. *spongiosa* (Engelmann) Bogin)";

(*p*) "weakstalk bulrush (*Schoenoplectus purshianus* (Fernald) M. T. Strong var. *purshianus*)" by "weakstalk bulrush (*Schoenoplectiella purshiana* (Fernald) Lye var. *purshiana*)";

(*q*) "round-leaf ragwort (*Packera obovata* (Muhlenberg ex Willdenow) W.A. Weber et A. L)" by "round-leaf ragwort (*Packera obovata* (Mulhenberg ex Willdenow) W.A. Weber & Á. Löve)";

(*r*) "dwarf arctic ragwort (*Packera cymbalaria* (Pursh) W.A. Weber)" by "dwarf arctic ragwort (*Packera heterophylla* (Fischer) E. Wiebe)";

(*s*) "bog fern (*Thelypteris simulata* (Davenport) Nieuwland)" by "bog fern (*Coryphopteris simulata* (Davenport) S.E. Fawcett)";

(2) by inserting the following in alphabetical order:

"— cockspur hawthorn (*Crataegus crus-galli* Linnaeus var. *crus-galli*);

— Puvirnituq Mountain draba (*Draba puvirnituqii* G.A. Mulligan & Al-Shehbaz);

— Wright's spikerush (*Eleocharis diandra* C. Wright);

— Carolina geranium (*Geranium carolinianum Linnaeus*);

— long-leaved bluets (*Houstonia longifolia* Gaertner);

— sticky locoweed (*Oxytropis borealis* de Candolle var. *viscida* (Nuttall) S.L. Welsh);

— smooth cliff-brake (*Pellaea glabella* Mettenius ex Kuhn subsp. *glabella*);

— redwhiskered clammyweed (*Polanisia dodecandra* (Linnaeus) de Candolle subsp. *dodecandra*)";

(3) by striking out the following:

"— Anticosti aster (*Symphyotrichum anticostense* (Fernald) Nesom);

— American alpine lady-fern (*Athyrium alpestre* (Hoppe) Clairville subsp. *americanum* (Butters) Lellinger);

— glacier sedge (*Carex glacialis* Mackenzie), populations of the Côte-Nord administrative region;

— serpentine stitchwort (*Minuartia marcescens* (Fernald) House);

— mountain holly fern (*Polystichum scopulinum* (D.C. Eaton) Maxon);

— Mt. Albert goldenrod (*Solidago simplex* Kunth subsp. *simplex* var. *chlorolepsis* (Fernald) Ringius);".

2. Section 3 is amended

(1) by replacing

(*a*) "wild leek (*Allium tricoccum* Aiton var. *tricoccum* et *Allium tricoccum* Aiton var. *burdickii* Hanes)" by "wild leek (*Allium tricoccum* Aiton)";

(*b*) "flax-leaf aster (*lonactis linariifolia* (Linnaeus) E.L. Greene)" by "flax-leaf aster (*lonactis linariifolia* (Linnaeus) Greene)";

(*c*) "la cardamine carcajou (*Cardamine diphylla* (Michaux) A. Wood)" in the French text by "la dentaire à deux feuilles (*Cardamine diphylla* (Michaux) A. Wood)";

(*d*) "la cardamine géante (*Cardamine maxima* (Nuttall) A. Wood)" in the French text by "la dentaire géante (*Cardamine maxima* (Nuttall) A. Wood)";

(*e*) "black maple (*Acer nigrum* Michaux f.)" by "black maple (*Acer nigrum* F. Michaux)";

(*f*) "ostrich fern (*Matteuccia struthiopteris* (Linnaeus) Todaro)" by "ostrich fern (*Matteuccia struthiopteris* (Linnaeus) Todaro var. *pensylvanica* (Willdenow) C.V. Morton)";

(2) by inserting the following in alphabetical order:

"— Anticosti aster (*Symphyotrichum anticostens*e (Fernald) Nesom);

— bulbous bittercress (*Cardamine bulbosa* (Schreb. ex Muhl.) Britton, Sterns & Poggenb.);

— panicled tick-trefoil (*Desmodium paniculatum* (Linnaeus) de Candolle var. *paniculatum*);

— mountain holly fern *(Polystichum scopulinum* (D.C. Eaton) Maxon);

— Mt. Albert goldenrod (*Solidagochlorolepis* Fernald);

— cutleaf daisy, populations of the Bas-Saint-Laurent and Gaspésie regions (*Erigeron compositus* Pursh -p01, p11);".

3. Section 4 is amended by replacing "(Allium tricoccum var. tricoccum and Allium tricoccum var. burdickii)" in the portion before the first dash by "(Allium tricoccum Aiton)".

4. Section 5 is amended by replacing in the first paragraph

(1) "la cardamine carcajou" in the French text by "la dentaire à deux feuilles";

(2) "la cardamine géante" in the French text by "la dentaire géante";

(3) "la matteucie fougère-à-l'autruche" in the French text by "la matteuccie fougère-à-l'autruche d'Amérique";

(4) "l'uvulaire grande-fleur" in the French text by "l'uvulaire à grandes fleurs".

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

105790