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Part 2
LAWS AND REGULATIONS

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Summary

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Part 2 – LAWS AND REGULATIONS

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(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

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— Coming into force of the Act

COMING INTO FORCE of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner

WHEREAS the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20) was assented to on 22 October 2020;

WHEREAS section 49 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 November 2022 as the date of coming into force of the provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT 1 November 2022 be set as the date of coming into force of the provisions of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20).

YVES OUELLET
Clerk of the Conseil exécutif

105954

Regulations and other Acts

Gouvernement du Québec

O.C. 1443-2022, 3 August 2022

Animal Health Protection Act
(chapter P-42)

Medicinal premixes and medicinal foods for animals
— Amendment

Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals

WHEREAS, under subparagraph 1 of the first paragraph of section 55.9 of the Animal Health Protection Act (chapter P-42), the Government may make regulations to prescribe conditions for the issue and renewal of permits, the form of permits and the fees therefor;

WHEREAS, under subparagraph 3 of the first paragraph of section 55.9 of the Act, the Government may make regulations to prescribe the books, accounts, registers and other documents to be maintained and kept by a permit holder and the place where the permit holder must keep them, the reports the permit holder must make to the Minister, the information the reports must contain and the time when they must be filed;

WHEREAS, under subparagraph 4 of the first paragraph of section 55.9 of the Act, the Government may make regulations to prescribe standards applicable to the organization, management and operation of any establishment operated under a permit;

WHEREAS, under subparagraph 10 of the first paragraph of section 55.9 of the Act, the Government may make regulations in particular to prescribe methods, conditions and modalities respecting the taking and analysis of samples of a medication, medicinal premix or medicinal food or of any substance taken from an animal and determine where the sample or specimen must be sent for analysis;

WHEREAS, under subparagraph 11 of the first paragraph of section 55.9 of the Act, the Government may make regulations to determine, among the provisions of a regulation passed under that section, those provisions the contravention of which is punishable under section 55.43 of the Act;

WHEREAS the Government made the Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the second paragraph of section 55.9 of the Animal Health Protection Act, a draft Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals was published in Part 2 of the *Gazette officielle du Québec* of 2 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 Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting medicinal premixes and medicinal foods for animals

Animal Health Protection Act
(chapter P-42, s. 55.9, 1st par., subpars. 1, 3, 4, 10 and 11)

1. The Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10) is amended in section 2

(1) by inserting "for the permit holder's own animals or animals in his custody" at the end of paragraph 2;

(2) by inserting "for the permit holder's own animals or animals in his custody" at the end of paragraph 3.

2. Section 4.1 is replaced by the following:

"**4.1.** To obtain a permit, the applicant must have premises and containers that prevent all chemical, biological or physical contamination of medicines, medicinal premixes and medicinal foods.

In the case of a permit referred to in any of paragraphs 2 to 4 of section 2, the applicant must, in addition, have equipment that complies with the provisions of section 5.

4.1.1. The Minister shall issue a permit to an applicant who meets the conditions set out in the first paragraph and, where applicable, the second paragraph of section 4.1. The permit application must be submitted using the form prescribed by the Minister, on which the applicant must enter

(1) his name, address, telephone number and, where applicable, email address or fax number; that information is also required from the applicant's representative, if any;

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

(3) the name under which the establishment is operated;

(4) the address of the place of operation;

(5) the nature of the permit applied for; and

(6) in the case of a permit referred to in paragraphs 2 to 4 of section 2, a description of

(*a*) the equipment that will come into contact with a medicine, a medicinal premix or a medicinal food; and

(*b*) the mixing equipment and, where applicable, of the scales, specifying the serial number, make and model.

The applicant must declare in the application that the premises and containers and, where applicable, equipment comply with the provisions of section 4.1.".

3. Section 4.2 is revoked.

4. Section 4.3 is replaced by the following:

"**4.3.** The Minister shall renew the permit of a holder who applies for renewal using the form prescribed by the Minister, on which the holder must

(1) indicate, where applicable, any change in the information provided pursuant to section 4.1.1 for the last application;

(2) declare having kept and sent, for the preceding calendar year, the registers provided for in section 14 or 15, as the case may be, and in the case of the register provided for in section 23.1, declare having kept the register; and

(3) in the case of a permit referred to in any of paragraphs 2 to 4 of section 2, provide the information listed in subparagraphs 1 to 7 of the first paragraph of section 9 establishing that the mixing equipment provides homogeneous distribution of medicines in accordance with the provisions of section 8.

The fees specified in section 2 must be included with the application.".

5. Section 4.5 is revoked.

6. The heading of Division II is amended by striking out "ORGANIZATION, MAINTENANCE AND".

7. Section 5 is replaced by the following:

"**5.** The equipment used by a permit holder for the preparation of a medicinal premix or medicinal food must

(1) be made of non-rotting, waterproof, non-toxic materials; and

(2) be so designed that no residue is left after use.

The equipment must also allow any parts coming into contact with a medicine, a medicinal premix or a medicinal food to be inspected from the interior.".

8. The third paragraph of section 8 is replaced by the following:

"**8.** The coefficient of variation is calculated using the results of an analysis of 9 samples taken from the medicinal premix or the medicinal food by a member of a professional order defined in section 1 of the Professional Code (chapter C-26) practising in an area related to the production of medicinal premixes or medicinal foods or to inspection of equipment covered by this Division, using one of the methods provided for in section 28, 29 or 30, as the case may be. The samples must be sent for analysis in accordance with section 30.1.

The coefficient of variation is calculated using the results of an analysis of 9 samples taken from the medicinal premix or the medicinal food by a member of a professional order defined in section 1 of the Professional Code (chapter C-26) practising in a field of practice connected to the production of medicinal premixes or medicinal foods or the verification of equipment referred to in this Division, using one of the methods provided for in section 28, 29 or 30, as the case may be. The samples must be sent for analysis in accordance with the provisions of sections 30.1 and 30.2.

The mixing equipment used for the preparation of a medicinal premix or medicinal food must be inspected annually to ensure the homogeneity of the medicines it contains. The compliance of such equipment is verified through a chemical analysis of the medicine contained in the medicinal premix or medicinal food.".

9. Sections 9, 10, 11 and 12 are replaced by the following:

"**9.** The holder of a permit must submit to the Minister, with the holder's application for renewal, the following information on the verification of his mixing equipment:

(1) the identification of the mixing equipment including its serial number, make and model;

(2) the type of mix prepared;

(3) the trade name of the medicine and its concentration;

(4) the place of sampling and sampling method used for the 9 samples provided for in any of sections 28, 29 and 30;

(5) the mixing time in minutes and seconds and the duration of the mixing time from the addition of the last ingredient and the beginning of emptying;

(6) the name of the laboratory where the samples were sent and the analytic method used;

(7) the coefficient of variation as a percentage.

The permit holder must also, within 3 months of the date of issue of his permit, forward to the Minister the information provided for in subparagraphs 1 to 7 of the first paragraph.

The permit holder must keep the information in the place of operation covered by the permit for a period of 2 years.

10. The holder of a permit may not prepare, supply or sell a medicinal premix having a medicinal strength in each of its parts that is more than 10% lower or higher than the strength prescribed by prescription of a veterinary surgeon or, failing such prescription, by the Compendium of Medicating Ingredient Brochures published by the Canadian Food Inspection Agency.

11. Furthermore, the holder of a permit may not prepare, supply or sell a medicinal food

(1) having a strength in antibiotics of each of its parts that is more than 25% lower or higher than the strength prescribed by prescription of a veterinary surgeon or, failing such prescription, by the Compendium of Medicating Ingredient Brochures; or

(2) having a strength in any other medicine of each of its parts that is more than 20% lower or higher than the strength prescribed by prescription of a veterinary surgeon or, failing such prescription, by the Compendium of Medicating Ingredient Brochures.

12. The holder of a permit shall obtain the vouchers for all purchases of medicines, medicinal premixes or medicinal foods and keep them at the place of operation covered by the permit for a period of 2 years from the date of purchase.".

10. Section 13 is amended

(1) by inserting ", in the place of operation covered by the permit," after "keep";

(2) by replacing "1 year" by "2 years".

11. Sections 14 and 15 are replaced by the following:

"**14.** The holder of a permit shall keep a register of retail sales and supplies of medicinal foods showing, for each sale or supply,

(1) the name and address of the purchaser or person receiving the medicinal food, along with his permit number, if any;

(2) the address of the sites where the medicinal foods were sold or supplied, if different from the address referred to in subparagraph 1.

The register must contain the following information for each site:

(1) the date of the sale or supply;

(2) the trade name and concentration, in kilograms per tonne, of the medicinal products contained in the medicinal food;

(3) the name of the veterinary surgeon who prescribed the medicinal food, the number of his operating permit and the date of the prescription in the case of a medicinal food containing a medication appearing on the list provided for in section 9 of the Veterinary Surgeons Act (chapter M-8);

(4) the quantity, in kilograms, of the medicinal food sold or supplied;

(5) the animal species, number and age of the animals for which the medicinal food is intended and the types of agricultural production involved.

A permit holder who administers a medicinal food to his own animals or to animals in his custody must also keep a register of the medicinal foods administered. The second paragraph applies, with the necessary modifications, to the keeping of the register.

The registers must be kept for the period between 1 January and 31 December and be forwarded to the Minister not later than 31 March each year. They must be kept at the place of operation covered by the permit for a period of 2 years as of 31 December of the year concerned.

15. The permit holder shall also keep a register of sales and supplies showing each sale and supply of medicinal premixes made to the holder of a permit referred to in any of subdivisions 3 and 4 of this Division and containing

(1) the name and address of the purchaser or person receiving the medicinal premix along with his permit number; and

(2) the address of the sites where the medicinal foods prepared using medicinal premixes will be administered, if different from the address referred to in subparagraph 1 of this paragraph.

The register must contain the following information for each site:

(1) the date of the sale or supply;

(2) the trade name and concentration, in kilograms per tonne, of the medicinal products contained in the medicinal premix;

(3) the name of the veterinary surgeon who prescribed the medicinal premix, the number of his operating permit and the date of the prescription in the case of a medicinal premix containing a medication appearing on the list provided for in section 9 of the Veterinary Surgeons Act (chapter M□8);

(4) the quantity, in kilograms, of the medicinal premixes sold or supplied;

(5) the animal species, number and age of the animals for which the medicinal food that will be prepared later using the premix is intended, and the types of agricultural production involved.

The register must be kept for the period between 1 January and 31 December and be forwarded to the Minister not later than 31 March each year. It must be kept at the place of operation covered by the permit for a period of 2 years as of 31 December of the year concerned.".

12. Section 16.1 is revoked.

13. Section 16.2 is amended by striking out "14 and".

14. The heading of subdivision 3 of Division II is amended by adding "intended for the permit holder's own animals or animals in his custody" at the end.

15. Sections 20 to 22 are revoked.

16. Section 23 is amended

(1) by striking out "and shall keep such vouchers for 2 years from the date of the purchase" at the end of the second paragraph;

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

"The documents referred to in the first and second paragraphs must be kept at the place of operation covered by the permit for a period of 2 years from the date of the prescription or purchase, as the case may be.".

17. The following is inserted after section 23:

"**23.1.** The holder of a permit shall keep a register of the medicinal foods administered to the holder's own animals or to animals in his custody, indicating the address of the sites where the animals receiving the foods are located. The register must contain the following information for each site:

(1) the date of administration;

(2) the trade name and concentration, in kilograms per tonne, of the medicinal products contained in the medicinal food administered;

(3) the name of the veterinary surgeon who prescribed the medicinal foods, the number of his operating permit and the date of the prescription in the case of a medicinal food containing a medication appearing on the list provided for in section 9 of the Veterinary Surgeons Act (chapter M-8);

(4) the quantity of the medicinal food administered;

(5) the animal species, number and age of the animals for which the medicinal food is intended, and the types of agricultural production involved.

The register must be kept at the place of operation covered by the permit for a period of 2 years following the date of administration.".

18. Section 24 is revoked.

19. Section 25 is amended by replacing "7, 8.1, 12" by "11".

20. The heading of subdivision 4 of Division II is amended by adding "intended for the permit holder's own animals or animals in his custody" at the end.

21. Section 25.1 is amended by replacing "8, 8.1, 10, 12, 16, 21 and 22" by "13, 16 and 23.1".

22. Sections 25.2 to 27 are revoked.

23. Sections 30.1 and 30.2 are replaced by the following:

"**30.1.** The 9 samples taken must be sealed and labelled to identify the permit holder and equipment concerned, and the number of each sample.

The samples must be sent to a laboratory to determine the coefficient of variation in accordance with section 8.

30.2. The holder of a permit is required to keep the laboratory analysis results at the place of operation covered by the permit for a period of 2 years.".

24. Division III.1, comprising sections 30.3 to 30.6, is revoked

25. The heading of Division IV is replaced by "OFFENCES".

26. Section 31 is amended by replacing "20 to 30" by "23 to 30.2".

27. Schedules II to VIII are revoked.

28. This Regulation comes into force on 1 January 2023.

105932

Gouvernement du Québec

O.C. 1451-2022, 3 August 2022

Act respecting the Régie de l'énergie
(chapter R-6.01)

1,000-megawatt block of wind energy

Regulation respecting a 1,000-megawatt block of wind energy

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (chapter R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112 of the Act, the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a 1,000-megawatt block of wind energy was published in Part 2 of the *Gazette officielle du Québec* of 27 April 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 Energy and Natural Resources:

THAT the Regulation respecting a 1,000-megawatt block of wind energy, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting a 1,000-megawatt block of wind energy

Act respecting the Régie de l'énergie
(chapter R-6.01, s. 112, 1st par., subpars. 2.1 and 2.2)

1. For the purposes of the establishment of the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (chapter R-6.01), the supply plan provided for in section 72 of the Act and the tender solicitation by the electric power distributor provided for in section 74.1 of the Act, a block a wind energy of a target capacity of 1,000 megawatts must be connected to Hydro Québec's main network within the following timeframe:

—400 megawatts not later than 1 December 2027;

—300 megawatts not later than 1 December 2028;

—300 megawatts not later than 1 December 2029.

The block referred to in the first paragraph is accompanied by a balancing and complementary power service in the form of a wind energy integration agreement entered into by the electric power distributor with Hydro-Québec in its power production activities or with another Québec electric power supplier.

2. The electric power distributor must issue a tender solicitation for the block referred to in section 1 not later than 31 December 2022.

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

105933

Gouvernement du Québec

O.C. 1452-2022, 3 August 2022

Act respecting the Régie de l'énergie
(chapter R-6.01)

1,300-megawatt block of renewable energy

Regulation respecting a 1,300-megawatt block of renewable energy

WHEREAS, under subparagraph 2.1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (chapter R-6.01), the Government may make regulations determining, for a particular source of electric power supply, the corresponding energy block and maximum price established for the purpose of fixing the cost of electric power referred to in section 52.2 or for the purposes of the supply plan provided for in section 72, or for the purposes of a tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112 of the Act, the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a 1,300-megawatt block of renewable energy was published in Part 2 of the *Gazette officielle du Québec* of 27 April 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 Energy and Natural Resources:

THAT the Regulation respecting a 1,300-megawatt block of renewable energy, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting a 1,300-megawatt block of renewable energy

Act respecting the Régie de l'énergie
(chapter R-6.01, s. 112, 1st par., subpars. 2.1 and 2.2)

1. For the purposes of the establishment of the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (chapter R-6.01), the supply plan provided for in section 72 of the Act and the tender solicitation by the electric power distributor provided for in section 74.1 of the Act, a block of renewable energy of a target capacity of 1,300 megawatts of power contribution and the associated energy must be connected to Hydro-Québec's main network.

The portion of variable production of the block referred to in the first paragraph is accompanied by a balancing and complementary power service in the form of an agreement to integrate energy whose production is variable entered

into by the electric power distributor with Hydro-Québec in its power production activities or with another Québec electric power supplier.

2. The electric power distributor must issue a tender solicitation for the block referred to in section 1 not later than 31 December 2022.

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

105934

Gouvernement du Québec

O.C. 1454-2022, 3 August 2022

Professional Code
(chapter C-26)

Podiatrists
— Code of ethics of podiatrists
— Amendment

Regulation to amend the Code of ethics of podiatrists

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft Regulation to amend the Code of ethics of podiatrists was sent to every member of the Ordre des podiatres du Québec at least 30 days before its adoption by the board of directors of the Ordre des podiatres du Québec on 23 October 2021;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Code of ethics of podiatrists was published in Part 2 of the *Gazette officielle du Québec* of 19 January 2022 with a notice that it could be examined by the Office and then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 17 June 2022 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of podiatrists, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of podiatrists

Professional Code
(chapter C-26, s. 87)

1. The Code of ethics of podiatrists (chapter P-12, r. 5.01) is amended by inserting the following after section 4:

"**4.1.** In their practice of podiatry, podiatrists must show respect for the dignity and freedom of persons and refrain from any form of discrimination based on a ground mentioned in section 10 of the Charter of human rights and freedoms (chapter C-12) and from any form of harassment.

4.2. Podiatrists must not

(1) commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling;

(2) attempt to commit such an act or counsel another person to do so; or

(3) conspire to commit such an act.".

2. Section 9 is amended by replacing paragraph 3 by the following:

"(3) refrain from performing acts that are unwarranted from a podiatry point of view, in particular by performing them more frequently than necessary or dispensing them in an exaggerated manner.".

3. Section 11 is replaced by the following:

"**11.** Podiatrists must refrain from practising in circumstances or a state likely to compromise the quality of their practice or acts, or the honour or dignity of the profession. They must refrain from practising podiatry while under the influence of any substance which may affect their faculties.

11.1. Except in emergencies or in cases which are manifestly not serious, podiatrists must refrain from treating themselves or from treating any person with whom there is a relationship likely to impair the quality of their practice, in particular their spouse or children.

11.2. During the professional relationship, podiatrists must not establish friendships likely to compromise the quality of their professional services, or relations of an amorous or sexual nature with a patient or relative of the patient. They must also refrain from making remarks or gestures of a sexual nature to a patient or relative of the patient.

The duration of the professional relationship is determined by taking into account, in particular, the nature of the issues and the duration of the professional services provided, the patient's vulnerability and the likelihood of having to provide professional services to the patient again.".

4. The following is inserted after section 14:

"**14.1.** Podiatrists must not, directly or indirectly, take advantage or attempt to take advantage of the state of dependence or vulnerability of a person to whom professional services are offered or provided.

14.2. Podiatrists using information technology in providing professional services must ensure that

(1) the patient consents to the use of information technology;

(2) professional secrecy is preserved by taking all reasonable means, in particular by making sure that the patient's identity is protected;

(3) the patient is able to use the computer application and understands the purpose and operation of the computer application; and

(4) the computer application meets the patient's needs.".

5. Section 18 is replaced by the following:

"**18.** Before providing professional services, podiatrists must ensure that the patient or, where applicable, the patient's legal representative, provides free and enlightened consent to professional services being provided, except in an emergency where consent cannot be obtained.

To that effect, podiatrists must ensure that the patient understands the information relevant to consent, which must include

(1) the nature and scope of the problem which, in their opinion, results from the patient's condition;

(2) the advantages, inconveniences, risks and limitations of the therapeutic procedures and recommended treatment plan as well as their alternatives;

(3) the patient's right to refuse, in whole or in part, the professional services offered and to revoke, at any time, consent, as well as the foreseeable consequences of not providing treatment;

(4) the fact that the professional services may be provided, in whole or in part, by another person;

(5) the confidentiality rules and their limitations, as well as the conditions associated with the communication of confidential information about the professional services;

(6) the approximate and expected cost of their professional fees and all other fees, as well as any cost modifications; and

(7) the mutual responsibilities of the parties, including, if applicable, agreement on the amount of professional fees and the other fees, as well as the terms and conditions of payment.

18.1. Podiatrists must ensure that the patient's consent remains free and enlightened throughout the professional relationship.".

6. The following is inserted after section 20:

"**20.1.** If professional podiatry services are provided by another person from the clinic, podiatrists must first assess the patient and establish a treatment plan.

Podiatrists must also examine the patient on each subsequent visit.

20.2. Podiatrists must provide the follow-up that may be required by interventions with a patient. The follow-up may be provided by another podiatrist or another health professional. In such a case, podiatrists must cooperate with the other podiatrist or health professional.".

7. Section 21 is amended

(1) by replacing "cease to provide professional services to patient" in the portion before paragraph 1 by "refuse to provide professional services to a patient, cease to provide professional services to a patient or reduce their accessibility";

(2) by adding the following after paragraph 4:

"(5) abusive behaviour by the patient, which may manifest itself as harassment, threats, aggressive acts or acts of a sexual nature.".

8. Section 22 is replaced by the following:

"**22.** Before ceasing to provide professional services to a patient, podiatrists must give reasonable notice and ensure that the patient will be able to continue receiving the services required by the patient's health condition from another podiatrist or another health professional.

Podiatrists must also ensure that ceasing to provide services does not pose an imminent risk to the patient's health and is not unduly prejudicial to the patient.".

9. The following is inserted after section 31:

"**31.1.** Podiatrists acting as experts or conducting an assessment must

(1) inform the person who is the subject of the expert opinion or assessment of the identity of the recipient of the report and of the person's right to obtain a copy;

(2) refrain from obtaining information from the person that is not relevant to the expert opinion or assessment and from making comments of a similar nature to the person; and

(3) limit their report or recommendations and, if applicable, any deposition before the court solely to the relevant facts of the expert opinion or assessment.".

10. Section 34 is amended by adding the following paragraph at the end:

"Podiatrists must not disclose that a person used their services.".

11. The following is inserted after section 47:

"**47.1.** Podiatrists who claim administrative fees for an appointment missed by the patient must do so according to the conditions agreed to in advance with the patient, it being understood that the fees may not exceed the expenses incurred.".

12. Section 48 is replaced by the following:

"**48.** Podiatrists must handle with care any funds or property entrusted to them. They may not lend them or use them for purposes other than those for which they were entrusted to them.

Podiatrists who practise the profession within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph when the property is entrusted to the partnership or joint-stock company in the performance of the professional services.".

13. Section 55 is amended

(1) by striking out paragraph 17;

(2) by adding the following at the end:

"(23) voluntarily and without sufficient reason abandoning a patient requiring supervision while in the course of treatment;

(24) not informing the Order if they have reason to believe that another member used funds or property for purposes other than those for which they were entrusted to the member in the practice of the member's profession;

(25) using for their own purposes the funds or property entrusted to them in the practice of their profession, in particular using them as a personal loan or security or investing them to their own advantage, whether in their name, through an intermediary or on behalf of a legal person or partnership or joint-stock company in which they hold an interest.".

14. The following is inserted after section 57:

"**57.1.** Podiatrists must ensure the accuracy of the information provided to the Order.

57.2. Podiatrists must inform the syndic of the Order if they have reason to believe that a situation is likely to affect the competence or integrity of another member of the Order.

57.3. Podiatrists must inform the Order if they have reason to believe that another member of the Order, an intern, a student or any other person authorized to practise podiatry has performed an act in contravention of the Professional Code (chapter C-26), the Podiatry Act (chapter P-12) or their regulations.".

15. The following is inserted after section 60:

"**DIVISION IV.1**
RESEARCH

60.1. Podiatrists who participate, in any way whatsoever, in a research project must first ensure that the project and any significant changes to it have been approved by a recognized research ethics committee that respects existing standards, in particular regarding its composition and procedures. They must also ensure that professional duties and obligations are made known to all persons collaborating with them on the project.

60.2. Before undertaking a research project, podiatrists must consider all the foreseeable consequences on the research subjects and society. To that end, podiatrists must, in particular

(1) consult the persons likely to help in deciding whether to undertake the research project or in taking measures intended to eliminate risks to the research subjects; and

(2) ensure that the persons collaborating with them on the research project respect the physical and psychological integrity of the research subjects.

60.3. Podiatrists must respect a person's right to refuse to participate in a research project or to withdraw at any time. To that end, podiatrists must refrain from pressuring a person who is likely to be eligible for such a project.

60.4. Podiatrists must ensure that the research subject or, where applicable, the research subject's legal representative, is adequately informed

(1) of the research project's objectives and the manner in which it will be conducted, the advantages, risks or disadvantages related to the person's participation, the fact, if applicable, that the podiatrist will derive a benefit from enrolling or maintaining the participant in the research project and any other element likely to influence the participant's consent;

(2) of the quality and reliability of the measures for the protection of the confidentiality of the information collected as part of the research project;

(3) that free and enlightened written consent must be obtained before the person begins participating in the research project or when there is any significant change in the research protocol;

(4) that the consent is revocable at any time;

(5) that clear, specific and enlightened consent must be obtained before communicating information concerning the research subject to a third person for the purposes of scientific research; and

(6) that the podiatrist intends to use, if applicable, an inadequately tested technique or treatment.

60.5. Podiatrists who undertake or participate, in any way whatsoever, in a research project on persons must comply with the generally accepted scientific principles and ethical standards warranted by the nature and purpose of the project.

60.6. Podiatrists may not participate, in any way whatsoever, in a research project that plans to offer the research subject a financial consideration with a view to encouraging participation, except the payment of a compensation for the losses incurred and the constraints endured.

60.7. Podiatrists who participate, in any way whatsoever, in a research project must declare their interest and disclose any situation of conflict of interest to the research ethics committee.

60.8. Where the carrying out of a research project is likely to cause prejudice to persons or the community, or where the research appears not to comply with generally accepted scientific principles and ethical standards, podiatrists who participate in the research must notify the research ethics committee or any other appropriate authority.

60.9. After having notified the research ethics committee or any other appropriate authority, podiatrists must cease any form of participation or collaboration in a research project where they have reason to believe that the risks to the health of subjects are disproportionate to the potential benefits they may derive from it or the benefits the subjects would derive from regular treatment or care.

60.10. Podiatrists must promote the positive impacts, for society, of the research projects in which they participate. To that end, they support the means intended to ensure that the findings of the projects, whether they are conclusive or not, are made public or made available to other interested persons.

In addition, podiatrists must not knowingly conceal from the persons or authorities concerned the negative findings of any research project in which they participated.”.

16. Section 63 is replaced by the following:

“**63.** Podiatrists may not engage in or allow, by any means whatsoever, including social media, advertising that is aimed at persons who are vulnerable, in particular because of their age, their state of health, their personal condition or the occurrence of a specific event.”.

17. Section 66 is replaced by the following:

“**66.** Podiatrists may not, in their advertising, in social media or in any public intervention, use or allow the use of an expression of support or gratitude concerning them or, where applicable, concerning the partnership or joint-stock company within which they carry on professional activities.”.

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

105935

Gouvernement du Québec

O.C. 1455-2022, 3 August 2022

Professional Code
(chapter C-26)

Podiatres
— Compensation procedure of the Ordre des podiatres du Québec

Regulation respecting the compensation procedure of the Ordre des podiatres du Québec

WHEREAS, under the first paragraph of section 89 of the Professional Code (chapter C-26), the members of a professional order may not, in the practice of their profession, hold funds or property, including advances on fees, on behalf of a client or another person, unless it is expressly authorized by the board of directors by regulation;

WHEREAS, under the first and second paragraphs of section 89.1 of the Code, a board of directors of a professional order that makes a regulation under section 89 of the Code authorizing the members of the order to hold funds or property must determine by regulation the compensation procedure and, if appropriate, conditions for the setting up of a compensation fund and rules for the administration and investment of the sums making up the fund;

WHEREAS the board of directors of the Ordre des podiatres du Québec authorizes its members to hold funds and property under the Règlement sur la détention de sommes et de biens par les podiatres approved by the Office des professions du Québec on 17 June 2022;

WHEREAS the board of directors of the Ordre des podiatres du Québec adopted the Regulation respecting the compensation procedure of the Ordre des podiatres du Québec on 26 March 2021;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the compensation procedure of the Ordre des podiatres du Québec was published in Part 2 of the *Gazette officielle du Québec* of 19 January 2022 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 17 June 2022 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the compensation procedure of the Ordre des podiatres du Québec, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the compensation procedure of the Ordre des podiatres du Québec

Professional Code
(chapter C-26, s. 89.1)

1. A claimant may be compensated in accordance with this procedure following the use by a podiatrist of funds or property for purposes other than those for which they were entrusted to the podiatrist under a regulation of the Ordre des podiatres du Québec made under section 89 of the Professional Code (chapter C-26).

2. The board of directors forms a committee charged with examining and deciding claims.

The committee is composed of at least 3 members, including 1 elected director and 1 director appointed to the board of directors.

3. To be admissible, a claim must

(1) be sent in writing to the Order within 12 months of the claimant becoming aware that the funds or property have been used by a podiatrist for purposes other than those for which they were entrusted to the podiatrist;

(2) be accompanied by proof of the steps taken with the podiatrist to recover the funds or property;

(3) state the facts in support of the claim and be accompanied by all relevant documents; and

(4) indicate the amount claimed.

The period referred to in subparagraph 1 of the first paragraph may be extended by the committee if the claimant shows that, for a reason beyond the claimant's control, the claimant was unable to file the claim within that period.

4. A request made to the Order with regard to facts likely to give rise to a claim is deemed to be a claim if the request is filed within the period referred to in subparagraph 1 of the first paragraph of section 3.

The claim becomes admissible where the conditions set out in subparagraphs 2 to 4 of the first paragraph of section 3 are met.

5. The secretary of the Order sends every admissible claim to the committee and the podiatrist within 15 days following the date on which the claim becomes admissible.

6. The secretary of the Order informs the podiatrist and the claimant of the date of the meeting during which the claim will be examined and of their right to make representations.

7. The committee decides whether it is expedient to accept a claim in whole or in part. Where applicable, it fixes the compensation.

The substantiated decision is final.

8. The maximum amount that may be paid for the period covering the fiscal year of the Order is

(1) $2,000 for a claimant in respect of a podiatrist;

(2) $6,000 for all the claimants in respect of a podiatrist; and

(3) $20,000 for all the claimants.

Where all the claims filed for the period covering the fiscal year of the Order exceeds $20,000, the amount paid to each claimant is paid in proportion of each claim.

9. Where the claimant is in a vulnerable situation, in particular because of age, physical or psychological state or social condition, the committee may, exceptionally and after having obtained the approval of the board of directors, pay an amount greater than those provided for in section 8.

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

105936

Gouvernement du Québec

O.C. 1456-2022, 3 August 2022

Professional Code
(chapter C-26)

Forest engineers
— Professional activities that may be engaged in by persons other than forest engineers

Regulation respecting the professional activities that may be engaged in by persons other than forest engineers

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by

regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the professional activities that may be engaged in by persons other than forest engineers was published in Part 2 of the *Gazette officielle du Québec* of 16 March 2022 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 17 June 2022 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation respecting the professional activities that may be engaged in by persons other than forest engineers, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by persons other than forest engineers

Professional Code
(chapter C-26, s. 94, 1st par. subpar. *h*)

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by forest engineers, those that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by candidates for the practice of the profession.

2. For the purposes of this Regulation, a candidate for the practice of the profession is a person who holds a diploma giving access to the permit issued by the Ordre des ingénieurs forestiers du Québec or who is registered in a program of study leading to that diploma, or a person who was granted a diploma equivalence or a training equivalence pursuant to a regulation of the Order under paragraphs *c* and *c*.1 of section 93 of the Professional Code (chapter C-26).

3. Candidates for the practice of the profession may, as part of the period of professional training provided for by regulation of the Order under subparagraph *i* of the first paragraph of section 94 of the Professional Code (chapter C-26), engage in the professional activities that may be engaged in by forest engineers provided that they engage in those professional activities under the immediate supervision of a training supervisor.

However, candidates for the practice of the profession are not authorized to sign the plans, reports, specifications and other technical documents that result from engaging in those professional activities.

4. The following regulatory standards are applicable, with the necessary modifications, to the candidates for the practice of the profession referred to in this Regulation:

(1) the regulatory standards set out in the Code of ethics of forest engineers (chapter I-10, r. 5);

(2) the regulatory standards set out in the Règlement sur la tenue des dossiers et des cabinets de consultation et sur la cessation d'exercice des ingénieurs forestiers (chapter I-10, r. 13.1).

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

105937

Gouvernement du Québec

O.C. 1457-2022, 3 August 2022

Professional Code
(chapter C-26)

Respiratory therapists
— Professional activities that may be engaged in by persons other than respiratory therapists
— Amendment

Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the board of directors of the Ordre professionnel des inhalothérapeutes du Québec consulted the Collège des médecins du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre des infirmières et infirmiers du Québec, the Ordre des pharmaciens du Québec and the Ordre professionnel de la physiothérapie du Québec before adopting the Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists on 14 January 2022;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists was published in Part 2 of the *Gazette officielle du Québec* of 16 March 2022 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 17 June 2022 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

1. The Regulation respecting the professional activities that may be engaged in by persons other than respiratory therapists (chapter C-26, r. 164.1) is amended in section 1

(1) by replacing "a person" in paragraph 2 by "a respiratory therapy student";

(2) by inserting "a person eligible by equivalence" after "permit issued by the Order or" in paragraph 2.

2. Section 5 is amended by replacing paragraphs 1 to 3 by the following:

"(1) setting up and monitoring equipment used to administer oxygen, and administering oxygen via the respiratory tract with the help of non-invasive apparatus, except devices that generate positive pressure;

(2) administering aerosol therapy medications without positive pressure.".

3. Section 6 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

"(5) engage in those activities

(*a*) according to an individual prescription;

(*b*) under the supervision of a respiratory therapist who, in order to intervene rapidly, is present in the centre or, when the respiratory therapy extern engages in those activities in the emergency service or department, is present in the emergency service or department; and

(*c*) with a patient whose state of health is not in a critical phase or does not require frequent adjustments.";

(2) by striking out "an emergency service or department," in the second paragraph.

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

105938

Gouvernement du Québec

O.C. 1458-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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

Charges payable for the disposal of residual materials — Amendment

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

WHEREAS, under paragraphs 1 and 5 of section 70 of the Environment Quality Act (chapter Q-2), the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, in particular to classify residual materials elimination facilities and residual materials, and exempt certain classes from the application of all or certain of the provisions of the Act and the regulations, as well as to determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility, in particular incinerators, landfills and treatment, storage and transfer facilities;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 of the first paragraph of the section and that pertains, in particular, to the determination of persons required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under subparagraphs 20 and 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period, and prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change by any person carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the

responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may, in a regulation made under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which 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 in particular 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 27 April 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 to amend the Regulation respecting the charges payable for the disposal of residual materials, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

Environment Quality Act
(chapter Q-2, s. 70, pars. 1 and 5, and s. 95.1, 1st par., subpars. 11, 12, 20 and 21; 2022, chapter 8, s. 108)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (s. 30, 1st par., and s. 45, 1st par.))

1. The Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) is amended in section 1 by striking out "in disposal facilities" at the end.

2. Section 2 is replaced by the following:

"**2.** This Regulation applies to the following disposal facilities referred to in the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19):

(1) engineered landfills;

(2) construction or demolition waste landfills;

(3) residual materials incineration facilities.

It also applies to the residual materials transfer stations referred to in the Regulation respecting the landfilling and incineration of residual materials, except the low capacity transfer stations covered by Division 2 of Chapter IV of that Regulation.".

3. Section 3 is replaced by the following:

"**3.** Every operator of a disposal facility referred to in the first paragraph of section 2 must, for each metric ton of residual materials received for disposal, pay charges of $30.00.

Despite the first paragraph, the charges payable are one third of the charges prescribed by the first paragraph if the residual materials are intended for

(1) daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) monthly covering in a construction or demolition waste landfill in accordance with section 105 of the Regulation respecting the landfilling and incineration of residual materials; or

(3) the construction of access roads in residual materials disposal areas of a landfill referred to in subparagraph 1 or 2.

No charge is however payable for the following residual materials when they are intended for the purposes set out in the second paragraph:

(1) contaminated soils;

(2) fine construction, renovation and demolition waste from screening or sifting carried out by the sorting stations for residual materials from construction or demolition work.

3.1. Every operator of a transfer station referred to in the second paragraph of section 2 must also pay the charges prescribed by the first paragraph of section 3 for each metric ton of residual materials transferred and intended for a disposal facility.

3.2. Despite sections 3 and 3.1, no charge is payable for

(1) residual materials that are sorted and recovered on the premises to be reclaimed;

(2) mine tailings or residue generated by a mine tailings reclamation process; and

(3) residual materials for which charges payable under this Regulation were already paid.

3.3. Despite paragraph 3 of section 3.2, every operator of an incineration facility referred to in subparagraph 3 of the first paragraph of section 2 may deduct from the quantity of residual materials covered by the charges prescribed by the first paragraph of section 3 the quantity of incineration residue recovered.".

4. Section 4 is amended

(1) in the first paragraph

(*a*) by replacing "by section 3 are adjusted" by "by the first paragraph of section 3 are increased by $2";

(*b*) by striking out "on the basis of the rate calculated in the manner provided for in section 83.3 of the Financial Administration Act (chapter A-6.001)" at the end;

(2) by replacing "adjustment in a notice in the *Gazette officielle du Québec* or by any other" in the second paragraph by "increase by any".

5. Section 5 is amended

(1) by replacing "prescribed by section 3 are payable" in the first paragraph by "payable under sections 3 and 3.1 are payable by means of an electronic method of payment";

(2) in the second paragraph

(*a*) by replacing "the following information must be received by those dates to the" in the portion before subparagraph 1 by "the following information for the same period must be received by those dates by the";

(*b*) by replacing subparagraphs 2 and 3 by the following:

"(2) the quantity of residual materials, expressed in metric tons, that, as the case may be, are

(*a*) received for disposal and covered by the charge payable under the first paragraph of section 3;

(*b*) intended for the purposes set out in the second paragraph of section 3 and covered by the charge payable under that paragraph;

(*c*) intended for the purposes set out in the second paragraph of section 3 and covered by the third paragraph of section 3;

(*d*) transferred, intended for a disposal facility and covered by the charge payable under section 3.1; or

(*e*) referred to in section 3.2;

(3) the quantity of incineration residue, expressed in metric tons, that is deducted in accordance with section 3.3, as the case may be;

(4) the amount of the charges paid broken down into the applicable categories provided for in subparagraph 2.".

6. Section 6 is amended by adding the following paragraph at the end:

"If the amount of the charges, interest and amounts referred to in the second paragraph paid exceeds by more than $5 the actual amount outstanding, then the operator is entitled to a credit for a future period equivalent to that difference. Where the operator ceases activities, the operator may ask for the reimbursement of that amount.".

7. Section 7 is amended

(1) by replacing "site referred" by "facility or transfer station referred";

(2) by inserting "reclaimed on the premises or" after "being";

(3) by replacing "off-site" by "from the disposal facility or transfer station".

8. Section 8 is amended by inserting "139," after "128," in the portion before paragraph 1.

9. Section 9 is amended

(1) by replacing "referred" by "or transfer station referred";

(2) by replacing "at the disposal facility" by "or transferred, as the case may be,";

(3) by adding ", unless no charge is payable for a given year" at the end.

10. Section 10.1 is amended in paragraph 6

(1) by inserting "or transferred, as the case may be," after "received";

(2) by inserting "or transfer station" after "facility".

11. Section 10.2 is amended

(1) by replacing "disposal charges and additional charges in the amounts fixed in section 3" in paragraph 1 by "charges prescribed by section 3 or 3.1";

(2) in paragraph 4

(*a*) by inserting "or transferred, as the case may be," after "received";

(*b*) by replacing "being" by "before being reclaimed on the premises or";

(*c*) by replacing "off-site" by "from the disposal facility or transfer station".

12. This Regulation comes into force on 1 January 2023.

Subparagraph 2 of the third paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials, introduced by section 3 of this Regulation, ceases to have effect on 31 December 2025.

105939

Gouvernement du Québec

O.C. 1459-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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.))

Charges to promote the treatment and reclamation of excavated contaminated soils

Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 and that pertains, in particular, to the determination of persons required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change

by any person carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under section 124.1 of the Environment Quality Act, no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) applies to that area or zone unless the regulation provides it expressly;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may, in a regulation made under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which 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 in particular 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils was published in Part 2 of the *Gazette officielle du Québec* of 11 May 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:

the Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils

Environment Quality Act
(chapter Q-2, s. 95.1, 1st par., subpars. 11, 12 and 21, and s. 124.1; 2022, chapter 8, s. 108)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (s. 30, 1st par., and s. 45, 1st par.))

CHAPTER I
GENERAL

1. The object of this Regulation is to prescribe the charges payable for the management of excavated contaminated soils in order to promote their treatment and reclamation.

2. This Regulation applies in particular in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

3. The soils to which this Regulation applies are the soils to which the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) applies.

4. In this Regulation, "linear infrastructure", "receiving site", "project owner", "receiving site manager" and "site of origin" have the meaning assigned in the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01).

CHAPTER II
CHARGES

5. For soils transported from their site of origin, except those referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01), charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the owner of the soils, by the project owner if the

soils are excavated during work on a linear infrastructure, or by the party responsible for the accidental release of hazardous materials if the soils are excavated following such a release,

(1) when the soils contain contaminants whose concentration exceeds the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), except if the concentration is equal to or lesser than the limit values set out in Schedule II to that Regulation and if the soils are intended as a drainage layer in an engineered landfill or as a cover material in a trench landfill or a northern landfill, within the meaning of the third paragraph of section 94 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), or are intended to be reclaimed on another site referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(2) when the soils contain contaminants whose concentration is equal to or lesser than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation and are disposed of in a contaminated soil burial site or mine tailings site, sent to a contaminated soil stockpiling site, used for daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials, monthly covering in a construction or demolition waste landfill in accordance with section 105 of the Regulation respecting the landfilling and incineration of residual materials or the construction of access roads in residual materials disposal areas in either type of landfill, or sent outside Québec.

When the soils are intended for a contaminated soil processing site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations, the charges payable are one half of the charges provided for in the first paragraph.

6. For soils referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) that are transported from a receiving site, charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the manager of that site

(1) when the soils contain contaminants whose concentration exceeds the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), except if the concentration is equal to or lesser than the limit values set out in Schedule II to that Regulation and if the soils are intended as a drainage layer in an engineered landfill or as a cover material in a trench landfill or a northern landfill, within the meaning of the third paragraph of section 94 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), or are intended to be reclaimed on another site referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(2) when the soils contain contaminants whose concentration is equal to or lesser than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation and are disposed of in a contaminated soil burial site or mine tailings site, sent to a contaminated soil stockpiling site, used for daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials, monthly covering in a construction or demolition waste landfill in accordance with section 105 of the Regulation respecting the landfilling and incineration of residual materials or the construction of access roads in residual materials disposal areas in either type of landfill, or sent outside Québec.

When the soils are intended for a contaminated soil treatment site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations, the charges payable are one half of the charges provided for in the first paragraph.

7. For soils buried in a contaminated soil burial site situated on their site of origin, charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the owner of the soils.

Each year, not later than 31 January, for the preceding period from 1 July to 31 December, and not later than 31 July, for the preceding period from 1 January to 30 June, the owner of the soils must send the following information to the Minister, using the form supplied by the Minister:

(1) the owner's name and contact information;

(2) the nature of the substances present in the soils and their concentration value;

(3) the quantity of soils buried, in metric tons.

8. The soils must be weighed on arrival at the receiving site by the manager to determine the quantity to which charges apply.

For soils buried at a place on the site of origin, the owner of the soils must weigh them before burial.

The devices used to weigh the soils must be used and maintained so as to provide reliable data and be calibrated at least once a year.

This section does not apply when the receiving site is a landfill site reserved for the exclusive use of an industrial, commercial or other establishment, if data on the quantity of soils buried there may be obtained otherwise.

9. The increase provided for in section 4 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) must be included in the calculation of the charges prescribed by this Regulation, except if that charge is payable for soils intended for a contaminated soil processing site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46).

The Minister must publish, on 1 January of each year, the results of the calculation by any means the Minister considers appropriate.

10. Charges payable under this Regulation must be paid in full within 30 days after the Minister notifies a notice of claim stating the amount owed.

The charges are payable in cash, by cheque or postal order made out to the Minister of Finance, or by electronic means.

CHAPTER III
PENALTIES

11. 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 to send the information listed in the second paragraph of section 7 to the Minister, within the time and on the conditions set out in that paragraph.

12. 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 fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10;

(2) to weigh soils as prescribed in the first and second paragraphs of section 8;

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8.

13. Every person who contravenes the second paragraph of section 7 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.

14. Every person who fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10,

(2) to weigh soils as prescribed in the first and second paragraphs of section 8,

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8,

commits an offence and 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.

CHAPTER IV
FINAL

15. This Regulation comes into force on 1 January 2024.

105940

Gouvernement du Québec

O.C. 1460-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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

Agricultural Operations —Amendment

Regulation to amend the Agricultural Operations Regulation

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit,

limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Environment Quality Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, 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, which may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may in particular determine the provisions of a regulation the Government has made in particular under the Environment Quality Act 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 the Government made the Agricultural Operations Regulation (chapter Q-2, r. 26);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 April 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 to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, ss. 95.1)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by inserting the following after section 28.3:

"**28.4.** The operator of a site referred to in section 28.1 may use a nutrient balance method to establish the raising site's annual phosphorus (P_2O_5) production. For that purpose, the operator must give a written mandate to an agrologist to collect the data required to establish a

nutrient balance method, make the calculations pertaining to the nutrient balance method and prepare the annual report on the nutrient balance method. The mandate must be given not later than 1 April of the year preceding the year in which the nutrient balance method will be used.

A nutrient balance method may be used if the following conditions are met:

(1) only the following types of animals are concerned:

(*a*) pullets - eggs for consumption;

(*b*) laying hens - eggs for consumption;

(*c*) suidae other than wild boar;

(2) a characterization referred to in section 28.1 must have been made for the raising site, in accordance with the first paragraph of section 28.3.

The annual phosphorus (P_2O_5) production calculated using the method referred to in this section is established in an annual report, dated and signed by the agrologist, which the operator must obtain not later than 1 April following the period covered by the data collection, and which must contain the following information:

(1) the period covered by the use of a nutrient balance method;

(2) the quantity of each type of food and ingredient used for each type of animal referred to in the nutrient balance method during the period covered by the annual report;

(3) the total phosphorus content of each lot of food or ingredients received or produced and supplied to each type of animal during the period covered by the annual report; that content must be established by a laboratory, or have been established by the manufacturer or supplier of the food or ingredients;

(4) for the period covered by the annual report, the number and average weight of all animals, according to type, that entered, left, died and were in inventory, the average weight gain of animals and, where applicable, the number of eggs produced and their average weight;

(5) an estimate of the phosphorus (P_2O_5) content of animal waste produced for each type of animal covered by the annual report.

Despite the fourth paragraph of section 28.3, where the method referred to in the first paragraph is used, the time elapsed between 2 non-consecutive characterizations for the animals referred to in the annual report may not exceed 10 years. In such a case, despite the sixth paragraph of section 28.1, the documents referred to in that paragraph must be kept for a minimum of 10 years from the date of signature.

The annual report and the data used to prepare it must be kept by the operator for a minimum of 5 years from the date of signature of the report. They must be provided to the Minister upon request within the time indicated by the Minister.".

2. Section 43.2 is amended

(1) by adding "or, as the case may be, the fourth paragraph of section 28.4" at the end of paragraph 5;

(2) by inserting the following after paragraph 6:

"(6.1) to keep the annual report and the data used to prepare it during the period referred to or to provide them to the Minister upon request in accordance with the fifth paragraph of section 28.4;".

3. Section 43.3 is amended

(1) by inserting "or, as the case may be, the fourth paragraph of section 28.4" after "28.2" in paragraph 7;

(2) by inserting the following after paragraph 7:

"(7.1) to obtain an annual report dated and signed by an agrologist containing the information on the nutrient balance method, in accordance with the third paragraph of section 28.4;".

4. Section 43.4 is amended by inserting the following after paragraph 12:

"(12.1) to give a written mandate to an agrologist, within the time provided for, where a nutrient balance method is used, in accordance with the first paragraph of section 28.4;

(12.2) to comply with the conditions set out for the use of the nutrient balance method, in accordance with the second paragraph of section 28.4;".

5. Section 44.1 is amended

(1) by inserting ", the fifth paragraph of section 28.4" after "28.2" in the first paragraph;

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

"Every person who

(1) fails to attach to the plan, at the end of the growing season, the fertilization report actually carried out provided for in section 25,

(2) fails to keep the annual report and the documents referred to in the fourth paragraph of section 28.4 for the period provided for therein,

also commits an offence and is liable to the same fines.

6. Section 44.2 is amended

(1) by replacing "the first paragraph of section 29 or the sixth paragraph of section 35" in the first paragraph by "the third paragraph of section 28.4, the first paragraph of section 29 and the sixth paragraph of section 35";

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

"Every person who

(1) fails to ensure the follow-up of the recommendations contained in the agro-environmental plan at the end of the crop season in accordance with section 25,

(2) fails to comply with the characterization frequency provided for in the fourth paragraph of section 28.4,

also commits an offence and is liable to the same fines.

7. Section 44.3 is amended by inserting "the first or second paragraph of section 28.4," after "28.2,".

8. Section 44.4 is replaced by the following:

"**44.4.** Every person who contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1, 9.3, 14 or 22, the first paragraph of section 50.3 or section 50.4 commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of $15,000 to $3,000,000.".

9. Section 50.3 is amended by adding the following after subparagraph 3 of the second paragraph:

"(4) in an area previously occupied by a ditch, a farm road, a building or a man-made rock pile, in a raising site or spreading site situated in the territory of a municipality listed in Schedule II, III or V, provided that the crops are cultivated outside the littoral zone of a lake or watercourse and a 3 m strip from it.".

10. Section 50.4 is replaced by the following:

"**50.4.** The owner of a raising site or a spreading site referred to in subparagraph 1, 2 or 2.1 of the second paragraph of section 50.3 may move a cultivated parcel on the following conditions:

(1) a written notice to that effect, given on the form available on the website of the Ministère du Développement durable, de l'Environnement et des Parcs, is transmitted electronically to the Minister at least 30 days before the beginning of work, other than tree-clearing work, containing the following elements:

(*a*) the area and the location, using a georeferenced plan, of the parcel that will no longer be used for crop cultivation, as well as those of the parcel that will be cultivated after the move, including in particular the numbers of the lots on which each parcel is situated and the name of the cadastre in which they are situated;

(*b*) where the Commission de protection du territoire agricole du Québec or the Government has made a decision referred to in subparagraph 5, the number of the decision;

(*c*) the signature of the owner or owners of the parcels concerned by the move;

(*d*) a declaration by the agrologist certifying that crop cultivation on the new parcel will comply with the location standards applicable under a regulation made under the Environment Quality Act (chapter Q-2);

(2) the new parcel that will be cultivated after the move is situated outside the littoral zone of a lake or watercourse and a 3 m strip from it;

(3) where the new parcel that will be cultivated after the move is situated in a wetland, crop cultivation on that new parcel is authorized under subparagraph 4 of the first paragraph of section 22 of the Environment Quality Act, eligible for a declaration of compliance under section 343.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), and declared in accordance with that Regulation or exempted under section 345.1 of that Regulation;

(4) the new parcel that will be cultivated after the move is situated in the same municipality as the parcel that will no longer be used for crop cultivation, in a municipality bordering that municipality or in any other municipality situated within 50 km of the boundaries of the parcel that will no longer be used;

(5) the owner of the parcel that will no longer be used for crop cultivation is also the owner of the new parcel that will be cultivated after the move, except where the parcel that will no longer be used for cultivation is subject to an expropriation or a decision of the Commission de protection du territoire agricole du Québec or the Government confirming the loss of agricultural use.

For the purposes of subparagraph 5 of the first paragraph, the move must take place within 24 months after ownership of the property is transferred in accordance with one of the situations provided for in section 53 of the Expropriation Act (chapter E-24) or following the decision of the Commission de protection du territoire agricole du Québec or the Government, as the case may be.".

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

105941

Gouvernement du Québec

O.C. 1461-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), no one may, without first obtaining an authorization from the Minister, carry out a project involving in particular an activity determined by government regulation;

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act, a person that applies to the Minister of the Environment and the Fight Against Climate Change for an authorization must provide any other information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they will be carried on;

WHEREAS, under subparagraph 3 of the second paragraph and the third paragraph of section 30 of the Act, as amended by section 89 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), an amendment to an authorization is also required in the cases determined by government regulation and the amendment application must include the information and documents determined by government regulation;

WHEREAS, under the first and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu;

WHEREAS, under the first paragraph of section 31.0.7 of the Act, declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation;

WHEREAS, under section 31.0.8 of the Act, a regulation made under section 31.0.6 of the Act may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act, exempt any part of the territory of Québec and any class in particular of persons or activities it specifies from that subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu, and such regulation made under section 31.0.11

may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

WHEREAS, under section 31.1 of the Act, no person may undertake any construction, work, activity or operation, or carry out work according to a plan or program, in the cases provided for by regulation of the Government without following the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act and obtaining an authorization from the Government;

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Act, the Government may make regulations to determine the classes of construction, works, plans, programs, operations, works or activities to which section 31.1 of the Act applies;

WHEREAS, under subparagraphs 1 and 5 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify recoverable and reclaimable residual materials and determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under paragraphs 1 and 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify residual materials elimination facilities and residual materials, and exempt certain classes from the application of all or certain of the provisions of the Act and the regulations, and prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under subparagraph 2 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt classes of contaminants or of sources of contamination from all or any part of the Act;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 5 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt in particular any person or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable in particular to the exempted persons and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 13 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to determine the terms governing authorization, approval, accreditation or certification applications and any application to amend, renew, maintain, suspend, revoke or cancel those applications and the conditions applicable to such applications;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement

of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person carrying on an activity governed by the Environment Quality Act or the regulations and determine the terms and conditions governing their sending;

WHEREAS, under subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, 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, which 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 in particular determine the provisions of a regulation the Government has made in particular under the Environment Quality Act 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 the Government made the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the Regulation respecting biomedical waste (chapter Q-2, r. 12), the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) and the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, a draft Regulation to amend the Regulation respecting biomedical waste, a draft Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, a draft Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects and a draft Regulation to amend the Regulation respecting the reclamation of residual materials were published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

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

THAT the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, the Regulation to amend the Regulation respecting biomedical waste, the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects and the Regulation to amend the Regulation respecting the reclamation of residual materials, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act
(chapter Q-2, ss. 95.1)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) is amended in section 2 by replacing "and 49.1" in the first paragraph by ", 49.0.1, 49.0.2 and 49.1".

2. Section 3 is amended in the first paragraph

(1) by adding ", except those referred to in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)" at the end of subparagraph 1;

(2) by inserting the following after subparagraph 1:

"(1.1) activities carried on in a natural setting or an area designated under the Natural Heritage Conservation Act (chapter C-61.01), where the activities are authorized pursuant to that Act;

(1.2) activities carried on in the habitat of a threatened or vulnerable species of flora identified pursuant to paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), where the activities are authorized pursuant to that Act;

(1.3) activities carried on in accordance with an order issued pursuant to the Act;".

3. Section 4 is amended in the first paragraph

(1) by inserting the following definition before the definition of "body of water":

""alvar" means an open natural environment, either flat or slightly inclined, sometimes covered by a thin layer of soil, characterized by limestone or dolomite outcrops, as well as sparse vegetation composed mainly of shrubs, herbaceous plants and moss capable of withstanding extreme humidity and drought;";

(2) by adding "and an ice jam flood zone without distinguishing the zones with ice movement from the zones without ice movement" at the end of the definition of "high-velocity flood zone".

4. Section 5 is amended by replacing paragraph 11 by the following:

"(11) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a stabilization works, a railway, a bridge, a culvert or any other works to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(*a*) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(*b*) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;".

5. Section 11 is amended

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

"A vehicle or machinery may circulate in a lakeshore or riverbank, a flood zone or a wetland provided the area is restored to its original condition, or a condition close thereto if ruts are formed.

The refuelling and maintenance of vehicles or machinery may be carried out in a dewatered littoral zone, a lakeshore or riverbank, a flood zone or a wetland provided the vehicles or machinery are equipped with a collection system for collecting fluid leakage and spillage, or with a spillage prevention device.";

(2) by replacing "The condition prescribed in subparagraph 1 of the" in the second paragraph by "The".

6. Section 15 is amended by replacing "for preliminary survey work" in subparagraph ii of subparagraph *b* of paragraph 3 by "for taking samples, conducting surveys, making technical surveys, carrying out archaeological excavations and taking measurements".

7. Section 18.1 is replaced by the following:

"**18.1.** Work requiring the removal and trimming of vegetation in the littoral zone and the shore or bank of a lake or watercourse must be carried out

(1) without stump removal, unless the nature of the work entails such stump removal;

(2) without impermeabilization of the ground, except in the case of a temporary road laid out by the Minister responsible for the Act respecting roads (chapter V-9).".

8. Section 20 is replaced by the following:

"**20.** Construction of a road in a lakeshore or riverbank must be for the sole purpose of crossing it.

The establishment, alteration or extension of a pipe in a sewer system or storm water management system, or a ditch or outflow, must,

(1) if the work is carried out in the lakeshore or riverbank, be for the sole purpose of crossing the lakeshore or riverbank or discharging water into that area;

(2) if the work is carried out in the littoral zone, be for the sole purpose of discharging water into that area.".

9. Section 21 is amended by replacing "high-water mark" in the first paragraph by "limit of the littoral zone".

10. Section 28 is replaced by the following:

"**28.** The dewatering or temporary narrowing of a watercourse may not be carried out in the same part of the watercourse more than twice in a 12-month period.

If dewatering or narrowing work is carried out by the Minister responsible for the Act respecting roads (chapter V-9) or by a municipality, it must comply with the following conditions:

(1) in the case of work lasting for not more than 20 days, the dewatering or narrowing may be complete if the water is totally redirected downstream of the work;

(2) in the case of work lasting for more than 20 days, the dewatering or narrowing,

(*a*) if there is a permanent infrastructure present for which dewatering or narrowing is required,

i. may not exceed one half of the infrastructure's opening if the dewatering or narrowing is carried out between 15 June and 30 September;

ii. may not exceed one third of the infrastructure's opening if the dewatering or narrowing is carried out between 1 October and 14 June;

(*b*) if there is no permanent infrastructure present for which dewatering or narrowing is required, may not exceed two thirds of the width of the watercourse.

If dewatering or narrowing work is carried out by any person other than a person referred to in the second paragraph, it may not last for more than 30 consecutive days and, in addition to the conditions set out in the first paragraph, it must comply with the following conditions:

(1) in the case of work lasting for no more than 10 days, the dewatering or narrowing may be complete if the width of the watercourse is less than 5 m and the water is totally redirected downstream of the work;

(2) in other cases, the dewatering or narrowing may not exceed one third of the width of the watercourse.

This section does not apply where dewatering or narrowing work is carried out for the purpose of managing a dam.".

11. Section 38.11 is amended

(1) by replacing "the construction" in the portion before subparagraph *a* of subparagraph 1 of the first paragraph by "the siting";

(2) by striking out the second paragraph.

12. Section 47 is amended by replacing paragraph 1 by the following:

"(1) on trails lawfully developed and identified for that purpose situated in the territory of the Communauté maritime des Îles-de-la-Madeleine;".

13. The following is inserted after section 49:

"**DIVISION II.1**
ALVARS

49.0.1. Races, rallies and other motor vehicle competitions are prohibited on alvars.

49.0.2. Circulation of motor vehicles is prohibited on alvars, except for

(1) circulation of off-road vehicles in winter with snow or ice cover, so as not to create ruts;

(2) circulation required for accessing a property;

(3) circulation required in carrying out work.".

14. Section 51 is amended

(1) by replacing paragraph 3 by the following:

"(3) does not comply with the requirements provided for in section 11 for the use of a vehicle or machinery in wetlands and bodies of water;";

(2) by replacing "the requirement prescribed" in paragraph 8 by "the requirements prescribed";

(3) by replacing "for crossing a watercourse" in paragraph 10 by "for circulating in the littoral zone of a watercourse".

15. Section 52 is revoked.

16. Section 53 is amended by replacing "or 49.1" in paragraph 2 by ", 49.0.1, 49.0.2 or 49.1".

17. Section 56 is amended by replacing "the first paragraph of section 11, section" by "11,".

18. Section 57 is amended by striking out paragraph 1.

19. Section 58 is amended by replacing "or 49.1" by ", 49.0.1, 49.0.2 or 49.1".

20. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting biomedical waste

Environment Quality Act
(chapter Q-2, ss. 70 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (s. 45))

1. The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended in section 3.2 by inserting "and sharp medical objects from the raising of animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies" after "for non-profit purposes".

2. Section 66.3 is amended by striking out paragraph 2.

3. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact

Environment Quality Act
(chapter Q-2, ss. 22, 23, 30, 31.0.6, 31.0.7, 31.0.8, 31.0.11 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in the second paragraph of section 46

(1) by inserting "or necessary for the construction of a wind farm referred to in that Regulation" after "the construction of any linear infrastructure referred to in the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1)" in subparagraph 3;

(2) by inserting the following after subparagraph 4:

"(4.1) the construction of slope stabilization works and all dredging, excavation and fill work carried out in bodies of water, including the management of excavated soil, under a project or program referred to in subparagraph 1 of the first paragraph of section 2 of Part II of Schedule 1 of the Regulation respecting the environmental impact assessment and review of certain projects;".

2. Section 50 is amended

(1) by replacing "in an aquatic reserve, biodiversity reserve or ecological reserve or on land reserved for such purposes" in subparagraph 3 of the first paragraph by "in a natural environment or a territory designated";

(2) by replacing "an impact assessment and review procedure" at the end of the second paragraph by "the environmental impact assessment and review procedure provided for in Subdivision 4 of Division II of Chapter IV of Title I of the Act".

3. Section 51 is amended in the first paragraph

(1) by striking out subparagraph 3;

(2) by replacing "the only contaminant discharge from which is a discharge of wastewater from an industrial process" in subparagraph 5 by "whose only contaminant discharge, excluding domestic wastewater, is a discharge of wastewater".

4. Section 52 is amended by inserting the following after subparagraph *b* of paragraph 1:

"(*c*) technical surveys and archaeological excavations;".

5. Section 54 is amended

(1) by inserting the following after paragraph 1:

"(1.1) any burning activity carried out in connection with the training of firefighters, on the conditions set out in subparagraphs *a* to *c* of paragraph 1;";

(2) by adding the following at the end:

"(5) the establishment of a prefabricated holding tank serving a building or place referred to in the Regulation respecting waste water disposal systems for isolated dwellings and used to collect wastewater that is not of domestic origin, on the conditions set out in subparagraphs *a* to *e* of paragraph 4.".

6. Section 109 is amended by replacing "used" in paragraph 1 by "of the establishment".

7. The following is inserted after section 111:

"**DIVISION III**
EXEMPTED ACTIVITIES

111.1. The laying out and operation of a cemetery used exclusively for the burial of ashes from human cremation or from the incineration of animals whose carcasses are not considered to be inedible meat within the meaning of the Regulation respecting food (chapter P-29, r. 1), are exempted from authorization pursuant to this Chapter, on the following conditions:

(1) the ashes come from a crematorium or an authorized incinerator;

(2) the site of the cemetery is outside the inner protection zones of a water supply well.".

8. The heading of subdivision 2 of Division I of Chapter X of Title II of Part II is amended by adding "or an amendment of authorization" after "authorization".

9. The following is inserted after section 122:

"**122.1.** The addition, by a hot mix asphalt plant, of the use of post-consumer asphalt shingle fines as raw material requires an amendment of authorization under subparagraph 5 of the first paragraph of section 30 of the Act.".

10. The following is inserted after section 123:

"**123.1.** In addition to the general content prescribed by section 29, every application for the amendment of an authorization for an activity referred to in this Division covering the use of post-consumer asphalt shingle fines by a hot mix asphalt plant built or installed less than 300 m from a dwelling, except in the case of a dwelling owned by or leased to the owner or operator of the hot mix asphalt plant, and any school, place of worship, campground or institution referred to in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), must include air dispersion modelling performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation and, where applicable, with the air quality criteria prescribed by the Minister in the authorization issued.".

11. Section 124 is amended in the second paragraph

(1) by replacing "is used" in subparagraph 3 by "and no asphalt shingle fines are used";

(2) by inserting the following after subparagraph 5:

"(5.1) the place indicated has not been used for such a plant by the same declarant in the 12 months before the declaration of compliance is sent;".

12. Section 150 is amended by inserting " , livestock waste evacuation equipment" after "raising facilities" in the portion before subparagraph 1 of the third paragraph.

13. Section 173 is amended by inserting the following after paragraph 1:

"(1.1) water withdrawals using a ditch, a drain or a pumping device if the withdrawals are intended for the drainage of a building;".

14. Section 175 is amended

(1) by replacing "The engineer must, within 60 days of the end of the work, file" at the beginning of the second paragraph by "The owner of the site must, within 60 days of the end of the work, obtain from an engineer";

(2) in the third paragraph

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

"(1) section 184, for all activities, if the waterworks system concerned is intended to serve 20 persons or less;";

(*b*) by replacing "serves" in subparagraph 2 by "is intended to serve".

15. Section 178 is replaced by the following:

"**178.** The materials used as bedding and surround soil, and to backfill trenches for pipes carrying water for human consumption must comply with the requirements in the standard specification BNQ 1809-300.

The materials used as bedding and surround soil for pipes carrying water for human consumption must be free of contaminants from human activity over a minimum height of 300 mm above the pipes.".

16. Section 182 is amended in the French text by replacing "surchloration" in subparagraph 1 of the first paragraph by "rechloration".

17. Section 183 is amended by replacing ", the number of the municipal resolution" in paragraph 1 by "or are not operated by the Government or by a government body, the number of the municipal resolution".

18. Section 184 is amended

(1) by striking out ", for 20 persons or less" in subparagraph 1 of the first paragraph;

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

"In the case of the activity referred to in subparagraph 1 of the first paragraph, the work must at least meet the requirements in the standard specification BNQ 1809-300 for the work concerned.

In the case of the activity referred to in subparagraph 2 of the first paragraph, the following conditions apply:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the establishment, modification or extension does not result in an increase in the number of persons served to more than 20.".

19. Section 186 is amended in the first paragraph

(1) by replacing "of a pipe" in subparagraph 1 by "or relocation of a pipe";

(2) by replacing "of greater capacity" at the end of subparagraph 2 by "of lesser or equal capacity".

20. Section 189 is amended

(1) by replacing "re-treat water from a waterworks system prior to its use in a production process are exempted from authorization pursuant to this Subdivision" by "treat feed water prior to its use for purposes other than human consumption, on the following conditions:";

(2) by adding the following:

"(1) where process water from the apparatus or equipment is discharged into the environment, it has first been treated by a treatment system that is covered by an authorization or a declaration of compliance or that is exempted from such an authorization;

(2) where the wastewater from an establishment, excluding domestic wastewater, and process water from the apparatus or equipment are discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the combined flow of those waters is less than 10 m^3 per day.".

21. Section 192 is amended

(1) by replacing paragraph 6 by the following:

"(6) as the case may be,

(*a*) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(*b*) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;";

(2) by adding the following:

"(8) the system is not covered by a depollution attestation.".

22. Section 195 is amended

(1) by replacing paragraph 1 by the following:

"(1) in the case of the activity referred to in section 192 whose work is covered by the planning provided for in subparagraph *b* of paragraph 6 of that section, an attestation from each municipality concerned including

(*a*) its contact information;

(*b*) the confirmation that a planning meeting the conditions set out in subparagraph *b* of paragraph 6 of section 192 has been filed with the Minister and the date of filing;

(1.1) in the case of the activity referred to in section 192, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;";

(2) by adding "in all cases," at the beginning of paragraph 2.

23. Section 197 is amended in the first paragraph

(1) by adding "or a prefabricated holding tank referred to in paragraph 4 of section 54" at the end of subparagraph 1;

(2) by inserting the following after subparagraph 2:

"(2.1) in the case of a sewer system that is not governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the completion of the work is not likely to cause an overflow or diversion of wastewater into the environment;

(2.2) no overflow works is added to the system;".

24. Section 200 is amended

(1) by replacing the portion before paragraph 1 by "The modification and extension of a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:";

(2) by striking out paragraphs 3 and 5;

(3) by replacing "the extension" in paragraph 6 by "the modification or extension".

25. Section 202 is amended by adding the following paragraph at the end:

"This section does not apply to a sewer system serving a temporary industrial camp.".

26. The following is inserted after section 213:

"**213.1.** The installation and subsequent operation of a temporary treatment system to remove suspended matters, that is installed as part of construction or demolition work and that is intended to treat wastewater generated only by that activity, are exempted from authorization pursuant to this Subdivision.

The following conditions apply to the activities referred to in the first paragraph:

(1) where the water is discharged into the environment, the flow must be less than 10 m^3 per day, except work for dewatering of the area of work in a watercourse, and they must have

(*a*) a suspended matter concentration below or equal to 50 mg/l;

(*b*) a pH between 6 and 9.5;

(*c*) a petroleum hydrocarbons concentration (C_{10}-C_{50}) below or equal to 2 mg/l;

(2) the water must not have been in contact with contaminated soils.

213.2. The installation and operation of a treatment apparatus or equipment used to treat water generated by an activity covered by a declaration of compliance or exempted from authorization under Chapters I and II of Title IV of Part II are exempted from authorization pursuant to this Subdivision.".

27. Section 214 is amended by replacing "from an industrial process at a rate of less than 10 m^3 per day" in paragraph 7 by "at a rate of less than 10 m^3 per day, other than domestic wastewater,".

28. Section 218 is amended

(1) in paragraph 4

(*a*) by inserting "likely to contaminate storm water" after "storage site" in subparagraph *c*;

(*b*) by replacing subparagraph *e* by the following:

(*e*) a site where activities to repair or clean heavy vehicles or railway vehicles likely to contaminate storm water are carried on;";

(2) in paragraph 6

(*a*) by inserting ", including the discharge pipe" after "pumping station" in subparagraph *c*;

(*b*) by inserting ", a manhole, a catch basin" after "device" in subparagraph *d*;

(3) by striking out paragraph 9.

29. Section 221 is amended by replacing paragraph 5 by the following:

"(5) as the case may be,

(a) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(*b*) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;

(6) the system is not covered by a depollution attestation.".

30. Section 222 is amended by inserting "not situated on a riverbank or lakeshore and in the littoral zone of a lake or a watercourse" after "wetland" in paragraph 4.

31. Section 223 is amended

(1) by replacing paragraph 1 by the following:

"(1) in the case of the activity referred to in section 221 whose work is referred to in subparagraph *b* of paragraph 5 of that section, an attestation from each municipality concerned including

(*a*) its contact information;

(*b*) the confirmation that a planning meeting the conditions set out in the planning provided for in subparagraph *b* of paragraph 5 of section 221 has been filed with the Minister and the date of the filing;

(1.1) in the case of the activity referred to in section 221, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;";

(2) by adding "in all cases," at the beginning of paragraph 2.

32. Section 224 is amended

(1) in the first paragraph

(*a*) by inserting ", modification" after "establishment" in subparagraph 1;

(*b*) by inserting ", modification" after "establishment" in subparagraph 2;

(*c*) by inserting "or infiltration site" after "discharge point" in subparagraph 3;

(*d*) by replacing subparagraph 5 by the following:

"(5) the establishment, modification and extension of one or more storm water management systems as part of a project for a new road layout implemented by the minister responsible for the Act respecting roads (chapter V-9) when the addition of impermeable surfaces involves an area of less than 1 ha for the entire layout project.";

(2) in the second paragraph

(*a*) by replacing subparagraph 2 by the following:

"(2) where the system feeds into a sewer system, the areas of the drained surfaces and the impermeable drained surfaces are not increased;";

(*b*) by inserting "not situated on a riverbank or lakeshore or in the littoral zone of a lake or a watercourse" after "wetland" in paragraph 5;

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

"For the activity referred to in subparagraph 2 of the first paragraph, the following conditions must be met:

(1) the storm water management system must not discharge into rivière des Mille Îles;

(2) the storm water is not diverted to another watershed;

(3) the discharge point is not located in a lake.".

33. Section 225 is amended in the first paragraph

(1) by inserting "or diversion" after "discharge" in subparagraph 2;

(2) by inserting the following after subparagraph 3:

"(3.1) no discharge point is added to the system;

(3.2) if there is relocation of an existing discharge point, the receiving watercourse remains the same;";

(3) in subparagraph 4

(*a*) by replacing "replacing a ditch by a pipe" in the portion before subparagraph *a* by "piping a ditch";

(*b*) by striking out subparagraph *c*;

(*c*) by inserting "not situated on a riverbank or in the littoral zone of a watercourse" after "wetland" in subparagraph *e*;

(4) by inserting "or a water retaining works" after "device" in subparagraph 6.

34. Section 226 is amended

(1) by striking out "if the storm water management system does not feed into a sewer system" in the portion before subparagraph 1;

(2) by adding the following after subparagraph 4:

"(5) the establishment and extension of a storm water management system in the case of the replacement of a combined sewer by a sanitary or partially separated sanitary sewer and the conversion of a combined sewer system into a sanitary or partially separated sanitary sewer.";

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

"For the activities referred to in subparagraphs 1 to 3 of the first paragraph, where the system feeds into a sewer system, the areas of the drained surfaces are not increased.".

35. The following is inserted after section 226:

"**226.1.** The modification and extension of a storm water management system that feeds into a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(3) the system has no discharge point and no discharge point is added to the system.".

36. Section 241 is amended by inserting the following after paragraph 4:

"(4.1) the collection and storage of sharp medical objects used as part of the raising of animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies;".

37. Section 252 is amended

(1) by striking out subparagraph 3 of the first paragraph;

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

"A composting activity referred to in the first paragraph must be carried out in accordance with a technical report signed by an agronomist or engineer that includes

(1) a description of the composting process that ensures the maturity of the compost produced;

(2) a plan for mitigation measures to deal with the expected environmental impacts;

(3) a protocol for operations monitoring, compost quality control and environmental monitoring.".

38. The following is inserted after section 277:

"***§§3.1.*** *Conditioning of organic materials sorted at source by equipment or apparatus*

277.1. The operation of equipment or apparatus for the conditioning of organic materials at source on the site where the materials are produced is exempted from authorization pursuant to this Division, on the following conditions:

(1) the equipment or apparatus is equipped with a dispersion, confinement or filtration device to limit odours;

(2) the process does not include a step for the reduction of the size of non-compostable materials;

(3) the equipment or apparatus is designed so as not to produce leachate that must be treated outside the equipment or apparatus.".

39. The following is inserted after section 280:

"***§§5.1.*** *Return site*

280.1. The establishment and operation of any return site referred to in the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, made by Order in Council 972-2022 dated 8 June 2022, are exempted from authorization pursuant to this Division.".

40. Section 284 is amended

(1) by replacing paragraph 3 by the following:

"(3) the user of the granular material holds the attestation provided by the producer of the material in accordance with section 25.1 of the Regulation respecting the reclamation of residual materials;";

(2) by striking out paragraph 4;

(3) by adding ", except if the material is category 1 crushed stone or cuttings and tailings from the dimension stone sector within the meaning of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49)" at the end of paragraph 8.

41. Section 298 is amended

(1) by striking out ", other than phytocides or *Bacillus thuringiensis* (*Kurstaki* variety)," in subparagraph 2 of the first paragraph;

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

"Subparagraphs 2 and 3 of the first paragraph do not apply to the application of phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) from an aircraft in a forest environment or for non-agricultural purposes.".

42. Section 304 is amended

(1) by inserting "replacement or" after "The" in the portion before paragraph 1;

(2) by replacing "when the apparatus or equipment meets the following conditions" in the portion before paragraph 1 by "on the following conditions";

(3) by replacing "it" in paragraph 1 by "the initial apparatus or equipment";

(4) by inserting "replacement or" after "the" at the beginning of paragraph 2;

(5) by replacing "it" in paragraph 3 "the replacement or modified apparatus or equipment".

43. Section 305 is amended

(1) by inserting "the replacement or" after "attesting that" in the portion before subparagraph 1 of the first paragraph;

(2) in the second paragraph

(*a*) by inserting "the replacement or" after "days of";

(*b*) by inserting "replacement or" after "has occurred, an attestation from an engineer certifying that the".

44. Section 306 is amended by adding the following:

"(3) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere that is used incidentally to an activity covered by a declaration of compliance or exempted.".

45. Section 313 is amended by replacing paragraph 10 by the following:

"(10) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a stabilization works, a railway, a bridge, a culvert or any other work to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(*a*) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(*b*) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;".

46. Section 318 is amended

(1) by adding the following after subparagraph 5 of the first paragraph:

"(6) when it is carried out in the littoral zone, it is required to carry out an activity associated with an activity eligible for a declaration of compliance or exempted.";

(2) in the second paragraph

(*a*) by replacing "5" by "6";

(*b*) by inserting ", when they are situated in a wetland," after "ditches";

(*c*) by replacing "30" by "50".

47. Section 321 is replaced by the following:

"**321.** The removal and pruning of plants carried out otherwise than as part of the construction or maintenance of an infrastructure, works, building or equipment are exempted from an authorization under this Division, on the following conditions:

(1) the work is not carried out for forest development purposes;

(2) the work is carried out for civil security purposes or target plants that are dead or affected by a pest or disease.".

48. Section 322 is replaced by the following:

"**322.** The following activities that do not require drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are exempted from authorization pursuant to this Division:

(1) taking samples;

(2) conducting surveys, technical surveys or archaeological excavations;

(3) making measurements.

Surveys and technical surveys conducted by drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are also exempted from authorization pursuant to this Division where they are conducted on a works or infrastructure present in the environment.".

49. Section 323 is amended

(1) by replacing paragraph 4 by the following:

"(4) in the case of a culvert, the work is carried out, using the least restrictive option,

(*a*) over a distance of not more than 9 m, upstream and downstream of the culvert; or

(*b*) over a distance equal to twice the length of the culvert, upstream and downstream of the culvert;";

(2) by replacing "must be no longer than 30 m and cover no more than 4 m^2 at the discharge point" in paragraph 5 by "must be carried out over a distance of not more than 30 m and its area must not exceed 4 m^2 at the discharge point".

50. Section 324 is amended

(1) by replacing "any anchor or pedestal required" in the portion before subparagraph 1 of the first paragraph by "any anchor or base that is not already covered by this Chapter";

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

"For the purposes of this section,

(1) where a number of anchors or bases are required for a same structure, the area occupied includes the encroachment on the ground of each anchor or base and the planned right of way under the structure;

(2) the construction of scenic lookouts, tree stands, observatories or concrete stairways carried out in a body of water is not exempted;

(3) the limits of areas provided for in the first paragraph do not apply to the dismantling.".

51. The following is inserted after section 324:

"**324.1.** The construction of an aerial linear infrastructure used for the transportation or distribution of electric power or telecommunications is exempted from an authorization under this Division, on the following conditions:

(1) the encroachment on the ground of the structures does not exceed the areas referred to in the first paragraph of section 324;

(2) no tree clearing is carried out in the littoral zone or a riverbank or lakeshore, except if

(*a*) it is necessary to cross a lake or watercourse;

(*b*) it makes it possible to connect the infrastructure to an existing infrastructure in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that infrastructure skirts a lake or watercourse; or

(*c*) it is carried out in the right of way of an existing road in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that road skirts a lake or watercourse;

(3) any tree clearing required by the work does not exceed 250 m in wetlands and bodies of water.

Despite the first paragraph, the dismantling of an infrastructure referred to therein is exempted without conditions.".

52. Section 325 is amended

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

"(1) if the work is carried out in the littoral zone, a pond or an open peat bog, it must not result in an encroachment on the environment, in addition to any encroachment already made by an existing road;";

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

"Where the construction of a road is carried out as part of a forest development activity,

(1) the condition set out in subparagraph 3 of the first paragraph does not apply to work carried out on a riverbank or lakeshore or in a floodplain;

(2) the conditions set out in subparagraphs 4 to 7 of the first paragraph do not apply;

(3) the right of way of a road on a riverbank or lakeshore must be no wider than 15 m.".

53. Section 327 is amended

(1) by striking out "parallel" in paragraph 2;

(2) by replacing paragraph 4 by the following:

"(4) the work is carried out, in the littoral zone or on a riverbank or lakeshore, over a distance of not more than 9 m, upstream and downstream from the culvert.".

54. Section 336 is amended

(1) by striking out "energy-dissipating" in subparagraph 1;

(2) by replacing subparagraph 2 by the following:

"(2) the construction of a temporary works involving fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity that is not subject to ministerial authorization pursuant to section 22 of the Act, nor of a modification or renewal of such an authorization;";

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

"For the purposes of subparagraph 2 of the first paragraph, where the temporary works is a sedimentation pond, the work must, to be eligible for a declaration of compliance, meet the following conditions:

(1) the pond is not situated in the littoral zone;

(2) the pond is not situated on a riverbank or lakeshore, unless no other location is available, in which case it is not situated in a wetland present therein.".

55. Section 339 is amended

(1) by replacing paragraph 3 by the following:

"(3) the construction of a boat shelter with an area of no more than 20 m^2 when there is no boat shelter on the lot concerned;

(3.1) the construction of a floating quay, open pile quay or wheeled quay with an area, excluding the anchor points for a floating quay, of no more than 20 m^2 in the littoral zone when there is no quay on the lot concerned;";

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

"Despite subparagraphs 3 and 3.1 of the first paragraph, the works referred to therein may be dismantled even if another such work is present.".

56. Section 352 is amended by inserting the following after paragraph 3:

"(3.1) fails to publish a notice in accordance with the first paragraph of section 84;".

57. Section 353 is amended

(1) by adding ", within the period prescribed therein" at the end of paragraph 1;

(2) by replacing "section 89, 90, 111, 128 or 129, the second paragraph of section 135, the second paragraph of section 153 or section 157, 254, 260, 262, 264, 266 or 270" in paragraph 2 by "the first paragraph of section 111, the second paragraph of section 252, section 254, paragraph 2 of section 260, section 262, 264 or 266 or paragraph 2 or 3 of section 270";

(3) by replacing "section 93, 208, 210 or 212, or" in paragraph 3 by "the second paragraph of section 210, the second paragraph of section 212, the second paragraph of section 277 or";

(4) by inserting "section 131," after "in contravention of" in paragraph 4.

58. Section 354 is amended by inserting the following after section 354:

"**354.1.** 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 fails to file a notice of cessation of activity within the time and according to the terms provided for in the second paragraph of section 40.

354.2. 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 comply with a condition prescribed by this Regulation for the carrying on of an activity eligible for a declaration of compliance in contravention of section 89, 90, 128 or 129, the second paragraph of section 153 or paragraph 1 of section 157, paragraph 1 of section 260 or paragraph 1 of section 270;

(2) fails to comply with a condition prescribed by this Regulation for the carrying on of an exempted activity in contravention of section 93 or 208, the first paragraph of section 210, the first paragraph of section 212 or the second paragraph of section 213.1.".

59. Section 355 is amended by striking out "the second paragraph of" in paragraph 4.

60. Section 356 is amended by replacing "section 89, 90, 93, 111, 128 or 129, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, the second paragraph of section 153, section 157 or 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, section 208, 210, 212 or 219, the second paragraph of section 253, section 254, 260, 262, 264, 266 or 270, the second paragraph of section 287 or the second paragraph of section 305" by "the first paragraph of section 111, section 131, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, section 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, the second paragraph of section 210, the second paragraph of section 212, section 219, the second paragraph of section 252, the second paragraph of section 253, section 254, paragraph 2 of section 260, section 262, 264 or 266, paragraph 2 or 3 of section 270, the second paragraph of section 277, the second paragraph of section 287 or the second paragraph of section 305".

61. The following is inserted after section 357:

"**357.1.** Every person who contravenes the second paragraph of section 40 commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of $15,000 to $3,000,000.

357.2. Every person who contravenes section 89, 90, 93, 128 or 129, the second paragraph of section 153, paragraph 1 of section 157, section 208, the first paragraph of section 210, the first paragraph of section 212, the second paragraph of section 213.1, paragraph 1 of section 260 or paragraph 1 of section 270 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 to both the fine and imprisonment, or, in other cases, to a fine of $30,000 to $6,000,000.".

62. Section 358 is revoked.

63. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The information and documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for the application for authorization, amendment or renewal has been deposited.

64. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is exempted from authorization may claim the refund of the fee paid at the time of the application.

65. This Regulation comes into force on 13 February 2023, except

(1) subparagraph *d* of paragraph 1 of section 32, which comes into force on 1 November 2023;

(2) section 39, which comes into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*.

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, s. 31.1 and 31.9)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended by replacing "2023" in the third paragraph of section 5 of Part II of Schedule 1 by "2028".

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

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, ss. 53.30 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in section 5

(1) by replacing "for the purpose of composting or storing organic residual materials, establishing a residual materials transfer station or a selective collection sorting station, storing, sorting and conditioning construction or demolition residual materials, storing and conditioning street sweeping waste, or conditioning uncontaminated wood" in the portion before subparagraph 1 of the first paragraph by "referred to in section 261, 263, 268, 269, 277, 279, 280 or 281 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)";

(2) by striking out the second paragraph;

(3) in the third paragraph

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

"(1) activities related to the transfer of materials from a residual materials transfer station referred to in section 261 of the Regulation respecting the regulatory scheme _applying to activities on the basis of their environmental impact or activities related to a selective collection sorting station referred to in section 281 of that Regulation are carried out indoors;";

(*b*) by adding "referred to in section 268 or 280 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact" at the end of subparagraph 2.

2. Section 6 is amended

(1) by replacing "for the purpose of crushing, screening and storing crushed stone or residues from the dimension stone sector, brick, concrete or asphalt or for the purpose of sorting and conditioning dead leaves" in the portion before subparagraph 1 of the first paragraph by "referred to in section 259, 276, 282 or 283 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)";

(2) by striking out the second paragraph;

(3) by inserting "is referred to in section 259, 282 or 283 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and" after "activity" in the third paragraph.

3. Section 7 is revoked.

4. Section 8 is amended by replacing "a residual materials reclamation activity involves the conditioning, crushing, screening, transfer or sorting of residual materials on site" in the portion before subparagraph 1 of the first paragraph by "an activity referred to in section 259, 261, 263, 276 or 277 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) involves the conditioning, crushing, screening, transfer or sorting of residual materials on site or where an activity referred to in section 269 of that Regulation involves the screening of such materials on site".

5. Section 9 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by "Every person who carries out a residual materials reclamation activity pursuant to section 259, 261, 263, 265, 268, 269 or 277 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must keep a daily log containing the following information:";

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

"Subparagraph 1 of the first paragraph does not apply to the activities referred to in sections 265 and 268 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact.".

6. Section 10 is amended by replacing "for the composting and reclamation of compost produced in an enclosed thermophilic composter" in the portion before paragraph 1 by "referred to in section 265 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)".

7. Section 11 is amended by replacing "for the construction, installation, modification or operation on a raising site of a facility for composting livestock that dies at the farm and for the storing and spreading on a raising site or spreading site of the compost produced" in the portion before subparagraph 1 of the first paragraph by "pursuant to section 252 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)".

8. Section 12 is amended by replacing "relating to the spreading of fresh waste water or of sludge from a commercial fishing pond site or fresh water aquacultural site" in the portion before subparagraph 1 of the first paragraph by "referred to in section 255 or 257 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)".

9. Section 13 is amended by striking out "concerning the storing of organic agricultural residues or organic residual materials for purposes of reclamation" in the portion before subparagraph 1 of the first paragraph.

10. Section 14 is amended by replacing "grooving sludge" in subparagraph 3 of the second paragraph by "sludge from the maintenance of concrete surfaces".

11. Section 15 is amended

(1) by inserting "granular" before "material" in the definition of "residual granular material";

(2) by replacing "operating a business that stocks and" in the definition of "residual granular materials producer" by "who stocks and, where necessary,".

12. Section 16 is amended by replacing subparagraph 2 of the second paragraph by the following:

"(2) mixed with soil, except

(*a*) for the purpose of using the technique to pulverize asphalt;

(*b*) where the mix is required for the type of use determined in the plans and specifications signed and sealed by an engineer;

(*c*) where the mix is made for the purpose of obtaining a particle size that complies with BNQ Standard 2560-114.".

13. Section 17 is amended by replacing paragraph 1 by the following:

"(1) inorganic contaminants must meet the following conditions:

(*a*) in the case of category 1, 2 or 3 residual granular materials, the maximum levels must be less than or equal to the levels applicable to its category, as well as, where applicable, the maximum levels for leaching tests;

(*b*) in the case of category 4 residual granular materials, the levels must be less than or equal to the limit values provided for in the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);".

14. Section 19 is amended by replacing the second paragraph by the following:

"This Chapter does not apply where the materials are one of the following:

(1) the materials originate from residential land, agricultural land other than a livestock waste storage facility, an elementary-level or secondary-level educational institution, a childcare centre or a day care centre and the land concerned contains no contaminated soil or contaminated materials;

(2) the residual granular materials are residual crushed stone from construction work only, or cuttings and tailings from the dimension stone sector;

(3) the materials originate from land where no motor vehicle repair, maintenance or recycling activities, treated wood reclamation activities, activities whose sector is listed in Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32) or activities whose category is listed in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) have been carried out and the following conditions are met:

(*a*) the land concerned contains no contaminated materials or contaminated soil;

(*b*) the reclamation of the residual granular materials is carried out on the land of origin concerned;

(4) the residual materials originate from road infrastructures and the following conditions are met:

(*a*) the land of the infrastructures concerned contains no contaminated soils or contaminated materials;

(*b*) the residual materials are reclaimed in the course of infrastructure work carried out by the same operator.

Subparagraph *b* of subparagraph 3 of the second paragraph does not apply where the residual granular material is crushed stone.

Despite the second paragraph, a characterization must be performed where the materials are used for a purpose referred to in the second paragraph of section 178 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).".

15. The following is added after section 20:

"**20.1.** Where the residual granular materials consist of sludge from the dimension stone sector, sludge from the maintenance of concrete surfaces or sludge from a ready-mix concrete basin, at least one representative annual sampling must be taken.

20.2. Where the sampling of residual granular materials is carried out on site on the land, the sampling must comply with the sampling strategy prescribed by the guide prepared under section 31.66 of the Act.".

16. Section 21 is amended

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

"The characterization of the residual granular materials must be performed by taking at least 1 sample for every 1,000 m^3 or less where

(1) the residual materials originate from land containing contaminated materials or contaminated soil;

(2) the residual materials originate from land where one of the following activities has been carried out:

(*a*) motor vehicle repair, maintenance or recycling activities;

(*b*) treated wood reclamation activities;

(*c*) the activities whose sector is listed in Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32), except for transportation activities for which the economic activity code is 4591;

(*d*) the activities whose category is listed in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).";

(2) by striking out the second paragraph;

(3) by adding "or, in the case of category 4 granular materials, the organic compounds identified in the characterization of the soil on the land" after "Schedule I" in subparagraph *b* of subparagraph 2 of the third paragraph.

17. Section 23 is replaced by the following:

"**23.** Where the excavated residual materials originate from land on which a characterization has been performed voluntarily or pursuant to Division IV of Chapter IV of Title I of the Act, the analysis of the residual granular materials must focus in particular on the contaminants referred to in sections 20 and 21, where applicable, as well as any contaminants identified in the characterization on the land concerned.".

18. Section 24 is amended

(1) by replacing "than the maximum level" in the portion before paragraph 1 by "than a maximum level that is";

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

"The first paragraph applies to residual crushed stone only where the level of the inorganic parameters listed in Schedule I to this Regulation are higher than the limit values listed for those parameters in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).".

19. Section 25 is replaced by the following:

"**25.** The samples collected pursuant to this Regulation must be sent, for the purposes of analysis, to laboratories accredited by the Minister under section 118.6 of the Act.

Where there is no laboratory accredited by the Minister for the analysis of a substance referred to in this Regulation, the samples must be sent to a laboratory accredited according to ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories, which is published jointly by the International Organization for Standardization and

the International Electrotechnical Commission, or to a laboratory accredited by the Minister for the analysis of similar substances.

Despite the first paragraph, the analysis of the impurities content must be performed by a person who holds a registration certificate compliant with ISO 9001, Quality management systems — Requirements, and covers carrying out tests or with ISO/CEI 17025, or by a laboratory accredited by the Minister for the analysis of similar substances.

25.1. A person who distributes or sells residual granular materials must provide, to any person who acquires those materials in order to reclaim them, an attestation of their category prepared by the producer of the materials concerned containing the following information:

(1) the name of the person who distributes or sells the materials;

(2) the contact information of the production site;

(3) the name of the acquirer and, where applicable, the contact information of the reclamation site;

(4) the quantity, nature and category number of the residual granular materials concerned by the transaction;

(5) the date of the transaction;

(6) a declaration signed by the producer certifying that the producer is legally able to produce residual granular materials pursuant to an exemption or a declaration of compliance provided for in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) or a ministerial authorization, as the case may be.".

20. Section 26 is amended by replacing the table in the first paragraph by the following:

"

CATEGORY 1				
Case 1: The residual granular material contains 1% or less of asphalt and is covered under subparagraph 1 or 2 of the second paragraph of section 19.				
Case 2: The residual granular material contains 1% or less of asphalt and meets the following requirements:				
Level of metals, metalloids and other inorganic parameters	**Level of petroleum hydrocarbons (C_{10}-C_{50})**	**Level of organic compounds**	**Leachates**	**Impurities content**
lower or equal to the level of the second column of Table 1 of Schedule I	lower or equal to 100 mg/kg	lower or equal to the level of the second column of Table 2 of Schedule I	N/A	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials
CATEGORY 2				
Case 1: The residual granular material contains 1% or less of asphalt and is covered under subparagraph 3 of the second paragraph of section 19.				
Case 2: The residual granular material contains 1% or less of asphalt and meets the following requirements:				
Level of metals, metalloids and other inorganic parameters	**Level of petroleum hydrocarbons (C_{10}-C_{50})**	**Level of organic compounds**	**Leachates**	**Impurities content**
higher than the level of the second column and lower or equal to the level of the third column of Table 1 of Schedule I	lower or equal to 100 mg/kg	lower or equal to the level of the second column of Table 2 of Schedule I	leachates do not exceed the maximum level of Table 1 of Schedule I, where applicable	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials

<table>
<tr><th colspan="5">CATEGORY 3</th></tr>
<tr><td colspan="5">Case 1: The residual granular material is from road infrastructures covered under subparagraph 4 of the second paragraph of section 19 or contains more than 1% of asphalt and is covered under the second paragraph of section 19.</td></tr>
<tr><td colspan="5">Case 2: The residual granular material is composed of a mixture of category 1 or 2 residual granular materials and more than 1% of asphalt.</td></tr>
<tr><td colspan="5">Case 3: The residual granular material meets the following requirements:</td></tr>
<tr><td>Level of metals, metalloids and other inorganic parameters</td><td>Level of petroleum hydrocarbons (C_{10}-C_{50})</td><td>Level of organic compounds</td><td>Leachates</td><td>Impurities content</td></tr>
<tr><td>lower or equal to the level of the third column of Table 1 of Schedule I, except in the case of asphalt containing slag from steel mills</td><td>higher than 100 mg/kg but lower or equal to 3,500 mg/kg, except asphalt</td><td>lower or equal to the level of the third column of Table 2 of Schedule I, except asphalt</td><td>leachates do not exceed the maximum level of Table 1 of Schedule I, where applicable</td><td>lower or equal to 1% (w/w) and 0.1% (w/w) for light materials</td></tr>
<tr><th colspan="5">CATEGORY 4</th></tr>
<tr><td colspan="5">The residual granular material is reclaimed on the land where the material was excavated and meets the following conditions:
(1) it has an impurities content lower or equal to 1% (w/w) and 0.1% (w/w) for light materials;
(2) it has a concentration of contaminants lower or equal to the limit values prescribed in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) or in Schedule II of that Regulation for land with the following uses:

(a) land on which, under a municipal zoning by-law, industrial, commercial or institutional uses are authorized, except
i. land where totally or partially residential buildings are built;

ii. land where elementary-level or secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built;

(b) land constituting, or intended to constitute, the site of a roadway within the meaning of the Highway Safety Code (chapter C-24.2) or a sidewalk bordering a roadway, a bicycle path or a municipal park, except play areas for which the limit values provided for in Schedule I to the Land Protection and Rehabilitation Regulation remain applicable for a depth of at least 1 m.</td></tr>
</table>

”.

21. Section 27 is amended by replacing the table by the following:

“

Type of use	Category 1	Category 2	Category 3	Category 4
Miscellaneous activities				
Grading down or raising up of ground level using crushed stone	X			X
Road abrasives – crushed stone and cuttings and tailings from the dimension stone sector only	X			
Construction on residential or agricultural land, an elementary-level or secondary-level educational institution, a childcare centre or a day care centre	X			X
Parking area – asphalt or non-asphalt – on residential land	X			X
Mulching, rockfill, landscaping – crushed stone, brick and cuttings and tailings from the dimension stone sector only	X			
Backfilling areas excavated during a demolition	X			X
Construction on institutional, commercial or industrial land, including municipal land	X	X		X
Recreation and tourism facilities (bicycle path, park, etc.)	X	X		X
Access road, farm road	X	X		X
Noise-abatement embankment and visual screen	X	X		X
Construction and rehabilitation of a snow disposal site	X	X		X
Concrete manufacturing	X	X		
Hot-mix or cold-mix asphalt	X	X	X	X
Storage area on industrial land	X	X	X	X
Parking area and traffic lanes of industrial or commercial establishments	X	X	X	X
Bedding, surrounding soil and backfilling for pipes on residential land	X			
Bedding, surrounding soil and backfilling for pipes (other than waterworks and sewers)	X	X	X	X
Bedding and surrounding soil for pipes (waterworks and sewers) – crushed stone or cuttings and tailings from the dimension stone sector only	X			
Backfilling for pipes (waterworks and sewers) less than 1 m from the pipes – crushed stone or cuttings and tailings from the dimension stone sector only	X			
Backfilling for pipes 1 m or more from the pipes (waterworks and sewers)	X	X	X	

Construction or repair of highways and streets, including those in residential, municipal and agricultural sectors				
Filtering layer – crushed stone or cuttings and tailings from the dimension stone sector only	X	X		
Mineral filler	X	X		
Roadbed – asphalt or non-asphalt	X	X	X	X
Road shoulder – asphalt or non-asphalt	X	X	X	X
Cushion	X	X	X	X
Anti-contaminant layer	X	X	X	X
Screenings	X	X	X	X
Surface treatment	X	X	X	X
Granulates for sealing grout	X	X	X	X
Encasing for culverts	X	X	X	X
Roadway backfilling	X	X	X	X
Road underbed	X	X	X	X

".

22. Section 28 is amended

(1) by striking out paragraph 1;

(2) by adding the following:

"(5) to provide the attestation of category containing the information provided for in section 25.1.".

23. Section 29 is amended

(1) by replacing "containing one of the materials covered by" in paragraph 1 by "not meeting the requirements prescribed by";

(2) by replacing paragraph 3 by the following:

"(3) fails to condition the residual materials in accordance with the maximum particle size provided for in section 18;";

(3) by striking out paragraph 4.

24. Section 31 is amended by replacing "section 7 or any of sections 9 to 13" at the end by "section 9, section 10, the second paragraph of any of sections 11 to 13 or section 25.1".

25. Section 32 is amended by replacing "to 24" by "to 18, 20 to 24".

26. Schedule II is amended

(1) by striking out "granular" in subparagraph 6 of the first paragraph;

(2) by striking out the word "granular" in "cooked granular materials" wherever it appears;

(3) by striking out the word "granular" in "other residual granular materials" wherever it appears.

27. This Regulation comes into force on 13 February 2023.

105942

Gouvernement du Québec

O.C. 1462-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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

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

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

WHEREAS, under the first paragraph of section 46.1 of the Environment Quality Act (chapter Q-2), subdivision 1 of Division VI of Chapter IV of Title I of the Act applies to a person or municipality (the "emitter") who carries on or operates a business, facility or establishment that

emits greenhouse gases, who distributes a product whose production or use entails the emission of greenhouse gases or who is considered to be such an emitter in particular by regulation of the Government;

WHEREAS, under section 46.5 of the Act, a cap-and-trade system is established by the subdivision to contribute to the achievement of the targets set under section 46.4 and mitigate the cost of reducing or limiting greenhouse gas emissions;

WHEREAS, under the first paragraph of section 46.6 of the Act, every emitter determined by regulation of the Government must, subject to the conditions and for each period determined by regulation of the Government, cover its greenhouse gas emissions with an equivalent number of emission allowances;

WHEREAS, under subparagraph 1 of the first paragraph of section 46.8 of the Act, subject to the conditions determined by regulation of the Government, the Minister of the Environment and the Fight Against Climate Change may grant the available emission units, either by allocating them without charge to emitters required to cover their greenhouse gas emissions, or by selling them at auction or by agreement to persons or municipalities determined by regulation of the Government;

WHEREAS, under the first paragraph of section 46.8.1 of the Act, the Government may, by regulation and on the conditions it determines, prescribe that part of the emission units allocated to an emitter without charge under subparagraph 1 of the first paragraph of section 46.8 of the Act is intended for sale at auction;

WHEREAS, under the second paragraph of section 46.8.1 of the Act, the sums collected at an auction is to be paid to the emitter by the Minister, after an agreement for that purpose has been entered into between them;

WHEREAS, under the third paragraph of section 46.8.1 of the Act, the emitter may use those sums only to carry out projects aimed at reducing greenhouse gas emissions or at research and development in this area, on the terms and conditions prescribed in the regulation concerning the payment and use of the sums as well as the carrying out of the projects;

WHEREAS, under the fourth paragraph of section 46.8.1 of the Act, the sums paid to the emitter must be used during the period determined by regulation of the Government;

WHEREAS, under the first paragraph of section 46.9 of the Act, emission allowances may be traded between the persons or municipalities determined by regulation of the Government subject to the conditions determined by regulation of the Government;

WHEREAS, under paragraphs 1 and 1.1 of section 46.15 of the Act, the Government may, by regulation, determine in particular the information or documents a person or municipality who files an application for registration in the cap-and-trade system must provide to the Minister and determine the persons or municipalities that may apply to registered in the system;

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 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 in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and determine the amounts;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances was published in Part 2 of the *Gazette officielle du Québec* of 4 May 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 to amend the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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

Environment Quality Act

(chapter Q-2, ss. 46.1, 46.5, 46.8, 46.8.1, 46.9 and 46.15).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation

(2022, chapter 8, section 1 (ss. 30 and 45))

1. The Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is amended in section 2.1 by adding the following paragraph at the end:

"A person or municipality operating an enterprise in a sector of activity referred to in Appendix A that is not an emitter within the meaning of the first paragraph or of section 2, that registers for the system for one of its establishments and that can demonstrate, in accordance with the conditions of section 7.2, that the emissions attributable to that establishment reported pursuant to the first paragraph of section 6.1 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) will be equal to or exceed 10,000 metric tonnes CO_2 equivalent, and that registers for the system for one of its establishments covered by the reporting without being required to do so, is also an emitter within the meaning of this Regulation.".

2. Section 3 is amended

(1) by adding "or determined by the Minister in accordance with section 6.11 of that Regulation" at the end of paragraph 7;

(2) by inserting the following after paragraph 9:

"(9.1) "newly operational establishment" means an establishment that

(*a*) is not considered on a sectoral basis pursuant to Division C of Part II of Appendix C;

(*b*) first became operational after 31 December 2022;

(*c*) was not covered by a GHG emissions report pursuant to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) before becoming operational;

(*d*) emitted into the atmosphere, from its first year of operation, a quantity equal to or greater than 25,000 metric tonnes CO_2 equivalent excluding the emissions referred to in the second paragraph of section 6.6 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, or that is operated by a person or municipality that covered the emissions of the establishment pursuant to subparagraph 3.0.1 of the third paragraph of section 19 or the second paragraph of section 19.0.1 from its first year of operation";

3. Section 5 is amended by inserting “in electronic format” after “Minister” in the first paragraph.

4. Section 6 is amended by replacing “fourth paragraph” in paragraph 6 by “third and fourth paragraphs”.

5. Section 7 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 2 by the following:

“(2) a list of its directors and officers with, at the Minister’s request, their position within the enterprise and their professional contact information;”;

(*b*) by inserting “in the case of an emitter referred to in the first paragraph of section 2 or in subparagraph 3 of the second paragraph of section 2,” at the beginning of subparagraph 3;

(*c*) by inserting the following after subparagraph 3:

“(3.1) in the case of an emitter referred to in subparagraphs 1 and 2 of the second paragraph of section 2, if applicable, the 6-digit code under the North American Industry Classification System (NAICS Canada) and the operator number assigned under the Inventaire québécois des emissions atmosphériques kept by the Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs;”;

(*d*) by replacing subparagraph 7 by the following:

“(7) in the case of a business corporation, the names of the persons controlling over 10% of the voting rights attached to all the outstanding voting securities of the emitter and, at the Minister’s request, their contact information;”;

(*e*) by inserting the following after subparagraph 8:

“(8.1) in the case of an emitter that has no domicile or establishment in Québec, the name and contact information of its attorney designated under section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1), along with proof of designation if requested by the Minister;”;

(2) in the second paragraph

(*a*) by adding “that is not to operate a newly operational establishment” after “section 2” in subparagraph 3.1;

(*b*) by inserting the following after subparagraph 3.1:

"(3.2) on or after 1 June three years before the year for which a demonstration that the verified emissions for an establishment will be equal to or exceed 25,000 metric tonnes CO_2 equivalent must be made, in the case of an emitter referred to in subparagraph 3 of the second paragraph of section 2 that is to operate a newly operational establishment;

"(3.3) on or after 1 June preceding the year for which a demonstration that the verified emissions for an establishment will be equal to or exceed 10,000 metric tonnes CO_2 equivalent must be made, in the case of an emitter referred to in the second paragraph of section 2.1;".

6. Section 7.2 is amended

(1) by adding "except, in the case of a person or municipality referred to in the second paragraph of section 2.1, the information and documents referred to in subparagraph 4 of the first paragraph of section 7" at the end of the first paragraph;

(2) by inserting "referred to in the first paragraph of section 2.1" after "The person or municipality" in the second paragraph;

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

"Any person or municipality referred to in the second paragraph of section 2.1 must in addition, at the time of registering, demonstrate to the Minister that the emissions from one of its establishments for which it will be required to cover its emissions in accordance with section 19.0.1 will be equal to or exceed 10,000 metric tonnes CO_2 equivalent, the demonstration to be made using one of the following documents or items of information:

(1) an environmental impact assessment for the establishment prepared pursuant to section 31.3 of the Environment Quality Act (chapter Q-2);

(2) a mass balance calculation for greenhouse gas emissions, which must be based on the emissions attributable to the materials that contribute 0.5% or more of the total carbon introduced in the establishment's process;

(3) a technical calculation using an emission factor used for the purposes of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15);

(4) an emissions report made pursuant to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere accompanied by data explaining the anticipated production increase.".

7. Section 8 is amended

(1) in the first paragraph

(*a*) by inserting the following after paragraph 2.1:

"(2.2) the main reason why the applicant wishes to register as a participant in the system;";

(*b*) by striking out "or, in other cases, a declaration signed by a director or any other officer, or a resolution of the board of directors" in subparagraph 4;

(2) by replacing "or a participant" in the second paragraph by ", by a participant, or by a person who belongs to the same group as that emitter or participant within the meaning of section 9 or whose function or family connection makes it reasonable to believe that the natural person could have privileged information about the operation of the system,".

8. Section 9 is amended

(1) by adding the following after subparagraph 3 of the first paragraph:

"(4) in the case of a legal person and at the Minister's request, the name of every person it employs whose function or family connection makes it reasonable to believe that the natural person could have privileged information about the operation of the system or about the activities of another emitter or participant in the system as well as the measures put in place by that legal person to prevent such information from being used to threaten the integrity of the system.";

(2) in the second paragraph,

(*a*) in subparagraph 4,

i. by adding "or may determine collective decisions;" at the end of subparagraph *b*;

ii. by adding the following after subparagraph *c*:

"(*d*) has, with regard to that other person, a business relationship defined in subparagraphs *a, c* and *d* of subparagraph 1 that involves a percentage of over 50%;";

(*b*) by replacing subparagraph 5 by the following:

"(5) "related entity" means an emitter or a participant that has, in relation with another emitter or participant, as the case may be, the business relationship as defined in subparagraph 1 involving a percentage of over 50%, one of which is the subsidiary of the other, that belongs to the same group as the emitter or participant or that shares an account representative with that emitter or participant who also works for one of them. Two emitters or participants that share a related entity are entities related to each other.".

9. Section 9.1 is amended

(1) by inserting "the nature of the services that the advisor will provide" after "contact information of the advisor," in the first paragraph;

(2) by adding “and the nature of the advisory services provided” at the end of the second paragraph.

10. Section 10 is amended

(1) in the first paragraph

(*a*) by striking out “at the person’s home address” in subparagraph 1;

(*b*) by replacing “a government or one of its departments or agencies” in subparagraph 3 by “the government or one of its departments or bodies or by the Government of Canada, the government of another province or the government of a partner entity”;

(*c*) by replacing subparagraph 5 by the following:

“(5) confirmation from a financial institution situated in Canada that the person has a deposit account, credit account or loan account with the institution, which may be an original document from the institution or a copy certified true by the institution;”;

(2) by striking out “referred to in section 2.1” in the fourth paragraph.

11. Section 11 is amended

(1) by striking out subparagraph 1.1 of the third paragraph;

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

“The duties of the account representatives terminate when a request for revocation is received from the emitter or participant. When an emitter or a participant has only 2 representatives, a new account representative must be designated by the emitter or participant within 30 days after the request for revocation is received. The duties of the account representatives also terminate when all the accounts of the emitter or participant are closed.”.

12. Section 12 is amended by adding the following paragraph at the end:

“The attestation referred to in subparagraph 4 of the second paragraph must be sent to the Minister within 3 months of its date of issue.”.

13. Section 13 is amended

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

(2) by striking out “who is a natural person” in the second paragraph;

(3) in the third paragraph

(*a*) by inserting “and offset credits issued by a partner entity” in subparagraph 2 after “credits”;

(*b*) by replacing “offset credits” in subparagraph 3 by “other offset credits”.

14. Section 14.1 is amended

(1) by replacing “sections 7” by “section 7, except the list of subsidiaries referred to in subparagraph 6 of the first paragraph that must be provided at the Minister’s request, sections”;

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

“The communication of a change referred to in the first paragraph must include a signed declaration attesting that the information and documents provided are valid and that they may be communicated when necessary for the purposes of this Regulation and the corresponding rules and regulations of a partner entity.

The Minister may suspend access to the electronic system obtained pursuant to section 10 when a change referred to in the first paragraph has not been communicated to the Minister in accordance with that paragraph.”.

15. Section 14.2 is amended

(1) by striking out “whose account no longer contains any emission allowances” in the portion before subparagraph 1 of the first paragraph;

(2) in the second paragraph

(*a*) by replacing “3 years” in the portion before subparagraph 1 by “1 year”;

(*b*) by inserting “issued by a partner entity” after “offset credits” in subparagraph 2;

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

“(2.1) by transferring the other offset credits to the environmental integrity account;”;

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

“When the request referred to in the first paragraph concerns a general account that still contains emission allowances, a participant that is not a natural person must provide the signature of a director or officer.

When the Minister closes a general account that still contains emission allowances, the rules of the second paragraph concerning the recovery of emission allowances apply.”.

16. Section 15 is amended

(1) in the first paragraph

(*a*) by replacing "section 19.1, the emitter has met all the requirements of Chapter III, and the offset credits placed in the account by a partner entity and used by the emitter to cover its GHG emissions can no longer be cancelled" in subparagraph 1 by "section 19.0.1 and has met all the requirements of Chapter III";

(*b*) by replacing "section 18, has met all the requirements of Chapter III, and the offset credits placed in the account by a partner entity and used by the emitter to cover its GHG emissions can no longer be cancelled" in subparagraph 3 by "section 18 and has met all the requirements of Chapter III";

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

"The Minister may open a general account for any person whose general account has been closed pursuant to section 14.2 and a compliance account for any person whose compliance account has been closed pursuant to the first paragraph to allow that person, as the case may be,

(1) to place in the account any offset credit paid and cancelled by a partner entity that it used, as an emitter, to cover GHG emissions;

(2) to place in the account any illegitimate offset credit referred to in section 70.5 or 70.7;

(3) to place emission allowances in the account to cover its GHG emissions in accordance with section 23.1.

The Minister, when opening an account pursuant to the third paragraph, may require the person concerned to provide the Minister, as soon as possible, with the information and documents referred to in sections 7 to 13.".

17. Section 16 is amended in the second paragraph

(1) by inserting "issued by a partner entity" after "offset credits" in subparagraph 2;

(2) by inserting the following after subparagraph 2:

"(2.1) by transferring the other offset credits to the environmental integrity account;".

18. The following is inserted after section 17:

"**17.1** When an emitter or a participant changes its legal structure, by merger or otherwise, the person resulting from the change must so notify the Minister as soon as possible. If the change leads to the dissolution of the emitter or participant, the person resulting from the change must, within 30 days of the change, register for the system in accordance with this Chapter. The new emitter or new participant is required, in place of the former emitter or former participant, as the case may be, to meet all the requirements that applied to the former emitter or participant pursuant to this Regulation.

If the change referred to in the first paragraph concerns at least 2 covered emitters or participants, the person resulting from the change must revoke or confirm the mandate of the account representatives and viewing agents referred to in sections 11 and 12 to ensure that their number does not exceed the limits set in those sections.".

19. Section 19 is amended by adding the following paragraphs at the end:

"Despite the first paragraph, every emitter referred to in section 2, except an emitter referred to in subparagraph 2 of the second paragraph of that section, that ceases to be subject to the coverage requirement provided for in the first paragraph, that does not meet the requirements of section 2.1, and that wishes to continue to cover emissions from an establishment or, as the case may be, its enterprise, must send the Minister a written notice setting out its intention not later than 1 September following the third consecutive emissions report for which the emissions from the establishment or enterprise are below the emissions threshold.

An emitter that sends a notice under the sixth paragraph has, for a period of 5 consecutive years beginning on 1 January following the end of its coverage requirement under the first paragraph, the same rights and obligations as an emitter referred to in section 2.".

20. Section 19.0.1 is amended

(1) by replacing subparagraph 2 of the first paragraph by the following:

"(2) for the period ending in 2020, until 31 December of the year following the year during which GHG emissions are equal to or exceed the emissions threshold;

(2.1) for the period beginning in 2021, until 31 December of the year preceding the year during which GHG emissions are equal to or exceed the emissions threshold;";

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

"Despite the first paragraph, an emitter referred to in section 2.1 that ceases to be subject to the coverage requirement provided for in the first paragraph and that wishes to continue to cover emissions from its establishment or, as the case may be, its enterprise, must send the Minister a written notice setting out its intention not later than 1 September following the third consecutive emissions report for which the emissions from the establishment or enterprise are below the emissions threshold referred to in section 6.1 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere.

An emitter that sends a notice under the third paragraph has, for a period of 5 consecutive years beginning on 1 January following the end of its coverage requirement under the first paragraph or until it is once again required to cover its emissions, the same rights and obligations as an emitter referred to in section 2.1.

Despite the fourth paragraph, an emitter that continues to cover the emissions from its establishment cannot ask the Minister to cancel its registration until the expiry of the 5-year period provided for in that paragraph.".

21. The following is inserted after section 21:

"**21.1.** An emitter that ceases to be subject to this Regulation and that has, in its compliance account, enough emission allowances to meet its coverage requirement under section 19 or 19.0.1 may, at any time during a compliance period, request that the Minister deduct its emission allowances in accordance with the second paragraph of section 21 to be paid into the Minister's retirement account and extinguished.".

22. Section 23.1 is amended by replacing "Criterion 2" in the first paragraph by the following:

"$(GHG_{corr} - Allowances_{surrendered}) \geq 500$ metric tonnes CO_2 equivalent".

23. Section 27 is amended by adding the following after subparagraph 2 of the first paragraph:

"(3) the reason for which the emitter or participant wishes to retire the emission allowances, if applicable.".

24. Section 27.1 is amended by inserting the following after the third paragraph:

"No request for the retirement of emission allowances may be made for compliance purposes under another cap-and-trade system for GHG emission allowances or GHG emissions reduction program.".

25. Section 33 is amended by adding the following paragraph at the end:

"The distribution referred to in the second paragraph must be confirmed by all the related entities subject to the distribution. Despite section 32, until all the related entities have confirmed the distribution, the holding limit of the last emitter or participant to join the group of related entities is set at zero.".

26. Section 35 is amended by adding the following paragraph at the end:

"The Minister may post, on the website of the department, a compilation of the information obtained pursuant to subparagraphs 2 and 3 of the first paragraph of section 27.".

27. Section 39 is amended by adding the following paragraph at the end:

"Despite the first paragraph, an emitter referred to in the second paragraph of section 2.1 operating a covered establishment and pursuing an activity referred to in Table A of Part I of Appendix C is not eligible for the allocation of emission units without charge until the year in which the emissions attributable to that establishment, reported in accordance with the first paragraph of section 6.1 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), are equal to or exceed 10,000 metric tonnes CO_2 equivalent.".

28. Section 40 is amended:

(1) by adding “Until the year 2023,” at the beginning of the second paragraph;

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

“Beginning in the year 2024, the total quantity of emission units that may be allocated without charge to an eligible emitter is calculated in accordance with Part II of Appendix C using, depending on the year concerned, equation 18-1, and replacing

(1) the factor “$P_{Ri, j}$” in equations 19-1, 20-1, 21-1, 21-3, 23-1 and 24-1 by the factor “$P_{Ri-2, j}$”, which corresponds to the total quantity of reference units produced or used in the year 2 years before the allocation year;

(2) the factors “$EC_{TOTAL\ i, j}$”, “$GHG_{FP\ i\ j}$”, “$GHG_{O\ i, j}$” and “$GHG_{i, j}$” in equations 21-2, 22-1 and 24-7 by the factors “$EC_{TOTAL\ i-2, j}$”, “$GHG_{FP\ i-2, j}$”, “$GHG_{O\ i-2, j}$” and “$GHG_{i-2, j}$”, which correspond respectively to energy consumption, fixed process emissions, other emissions and total emissions in the year 2 years before the allocation year;

(3) where the data needed to use the factors “$GHG_{FP\ 2023, j}$”, “$GHG_{FP\ cu, 2023}$”, “$GHG_{C, 2023\ RSM}$”, “$F_{H\ 2023}$”, “$P_{R\ 2023, j}$”, “$P_{R\ cu, 2023}$”, “$P_{R\ RSM, 2023}$” and “$A_{recycl, 2023}$” in equations 19-13, 19-14, 19-15, 19-16 and 19-18 are not available, by the factors “$GHG_{FP\ 2022, j}$”, “$GHG_{FP\ cu, 2022}$”, “$GHG_{C, 2022\ RSM}$”, “$F_{H\ 2022}$”, “$P_{R\ 2022, j}$”, “$P_{R\ cu, 2022}$”, “$P_{R\ RSM, 2022}$” and “$A_{recycl, 2022}$”, which correspond respectively to fixed process emissions, hydrogen consumption, the total quantity of reference units produced or used and the carbon content of recycled secondary materials introduced into the process during year 2022.

Beginning in the year 2024, the Minister estimates annually the part of the emission units allocated without charge to be paid to an emitter.

The part is calculated in accordance with Part II of Appendix C using, depending on the year concerned, equation 18-2, and replacing

(1) the factor “$P_{Ri, j}$” in equations 19-5, 20-4, 21-3, 23-3 and 24-4 by the factor “$P_{Ri-2, j}$”, which corresponds to the total quantity of reference units produced or used in the year 2 years before the allocation year;

(2) the factors “$EC_{TOTAL\ i, j}$”, “$GHG_{FP\ i\ j}$”, “$GHG_{O\ i, j}$” and “$FFP_{i, j}$” in equations 19-7, 22-3, 22-5, 24-6 and 24-8 by the factors “$EC_{TOTAL\ i-2, j}$”, “$GHG_{FP\ i-2, j}$”, “$GHG_{O\ i-2, j}$” and “$FFP_{i-2, j}$”, which correspond respectively to the energy consumption, fixed process emissions, other emissions and proportion factor of fixed process emissions in the year 2 years before the allocation year.

Beginning in the year 2024, the Minister also estimates annually the part of the emission units allocated without charge to an emitter that is to be auctioned.

That part is calculated in accordance with Part II of Appendix C using, depending on the year concerned, equation 18-3, and replacing

(1) the factor "$P_{Ri, j}$" in equations 19-1, 19-5, 20-1, 20-4, 21-1, 21-3, 23-1, 23-3, 24-1 and 24-4 by the factor "$P_{Ri-2, j}$", which corresponds to the total quantity of reference units produced or used in the year 2 years before the allocation year;

(2) the factors "$EC_{TOTAL\ i, j}$", "$GHG_{FP\ i\ j}$" and "$GHG_{O\ i, j}$" in equations 22-1, 22-3, 24-7 and 24-8 by the factors "$EC_{TOTAL\ i-2, j}$", "$GHG_{FP\ i-2, j}$" and "$GHG_{O\ i-2, j}$", which correspond respectively to the energy consumption, fixed process emissions and other emissions in the year 2 years before the allocation year.";

(3) by replacing "calculated in accordance with this section" in the fourth paragraph by "from which, beginning in 2024, 75% of the part of the units to be auctioned has been subtracted";

(4) by replacing "fourth" in the fifth paragraph by "ninth";

(5) by inserting the following after the fourth paragraph:

"Beginning in the year 2024, on 14 January of each year or, if that day is not a working day, on the first following working day, provided that an agreement on the implementation by the emitter of a project referred to in Part III of Appendix C has been signed by the emitter and the Minister in accordance with section 46.8.1 of the Environment Quality Act (chapter Q-2) before the previous 1 September, the Minister pays into the Minister's auction account 75% of the quantity of emission units calculated in accordance with the seventh paragraph.".

29. The following is inserted after section 40:

"**40.1.** To be considered in the calculation of emission units allocated without charge referred to in the first, second, fifth and seventh paragraphs of section 40, any change to the information provided for in subparagraph 4 of the first paragraph of section 7 and provided by the emitter when registering for the system must be sent to the Minister, together with any supporting document, not later than 1 June following the end of the compliance period affected by the change. Any change sent to the Minister within the time limit applies from the beginning of that compliance period.

In addition, to be considered in the calculation of emission units allocated without charge, any change concerning the type of reference unit used must be sent to the Minister not later than 1 June prior to the beginning of a compliance period. Any change sent within the time limit applies from the beginning of that compliance period.

Beginning in the year 2024, when the changes to the information provided for in subparagraph 4 of the first paragraph of section 7 lead to an increase in the number of emission units allocated without charge to be auctioned, they are paid by the Minister into the Minister's auction account. When the changes lead to a decrease in the number of such units, an equivalent number of emission units is deducted from the next payments of the emission units allocated without charge to that emitter to be auctioned.".

30. Section 41 is amended

(1) by replacing "fourth paragraph" in the first paragraph by "ninth and tenth paragraphs";

(2) by replacing “places, in the emitter’s general account,” in the third paragraph by “places, either in the emitter’s general account or in the Minister’s auction account,”;

(3) by inserting “for units paid in accordance with the ninth paragraph of section 40” after “calculation” in the fourth paragraph;

(4) by replacing “allocation free of charge” in the fifth paragraph by “payment of such units”;

(5) by inserting the following after the fifth paragraph:

“When the result of the calculation for the adjustment of units paid in accordance with the tenth paragraph of section 40 is negative, the Minister notifies the emitter. The Minister then removes an equivalent quantity of emission units from the following payments of such emission units.”;

(6) by inserting “, when it concerns emission units paid in accordance with the ninth paragraph of section 40,” after “third paragraph” in the sixth paragraph.

31. Section 41.1 is replaced by the following:

“**41.1.** An emitter who, in accordance with section 6.5 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), communicates a notice of correction to its emissions report to increase the allocation without charge of emission units referred to in the ninth paragraph of section 40 or the third paragraph of section 41, receives at the next payment a quantity of additional emission units equal to the difference between the quantity calculated for the first emissions report and the quantity calculated for the corrected emissions report, in accordance with Part II of Appendix C. At the next payment of emission units referred to in the tenth paragraph of section 40 or the third paragraph of section 41, the Minister also places in the Minister’s auction account a quantity of additional emission units equal to the difference between the quantity of emission units allocated without charge, for auction, to an emitter that has signed an agreement in accordance with the tenth paragraph of section 40, as calculated for the first emissions report, and the quantity calculated for the corrected emissions report in accordance with Part II of Appendix C.

No additional emission units are paid for a notice of correction to an emissions report communicated after 1 August of the year following the year concerned by the allocation without charge.

When the notice of correction referred to in the first paragraph reduces the allocation without charge of emission units referred to in the ninth paragraph of section 40 or the third paragraph of section 41, the Minister subtracts, in the same proportion, a quantity of emission units from the next payments of such emission units whether or not the compliance deadline has expired.”.

32. Section 42 is amended

(1) by replacing “allocated without charge in accordance with this Division” in the first paragraph by “referred to in the ninth paragraph of section 40 and the first paragraph of section 41.1”;

(2) by replacing “The units” in the second paragraph by “The units referred to in this Division”;

(3) by replacing “allocated, the units that remain to be allocated” in the third paragraph by “paid in accordance with this Division, the units that remain to be paid”.

33. Section 43 is amended by adding “, or when the Minister has reasonable grounds to believe that the integrity of the system is threatened” at the end.

34. The following is inserted after section 43:

“**43.1.** The Minister publishes, on the website of the Ministère du Développement durable, de l’Environnement et des Parcs, within 45 days after the payment of emission units allocated without charge in accordance with sections 40 and 41, a summary of the payment including, in particular, the following information:

(1) the total quantity of emission units allocated without charge to all emitters;

(2) the total quantity of emission units allocated without charge that have been paid to all emitters and a list of the emitters concerned;

(3) the total quantity of emission units allocated without charge to be auctioned that have been paid into the Minister’s auction account in accordance with sections 40 and 41, and a list of the emitters on whose behalf the payment was made.”.

35. Section 46 is amended by striking out the fourth paragraph.

36. Section 47 is amended by replacing “an emitter or a participant for any auction if, when applying for registration for the system or for a previous auction or sale by mutual agreement, the emitter or participant provided false or misleading information, omitted to disclose information required by this Regulation, or contravened a rule of procedure for the auction or sale by mutual agreement” by “, for any auction, an emitter or participant that fails to comply with this Regulation”.

37. Section 48 is amended by inserting “, must be sufficient to purchase a lot of emission units at the minimum price set pursuant to the third paragraph of section 49,” after “date of the auction” in the portion before subparagraph 1 of the second paragraph.

38. Section 50 is amended

(1) by adding “The allocation must be confirmed by all the related entities concerned. Until all the related entities have confirmed the allocation, the overall purchasing limit of the last emitter or participant to join the group of related entities is set at zero.” at the end of the fifth paragraph;

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

“Despite subparagraph 1 of the third paragraph, beginning on 1 January 2023, the total quantity of emission units that may be purchased by the same bidder is limited, for the years preceding the year in which the bidder’s coverage requirement begins, to 4% of the units to be auctioned.”.

39. Section 52 is amended by inserting “and with the lots containing emission units allocated without charge to be auctioned in accordance with Division II of this Chapter” after “highest bids” in the fifth paragraph.

40. Section 53 is amended by replacing “section 48” in the fourth paragraph by “subsection 1 of the first paragraph of section 48”.

41. Section 54 is amended

(1) by adding “, except for units allocated without charge to be auctioned in accordance with Division II of this Chapter, which are put up for sale at the next auction” at the end of the first paragraph;

(2) by adding “and cannot, for units allocated without charge to be auctioned, increase the total quantity of emission units put up for sale at the next auction” at the end of the third paragraph;

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

“All emissions units to be auctioned that have not been sold at the expiry of a 3-year period after first being put up for sale as units of the vintages of the current year or of the previous years are transferred to the Minister’s reserve account.”.

42. The following is inserted after section 54:

“**54.1** The sums collected at an auction of emission units allocated without charge to an emitter to be auctioned in accordance with Division II of this Chapter are determined, for each emitter having signed an agreement for the implementation by the emitter of a project referred to in Part III of Appendix C, by multiplying the quantity of the emission units by the final auction sale price in US dollars, converted into Canadian dollars using the daily average exchange rate published on the website of the Bank of Canada on the day prior to the sale.

When the emission units allocated without charge to be auctioned in accordance with Division II of this Chapter are not all sold at the auction, the quantity referred to in the first paragraph is determined as follows:

(1) the part of such units attributable to the emitter is obtained by dividing the quantity of such units by the total quantity of emission units allocated without charge to be auctioned in accordance with Division II of this Chapter and put up for sale;

(2) the part of units attributable to the emitter is then multiplied by the quantity of emission units allocated without charge to be auctioned in accordance with Division II of this Chapter that were sold, and the result is rounded down to the nearest whole number;

(3) when emission units remain to be allocated, the Minister assigns a random number to each emitter and allocates 1 emission unit per emitter, in ascending order of the numbers assigned, until all the emission units have been allocated.

In accordance with the fifth paragraph of section 53, the sums determined pursuant to the first and second paragraphs are paid into the Electrification and Climate Change Fund established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) and reserved in the Fund in the emitter's name for a period of 5 years beginning on 31 December of the year of the payment to be paid to the emitter in accordance with the rules of Part III of Appendix C and the rules of the agreement entered into by the emitter and the Minister in accordance with section 46.8.1 of the Environment Quality Act (chapter Q-2).

When the operator of a covered establishment that has entered into an agreement with the Minister for the implementation of a project referred to in Part III of Appendix C has notified the Minister, pursuant to the first paragraph of section 17, that the operator of the establishment has changed, the new operator may, if it has also entered into such an agreement with the Minister, use the sums determined pursuant to the first paragraph that have not yet been paid to the former operator. The new operator is subject, in accordance with the third paragraph of section 17, to all the obligations of the former operator concerning the project implemented pursuant to that Part.".

43. Section 55 is amended by adding the following after paragraph 3:

"(4) the quantity of units allocated without charge that were put up for auction;

(5) the quantity of units referred to in paragraph 4 that were sold;

(6) the sums collected from the auctioning of the units referred to in paragraph 4.".

44. Section 59 is amended by striking out the fourth paragraph.

45. Section 60 is amended by replacing everything following "register an emitter" by ", for a sale by mutual agreement, that fails to comply with this Regulation".

46. Section 71 is amended by replacing "the fifth paragraph of section 27.1" in paragraph 1 by "the sixth paragraph of section 27.1".

47. Section 74 is amended by replacing "the fifth paragraph of section 27.1" in the portion before subparagraph 1 of the first paragraph by "the sixth paragraph of section 27.1".

48. Section 75.5 is amended by adding the following paragraphs at the end:

"The Minister may, in addition, when the Minister has reasonable grounds to believe that the integrity of the system is threatened, refuse to register an emitter for an auction of emission units or suspend all emission allowance transactions pursuant to Chapter IV of Title II.

The Minister must, before exercising a power under the first or second paragraph, send the interested party a notice of intention setting out the grounds for exercising the power and granting the interested party at least 10 days to present its observations.”.

49. Appendix A is amended by replacing “21” in the third column of the second row of the table by “211 or 212”.

50. Table B in Part I of Appendix C is amended

(1) by adding the reference unit “Metric tonne of unpasteurized raw milk solids and lactoserum received” in the third column of the row concerning the sector of activity of the establishment “Agrifood” for the type of activity “Milk processing”;

(2) by inserting the following rows after the row concerning the sector of activity of the establishment “Agrifood” for the type of activity “Milk processing”:

“

Agrifood	Food manufacturing	Metric tonne of cleaned flour
Agrifood	Animal slaughtering	Metric tonne of pork products finished at the slaughterhouse after cutting and boning
Agrifood	Poultry processing	Metric tonne of processed poultry products

”;

(3) by replacing the third column in the row concerning the sector of activity of the establishment “Other” for the type of activity “Manufacturing of aerospace products and parts” by the following:

“

Number of aircraft delivered
Number of aerospace parts delivered
Number of aircraft with internal fittings manufactured on site
Number of aircraft painted at the paint shop on site
Number of aircraft tested prior to delivery

”;

(4) by inserting the following after the row concerning the sector of activity of the establishment “Metallurgy” for the type of activity “Production of copper drawing stock”:

“

Metallurgy	Magnesium production	Metric tonne of primary magnesium entering the foundry Metric tonne of magnesium produced

”;

(5) by inserting the following after the row concerning the sector of activity of the establishment “Mining and pelletization” for the type of activity “Gold production”:

“

Pulp and paper	Electricity production through cogeneration	Megawatt-hour (MWh) of electricity produced through cogeneration

”;

(6) by replacing the third column of the row concerning the sector of activity of the establishment “Pulp and paper” for the type of activity “Production of pulp and paper” by the following:

“

Metric tonne of various saleable air-dried products
Metric tonne of saleable commercial pulp air-dried to 10% moisture content
Metric tonne of saleable newsprint air-dried to 10% moisture content
Metric tonne of saleable fine paper (from kraft pulp or deinked kraft pulp) air-dried to 10% moisture content
Metric tonne of saleable semi-fine uncoated paper (from mechanical pulp) air-dried to 10% moisture content
Metric tonne of saleable semi-fine coated paper air-dried to 10% moisture content
Metric tonne of saleable sanitary tissue air-dried to 10% moisture content
Metric tonne of saleable uncoated cardboard air-dried to 10% moisture content
Metric tonne of saleable coated cardboard air-dried to 10% moisture content
Metric tonne of saleable corrugated board and linerboard air-dried to 10% moisture content
Metric tonne of saleable cellulosic filament air-dried to 10% moisture content

”.

51. Part II of Appendix C is amended

(1) in Division A, containing the definitions,

(*a*) by replacing "2019 or for any of the subsequent years" in the definition of "covered establishment as of 2021" in paragraph 5 by "2019 to 2023";

(*b*) by inserting the following after paragraph 5:

"(5.1) "covered establishment prior to 2024" means an establishment referred to in paragraph 1, 2, 3, 4 or 5, or an establishment referred to in section 2.1 prior to 2024, that is still targeted by the system in 2024;

(5.2) "covered establishment as of 2024" means an establishment the operator of which must cover the emissions under, as the case may be, section 19 or 19.0.1 as of 2024 or a subsequent year;";

(2) by adding the following after paragraph 4 of Division C, concerning establishments and new facilities considered on a sectoral basis for the allocation of emission units without charge:

"(5) aluminum production using inert anode cells installed in a building which, when the cells were installed, already contained prebaked anode cells;

(6) aluminum production using inert anode cells installed in a building to replace the prebaked anode cells installed in that building;

(7) aluminum production, in an establishment covered on 1 September 2022, using inert anode cells installed in a building adjacent to the building in which prebaked anode cells are installed.";

(3) in Division D, concerning calculation methods,

(*a*) in the third paragraph

i. by replacing subparagraph 9 by the following:

"(9) in the case of an establishment covered prior to the year 2021 that produces cement, lime, prebaked anodes or aluminum by using a prebaked anode technology other than the side-worked prebaked anode technology, using equations 7-1 and 9-1 for the years 2021 to 2023";

ii. by striking out subparagraph 14;

iii. by adding the following after subparagraph 16:

"(17) in the case of an establishment covered prior to the year 2024, other than a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030, using equations 18-1 and 19-1;

(18) in the case of an establishment that is considered on a sectoral basis for the years 2024 to 2030, using equations 18-1 and 20-1;

(19) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *d* to *d*+2 or *d*+1 to *d*+3, where *d* is the year in which the establishment became operational, are all available, using equations 18-1 and 21-1;

(20) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *d* to *d*+2 or *d*+1 to *d*+3, where *d* is the year in which the establishment became operational, are not all available, using equations 18-1 and 22-1;

(21) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis, for which the GHG emissions data for years *d*-2 to *d*, are all available and that is not a newly operational establishment, using equations 18-1 and 23-1;

(22) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis, for which the GHG emissions data for years *d*-2 to *d* are not all available and that is not a newly operational establishment, using equations 18-1 and 24-1;

(23) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, are not all available, using equations 18-1 and 24-7.";

(*b*) by adding the following after subparagraph 6 of the fourth paragraph:

"(7) in the case of an establishment covered prior to the year 2024, other than a newly operational establishment that is not considered on a sectoral basis for the years 2024 to 2030, using equations 18-1 and 19-1;

(8) in the case of an establishment that is considered on a sectoral basis for the years 2024 to 2030, using equations 18-1 and 20-1;

(9) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *e*+1 to *e*+3 or years *e*+2 to *e*+4, where *e*+1 is the year in which the establishment became operational, are all available, using equations 18-1 and 21-1;

(10) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *e*+1 to *e*+3 or years *e*+2 to *e*+4, where *e* is the year in which the establishment became operational, are not all available, using equations 18-1 and 22-1;

(11) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis, for which the GHG emissions data for years *e*-3 to *e*-1 are all available and that is not a newly operational establishment, using equations 18-1 and 23-1;

(12) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis, for which the GHG emissions data for years *e*-3 to *e*-1 are not all available and that is not a newly operational establishment, using equations 18-1 and 24-1;

(13) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational are not all available, using equations 18-1 and 24-7.";

(*c*) by adding the following after subparagraph 8 of the fifth paragraph:

"(9) beginning in the year 2023, in the case of an establishment in the pulp and paper sector producing electricity through cogeneration, excluding the emissions data attributable to the production of electricity by cogeneration in metric tonnes CO_2 equivalent calculated using equations 25-1 to 25-6.";

(*d*) by inserting the following after the fifth paragraph:

"The total quantity of GHG emission units allocated without charge and paid to an emitter is calculated in accordance with the following methods:

(1) in the case of an establishment covered prior to the year 2024, other than a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030, using equations 18-2 and 19-5;

(2) in the case of an establishment that is considered on a sectoral basis for the years 2024 to 2030, using equations 18-2 and 20-4;

(3) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *d* to *d+2* or *e*+1 to *e*+3 or years *d*+1 to *d*+3 or *e*+2 to *e*+4, where *d* or *e+1* is the year in which the establishment became operational, are all available, using equations 18-2 and 21-3;

(4) in the case of a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *d* to *d*+2 or *d*+1 to *d*+3, where *d* is the year in which the establishment became operational, or years *e*+1 to *e*+3 or *e*+2 to *e*+4, where *e*+1 is the year in which the establishment became operational, are not all available, using equations 18-2 and 22-3;

(5) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are all available, using equations 18-2 and 23-3;

(6) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available, using equations 18-2 and 24-4;

(7) in the case of a covered establishment as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are not all available, using equations 18-2 and 24-8.

The total quantity of GHG emission units allocated without charge to be auctioned for an establishment is calculated in accordance with equation 18-3.";

(*e*) by replacing the sixth and seventh paragraphs by the following:

"Despite the third and fourth paragraphs,

(1) the quantity of GHG emission units allocated without charge to a covered emitter beginning in the year 2023 is calculated using the methods applicable to the emitter during the last year of its first registration for the system;

(2) the quantity of GHG emission units allocated without charge to an emitter whose registration was interrupted for a period of less than 3 years is calculated using the methods applicable to the last year during which the emitter was eligible for an allocation free of charge.";

(*f*) in equation 6-16

i. by replacing "equation 8-2" in the definition of the factor "$I_{C\ stan\ cath}$" by "equation 8-4";

ii. by replacing "copper anode" in the definition of the factor "$I_{FP\ stan\ cath}$" by "copper cathodes";

iii. by replacing "copper anodes" in the definition of the factor "$P_{R\ cath,i}$" by "copper cathodes";

(*g*) by striking out "lime or" in the heading of Division 8;

(*h*) by striking out "lime or" in the heading of equation 8-1;

(*i*) by adding the following after the factor "$AF_{i,j}$" in equation 8-1.1:

"j = Type of activity";

(*j*) by inserting the following after factor "$I_{FP\ stan\ j}$" in equation 8-2:

"j = Type of activity";

(*k*) by inserting the following after factor "$I_{C\ stan\ j}$" in equation 8-4:

"j = Type of activity";

(*l*) by striking out ", using the new GWP values," in the definition of the factor "R" in equations 8-4.1 and 8-9;

(*m*) by striking out subdivision 8.3 and its heading;

(*n*) by inserting "**lime**," after "**cement,**" in the heading of Division 9;

(*o*) by replacing the heading of equation 9-1 by the following:

"**Equation 9-1 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment producing cement, lime, prebaked anodes or aluminum using a prebaked anode technology other than the side-worked technology, covered prior to 2021 that is considered on a sectoral basis for the years 2021 to 2023**";

(*p*) by replacing Table 1 in subdivision 9.1 by the following:

"**Table 1: Sectoral intensities in the aluminum sector**

Year	Intensity of GHG emissions for liquid aluminum production using a prebaked anode technology other than the side-worked technology (leaving the potroom) and for the aluminum production referred to in paragraphs 5 to 7 of Division C of this Part	Intensity of GHG emissions for the production of baked anodes removed from furnace
2021	1.813	0.3129
2022	1.796	0.3102
2023	1.779	0.3074

";

(*q*) by inserting the following after subdivision 9.2:

"**(9.3) Sectoral intensities in the lime sector**

Table 3: Sectoral intensities in the lime sector

Year	Intensity of GHG emissions for calcic lime production	Intensity of GHG emissions for dolomitic lime production
2021	1.100	1.376
2022	1.091	1.364
2023	1.082	1.352

";

(*r*) by replacing the definition of factor "d" in equations 10-1, 10-2, 10-3, 10-4, 11-1, 11-2, 11-3, 11-4, 12-1 and 12-2 by the following:

"d = Year in which the coverage requirement begins";

(*s*) by inserting the following after the definition of factor "$a_{O,i}$" in equation 11-5:

"d = Year in which the coverage requirement begins;";

(*t*) by replacing Table 7 in Division 17 by the following:

"Table 7: Assistance factor and risk level for a reference unit by compliance period

Sector	Reference unit	Assistance factor 2021-2030	Risk level
Agrifood	Hectolitre of beer	0.90	Level 1
	Kilolitre of alcohol	0.90	Level 1
	Metric tonne of sugar	1.00	Level 1
	Metric tonne of processed oilseed	1.00	Level 1
	Kilolitre of whole unpasteurized milk	0.90	Level 1
	Metric tonne of milk powder with 5% or less moisture content	0.90	Level 1
	Metric tonne of cleaned flour	0.90	Level 1
	Metric tonne of unpasteurized raw milk solids and lactoserum received	0.90	Level 1
	Metric tonne of pork products finished at the slaughterhouse after cutting and boning	0.90	Level 1
	Metric tonne of processed poultry products	0.90	Level 1
Aluminum	Metric tonne of baked cathodes removed from furnace	1.00	Level 5
	Metric tonne of liquid aluminum (leaving potroom)	1.00	Level 5
	Metric tonne of baked anodes removed from furnace	1.00	Level 5
	Metric tonne of aluminum hydroxide hydrate expressed as Al_2O_3 equivalent calculated at the precipitation stage	1.00	Level 3
	Metric tonne of calcinated coke	1.00	Level 5
	Metric tonne of remelted aluminum	1.00	Level 1

Other	Metric tonne of treated matter	0.90	Level 1
	Cubic metre of gypsum panel	1.00	Level 3
	Metric tonne of glass	1.00	Level 3
	Square metre of silicon substrate associated with deep reactive ion etching	0.90	Level 1
	Square metre of silicon substrate associated with an etching process other than deep reactive ion etching	0.90	Level 1
	Square metre of silicon substrate associated with plasma enhanced chemical vapour deposition	0.90	Level 1
	Metric tonne of carbon dioxide	1.00	Level 2
	Number of aircraft delivered	0.90	Level 1
	Number of aerospace parts delivered	0.90	Level 1
	Number of aircraft with internal fittings manufactured on site	0.90	Level 1
	Number of aircraft painted at the paint shop on site	0.90	Level 1
	Number of aircraft tested prior to delivery	0.90	Level 1
	Number of laminate sheet equivalents leaving press (typical sheet: minimum surface of 4 feet by 8 feet, 0.67 mm thickness)	0.95	Level 1
	Square metre of asphalt shingles (membrane base)	1.00	Level 2

Lime	Metric tonne of calcic lime and metric tonne of calcic lime kiln dust sold	1.00	Level 7
	Metric tonne of dolomitic lime and metric tonne of dolomitic lime kiln dust sold	1.00	Level 7
Chemical	Kilolitre of ethanol	1.00	Level 2
	Metric tonne of tires	0.90	Level 1
	Board foot of rigid insulation	0.95	Level 1
	Metric tonne of titanium (TiO_2) pigment equivalent (raw material)	1.00	Level 4
	Metric tonne of LAB	1.00	Level 2
	Metric tonne of catalyzer (including additives)	1.00	Level 1
	Metric tonne of hydrogen	1.00	Level 2
	Metric tonne of PTA	1.00	Level 2
	Metric tonne of xylene and toluene	1.00	Level 7
	Metric tonne of steam sold to a third person	1.00	Level 7
	Metric tonne of sodium silicate	1.00	Level 2
	Metric tonne of sulphur	1.00	Level 2
	Metric tonne of polyethylene therephthalate (PET)	0.95	Level 1
Cement	Metric tonne of clinker produced and metric tonne of mineral additives (gypsum and limestone) added to the clinker produced	1.00	Level 7
Electricity	Megawatt-hour (MWh)	0.60	Level 1
	Metric tonne of steam	0.60	Level 1

Metallurgy	Metric tonne of steel (slabs, pellets or ingots)	1.00	Level 6
	Metric tonne of wrought steel	1.00	Level 3
	Metric tonne of rolled steel	1.00	Level 1
	Metric tonne of copper anodes	1.00	Level 1
	Metric tonne of recycled secondary materials	1.00	Level 1
	Metric tonne of reduced iron pellets	1.00	Level 6
	Metric tonne of copper cathodes	1.00	Level 1
	Metric tonne of ferrosilicon (50% and 75% concentration)	1.00	Level 7
	Metric tonne of lead	1.00	Level 1
	Metric tonne of saleable iron powder and steel powder	1.00	Level 5
	Metric tonne of TiO_2 slag cast at the reduction furnaces	1.00	Level 5
	Metric tonne of metallic silicon	1.00	Level 7
	Metric tonne of iron load	0.95	Level 1
	Metric tonne of cathodic zinc	0.95	Level 1
	Metric tonne of steel forging stock	0.95	Level 1
	Metric tonne of copper drawing stock	0.95	Level 1
	Metric tonne of primary magnesium entering the foundry	1.00	Level 1
	Metric tonne of magnesium produced	1.00	Level 1
Mining and pelletization	Metric tonne of flux pellets	1.00	Level 7
	Metric tonne of standard pellets	1.00	Level 1
	Metric tonne of low silica flux pellets	1.00	Level 7
	Metric tonne of low silica pellets	1.00	Level 7

	Metric tonne of blast furnace pellets	1.00	Level 7
	Metric tonne of intermediate pellets	1.00	Level 7
	Metric tonne of iron concentrate	1.00	Level 1
	Metric tonne of nickel produced	1.00	Level 1
	Metric tonne of nickel and copper produced	1.00	Level 1
	Metric tonne of kimberlite processed	0.90	Level 1
	Metric tonne of auriferous ore processed	0.90	Level 1
Pulp and paper	Metric tonne of various air-dried saleable products	1.00	Level 1
	Metric tonne of various saleable air-dried products of each of the establishments common to a steam network	1.00	Level 1
	Metric tonne of saleable commercial pulp air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable newsprint air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable fine paper (from kraft pulp or deinked kraft pulp) air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable semi-fine uncoated paper (from mechanical pulp) air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable semi-fine coated paper air-dried to 10% moisture content	1.00	Level 1

	Metric tonne of saleable sanitary tissue air-dried to 10% moisture content	1.00	Level 2
	Metric tonne of saleable uncoated cardboard air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable coated cardboard air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable corrugated board and linerboard air-dried to 10% moisture content	1.00	Level 1
	Metric tonne of saleable cellulosic filament air-dried to 10% moisture content	1.00	Level 1
	Thousand board feet (MFBM) (dry)	0.90	Level 1
Refining	Kilolitre of total crude oil refinery load	1.00	Level 3
All sectors	Reference unit not determined elsewhere in the table	0.90	Level 1

";

(*u*) by adding the following at the end:

"**18. Calculation methods for the total quantity of GHG emission units allocated for an establishment for the years 2024-2030**

Equation 18-1 Calculation of the total quantity of GHG emission units allocated without charge for an establishment

$$A_{establishment\ i} = \sum_{j=1}^{m} A_{i,j}$$

Where:

$A_{establishment\ i}$ = Total quantity of GHG emission units allocated without charge for an establishment for year *i* for all types of activities *j* in Table B of Part I of this Appendix at that establishment;

i = Each year included in the period 2024 to 2030;

j = Each type of activity at the establishment;

m = Total number of types of activity at the establishment;

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*, calculated using equations 19-1, 20-1, 21-1, 22-1, 23-1, 24-1 and 24-7.

Equation 18-2 Calculation of the total quantity of GHG emission units allocated without charge paid to the emitter for an establishment

$$A_{E\ establishment\ i} = \sum_{j=1}^{m} A_{E\ i,j}$$

Where:

$A_{E\ establishment\ i}$ = Total quantity of GHG emission units allocated without charge paid to the emitter for an establishment for year *i* for all types of activities *j* in Table B of Part I of this Appendix at that establishment;

i = Each year included in the period 2024 to 2030;

j = Each type of activity at the establishment;

m = Total number of types of activity at the establishment;

$A_{E\ i,j}$ = Total number of GHG emission units allocated without charge paid to the emitter by type of activity *j* at an establishment for year *i*, calculated using equations 19-5, 20-4, 21-3, 22-3, 23-3, 24-4 and 24-8.

Equation 18-3 Calculation of the total quantity of GHG emission units allocated without charge to be auctioned for an establishment

$$A_{V\ establishment\ i} = A_{establishment\ i} - A_{E\ establishment\ i}$$

Where:

$A_{V\ establishment\ i}$ = Total quantity of GHG emission units allocated without charge to be auctioned for an establishment for year *i* for all types of activities *j* in Table B of Part I of this Appendix at that establishment;

i = Each year included in the period 2024 to 2030;

j = Each type of activity at the establishment;

$A_{establishment\ i}$ = Total quantity of GHG emission units allocated without charge for an establishment for year *i* for all types of activities *j* in Table B of Part I of this Appendix at that establishment, calculated using equation 18-1;

$A_{E\ establishment\ i}$ = Total quantity of GHG emission units allocated without charge and paid to the emitter for an establishment for year *i* for all types of activities *j* in Table B of Part I of this Appendix at that establishment, calculated using equation 18-2.

19. Calculation methods for the number of GHG emission units allocated without charge for an establishment covered prior to 2024 that is not considered on a sectoral basis for the years 2024-2030

19.1 Calculation methods for the allocation

Equation 19-1 Calculation of the number of GHG emission units allocated without charge by type of activity for an establishment other than a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{i,j} = P_{R\,i,j} \times I_{i,j} \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment for year *i*, calculated using equation 19-2, in metric tonnes CO_2 equivalent per reference unit;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

MEE_i = Minimal expected effort for year *i*, calculated using equation 19-4 or, in the case of a covered establishment as of 2024 that is not a newly operational establishment, a value of 0 for year *d* or *e*+1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 19-2 Target intensity by type of activity for an establishment other than a newly operational establishment that is not considered on a sectoral basis for the years 2024 to 2030

$$I_{i,j} = 0.9 \times I_{i-1,j} + 0.1 \times I_{A,j}$$

Where:

$I_{i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent per reference unit;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

0.9 = Proportion corresponding to 90% of the target intensity for the previous year;

$I_{i-1,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment for year *i*-1, in metric tonnes CO_2 equivalent per reference unit, calculated using equations 19-8 to 19-18 for year 2023 or using equation 19-2 for subsequent years;

0.1 = Proportion corresponding to 10% of the average actual intensity at the establishment;

$I_{A,j}$ = Average actual intensity of GHG emissions attributable to type of activity *j* at the establishment calculated using equation 19-3 if the data for the period 2017-2019 are all available and if operations did not start during that period, or using equations 19-3.1 or 19-3.2 in other cases, in metric tonnes CO_2 equivalent per reference unit.

Equation 19-3 Calculation of actual intensity by type of activity at an establishment other than a newly operational establishment that is not considered on a sectoral basis, for which the data for the period 2017-2019 are all available and that did not start operations during that period

$$I_{A,j} = \frac{\sum_{i=2017}^{2019} GHG_{i,j}}{\sum_{i=2017}^{2019} P_{Ri,j}}$$

Where:

$I_{A,j}$ = Average actual intensity of GHG emissions attributable to type of activity *j* at the establishment for the years 2017 to 2019, in metric tonnes CO_2 equivalent per reference unit;

j = Type of activity

i = Each year included in the period 2017 to 2019;

$GHG_{i,j}$ = GHG emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent, using the new GWP values for the calculation;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 19-3.1 Calculation of actual intensity by type of activity for an establishment other than a newly operational establishment, that is not considered on a sectoral basis and for which the data for years *d*-2 to *d* or *e*-3 to *e*-1 are all available

$$I_{A\ dep,j} = \frac{\sum_{i=d-2}^{d} GHG_{i,j}}{\sum_{i=d-2}^{d} P_{Ri,j}}$$

Or

$$I_{A\ dep,j} = \frac{\sum_{i=e-3}^{e-1} GHG_{i,j}}{\sum_{i=e-3}^{e-1} P_{Ri,j}}$$

Where:

$I_{A\ dep,j}$ = Initial average actual intensity of GHG emissions attributable to type of activity *j* at the establishment for the years 2017 to 2019, in metric tonnes CO_2 equivalent per reference unit;

j = Type of activity

i = Years *d*-2 to *d* or *e*-3 to *e*-1;

$GHG_{I,j}$ = GHG emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent, calculated using the new GWP values;

$P_{R\ i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 19-3.2 Calculation of actual intensity by type of activity for an establishment other than a newly operational establishment, that is not considered on a sectoral basis and for which the data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available

$$I_{A\ dep,j} = \frac{\sum_{i=d}^{d+2} GHG_{i,j}}{\sum_{i=d}^{d+2} P_{Ri,j}}$$

Or

$$I_{A\ dep,j} = \frac{\sum_{i=d+1}^{d+3} GHG_{i,j}}{\sum_{i=d+1}^{d+3} P_{Ri,j}}$$

Or

$$I_{A\ dep,j} = \frac{\sum_{i=e-1}^{e+1} GHG_{i,j}}{\sum_{i=e-1}^{e+1} P_{Ri,j}}$$

Or

$$I_{A\ dep,j} = \frac{\sum_{i=e}^{e+2} GHG_{i,j}}{\sum_{i=e}^{e+2} P_{Ri,j}}$$

Where:

$I_{A\ dep,j}$ = Initial average actual intensity of GHG emissions attributable to type of activity *j* at the establishment for the years 2017 to 2019, in metric tonnes CO_2 equivalent per reference unit;

j = Type of activity

i = Years *d* to *d*+2 or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational;

$GHG_{i,j}$ = GHG emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent, calculated using the new GWP values;

$P_{R\ I,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 19-4 Calculation of the minimal expected effort for the years 2024 to 2030

$$MEE_i = 0.01 \times (i - n)$$

Where:

MEE_i = Minimal expected effort for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.01 = Minimal expected effort;

n = Year 2023 or, in the case of a covered establishment as of 2024, year *d* or *e+1*;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 19-5 Calculation of the number of GHG emission units allocated paid to the emitter by type of activity for an establishment other than a newly operational establishment, that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{E\ i,j} = P_{R\ i,j} \times min\left[I_{i,j} \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right);\ I_{max\ j} \times AF_{i,j}\right]$$

Where:

$A_{E\ i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\ i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

min = Minimum value, representing the lesser of the 2 elements calculated;

$I_{i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent per reference unit, calculated using equation 19-2;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 19-6 or, in the case of a covered establishment as of 2024 that is not a newly operational establishment, a value of 0 for year *d* or *e*+1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 19-7 or, in the case of a covered establishment as of 2024 that is not a newly operational establishment, a value of 0 for year *d* or *e*+1;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, in the case of a covered establishment as of 2024 that is not a newly operational establishment, a value of 0 for year *d* or *e*+1;

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j* at the establishment calculated using equations 19-8 to 19-18.

Equation 19-6 Calculation of the cap decline factor for the years 2024 to 2030

$$CDF_i = 0.0234 \times (i - n)$$

Where:

$CDF_{i,j}$ = Cap decline factor for year *i;*

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.0234 = Value corresponding to the annual decrease in emission unit caps during the period 2024-2030;

n = Year 2023 or, in the case of a covered establishment as of 2024, year *d* or *e*+1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 19-7 Calculation of the extra effort expected by type of activity for the years 2024 to 2030

$$EEE_{i,j} = EEE_{i-1,j} + Additional\ reduction_{i,j} - FFP_{i,j}$$

Where:

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EEE_{i-1,j}$ = Extra effort expected for type of activity *j* for year *i*-1, or, for year 2024 in the case of an establishment covered prior to the year 2024 that is not a newly operational establishment, a value of 0;

$Additional\ reduction_{i,j}$ = Additional reduction for type of activity *j* for year *i*, as defined in Table 8 and according to the risk level defined;

$FFP_{i,j}$ = Proportion factor of fixed process emissions for type of activity *j* for year *i*, a value of 0.00272 if the fixed process emissions in the emissions report for year *i* for activity *j* represent 50% or more of emissions, or 0 in other cases.

19.2 Calculation methods for the intensity of the maximal allowance

The intensity of the maximal allowance is calculated in accordance with the following methods:

(1) in the case of an establishment covered prior to the year 2021 that is not considered on a sectoral basis or an establishment that produces liquid aluminum using a side-worked prebaked anode technology, using equation 19-8;

(2) in the case of a covered establishment as of 2021 that is not considered on a sectoral basis and that possesses all the GHG emissions data for years *d*-2 to *d*, using equation 19-9;

(3) in the case of a covered establishment as of 2021 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d*-2 to *d*, using equation 19-10;

(4) in the case of an establishment referred to in section 2.1 covered prior to the year 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-3 to *e*-1 are all available, using equation 19-11;

(5) in the case of an establishment referred to in section 2.1 covered prior to the year 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-3 to *e*-1 are not all available, using equation 19-12;

(6) in the case of an establishment that produces cathodic zinc using hydrogen as a fuel to supply its furnaces, using equation 19-13;

(7) in the case of an establishment that produces copper anodes, using equation 19-14;

(8) in the case of an establishment that processes gas from the recycling of secondary materials from a copper foundry, using equation 19-15;

(9) in the case of an establishment that produces steel (slabs, pellets or ingots), metallic silicon, ferrosilicon, reduced iron pellets or titanium dioxide (TiO_2), using equation 19-16;

(10) in the case of an establishment that produces copper cathodes, using equation 19-17;

(11) in the case of an establishment that processes secondary materials from a copper refinery, using equation 19-18.

Equation 19-8 Intensity of the maximal allowance by type of activity for an establishment covered prior to 2021 that is not considered on a sectoral basis or an establishment that produces liquid aluminum using a side-worked prebaked anode technology for the years 2024 to 2030

$$I_{max\ j} = I_{FP\ stan\ j} \times a_{FP,2023} + I_{C\ stan\ j} \times a_{C,2023} + I_{O\ stan\ j} \times a_{O,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{FP\ stan\ j}$ = Standard intensity for fixed process emissions attributable to type of activity *j* at the establishment for the years 2021 to 2023, calculated using equations 8-2, 8-8 and 8-11, in metric tonnes CO_2 equivalent per reference unit;

$a_{FP,\ 2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023, as defined in Table 5 of this Appendix;

$I_{C\ stan\ j}$ = Standard intensity for combustion emissions attributable to type of activity *j* at the establishment for the years 2021 to 2023, calculated using equations 8-4, 8-9 and 8-13 or, in the case of an establishment producing alumina from bauxite, a value of 0.4, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

$I_{O\ stan\ j}$ = Standard intensity for other emissions attributable to type of activity *j* at the establishment for the years 2021 to 2023, calculated using equations 8-6, 8-10 and 8-17, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,\ 2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023, as defined in Table 5 of this Appendix.

Equation 19-9 Intensity of the maximal allowance by type of activity for a covered establishment as of 2021 that is not considered on a sectoral basis and that possesses all the GHG emissions data for years *d*-2 to *d* for the years 2024 to 2030

$$I_{max\ j} = I_{FP\ dep\ j} \times a_{FP,2023} + I_{C\ dep\ j} \times a_{C,2023} + I_{O\ dep\ j} \times a_{O,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{FP\ dep}$ = Average intensity of fixed process emissions attributable to type of activity *j* at the establishment for years *d*-2 to *d*, calculated using equation 10-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d*;

$I_{C\ dep\ j}$ = Average intensity of combustion emissions attributable to type of activity *j* at the establishment for years *d*-2 to *d*, calculated using equation 10-3, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d;*

$I_{O\ dep\ j}$ = Average intensity of other emissions attributable to type of activity *j* at the establishment for years *d*-2 to *d*, calculated using equation 10-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d.*

Equation 19-10 Intensity of the maximal allowance by type of activity for a covered establishment as of 2021 that is not considered on a sectoral basis and that does not possess all the GHG emissions data for years *d*-2 to *d* for the years 2024 to 2030

$$I_{\max j} = I_{FP\ dep\ j} \times a_{FP,2023} + I_{C\ dep\ j} \times a_{C,2023} + I_{O\ dep\ j} \times a_{O,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{FP\ dep\ j}$ = Average intensity of fixed process emissions attributable to type of activity *j* at the establishment for years *d* to *d*+2 or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, calculated using equation 11-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d*;

$I_{C\ dep\ j}$ = Average intensity of combustion emissions attributable to type of activity *j* at the establishment for years *d* to *d*+2 or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, calculated using equation 11-3, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d*;

$I_{O\ dep\ j}$ = Average intensity of other emissions attributable to type of activity *j* at the establishment for years *d* to *d*+2 or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, calculated using equation 11-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-*d.*

Equation 19-11 Intensity of the maximal allowance by type of activity for an establishment referred to in section 2.1 covered prior to the year 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-3 to *e*-1 are all available for the years 2024 to 2030

$$I_{\max j} = I_{FP\ dep\ j} \times a_{FP,2023} + I_{C\ dep\ j} \times a_{C,2023} + I_{O\ dep\ j} \times a_{O,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{FP\ dep\ j}$ = Average intensity of fixed process emissions attributable to type of activity *j* at the establishment for years *e*-3 to *e*-1, calculated using equation 13-2, in metric tonnes CO_2 equivalent per reference unit;

e = Year preceding the year in which the coverage requirement begins;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1);

$I_{C\ dep\ j}$ = Average intensity of combustion emissions attributable to type of activity *j* at the establishment for years *e*-3 to *e*-1, calculated using equation 13-3, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1);

$I_{O\ dep\ j}$ = Average intensity of other emissions attributable to type of activity *j* at the establishment for years *e*-3 to *e*+1, calculated using equation 13-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1).

Equation 19-12 Intensity of the maximal allowance by type of activity for an establishment referred to in section 2.1 covered prior to the year 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *e*-3 to *e*-1 are not all available for the years 2024 to 2030

$$I_{\max j} = I_{FP\ dep\ j} \times a_{FP,2023} + I_{C\ dep\ j} \times a_{C,2023} + I_{O\ dep\ j} \times a_{O,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{FP\ dep\ j}$ = Average intensity of fixed process emissions attributable to type of activity *j* at the establishment for years *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, calculated using equation 11-2, in metric tonnes CO_2 equivalent per reference unit;

e = Year preceding the year in which the coverage requirement begins;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1);

$I_{C\ dep\ j}$ = Average intensity of combustion emissions attributable to type of activity *j* at the establishment for years *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, calculated using equation 11-3, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1);

$I_{O\ dep\ j}$ = Average intensity of other emissions attributable to type of activity *j* at the establishment for years *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, calculated using equation 11-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023 for establishments covered between 2021 and 2023, as defined in Table 6 of this Appendix, where n=2023-(*e*+1).

Equation 19-13 Intensity of the maximal allowance of an establishment that produces cathodic zinc using hydrogen as a fuel to supply its furnaces

$$I_{max\ j} = I_{C\ stan\ j} \times a_{C,2023} + I_{O\ stan\ j} \times a_{O,2023} + F_{H\ 2023} + max\left(\frac{GHG_{FP\ 2023,j}}{P_{R\ 2023,j}}; I_{FP\ stan,j}\right) \times a_{FP,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{C\ stan\ j}$ = Standard intensity for combustion emissions attributable to cathodic zinc production at the establishment for year 2023, calculated using equation 8-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

$I_{O\ stan\ j}$ = Standard intensity for other emissions attributable to cathodic zinc production at the establishment for year 2023, calculated using equation 8-6, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,\ 2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023, as defined in Table 5 of this Appendix;

$F_{H\ 2023}$ = Adjustment factor for the partial or total loss of hydrogen supply for year 2023, calculated using equation 6-10.2;

max = Maximum value, representing the greater of $GHG_{FP\ 2023,j}$ /× $P_{R\ 2023,j}$ and $I_{FP\ stan\ j}$;

$GHG_{FP\ 2023,\ j}$ = Fixed process emissions attributable to type of activity *j* at the establishment for year 2023, in metric tonnes CO_2 equivalent;

$P_{R\ 2023,\ j}$ = Total quantity of cathodic zinc produced by the establishment for year 2023, in metric tonnes of cathodic zinc;

$I_{FP\ stan,\ j}$ = Standard intensity for fixed process emissions attributable to cathodic zinc production at the establishment for year 2023, calculated using equation 8-26, in metric tonnes CO_2 equivalent per reference unit;

$a_{FP,\ 2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023, as defined in Table 5 of this Appendix.

Equation 19-14 Intensity of the maximal allowance for producing copper anodes from a copper foundry

$$I_{max} = I_{C\ stan\ cu} \times a_{c,2023} + max\left(\frac{GHG_{FP\ cu,2023}}{P_{R\ cu,2023}}; I_{FP\ stan\ cu}\right) \times a_{FP,2023}$$

Where:

I_{max} = Intensity of the maximal allowance for the production of copper anodes at the establishment*;*

$I_{C\ stan\ cu}$ = Standard intensity for combustion emissions attributable to copper anode production at the establishment for year 2023, calculated using equation 8-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

max = Maximum value, representing the greater of $GHG_{FP\ cu,2023}$ / $P_{R\ cu,2023}$ and $I_{FP\ stan\ cu}$;

$GHG_{FP\ cu,2023}$ = Fixed process emissions attributable to copper anode production at the establishment for year 2023, in metric tonnes CO_2 equivalent;

$P_{R\ cu,\ 2023j}$ = Total quantity of copper anodes produced by the establishment for year 2023, in metric tonnes of copper;

$I_{FP\ stan\ cu}$ = Standard intensity for fixed process emissions attributable to copper anode production at the establishment for year 2023, calculated using equation 8-2, in metric tonnes CO_2 equivalent per metric tonne of copper anodes;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023, as defined in Table 5 of this Appendix.

Equation 19-15 Intensity of the maximal allowance attributable to the processing of gas from the recycling of secondary materials from a copper foundry

$$I_{max} = I_{C\ stan\ RSM} \times a_{C,2023} + \frac{A_{recycl,2023}}{P_{R\ RSM,2023}}$$

Where:

I_{max} = Intensity of the maximal allowance attributable to the processing of gas from the recycling of secondary materials at the establishment*;*

$I_{C\ stan\ RSM}$ = Standard intensity for combustion emissions attributable to the processing of gas from the recycling of secondary materials at the establishment for year 2023, calculated using equation 8-4, in metric tonnes CO_2 equivalent per metric tonne of recycled secondary materials;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

$A_{recycl,2023}$ = GHG emissions attributable to the carbon content of recycled secondary materials used in the process for year 2023, in metric tonnes CO_2 equivalent;

$P_{R\ RSM,2023}$ = Total quantity of secondary materials recycled at the establishment for year 2023, in metric tonnes of recycled secondary materials.

For the purposes of equation 19-15, all materials used in the process other than fuel, ore, reducing agents, materials used for slag purification, carbonated reactants and carbon electrodes are considered to be recycled secondary materials used in a process at a copper foundry.

Equation 19-16 Intensity of the maximal allowance for the production of steel (slabs, pellets or ingots), metallic silicon, ferrosilicon, reduced iron pellets or titanium dioxide (TiO_2)

$$I_{max,j} = I_{C\ stan\ j} \times a_{C,2023} + I_{O\ stan\ j} \times a_{O,2023} + max\left(\frac{GHG_{FP\ 2023,j}}{P_{R\ 2023,j}}; I_{FP\ stan\ j}\right) \times a_{FP,2023}$$

Where:

$I_{max\ j}$ = Intensity of the maximal allowance for type of activity *j;*

j = Type of activity;

$I_{C\ stan\ j}$ = Standard intensity for combustion emissions attributable to type of activity *j* at the establishment for year 2023, calculated using equation 8-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

$I_{O\ stan\ j}$ = Standard intensity for other emissions attributable to type of activity *j* at the establishment for year 2023, calculated using equation 8-6, in metric tonnes CO_2 equivalent per reference unit;

$a_{O,2023}$ = Cap adjustment factor for the allocation of other emissions for year 2023, as defined in Table 5 of this Appendix;

max = Maximum value, representing the greater of $GHG_{FP2023,j}$ / $P_{R\ 2023,j}$ and $I_{FP\ stan\ j}$;

$GHG_{FP\ 2023,j}$ = Fixed process emissions attributable to type of activity *j* at the establishment for year 2023, in metric tonnes CO_2 equivalent;

$P_{R\ 2023,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year 2023;

$I_{FP\ stan\ j}$ = Standard intensity for fixed process emissions attributable to type of activity *j* at the establishment for year 2023, calculated using equation 8-2, in metric tonnes CO_2 equivalent per reference unit;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023, as defined in Table 5 of this Appendix.

Equation 19-17 Intensity of the maximal allowance for the production of copper cathodes at a copper refinery

$$I_{max} = I_{C\ stan\ cath} \times a_{c,2023} + I_{FP\ stan\ cath} \times a_{FP,2023}$$

Where:

I_{max} = Intensity of the maximal allowance for the production of copper cathodes at the establishment*;*

$I_{C\ stan\ cath}$ = Standard intensity for combustion emissions attributable to copper cathode production at the establishment for year 2023, calculated using equation 8-4, in metric tonnes CO_2 equivalent per reference unit;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix;

$I_{FP\ stan\ cath}$ = Standard intensity for fixed process emissions attributable to copper cathode production at the establishment for year 2023, calculated using equation 8-2, in metric tonnes CO_2 equivalent per metric tonne of copper anodes;

$a_{FP,2023}$ = Cap adjustment factor for the allocation of fixed process emissions for year 2023, as defined in Table 5 of this Appendix.

Equation 19-18 Intensity of the maximal allowance attributable to the treatment of recycled secondary materials at a copper refinery

$$I_{max} = \frac{GHG_{C,2023\ RSM}}{P_{R\ RSM,2023}} \times a_{C,2023}$$

Where:

I_{max} = Intensity of the maximal allowance attributable to the treatment of the recycled secondary materials at the establishment*;*

$GHG_{C,2023\ RSM}$ = GHG combustion emissions attributable to the treatment of recycled secondary materials for year 2023, in metric tonnes CO_2 equivalent;

$P_{R\ RSM,\ 2023}$ = Total quantity of secondary materials recycled at the establishment for year 2023, in metric tonnes of recycled secondary materials;

$a_{C,\ 2023}$ = Cap adjustment factor for the allocation of combustion emissions for year 2023, as defined in Table 5 of this Appendix.

20. Calculation methods for the total quantity of GHG emission units allocated without charge for an establishment that is considered on a sectoral basis for the years 2024-2030

Equation 20-1 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment that is considered on a sectoral basis for the years 2024 to 2030

$$A_{i,j} = P_{R\ i,j} \times I_{S\ i,j} \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{S\,i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* in the sector for year *i*, calculated using equation 20-2, in metric tonnes CO_2 equivalent per reference unit;

$AF_{\,i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

MEE_i = Minimal expected effort for year *i*, calculated using equation 19-4 or, for year *d* or *e*+1, a value of 0.

Equation 20-2 Target intensity by type of activity at an establishment that is considered on a sectoral basis for the years 2024 to 2030

$$I_{S\,i,j} = 0.9 \times I_{S\,i-1,j} + 0.1 \times I_{AS\,j}$$

Where:

$I_{S\,i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* in the sector for year *i*, in metric tonnes CO_2 equivalent per reference unit;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

0.9 = Proportion corresponding to 90% of the target intensity for the previous year;

$I_{si-1,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment for year *i*-1, in metric tonnes CO_2 equivalent per reference unit determined using Tables 1, 2 and 3 in subdivisions 9.1, 9.2 and 9.3 of this Part for year 2023;

0.1 = Proportion corresponding to 10% of the average actual intensity in the sector;

$I_{AS\,j}$ = Average actual intensity of GHG emissions attributable to type of activity *j* in the sector for the period 2017-2019, in metric tonnes CO_2 equivalent per reference unit, calculated using equation 20-3.

Equation 20-3 Calculation of the average intensity of GHG emissions attributable to type of activity *j* in the sector

$$I_{AS\,j} = \frac{\sum_{i=2017}^{2019} \sum_{k=1}^{l} GHG_{i,j,k}}{\sum_{i=2017}^{2019} \sum_{k=1}^{l} P_{R\,i,j,k}}$$

Where:

$I_{AS\,j}$ = Average actual intensity of GHG emissions attributable to type of activity *j* in the sector for the period 2017-2019, in metric tonnes CO_2 equivalent per reference unit;

i = Each year in the period 2017-2019;

j = Type of activity;

k = Establishment in the sector required to cover GHG emissions during year 2021;

l = Number of covered establishments during year *i* in the sector;

$GHG_{i,j,k}$ = GHG emissions attributable to type of activity *j* at establishment *k* for year *i*, in metric tonnes CO_2 equivalent, calculated using the new GWP values and excluding emissions for the year in which the establishment became operational;

$P_{Ri,j,k}$ = Total quantity of reference units produced or used by establishment *k* for type of activity *j* during year *i*, excluding reference units produced or used by the establishment during the year in which the establishment became operational;

Equation 20-4 Calculation of the number of GHG emission units allocated and paid to the emitter by type of activity at an establishment that is considered on a sectoral basis for the years 2024 to 2030

$$A_{E\,i,j} = P_{R\,i,j} \times min\left[I_{S\,i,j} \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right);\ I_{S\,2023,j} \times AF_{i,j}\right]$$

Where:

$A_{E\,i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

min = Minimum value, representing the lesser of the 2 elements calculated;

$I_{S\,i,j}$ = Target intensity for GHG emissions attributable to type of activity *j* in the sector for year *i*, in metric tonnes CO_2 equivalent per reference unit, calculated using equation 20-2;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 19-6 or, for year *d* or *e*+1, a value of 0*;*

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 19-7 or, for year *d* or *e*+1, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for year *d* or *e*+1, a value of 0;

$I_{S\,2023,j}$ = Intensity of GHG emissions attributable to type of activity *j* in the sector for year 2023, determined using Tables 1, 2 and 3 of this Appendix, in metric tonnes CO_2 equivalent per reference unit.

21. Calculation methods for the total number of GHG emission units allocated without charge for a newly operational establishment that is not considered on a sectoral basis, for the years 2024 to 2030, and for which the GHG emissions data for years *d* to *d*+2 or *e*+1 to *e*+3 or *d*+1 to *d*+3 or *e*+2 to *e*+4, where *d* or *e*+1 is the year in which the establishment became operational, are all available

Equation 21-1 Calculation of the total number of GHG emission units allocated without charge by type of activity at an establishment that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{i,j} = P_{R\,i,j} \times I_{dep,j} \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Initial average intensity for GHG emissions attributable to type of activity *j* at the establishment, calculated using equation 21-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix or, for years *d* to *d*+4 or *e*+1 to *e*+5, a value of 1;

MEE_i = Minimal expected effort for year *i*, calculated using equation 19-4 or, for years *d* to *d*+4 or *e*+1 to *e*+5, a value of 0.

Equation 21-2 Initial average intensity by type of activity at an establishment that is not considered on a sectoral basis for year *d*+2 or *e*+3 or year *d*+3 or *e*+4, where year *d* or *e*+1 is the year in which the establishment became operational

$$I_{dep,j} = \frac{\sum_{i=d}^{d+2} GHG_{i,j}}{\sum_{i=d}^{d+2} P_{Ri,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=d+1}^{d+3} GHG_{i,j}}{\sum_{i=d+1}^{d+3} P_{Ri,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=e+1}^{e+3} GHG_{i,j}}{\sum_{i=e+1}^{e+3} P_{Ri,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=e+2}^{e+4} GHG_{i,j}}{\sum_{i=e+2}^{e+4} P_{Ri,j}}$$

Where:

$I_{dep,j}$ = Initial average intensity of GHG emissions attributable to type of activity *j* at the establishment, in metric tonnes CO_2 equivalent per reference unit;

i = Years *d* to *d*+2, or *e*+1 to *e*+3, or years *d*+1 to *d*+3, or *e*+2 to *e*+4 where year *d* or *e*+1 is the year in which the establishment became operational;

j = Type of activity;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$GHG_{i,j}$ = Total emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent;

$P_{Ri,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 21-3 Calculation of the number of allocated GHG emission units paid to the emitter by type of activity at an establishment that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{E\ i,j} = P_{R\ i,j} \times I_{dep,j} \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right)$$

Where:

$A_{E\ i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\ i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Initial average intensity for GHG emissions attributable to type of activity *j* at the establishment, calculated using equation 21-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 19-6 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0*;*

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 19-7 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0.

22. Calculation methods for the total number of GHG emission units allocated without charge for a newly operational establishment that is not considered on a sectoral basis for the years 2024 to 2030 and for which the GHG emissions data for years *d* to *d*+2 or *e*+1 to *e*+3 or years *d*+1 to *d*+3 or *e*+2 to *e*+4, where *d* or *e* is the year in which the establishment became operational, are not all available

Equation 22-1 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{i,j} = \left(EC_{TOTAL\ i,j} \times EF + GHG_{FP\ i,j} + GHG_{O\ i,j}\right) \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EC_{TOTAL\ i,j}$ = Energy consumption for type of activity *j* for year *i*, in GJ, calculated using equation 11-6 or equation 14-6;

EF = Emission factor for natural gas, in metric tonnes CO_2 equivalent/GJ, or in the case of an establishment not connected to the electrical grid, the emission factor for diesel, in metric tonnes CO_2 equivalent/GJ, calculated using equation 22-1.1;

$GHG_{FP\ i,j}$ = Fixed process emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$GHG_{O\ i,\ j}$ = Other emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix or, for years *d* to *d*+4 or *e*+1 to *e*+5, a value of 1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

MEE_i = Minimal expected effort for year *i*, calculated using equation 22-2 or, for years *d* to *d*+4 or *e*+1 to *e*+5, a value of 0.

Equation 22-1.1 Calculation of the emission factor for natural gas or diesel

$$EF = \left((EF_{CO2} \times 1000) + (EF_{CH4} \times GWP_{CH4}) + (EF_{N2O} \times GWP_{N2O})\right) \times 0.000001$$

Where:

EF = Emission factor for natural gas, in metric tonnes CO_2 equivalent/GJ, or in the case of an establishment not connected to the electrical grid, the emission factor for diesel, in metric tonnes CO_2 equivalent/GJ;

EF_{CO2} = CO_2 emission factor for natural gas or diesel taken respectively from Table 1-4 or Table 1-3 in QC.1.7 of protocol QC.1 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in kilograms of CO_2 per GJ;

1000 = Conversion factor, kilograms to grams;

EF_{CH4} = CH_4 emission factor for natural gas, for industrial uses, or for diesel, taken respectively from Table 1-7 or Table 1-3 in QC.1.7 of protocol QC.1 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, in grams of CH_4 per GJ;

GWP_{CH4} = Global warming potential of CH_4, taken from Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere;

EF_{N2O} = N_2O emission factor for natural gas, for industrial uses, or for diesel, taken respectively from Table 1-7 or Table 1-3 in QC.1.7 of protocol QC.1 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, in grams of N_2O per GJ;

GWP_{N2O} = Global warming potential for N_2O, taken from Schedule A.1 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere;

0.000001 = Conversion factor, grams to metric tonnes.

Equation 22-2 Calculation of the minimal expected effort for the years 2024 to 2030

$$MEE_i = 0.01 \times (i - n)$$

Where:

MEE_i = Minimal expected effort for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.01 = Minimal expected effort;

n = Year *d*+1 or *e*+2;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 22-3 Calculation of the number of allocated GHG emission units paid to the emitter by type of activity at an establishment that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{E\,i,j} = \left(EC_{TOTAL\,i,j} \times EF + GHG_{FP\,i,j} + GHG_{O\,i,j}\right) \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right)$$

Where:

$A_{E\ i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EC_{TOTAL\ i,j}$ = Energy consumption for type of activity *j* for year *i*, in GJ, calculated using equation 11-6 or equation 14-6;

EF = Emission factor for natural gas, in metric tonnes CO_2 equivalent/GJ, or in the case of an establishment not connected to the electrical grid, the emission factor for diesel, in metric tonnes CO_2 equivalent/GJ, calculated using equation 22-1.1;

$GHG_{FP\ i,j}$ = Fixed process emissions at the establishment for type of activity j for year *i*, in metric tonnes CO_2 equivalent;

$GHG_{O\ i,\ j}$ = Other emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$AF_{\ i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 22-4 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0*;*

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 22-5 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for years *d* to *d*+1 or *e*+1 to *e*+2, a value of 0.

Equation 22-4 Calculation of the cap decline factor for the years 2024 to 2030

$$CDF_i = 0.0234 \times (i - n)$$

Where:

$CDF_{i,j}$ = Cap decline factor for year *i;*

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.0234 = Value corresponding to the annual decrease in emission unit caps during the period 2024-2030;

n = Year *d* or *e*+1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 22-5 Calculation of the extra effort expected by type of activity for the years 2024 to 2030

$$EEE_{i,j} = EEE_{i-1,j} + Additional\ reduction_{i,j} - FFP_{i,j}$$

Where:

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i;*

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EEE_{i-1,j}$ = Extra effort expected for type of activity *j* for year *i*-1*;*

Additional $reduction_{i,j}$ = Additional reduction for type of activity *j* for year *i*, as defined in Table 8 and according to the risk level defined;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$FFP_{i,j}$ = Proportion factor of fixed process emissions for type of activity *j* for year *i*, a value of 0.00272 if the fixed process emissions in the verified emissions report for year *i* for activity *j* represent 50% or more of emissions, or a value of 0 in other cases.

23. Establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are all available

Equation 23-1 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{i,j} = P_{R\,i,j} \times I_{dep,j} \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Initial average intensity for GHG emissions attributable to type of activity *j* at the establishment, calculated using equation 23-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

MEE_i = Minimal expected effort for year *i*, calculated using equation 19-4 or, for year *d* or *e*+1, a value of 0.

Equation 23-2 Initial intensity by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are all available

$$I_{dep,j} = \frac{\sum_{i=d-2}^{d} GHG_{i,j}}{\sum_{i=d-2}^{d} P_{R\,i,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=e-3}^{e-1} GHG_{i,j}}{\sum_{i=e-3}^{e-1} P_{R\,i,j}}$$

Where:

$I_{dep\ j}$ = Initial intensity of GHG emissions attributable to type of activity *j* at the establishment, in metric tonnes CO_2 equivalent per reference unit;

j = Type of activity;

i = Years *d*-2 to *d*, or *e*-3 to *e*-1;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$GHG_{i,j}$ = Total emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 23-3 Calculation of the number of allocated GHG emission units paid to the emitter by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis for the years 2024 to 2030

$$A_{E\,i,j} = P_{R\,i,j} \times I_{dep,j} \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right)$$

Where:

$A_{E\ i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\ i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Initial average intensity for GHG emissions attributable to type of activity *j* calculated using equation 23-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 19-6 or, for year *d* or *e*+1, a value of 0;

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 19-7 or, for year *d* or *e*+1, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for year *d* or *e*+1, a value of 0.

24. Establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available

The total number of GHG emission units allocated without charge to an emitter is calculated in accordance with the following methods:

(1) in the case of an establishment for which GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2, where *e*-1 is the year in which the establishment became operational, are all available, using equation 24-1;

(2) in the case of an establishment for which GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are not all available, using equation 24-7.

The total number of GHG emission units allocated without charge and paid to an emitter is calculated in accordance with the following methods:

(1) in the case of an establishment for which GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are all available, using equation 24-4;

(2) in the case of an establishment for which GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational, are not all available, using equation 24-8.

Equation 24-1 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024, that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available

$$A_{i,j} = P_{R\,i,j} \times I_{dep,j} \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Initial average intensity for GHG emissions attributable to type of activity *j* at the establishment, calculated using equation 24-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

MEE_i = Minimal expected effort for year *i*, calculated using equation 24-3 or, in the case of a covered establishment as of 2024 that is not a newly operational establishment, a value of 0 for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational.

Equation 24-2 Initial average intensity by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available

$$I_{dep,j} = \frac{\sum_{i=d}^{d+2} GHG_{i,j}}{\sum_{i=d}^{d+2} P_{R\,i,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=d+1}^{d+3} GHG_{i,j}}{\sum_{i=d+1}^{d+3} P_{R\,i,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=e-1}^{e+1} GHG_{i,j}}{\sum_{i=e-1}^{e+1} P_{R\,i,j}}$$

Or

$$I_{dep,j} = \frac{\sum_{i=e}^{e+2} GHG_{i,j}}{\sum_{i=e}^{e+2} P_{R\,i,j}}$$

Where:

$I_{dep,\ j}$ = Initial average intensity of GHG emissions attributable to type of activity *j* at the establishment, in metric tonnes CO_2 equivalent per reference unit;

j = Type of activity;

i = Years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$GHG_{i,j}$ = Total emissions attributable to type of activity *j* at the establishment for year *i*, in metric tonnes CO_2 equivalent;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*.

Equation 24-3 Calculation of the minimal expected effort for the years 2024 to 2030

$$MEE_i = 0.01 \times (i - n)$$

Where:

MEE_i = Minimal expected effort for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.01 = Minimal expected effort;

n = Year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 24-4 Calculation of the number of allocated GHG emission units paid to the emitter by type of activity at an establishment referred to in section 2 or section 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d*-2 to *d* or *e*-3 to *e*-1 are not all available

$$A_{E\,i,j} = P_{R\,i,j} \times I_{dep,j} \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right)$$

Where:

$A_{E\,i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$P_{R\,i,j}$ = Total quantity of reference units produced or used by the establishment for type of activity *j* during year *i*;

$I_{dep,j}$ = Target intensity for GHG emissions attributable to type of activity *j* at the establishment, calculated using equation 24-2, in metric tonnes CO_2 equivalent per reference unit;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 24-5 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0;

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 24-6 or, for year *d* or *e*-1, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0.

Equation 24-5 Calculation of the cap decline factor for the years 2024 to 2030

$$CDF_i = 0.0234 \times (i - n)$$

Where:

CDF_i = Cap decline factor for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

0.0234 = Value corresponding to the annual decrease in emission unit caps during the period 2024-2030;

n= Year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins.

Equation 24-6 Calculation of the extra effort expected by type of activity for the years 2024 to 2030

$$EEE_{i,j} = EEE_{i-1,j} + Additional\ reduction_{i,j} - FFP_{i,j}$$

Where:

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EEE_{i-1,j}$ = Extra effort expected for type of activity *j* for year *i*-1;

Additional $reduction_{i,j}$ = Additional reduction for type of activity *j* for year *i*, as defined in Table 8 and according to the risk level defined;

$FFP_{i\,j}$ = Proportion factor of fixed process emissions for type of activity *j* for year *i*, a value of 0.00272 if the fixed process emissions in the emissions report for year *i* for activity *j* represent 50% or more of emissions, or a value of 0 in other cases.

Equation 24-7 Calculation of the number of GHG emission units allocated without charge by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational are not all available

$$A_{i,j} = \left(EC_{TOTAL\ i,j} \times EF + GHG_{FP\ i,j} + GHG_{O\ i,j}\right) \times \left(AF_{i,j} - MEE_i\right)$$

Where:

$A_{i,j}$ = Total number of GHG emission units allocated without charge by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EC_{TOTAL\ i,j}$ = Energy consumption for type of activity *j* for year *i*, in GJ, calculated using equation 11-6 or equation 14-6;

EF = Emission factor for natural gas, in metric tonnes CO_2 equivalent/GJ, or in the case of an establishment not connected to the electrical grid, the emission factor for diesel, in metric tonnes CO_2 equivalent/GJ, calculated using equation 22-1.1;

$GHG_{FP\ i,j}$ = Fixed process emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$GHG_{O\ i,\ j}$ = Other emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$AF_{\ i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

MEE_i = Minimal expected effort for year *i*, calculated using equation 24-3 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0.

Equation 24-8 Calculation of the number of allocated GHG emission units paid to the emitter by type of activity at an establishment referred to in section 2 or 2.1, covered as of 2024 that is not considered on a sectoral basis and for which the GHG emissions data for years *d* to *d*+2, or *d*+1 to *d*+3 where *d* is the year in which the establishment became operational, or *e*-1 to *e*+1 or *e* to *e*+2 where *e*-1 is the year in which the establishment became operational are not all available

$$A_{E\ i,j} = \left(EC_{TOTAL\ i,j} \times EF + GHG_{FP\ i,j} + GHG_{O\ i,j}\right) \times \left(AF_{i,j} - CDF_i - EEE_{i,j} - TMF_i\right)$$

Where:

$AE_{\ i,j}$ = Total number of GHG emission units paid directly to the emitter by type of activity *j* at an establishment for year *i*;

i = Each year of the period 2024-2030 for which the emitter is required to cover GHG emissions;

j = Type of activity;

$EC_{TOTAL\ i,j}$ = Energy consumption for type of activity *j* for year *i*, in GJ, calculated using equation 11-6 or equation 14-6;

EF = Emission factor for natural gas, in metric tonnes CO_2 equivalent/GJ, or in the case of an establishment not connected to the electrical grid, the emission factor for diesel, in metric tonnes CO_2 equivalent/GJ, calculated using equation 22-1.1;

$GHG_{FP\ i,j}$ = Fixed process emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$GHG_{O\ i,\ j}$ = Other emissions at the establishment for type of activity *j* for year *i*, in metric tonnes CO_2 equivalent;

$AF_{i,j}$ = Assistance factor for type of activity *j* for year *i*, as defined in Table 7 of this Appendix;

CDF_i = Cap decline factor for year *i*, calculated using equation 24-5 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0;

d = First year for which the GHG emissions of the establishment are equal to or exceed the emissions threshold;

e = Year preceding the year in which the coverage requirement begins;

$EEE_{i,j}$ = Extra effort expected for type of activity *j* for year *i*, calculated using equation 24-6 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0;

TMF_i = Trajectory modulation factor for year *i*, as defined in Table 9 or, for year *d* or *d*+1 where *d* is the year in which the establishment became operational, or *e*-1 or *e* where *e*-1 is the year in which the establishment became operational, a value of 0.

25. Calculation methods for GHG emissions attributable to the production of electricity by cogeneration in the pulp and paper sector beginning in the year 2023

Equation 25-1 Calculation of GHG emissions attributable to the production of electricity by cogeneration

$$GHG_{PEC\ i} = GHG_{QC.16\ i} - GHG_{PPP\ i}$$

Where:

$GHG_{PEC\ i}$ = GHG emissions attributable to the production of electricity by cogeneration, in metric tonnes CO_2 equivalent;

i = Each year, beginning in 2023, for which the emitter is required to cover GHG emissions;

$GHG_{QC.16\ i}$ = GHG emissions reported in accordance with protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in metric tonnes CO_2 equivalent;

$GHG_{PPP\ i}$ = GHG emissions attributable to the pulp and paper manufacturing process, in metric tonnes CO_2 equivalent, calculated using equation 25-2.

If the total quantity of reference units attributable to the pulp and paper manufacturing process at the establishment is zero, all the GHG emissions reported in accordance with protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere must be considered, for the purposes of equation 25-1, to be attributable to the production of electricity by cogeneration.

Equation 25-2 Calculation of GHG emissions attributable to the pulp and paper manufacturing process

$$GHG_{PPP\,i} = \left\{\frac{Q_{PPP\,i}}{(Q_{PPP\,i} + Q_{PEC\,i})}\right\} \times GHG_{QC.16\,i}$$

Where:

$GHG_{PPP\,i}$ = GHG emissions attributable to the pulp and paper manufacturing process, in metric tonnes CO_2 equivalent;

i = Each year, beginning in 2023, for which the emitter is required to cover GHG emissions;

$Q_{PPP\,i}$ = Energy attributable to the pulp and paper manufacturing process, in GJ, calculated using equation 25-5;

$Q_{PEC\,i}$ = Energy attributable to the production of electricity by cogeneration, in GJ, calculated using equation 25-3;

$GHG_{QC.16\,i}$ = GHG emissions reported in accordance with protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in metric tonnes CO_2 equivalent.

Equation 25-3 Calculation of the energy attributable to the production of electricity by cogeneration

$$Q_{PEC\,i} = P_{electricity\,i} \times R_{eff} \times 3.6$$

Where:

$Q_{PEC\,i}$ = Energy attributable to the production of electricity by cogeneration, in GJ;

i = Each year, beginning in 2023, for which the emitter is required to cover GHG emissions;

$P_{electricity\,i}$ = Annual electricity production reported in accordance with subparagraph 6 of the first paragraph of QC 16.2 of protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in MWh;

R_{eff} = Ratio between the efficiency of heat production and the efficiency of electricity production, calculated using equation 25-4;

3.6 = Conversion factor, MWh to GJ.

Equation 25-4 Calculation of the ratio between the efficiency of heat production and the efficiency of electricity production

$$R_{eff} = \frac{e_c}{e_p}$$

Where:

R_{eff} = Ratio between the efficiency of heat production and the efficiency of electricity production;

e_C = Efficiency of heat production of 0.8;

e_P = Efficiency of electricity production of 0.35.

Equation 25-5 Calculation of the energy attributable to the pulp and paper manufacturing process

$$Q_{PPP\ i} = Q_{QC.16\ (produced)i} - Q_{PEC\ i}$$

Where:

$Q_{PPP\ i}$ = Energy attributable to the pulp and paper manufacturing process, in GJ;

i = Each year, beginning in 2023, for which the emitter is required to cover GHG emissions;

$Q_{QC.16\ (produced)\ i}$ = Energy produced on the basis of energy consumed as reported in accordance with QC 16.2 of protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in GJ, calculated using equation 25-6;

$Q_{PEC\ i}$ = Energy attributable to the production of electricity by cogeneration, in GJ, calculated using equation 25-3.

Equation 25-6 Calculation of energy produced on the basis of energy consumed as reported in QC 16.2 of protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

$$Q_{QC.16\ (produced)i} = Q_{QC.16\ (consumed)i} \times e_c$$

Where:

$Q_{QC.16\ (produced)\ i}$ = Energy produced on the basis of energy consumed as reported in accordance with QC 16.2 of protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in GJ;

i = Each year, beginning in 2023, for which the emitter is required to cover GHG emissions;

$Q_{QC.16\ (consumed)\ i}$ = Total energy consumed as reported in accordance with QC 16.2 of protocol QC.16 in Schedule A.2 to the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), in GJ;

e_C = Efficiency of heat production of 0.8.

26. Additional reduction

Table 8: Additional reduction

Risk level	Additional reduction
Level 7	-0.00272
Level 6	0
Level 5	0.00272
Level 4	0.00544
Level 3	0.00816
Level 2	0.01088
Level 1	0.0136

27. Trajectory modulation

Table 9: Trajectory modulation.

Year	Trajectory modulation
2024	-0.005
2025	-0.01
2026	-0.0125
2027	-0.0125
2028	-0.01
2029	-0.005
2030	0

”.

52. Appendix C is amended by adding the following at the end:

“Part III

Greenhouse gas reduction projects and greenhouse gas research and development projects

1. Object

This Part sets out the terms and conditions applicable to eligible projects, specifically the greenhouse gas reduction projects and greenhouse gas research and development projects referred to in subdivisions 3.1, 4.1 and 5.1 of this Part, for which an emitter may use the sums determined and reserved in the emitter’s name pursuant to section 54.1. It also sets out the terms and conditions governing the payment of such sums, which must be recorded in an agreement entered into by the emitter and the Minister in accordance with section 46.8.1 of the Environment Quality Act (chapter Q-2).

This Part also sets out the eligible expenses for which the sums may be used and the terms and condition for reporting on eligible projects.

2. Definitions

In this Part, unless otherwise indicated by context,

“administration costs” means costs for the administrative support of project implementation, including office and accounting costs, payroll management costs, office rental costs, stationery purchase costs, postal costs and telephone costs; (*frais d’administration*)

“bioenergy from residual biomass” means one of the following fuels produced by pyrolysis from residual biomass:

(1) pyrolitic oil;

(2) biochar;

(3) biogas or renewable natural gas, if produced in conjunction with a fuel in paragraph 1 or 2; (*bioénergies à partir de biomasse résiduelle*)

“classic equipment” means equipment whose efficiency is equivalent to that prescribed by industry or generally recognized standards. The GHG emission levels are equivalent to current best practices and to the efficiency of the types of new equipment available in the marketplace; (*équipement classique*)

“external consultant” means a person or group of persons, not employed by the emitter and not forming part of the same group within the meaning of section 9; (*consultant externe*)

“first-generation renewable natural gas” means natural gas from an engineered landfill or agricultural and urban biomethanization site; (*gaz naturel renouvelable de première génération*)

“generally accepted accounting principles” means all the general principles and conventions of general application as well as the rules and procedures that determine recognized accounting practices at a given point in time. The principles define the rules for accounting and information presentation that apply to financial statements, as well as explanations and indications about most of the operations and events that occur in an entity. Financial statements must convey relevant, reliable, comparable, understandable and clearly presented information in a way that facilitates its use; (*principes comptables généralement reconnus*)

“GHG emissions verification” means an evaluation of the impact of a project implementation on the GHG emissions reduction reported by an emitter, performed after the project is implemented and based on ISO Standard 14064-3; (*vérification des émissions de GES*)

“green hydrogen” means hydrogen produced by the electrolysis of water using renewable electricity; (*hydrogène vert*)

"renewable electricity" means electricity produced from a wind, solar, geothermal, wave, tidal or hydro-electric source; (*électricité renouvelable*)

"residual biomass" means organic material of plant or animal origin mainly sourced from the forest, agricultural, industrial or urban sector in Québec that belongs to one of the following categories:

(1) forest-sourced biomass from harvesting or primary or secondary processing activities as well as sludge, pulp and paper liquor, granules and compressed wood logs. Forest-sourced biomass includes uncontaminated additive-free wood from the construction sector, when the wood is not covered by a measure targeting reduction at source, reuse, recycling or reclamation, and excludes standing timber;

(2) agriculture-sourced biomass resulting from livestock-raising activities and the harvesting of various crops, comprising residue from the processing of plants and energy crops harvested on land that is not suitable for the production of food crops for human or animal use;

(3) residual biomass from industrial or urban sources that can be reclaimed using the hierarchy of reclamation models defined in the residual materials management policy; (*biomasse résiduelle*)

"site" means a physical or geographic location where the emitter's activities take place. A site includes all buildings and accessory immovable equipment; (*site*)

"technology testing" means the use of an existing product or process in an actual application for a period sufficiently long and representative of various operating conditions to objectively establish the performance of the technology; (*mise à l'essai d'une technologie*)

"third person" means a person or group of persons that are not participants in, are not employed by and are not part of the same controlling group as those who helped prepare the elements to be validated or verified; (*tierce partie*)

"third person qualified to quantify GHG emissions" means a third person that can show that it has qualifications for quantifying GHG emissions, that is impartial within the meaning of ISO Standard 14064:2019 and that, at minimum,

(1) has completed training on one of the three parts of ISO Standard 14064 on GHG emissions, has performed quantifications as part of its duties and can provide evidence of that fact; or

(2) holds accreditation under ISO Standard 14065, a requirement for organizations that provide GHG emission validations and verifications for accreditation or other forms of recognition, has performed quantifications as part of its duties and can provide evidence of that fact; (*tierce partie compétente en quantification*)

"validation of GHG emissions reduction" means an evaluation of the probability that the implementation of a project will generate the GHG emissions reduction reported by an emitter, based on ISO Standard 14064-3. (*validation des réductions d'émissions de GES*)

3. Production or updating of a study of the technical and economic potential for GHG emissions reduction

3.1 Description

An eligible project within the meaning of this Part is a study of the technical and economic potential for GHG emissions reduction that

(1) involves the production or updating of a study of the technical and economic potential for GHG emissions reduction at each establishment operated by an emitter referred to in the first paragraph of section 2, subparagraph 3 of the second paragraph of section 2 or section 2.1;

(2) identifies and estimates all potential emissions reduction projects in each such establishment using current technologies, along with their implementation costs;

(3) evaluates the potential for GHG emissions reduction in each of the following categories:

(*a*) improved energy efficiency;

(*b*) energy conversion;

(*c*) a reduction in fixed process emissions and other emissions within the meaning of Division B of Part II of Appendix C;

(4) is drafted by the emitter or an external consultant; and

(5) is revised by an external consultant who is a member of the Ordre des ingénieurs du Québec who must certify, with a reasonable level of assurance, that

(*a*) the elements presented in the study are credible;

(*b*) a process has been undertaken to identify projects for GHG emissions reduction that are technically viable;

(*c*) all categories of GHG emissions reduction projects have been evaluated; and

(*d*) the GHG emissions reductions were estimated using the principles of ISO Standard 14064-2.

The GHG emissions reduction projects referred to in subparagraph 2 of the first paragraph must target a reduction in GHG emissions compared to the baseline scenarios in a manner consistent with the principles of ISO Standard 14064-2.

If the emitter uses the sums to finance technological innovation projects referred to in Division 5 of this Part, the study must also evaluate the possibilities for GHG emissions reductions using emerging technologies within a 10-year timeframe.

3.2 Submission of a project

Before the Minister pays the sums in accordance with the terms and conditions of Division 11 of this Part to allow the emitter to complete a study of the technical and economic potential for GHG emissions reduction, the emitter must send the Minister a project submission form signed and dated by a duly authorized person. All applications must be submitted before 31 December 2030.

After receiving the project submission form, the Minister confirms in writing that the emitter may begin the production or updating of its study of the technical and economic potential for GHG emissions reduction and that expenses may be incurred.

3.3 Reporting requirements

The payment of the sums in accordance with the terms and conditions of Division 11 is conditional on the receipt of the documents and information referred to in subdivisions 3.3.1 and 3.3.2, depending on whether the project is being implemented or has been completed.

3.3.1 Annual report

If the production or updating of the study of the technical and economic potential for GHG emissions reduction has not been completed by the end of a year, the emitter must submit to the Minister between 31 January and 1 March each year, for expenses paid up to the preceding 31 December, an annual report including the following documents and information:

(1) a financial report compliant with Division 6 of this Part;

(2) the budget forecasts for the project for the period from 1 January to 31 March of the current year;

(3) the annual budget forecasts for the subsequent years;

(4) an updated timeline for the project;

(5) a progress report for the study, including in particular a description of the project, the progress made and the estimated completion date of the study.

The Minister may ask the emitter for an update of the financial plan for the project in November and June each year. The update must be sent to the Minister not later than 1 month after the Minister asks the emitter for the update.

3.3.2 Final report

Once the production or updating of the study of the technical and economic potential for GHG emissions reduction has been completed, the emitter must file with the Minister, within 60 days of the end of the project and not later than 5 years after the date of filing of the project submission form referred to in subdivision 3.2, a final report including the following documents and information:

(1) a financial report compliant with Division 6 of this Part;

(2) a completed study of the technical and economic potential including, for each establishment,

(*a*) a description of the enterprise;

(*b*) a diagram of the general process and main equipment;

(*c*) the inputs and outputs;

(*d*) the identification and quantification of sources of GHG emissions and types of emissions within the meaning of Division B of Part II, in the form of representative averages;

(*e*) the identification, quantification and costs of fuel consumption points, by type, quantity used and emission factor, in the form of representative averages;

(*f*) optionally, electricity consumption and associated costs;

(*g*) the potential GHG emissions reduction projects and, where applicable, the technological innovation projects identified in the study; and

(*h*) the certification of the external consultant;

(3) for each potential project identified in the study of the technical and economic potential,

(*a*) the baseline scenario used;

(*b*) a description of the planned project;

(*c*) an annual estimate of the GHG emissions reductions planned compared to the baseline scenarios;

(*d*) energy consumption before and after the project;

(*e*) the technology readiness level and duration of the technological innovation project, if applicable;

(*f*) the supply source for alternative fuel in the case of an energy conversion; and

(*g*) the estimated economic parameters for the project identified, showing separately

i. the cost of the investment needed to implement the project;

ii. annual operating costs before and after the project, including the carbon cost;

iii. if known, existing subsidy programs for the type of project concerned;

iv. the return on investment period; and

v. the pricing hypotheses used for the carbon cost estimate.

4. Implementation of a GHG emissions reduction project

4.1 Description

An eligible project within the meaning of this Part is a GHG emissions reduction project that

(1) was identified in a study of the technical and economic potential for GHG emissions reduction in compliance with the requirements of subdivision 3.3.2 of this Part that was completed or updated not later than 5 years before the submission of the project;

(2) targets a GHG emissions reduction compared to the baseline scenario;

(3) is completed in an establishment belonging to the emitter, or off site if the project allows GHG emissions to be reduced at a covered establishment in accordance with section 19 or 19.0.1;

(4) has a return on investment period of more than 1 year; and

(5) targets, if it includes an energy conversion project, a replacement energy source from the following list:

(*a*) a fossil fuel producing fewer GHG emissions than the baseline scenario;

(*b*) renewable electricity;

(*c*) green hydrogen, excluding projects where direct electrification is possible;

(*d*) first-generation renewable natural gas;

(*e*) residual biomass, from supplies in Québec only;

(*f*) bioenergy produced by pyrolysis from residual forest biomass.

Despite subparagraph 1 of the first paragraph, a project implemented by an emitter in a newly operational establishment within the meaning of section 2 is also eligible within the meaning of this Part if it begins not later than 5 years after the start of operations.

4.2 Submission of a project

Before the Minister pays the sums in accordance with the terms and conditions of Division 11 to allow the emitter to complete a GHG emissions reduction project, the emitter must send the Minister a project submission form signed and dated by a duly authorized person. All applications must be submitted before 31 December 2030.

The following information and documents must be submitted with the form referred to in the first paragraph:

(1) a project plan and surveillance plan drawn up by the emitter or an external consultant, including a quantification of the reductions in GHG emissions resulting from the project on the site at the establishment, validated by a third person qualified to quantify GHG emissions who is a member of the Ordre des ingénieurs du Québec and who certifies that the reduction in GHG emissions and the baseline scenario were quantified in accordance with ISO Standard 14064-2. A document showing the validation must be included;

(2) a financial plan for the project;

(3) in the case of an energy conversion project, a demonstration of the emitter's intention to maintain the emissions reduction for 10 years, in the form of a supply contract, agreement with a supplier, proof of investment by the emitter or supplier, or another equivalent document;

(4) in the case of a renewable electricity conversion project, all the measures taken to optimize its energy efficiency;

(5) a project timeline;

(6) any other information considered necessary by the emitter.

After receiving the project submission form, the Minister confirms in writing that the emitter may begin the implementation of its GHG emissions reduction project and that expenses may be incurred.

4.3 Reporting requirements for a project with capital investment

The payment of the sums in accordance with the terms and conditions of Division 11 is conditional on the receipt of the documents and information referred to in subdivisions 4.3.1 and 4.3.2, depending on whether the project is being implemented or has been completed.

4.3.1 Annual report

If the project has not been completed by the end of a year, the emitter must file with the Minister between 31 January and 1 March each year, for expenses paid up to the preceding 31 December, an annual report including the following information and documents:

(1) a financial report compliant with Division 6 of this Part;

(2) the forecasts for project expenses for the period from 1 January to 31 March of the current year;

(3) the annual budget forecasts for the subsequent years;

(4) an updated timeline for the project;

(5) a progress report, including in particular a description of the project, the progress made and the activities scheduled up to the end of the project;

(6) an updated surveillance plan, if changes have been made since the filing of the last annual report;

(7) any other information considered necessary by the emitter.

The Minister may ask the emitter for an update of the financial plan for the project in November and June each year. The update must be sent to the Minister not later than 1 month after the Minister asks the emitter for the update.

4.3.2 Final report and continuation of reduction measures

Once the project has been completed, the emitter must file with the Minister, within 12 months of the end of the project and not later than 5 years after the date of filing of the project submission form referred to in subdivision 4.2, a final report including the following documents and information:

(1) a financial report compliant with Division 6 of this Part;

(2) the following information:

(*a*) a description of the project;

(*b*) a description of the baseline scenario;

(*c*) the method used to quantify GHG emissions and implement the surveillance plan;

(*d*) a quantification of the representative GHG emissions reductions for the year following the implementation of the project, presented in the form of a GHG emissions report consistent with ISO Standard 14064-2 verified by a third person qualified to quantify GHG emissions.

Once the project has been completed, the emitter must undertake to maintain the GHG emissions reduction measures for a period of 10 years. During that period, the emitter must file with the Minister, on 1 March each year, a written attestation signed by one of its representatives confirming that the project equipment is functioning adequately.

4.4 Reporting requirements for an energy conversion project involving supplementary operating costs

Before the Minister pays the sums in accordance with the terms and conditions of Division 11 for the implementation by the emitter of a project, involving supplementary operating costs, to convert to renewable electricity, green hydrogen, first-generation renewable natural gas, residual biomass or bioenergy from pyrolysis using residual forest biomass, the emitter must file with the Minister between 31 January and 1 March each year, for expenses paid up to the preceding 31 December, an annual report including the following information and document:

(1) a financial report compliant with Division 6 of this Part;

(2) a forecast of expenses for the period from 1 January to 31 March of the year during which the annual report is sent;

(3) a forecast of annual expenses for the following years;

(4) a GHG emissions reduction report, including in particular

(*a*) a quantification of GHG emissions reductions during the year, presented in the form of a GHG emissions report consistent with ISO Standard 14064-2 with respect to the conversion;

(*b*) the supplementary operating costs, detailing

i. the rate for the replaced energy and for the replacement energy;

ii. the carbon cost for the replaced energy and for the replacement energy;

iii. the quantity of replaced energy and replacement energy; and

iv. the calculation method for the replacement energy rate; and

(*c*) any other information considered necessary by the emitter.

The Minister may request that the emitter provide an update of the financial plan for the project in November and June each year. The update must be sent to the Minister not later than 1 month after the Minister's request.

5. Implementation of a technological innovation project for the reduction of GHG emissions

5.1 Description

An eligible project within the meaning of this Part is a technological innovation project for GHG emissions reduction that

(1) was identified in a study of the technical and economic potential for GHG emissions reduction in compliance with the requirements of subdivision 3.3.2 of this Part that was completed or updated not later than 5 years before the submission of the project;

(2) targets

(*a*) a technological innovation in the field of GHG emissions reduction whose technology readiness level is 4 to 8 within the meaning of Table 1 of this Part; or

(*b*) the field testing of technology for GHG emissions reduction which, to the emitter's best knowledge, has not been used in establishments subject to this Regulation or is used only marginally;

(3) has potential for GHG emissions reduction on the site of an establishment operated by an emitter referred to in the first paragraph of section 2, subparagraph 3 of the second paragraph of section 2 or section 2.1; and

(4) is implemented in Québec.

5.2 Submission of a project

Before the Minister pays the sums in accordance with the terms and conditions of Division 11 for the implementation by the emitter of a technological innovation project in the field of GHG emissions reduction, the emitter must send the Minister a project submission form signed and dated by a duly authorized person. All applications must be submitted before 31 December 2030.

The following information and documents must be submitted with the form referred to in the first paragraph:

(1) a financial plan for the project;

(2) a project plan and surveillance plan drawn up by the emitter or an external consultant, including a quantification of the reductions in GHG emissions resulting from the project on the site at the establishment, validated by a third person qualified to quantify GHG emissions who is a member of the Ordre des ingénieurs du Québec and who certifies that the reduction in GHG emissions and the baseline scenario were quantified in accordance with ISO Standard 14064-2. The project plan and surveillance plan must include, in particular,

(*a*) a project description;

(*b*) a testing protocol;

(*c*) the methods to be used to collect data to quantify GHG emissions reductions;

(*d*) the place in Québec where the technological innovation will be implemented;

(*e*) the address of the covered establishment that could benefit from the GHG emissions reductions from the project;

(*f*) the commercial or technical advantages that the implementation of the project could create compared to existing solutions available in the marketplace for the sector of activity; and

(*g*) the technology readiness level, from 4 to 8, in the area of GHG emissions reductions, within the meaning of Table 1 of this Part;

(3) a document showing the validation of the quantification of the reductions in GHG emissions attributable to the project on the site at the establishment referred to in subparagraph 2;

(4) any other information considered necessary by the emitter.

After receiving the project submission form, the Minister confirms in writing that the emitter may begin the implementation of the project and that expenses may be incurred.

5.3 Reporting requirements

The payment of the sums in accordance with the terms and conditions of Division 11 is conditional on the receipt of the documents and information referred to in subdivisions 5.3.1 and 5.3.2, depending on whether the project is being implemented or has been completed.

5.3.1 Annual report

If the project has not been completed by the end of a year, the emitter must file with the Minister between 31 January and 1 March each year, for expenses paid up to the preceding 31 December, an annual report including the following information and documents:

(1) a financial report compliant with Division 6;

(2) the forecasts for project expenses for the period from 1 January to 31 March of the current year;

(3) the annual budget forecasts for the subsequent years;

(4) an updated timeline for the project;

(5) a progress report, including in particular a description of the project and the progress made;

(6) any other information considered necessary by the emitter.

The Minister may ask the emitter for an update of the financial plan for the project in November and June each year. The update must be sent to the Minister not later than 1 month after the Minister asks the emitter for the update.

5.3.2 Final report

Once the project has been completed, the emitter must file with the Minister, within 60 days from the end of the project and not later than 5 years after the date of filing of the project submission form referred to in subdivision 5.2, a final report including the following information and documents:

(1) a financial report compliant with Division 6;

(2) the following information:

(*a*) a description of the project;

(*b*) a description of the results obtained and the prospects for implementation;

(*c*) a validation by a third person qualified to quantify GHG emissions who is a member of the Ordre des ingénieurs du Québec and who certifies that the reduction in GHG emissions and the baseline scenario were quantified in accordance with ISO Standard 14064-2;

(*d*) any other information considered necessary by the emitter.

6. Financial report

Every financial report submitted pursuant to this Part must contain the following information:

(1) an indication of all financial assistance obtained directly or indirectly from public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or mandataries of the state;

(2) the expenses paid since the last annual report or, in the case of the first financial report submitted for the project, since the filing of the project submission form**.** The expenses must be broken down in accordance with the specifications of the template available on the website of the Ministère du Développement durable, de l'Environnement et des Parcs, and in particular into eligible expenses and non-eligible expenses;

(3) all the expenses for the project, including those that are not eligible, pursuant to Division 9 of this Part;

(4) a justification for variation between the information in the financial plan filed with the project submission form and the project as implemented;

(5) any other element of a financial nature;

(6) an audit report, in the cases provided for in Division 7 of this Part.

7. Audit

As part of the reporting requirement specified in subdivision 3.3, 4.3, 4.4 or 5.3, as the case may be, every financial report must be submitted with an audit report in compliance with this Division when the eligible expenses for the project amount to $100,000 or more.

In addition, the Minister may request that the emitter provide an audit report for a financial report showing eligible expenses of less than $100,000. The report must be submitted to the Minister within 90 days.

The emitter is responsible for making the necessary requests to the auditor and managing the audit for the project. All audits must be conducted by external, independent auditors in accordance with the audit standards in force in Canada.

The audit report must certify that

(1) the project under way or completed complies with this Part and the template for the financial forecasts filed with the project submission form;

(2) the project has been implemented. If applicable, the auditor must certify the cost and nature of the work completed for the project that began and was completed after confirmation was received from the Minister pursuant to subdivision 3.2, 4.2 or 5.2, as the case may be;

(3) the work carried out for the project was not completed in conjunction with other work for which financial assistance was received. In such a case, the auditor must ensure that no financial assistance was received for eligible expenses for which a request for reimbursement has been made pursuant to Division 11 of this Part.

8. Verification

Payments of the sums to which this Part applies may be verified by the Minister or by any other person or body as part of their duties or under a mandate from the Minister.

9. Eligible expenses and non-eligible expenses

9.1 Eligible expenses

To be eligible, an expense must

(1) have been incurred after written confirmation was received from the Minister pursuant to subdivision 3.2, 4.2 or 5.2, as the case may be;

(2) have been incurred for the implementation of a project to which this Part applies; and

(3) be necessary, justifiable and directly attributable to the implementation of the project. An eligible expense does not necessarily need to be incurred on the site of one of the emitter's industrial establishments provided it is directly and reasonably connected with the project.

The following expenses, in particular, are eligible expenses:

(1) supplementary costs for the purchase of electrified, off-road rolling stock for use on site, compared to the cost of the same equipment powered by fossil fuels;

(2) fees for professional services provided for the implementation of the project, calculated in accordance with the methods set out in the Tarif d'honoraires pour services professionnels fournis au gouvernement par des ingénieurs (chapter C-65.1, r. 12);

(3) wages and benefits, with no surcharge, for employees of the emitter working directly on the eligible project. Proof of such expenses may be requested by the Minister, including copies of pay stubs;

(4) fees for specialized services;

(5) services performed as subcontracts;

(6) equipment rental costs for a time period not exceeding the duration of the project;

(7) expenses for the purchase and installation of equipment;

(8) project management costs;

(9) travel and accommodation costs connected with the implementation of the project, based on the standards in force as 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;

(10) expenses incurred to prepare a strategy for the protection of intellectual property, to obtain protection for intellectual property, and to acquire rights or licences for intellectual property, including the costs relating to applications for patents such as patent agent's fees;

(11) the cost of quantifying, validating and verifying GHG emissions reductions;

(12) transportation costs for equipment and materials;

(13) the expenses associated with the accounting audits requested by the Minister pursuant to Division 7 of this Part;

(14) supplementary costs, for operating expenses, for an energy conversion to bioenergy produced from residual forest biomass, residual biomass, renewable electricity, first-generation renewable natural gas or green hydrogen, calculated using the following equation:

Equation 1

$$Supplementary\ cost_i = [R2_i + CC2_i - (R1_i + CC_i \times CF)] \times Q2_i$$

Where:

Supplementary $cost_i$ = Supplementary operating cost for year *i*;

i = Each year in the period 2024-2030 for which the emitter has a supplementary cost;

$R2_i$ = Replacement energy rate for year *i*;

$CC2_i$ = Carbon cost of replacement energy for year *i*;

$R1_i$ = Replaced energy rate for year *i*, using either the actual invoiced cost, the last invoiced cost, indexed, or a representative published cost;

$CC1_i$ = Carbon cost of replaced energy for year *i*;

CF = Conversion factor for energy, calculated using equation 2;

$Q2_i$ = Quantity of replacement energy consumed for the project in year *i*;

Equation 2

$$CF = \frac{Q1}{Q2}$$

Where:

CF = Conversion factor for energy;

Q1 = Quantity of replaced energy using the baseline scenario;

Q2 = Quantity of replacement energy under the project scenario, adjusted to match actual efficiency once the project is implemented;

(15) administration costs incurred in Québec that are directly connected to the implementation of the project, up to a maximum of 10% of the sums paid.

Where a project includes the replacement of obsolete equipment or the addition of space for a new construction, a new factory section, a new operating site, a new establishment or an enlargement, only the supplementary costs compared to the baseline scenario may be considered as eligible expenses.

For the purposes of the third paragraph, equipment is considered to be obsolete if it cannot function without repairs for the entire 10-year period for which a commitment is made to maintain GHG emissions reductions pursuant to this Part, or if the cost of the major repairs required to allow the equipment to function optimally for that period exceeds the cost of classic equipment for that period.

Eligible expenses must be booked by the emitter in accordance with generally accepted accounting principles.

9.2 Non-eligible expenses

The following expenses are non-eligible expenses:

(1) expenses incurred before the emitter receives written confirmation from the Minister pursuant to subdivision 3.2, 4.2 or 5.2, as the case may be, including an expense for which the organization has made a contractual commitment, debt service, the reimbursement of future borrowing, a capital loss or replacement of capital, a payment or an outlay of capital;

(2) expenses relating to production losses, waste or other losses caused by the activities required to implement the project;

(3) operating expenses for routine activities such as the wages paid to officers or managers;

(4) the cost of acquiring or laying out land;

(5) sales tax applicable in Québec;

(6) marketing expenses;

(7) the expenses for maintaining intellectual property;

(8) upgrading to comply with standards, laws or regulations;

(9) supplementary costs for operating expenses in connection with the use of fossil energy.

9.3 Cumulative financial assistance

Sums paid pursuant to this Part may be used to finance up to 100% of the eligible expenses of an eligible project.

The sums paid may be used to finance the project even if it receives other governmental financial assistance, provided that the cumulative total of the sums paid and the other governmental financial assistance does not exceed 100% of eligible expenses. If the total exceeds 100% of eligible expenses, the total of the sums paid pursuant to this Part must be reduced to comply with that limit.

The total of the sums paid pursuant to this Part must not be considered in calculating the cumulative total of financial assistance from public bodies within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or from mandataries of the state, obtained under an agreement between the emitter and, as the case may be, the public body or mandatary, when the cumulative total is limited by the agreement.

The second and third paragraphs apply despite any other clause in an agreement, signed before or after the coming into force of those paragraphs, between the emitter and the government or one of its ministers or a public body or state mandatary.

10. Obligations of the emitter

Every emitter implementing an eligible project must

(1) report to the Minister all financial assistance applied for or received for the project, in writing and as soon as possible;

(2) reimburse any sum paid for the implementation of a GHG emissions reduction project referred to in Division 4 of this Part for which the GHG emissions reduction measures are not maintained for a 10-year period in proportion to the number of years for which the emitter fails to maintain the measures;

(3) ensure that all the information and documents provided pursuant to this Part are complete and accurate and that all the estimates and forecasts they contain are prepared to the best of the emitter’s abilities and judgment and in good faith;

(4) allow the Minister, with a 48-hour prior notice sent by the Minister, to examine, verify, make copies of and have access to any document or information and the site where the project is implemented allowing the Minister to verify that the project complies with the terms and conditions of this Part, for a period extending to 24 months after the end date of the project or, in the case of a GHG emissions reduction project referred to in Division 4 of this Part, for the entire 10-year period during which the emitter has undertaken to maintain the GHG emissions reduction measures;

(5) preserve all documents and information relating to financial assistance during a 10-year period following the end of the eligible project and providing the Minister, on request, with a copy of such documents and information within the time specified by the Minister;

(6) inform the Minister of any substantial change to the project and provide the Minister with all available information concerning the effects of the change on the implementation costs and concerning any other major impact on the project and its financing.

11. Terms and conditions for the payment of the sums

When an emitter meets the requirements of this Part, the sums determined pursuant to section 54.1 are paid in accordance with the agreement between the Minister and the emitter and the following terms and conditions:

(1) the sums are paid as an annual reimbursement to the emitter once the Minister has received the annual report referred to in subdivision 3.3, 4.3, 4.4 or 5.3, as the case may be;

(2) the reimbursement referred to in subparagraph 1 is an amount equal to, at minimum, 85% of the eligible project expenses detailed in the financial report contained in the annual report or 85% of the sums determined for the emitter pursuant to section 54.1 and reserved, in the emitter's name, pursuant to that section;

(3) an amount equal to the remainder of the eligible project expenses detailed in the financial reports contained in the annual reports filed by the emitter since the start of the project is paid to the emitter after the Minister receives the final report referred to in subdivision 3.3, 4.3 or 5.3, as the case may be, up to the sums determined for the emitter pursuant to section 54.1 and reserved, in the emitter's name, pursuant to that section.

Despite subparagraphs 2 and 3 of the first paragraph, the reimbursement referred to in subparagraph 1 of that paragraph is equal to 100% of the eligible project expenses when they are expenses resulting from eligible supplementary operating costs relating to an energy conversion, up to the sums determined pursuant to section 54.1 and reserved, in the emitter's name, pursuant to that section.

The agreement referred to in the first paragraph may, despite subparagraph 1 of that paragraph, provide for the reimbursement of any eligible expense, except an eligible expense connected to a supplementary operating cost, detailed in a financial report filed up to 10 years before the reimbursement, up to the sums determined pursuant to section 54.1 and reserved, in the emitter's name, pursuant to that section.

12. Use of sums

An emitter may use the sums paid under this Part to implement several eligible projects, up to the sums determined for that emitter and reserved in the emitter's name pursuant to section 54.1.

The emitter may transfer some or all of the sums paid to it pursuant to Division 11 of this Part and pursuant to an agreement entered into with the Minister in accordance with section 46.8.1 of the Environment Quality Act (chapter Q-2) to a partner emitter that is part of the same group within the meaning of subparagraph 3 of the second paragraph of section 9 ("partner emitter") and that implements an eligible project at one of its covered industrial establishment, on the following conditions:

(1) the emitter and the partner emitter have disclosed their corporate structure and business relationship in accordance with sections 7, 9 and 14.1 and the disclosure has been certified by one of their respective account representatives;

(2) before each transfer of some or all of the sums paid pursuant to Division 11 of this Part, the emitter's account representative and the partner emitter's account representative have certified that the updated information concerning their corporate structure and business relationship has been communicated to the Minister in accordance with section 14.1 and is up to date;

(3) the emitter and the partner emitter are part of the same group within the meaning of subparagraph 3 of the second paragraph of section 9;

(4) an emitter that transfers, to a partner emitter, some or all of the sums paid pursuant to Division 11 of this Part must, before each request for payment made to the Minister, certify that it agrees to transfer some of all of the sums;

(5) an agreement has been signed by the partner emitter and the Minister in accordance with section 46.8.1 of the Environment Quality Act;

(6) the emitter has entered into and submitted to the Minister an agreement with the partner emitter containing the following information at minimum:

(*a*) the names of the parties to the agreement;

(*b*) the amount of the sums transferred;

(*c*) the title and an outline description of the eligible project that the partner emitter intends to implement;

(*d*) the obligations of the emitter pursuant to this Part, including the reporting requirement, which are transferred to the partner emitter with respect to the sums transferred**.**

If the partner emitter fails to perform its obligations in accordance with the agreement filed with the Minister pursuant to subparagraph 6 of the second paragraph of this Division, the Minister may require the transferring emitter to perform an obligation under the agreement with respect to the amount of the sums transferred.

13. Quantification and verification of GHG emissions

All data filed by the emitter pursuant to this Part must be expressed in units of the International System of Units, in which the unit for quantifying GHG emissions is the metric tonne CO_2 equivalent (tCO_2e).

The GHG emissions reduction for each project included in a study of the technical and economic potential must be estimated in accordance with ISO Standard14064.

The GHG emissions reductions for GHG emissions reduction projects must be estimated in accordance with ISO Standard 14064.

For the purposes of this Part, the baseline scenario is the scenario presenting the fewest constraints at implementation, whether the constraints are functional, environmental, economic, social, legal or other. The baseline is a situation in which problems of upgrading to meet standards, compliance with established rules, and action to correct obsolescence or deficient maintenance have been dealt with. In addition, the baseline scenario may result from a detailed energy use simulation or a representative history.

Where data on a GHG emissions reduction have been filed with Minister pursuant to this Part, the data must meet the following requirements:

(1) the GHG emissions reduction for each measure in a project must exceed an emissions baseline based on a market standard or established trade practice or a rule that is mandatory pursuant to a law, regulation or standard. The measure must also have an impact beyond a natural seasonal variation, a standard process variation or a historical variation compared to the baseline scenario;

(2) the GHG emissions reduction must be evident and identifiable and result directly from the implementation of the project;

(3) the GHG emissions reduction must be measurable and quantifiable compared to the emissions baseline and must go beyond the normal variation in the baseline scenario. The emissions must be quantified in accordance with ISO Standard 14064-2;

(4) the GHG emissions reduction must have been verified using a precise, transparent and reproducible methodology, and the raw data needed to verify the calculation must be available.

A reduction in the GHG emissions attributable to a project must be quantified in accordance with the requirements of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15).

GHG emissions reductions must target verified GHG emissions, with the exception of electrified off-road rolling stock for use on the site, compared to emissions from the same equipment operated using fossil energy.

GHG emissions reductions must be evaluated compared to an emissions baseline using one of the two following methods:

(1) the use of a procedure specific to the project, when there is a lack of comparable data in the sector concerned or when the data is difficult to obtain. The baseline scenario must be identified through a structured analysis of project activities and possible options;

(2) in all other cases, the use of standardized performance when comparable data in the sector concerned are available, either in the form of statistical data from the sector, standardized performance data for equipment, established trade practice or standards imposed by a law or regulation.

14. Public nature of documents and information

The Minister may publish, on the website of the Minister's department,

(1) a list of the emitters that have signed an agreement pursuant to section 46.8.1 of the Environment Quality Act (chapter Q-2); and

(2) a list of the emitters that are implementing or have implemented projects under this Part and the cost of such projects, the sums determined pursuant to section 54.1 for the implementation of such projects, and an outline description of the projects, including

(*a*) the dates of completion;

(*b*) the type of project, a quantification of the GHG emissions reductions that are attributable to the projects or their GHG emission reduction potential; and

(*c*) in the case of a project that is completed, the information on the compliance with the emitter's obligation to maintain the GHG emissions reduction measures.

Table 1 - Technology readiness levels

Technology readiness levels (TRL)	Description
TRL 1 – Basic principles of concept are observed and reported (conceptual articulation)	Lowest level of technology readiness. Scientific research begins to be translated into applied research and development (R&D).
TRL 2 – Technology concept and/or application formulated (technology and applications described)	Invention begins. Once basic principles are observed, practical applications can be invented. Applications are speculative, and there may be no proof or detailed analysis to support the assumptions.

TRL 3 – Analytical and experimental critical function and/or characteristic proof of concept (laboratory studies and analytical studies)	Active R&D is initiated. This includes analytical studies and laboratory studies to physically validate the analytical predictions of separate elements of the technology.
TRL 4 – Component and/or breadboard validation in laboratory environment (validation of a limited-capacity prototype in the laboratory [pre-alpha version])	Basic technological components are integrated to establish that they will work together. This is relatively "low fidelity" compared with the eventual system.
TRL 5 – Component and/or breadboard validation in relevant environment (validation of the prototype to maximum capacity in the laboratory [alpha version])	Fidelity of breadboard technology increases significantly. The basic technological components are integrated with reasonably realistic supporting elements so they can be tested in a simulated environment.
TRL 6 – System/subsystem model or prototype demonstration in a relevant environment (validation of the prototype in a relevant environment [pre-beta version])	Representative model or prototype system, which is well beyond that of TRL 5, is tested in a relevant environment. Represents a major step up in a technology's demonstrated readiness.
TRL 7 – System prototype demonstration in an operational environment **(**validation of system in an operational environment [beta version])	Prototype near or at planned operational system. Represents a major step up from TRL 6 by requiring demonstration of an actual system prototype in an operational environment.
TRL 8 – Actual system completed and qualified through test and demonstration (initial production and deployment)	Technology has been proven to work in its final form and under expected conditions. In almost all cases, this TRL represents the end of true system development.
TRL 9 – Actual system proven through successful mission operations (full production mode)	Actual application of the technology in its final form and under mission conditions, such as those encountered in operational test and evaluation (OT&E).

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TRANSITIONAL AND FINAL

53. Every emitter or participant registered for the cap-and-trade system for greenhouse gas emission allowances on the day before 1 September 2022 must send the Minister, within 30 days of a request by the Minister to that effect,

(1) when it has no domicile or establishment in Québec, the name and contact information of its attorney designated pursuant to section 26 of the Act respecting the legal publicity of enterprises (chapter P-44.1) and proof of the designation;

(2) when it is a person that has retained the services of an advisor for the purposes of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), the nature of the services provided by the advisor;

(3) when it is a person that advises another person for the purposes of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, the nature of its advisory services;

(4) when it has withdrawn emission allowances from its general account from the cap-and-trade system for greenhouse gas emission allowances, pursuant to section 27 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, the reason for that withdrawal of emission allowances;

(5) in the case of a participant, the principal reason for which it registered for the system.

54. Every emitter or participant registered for the cap-and-trade system for greenhouse gas emission allowances on the day before 1 September 2022 must disclose to the Minister, within 30 days of that date, any business relationship it has with an emitter or participant registered for or targeted by the system, including those registered with a partner entity, by submitting the information listed in section 9 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) or by updating such information if it was disclosed at the time of registration.

55. No application made under section 10 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) since 1 June 2021 is receivable if the information and documents referred to in that section have not been sent to the Minister within three months from 1 September 2022.

56. The Minister may suspend access to the electronic system obtained pursuant to section 10 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) with respect to any emitter or participant that, on 1 September 2022, fails to communicate a change to the Minister in accordance with section 14.1 of that Regulation and that fails to communicate the change within 3 months following that date.

57. Despite the third paragraph of section 19.0.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), as amended by section 20, an emitter referred to in section 2.1 of that Regulation that ceases to be subject to the coverage requirement provided for in the first paragraph of section 19.0.1 of that Regulation and that wishes to continue covering the emissions from its establishment or enterprise must, if the emitter filed in 2022 the third consecutive emissions report for which the emissions from the establishment or enterprise are below the reporting threshold referred to in section 6.1 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), send to the Minister a notice of the emitter's intention not later than 1 November 2022.

58. This Regulation comes into force on 1 September 2022.

105943

Gouvernement du Québec

O.C. 1463-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

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

Food Products Act
(chapter P-29)

Landfilling and incineration of residual materials

Hot mix asphalt plants

Food

— Amendment

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, Regulation to amend the Regulation respecting hot mix asphalt plants and the Regulation to amend the Regulation respecting food

WHEREAS, under subparagraphs 1 and 5 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify recoverable and reclaimable residual materials and determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under paragraphs 2 and 5 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination and determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility, in particular incinerators, landfills and treatment, storage and transfer facilities;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 5 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt any person 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 and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, 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, which 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 enacted, the Government may in particular determine the

provisions of a regulation the Government has made in particular under the Environment Quality Act 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 paragraph *c* of section 40 of the Food Products Act (chapter P-29), the Government may, by regulation, prohibit or regulate the sale, holding, transportation, salvaging, distribution, preparation, denaturation, packaging, labelling, use, destination, disposal or elimination of inedible products, the slaughtering of animals in an establishment where inedible products are prepared or stored or where operations relating to inedible products held by a salvager or by the operator of such an establishment are carried on;

WHEREAS, under paragraph *n* of section 40 of that Act, the Government may, by regulation, exempt any person, product, animal, establishment or activity it determines, or a class thereof, from the application of that Act or the regulations, or any provision thereof, on such conditions as it may determine;

WHEREAS the Government made the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) and the Regulation respecting food (chapter P-29, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, a draft Regulation to amend the Regulation respecting hot mix asphalt plants and a draft Regulation to amend the Regulation respecting food were published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation to amend the Regulation respecting hot mix asphalt plants with amendments;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting food without amendment;

WHEREAS it is expedient to make the Regulations with amendments;

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

THAT the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, the Regulation to amend the Regulation respecting hot mix asphalt plants and the Regulation to amend the Regulation respecting food, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, ss. 70 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 1 by adding the following:

"(5) "inedible meat" refers to inedible meat referred to in the Regulation respecting food (chapter P-29, r. 1).".

2. The following is inserted after section 3:

"**3.1.** Inedible meat must be disposed of only on the conditions prescribed by the Food Products Act (chapter P-29) and the regulations made under that Act.".

3. Section 5 is revoked.

4. Section 6 is amended by replacing the third paragraph by the following:

"Despite the first paragraph, animal carcasses that are not considered inedible meat and their ashes may be disposed of in an animal cemetery that may legally receive them under the Environment Quality Act.".

5. Section 10 is amended

(1) by inserting the following after paragraph 3:

"(3.1) in any territory if the materials are waste from a sorting facility for construction and demolition materials and no other engineered landfill accessible by a road open year-round is situated closer to that facility;";

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

"Subparagraph 3.1 of the first paragraph applies to the operator of an engineered landfill despite the first paragraph of section 12 and any contrary provision in an authorization issued under the Environment Quality Act (chapter Q-2) before 1 September 2022.".

6. Section 123 is amended by striking out the second paragraph.

7. Section 149.5 is amended by replacing "deposits permanently" in paragraph 1 by "landfills".

8. Section 154 is replaced by the following:

"**154.** Every person who contravenes the first paragraph of section 6, section 13, 14, 15, 16 or 40.2, the first paragraph of section 48.1, the second paragraph of section 71, the first paragraph of section 86, section 87 or 88, the first paragraph of section 94, 95 or 97, the second paragraph of section 104, the first paragraph of section 111, section 112, 113, 114 or 116, the first paragraph of section 139.1, the fourth paragraph of section 139.2, section 145 or the second, third or fifth paragraph of section 161 commits an offence and is liable, in the case of a natural person, to a fine of $5,000 to $500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of $15,000 to $3,000,000.".

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

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, ss. 53.30 and 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

1. The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended in section 1 by inserting the following after paragraph *g*:

"(*g.1*) "post-consumer asphalt shingle fines" means residual materials composed essentially of gravel and bituminous asphalt from asphalt shingles at the end of their useful life;".

2. Division II is replaced by the following:

"**DIVISION II**
USE OF POST-CONSUMER ASPHALT SHINGLE FINES

4. Post-consumer asphalt shingle fines may be used as raw material for the production of asphalt in a hot mix asphalt plant when

(1) the plant was modified to use the material; and

(2) the material is introduced in the recycled materials entry zone or the mixing zone.

5. Post-consumer asphalt shingle fines used by a hot mix asphalt plant for the production of asphalt must originate from a site that is authorized to treat post-consumer asphalt shingles, have previously been treated and be free from asbestos.

5.1. The quantity of post-consumer asphalt shingle fines used for the production of asphalt may not be greater than 5% of the total mass of the finished product.".

3. Section 15 is amended by adding the following paragraph at the end:

"Water that has been in contact with post-consumer asphalt shingle fines must be collected so that that water is not discharged into the environment.".

4. The heading of Division VI is amended by adding "AND STORAGE" after "SURFACES".

5. The following is inserted after section 25:

"**25.0.1.** Post-consumer asphalt shingle fines must be stored in a way that protects them from the elements, on a concrete-covered or bituminous concrete-covered surface.".

6. Section 25.2 is amended by adding the following:

"(7) to comply with the storage conditions provided for in section 25.0.1.".

7. Section 25.4 is amended by inserting the following after paragraph 1:

"(1.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 1 of section 4;".

8. Section 25.6 is amended

(1) by inserting the following before paragraph 1:

"(0.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 2 of section 4;

(0.2) uses post-consumer asphalt shingle fines that do not meet the requirements prescribed by section 5;

(0.3) uses a quantity of post-consumer asphalt shingle fines that exceeds the quantity prescribed by section 5.1;";

(2) by replacing "paragraph *a* or *b*" in paragraph 2 by "subparagraph *a* or *b* of the first paragraph";

(3) by inserting the following after paragraph 2:

"(2.1) fails to collect water that has been in contact with post-consumer asphalt shingle fines as provided for in the second paragraph of section 15;".

9. Section 25.8 is amended by replacing "or 24" by ", 24 or 25.0.1".

10. Section 25.10 is amended

(1) by inserting "paragraph 1 of section 4," after "contravenes" in paragraph 1;

(2) by striking out paragraph 3.

11. Section 25.12 is amended by replacing paragraph 1 by the following:

"(1) contravenes paragraph 2 of section 4, section 5, 5.1, the second paragraph of section 10 or section 15, 16, 19, 23 or 25;".

12. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 6.4.1.16 by replacing "the removal of waste" in the third paragraph by "the collection or removal of residual materials".

2. Section 6.4.2.9 is amended

(1) by replacing "the removal of waste" in the second paragraph by "the collection or removal of residual materials";

(2) by replacing "the removal of waste" in the third paragraph by "the collection or removal of residual materials".

3. Section 7.1.8 is amended by replacing "the removal of waste" in the third paragraph by "the collection or removal of residual materials".

4. Section 7.3.1 is amended by replacing "the removal of waste" in subparagraph 4 of the first paragraph by "the collection or removal of residual materials".

5. Section 7.3.1.2 is replaced by the following:

"**7.3.1.2.** Where there is a surplus of inedible meat that cannot, either within 48 hours after the death of an animal of a farm producer's livestock or at the end of the refrigeration or deep freezing period provided for in the second paragraph of section 7.3.1, be disposed of in accordance with the means provided for in subparagraphs 1 to 4 of the first paragraph of that section, the farm producer may dispose of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act (chapter Q-2) and the regulations.

Where, despite sections 7.4.3 and 7.4.4, there is a surplus of inedible meat that exceeds the daily capacity of the operator of a dismembering plant, the operator may disposed of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations. The operator may also use any of those means where the operator cannot dispose of waste, garbage and refuse in accordance with section 7.4.14.

The following persons may also use the other means of elimination or reclamation:

(1) the operator of a dismembering plant who cannot dispose of inedible meat, garbage and refuse in accordance with the conditions set out in section 6.4.1.16;

(2) the operator of a slaughterhouse, delicatessen plant, or cannery of meat governed by section 6.4.2.9, who cannot, within a reasonable period, dispose of inedible meat in accordance with that section;

(3) a salvager who cannot, within a reasonable period, dispose of inedible meat that the salvager salvaged in accordance with section 7.3.3.

For the purposes of the first, second and third paragraphs, the disposal of inedible meat, waste, garbage and refuse must first be authorized by the Minister where the conditions set out in those paragraphs are met.

Except for a salvager and the operator of a dismembering plant, a person who collects or removes residual materials or delivers those materials to a site for the elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations and a person who operates the site are exempted, for the purposes of this section, from the requirement to hold the permits provided for in subparagraphs *c* and *d* of the first paragraph of section 9 of the Act. The persons are also exempted from the application of section 7.1.5, the sections of Division 7.2, sections 7.3.8 to 7.3.10 and the sections of Division 7.4.".

6. Section 7.3.2 is amended by replacing "the removal of waste" in the second paragraph by "the collection or removal of residual materials".

7. Section 7.3.5 is amended by replacing "the removal of waste" in paragraph 4 by "the collection or removal of residual materials".

8. Section 7.4.14 is amended by replacing "the removal of waste" in the third paragraph by "the collection or removal of residual materials".

9. Section 9.3.1.14 is amended by replacing "engaged in garbage removal" at the end of subparagraph 4 of the second paragraph by "engaged in the collection or removal of residual materials".

10. Section 10.3.1.18 is amended by replacing "engaged in garbage removal" at the end of subparagraph 4 of the first paragraph by "engaged in the collection or removal of residual materials".

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

105944

Gouvernement du Québec

O.C. 1464-2022, 3 August 2022

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Educational Childcare — Amendment

Regulation to amend the Educational Childcare Regulation

WHEREAS, under subparagraphs 3.1 and 23.1 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as enacted by paragraphs 2 and 11 of section 58 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), the Government may, by regulation, for part or all of Québec,

— 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;

— 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;

WHEREAS, under subparagraphs 4, 11, 12, 13, 14.1, 21, 22, 23, 24, 27.1 and 29.2 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as amended by section 97 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development, the Government may, by regulation, for part or all of Québec,

— establish the standards of hygiene, salubrity and safety to be met by childcare providers;

— identify the records that must be kept by a permit holder or a home educational childcare coordinating office as well as the information and documents these records must contain, and define rules for their preservation;

— determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

— set the ratio of staff to children to be respected by an educational childcare provider;

— determine the elements comprising the education records of the children to whom the educational childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;

— determine the requirements to be met by a person seeking recognition as a home educational childcare provider or renewal of such recognition;

— determine terms and conditions for recognition of a home educational childcare provider;

— determine the monitoring measures applicable to a home educational childcare provider and the situations that can lead to non-renewal, suspension or revocation of recognition;

— determine the information and documents a home childcare provider must communicate to the coordinating office that granted its recognition;

— determine the terms and conditions to be complied with by a childcare provider in the delivery of subsidized childcare;

— establish a single educational program and determine which childcare providers are required to apply it in whole or in part;

WHEREAS, under subparagraphs 5, 13.1, 14, 15, 29.1, 30 and 31 of the first paragraph of section 106 of the Educational Childcare Act, the Government may, by regulation, for part or all of Québec,

— establish standards for the lay-out, equipment, furnishing, maintenance, heating and lighting of premises where childcare is provided, require that there be a play space, delimit areas within that space for specific uses and establish standards for the lay-out, equipment, maintenance and safety of the play space or play areas;

— set the ratio of staff to qualified staff present during the provision of childcare services to be respected by a childcare provider;

— determine the formalities to be followed when registering and admitting children and when taking them on an outing;

— determine the content of registration cards and attendance cards, and establish standards for their preservation, consultation and reproduction;

— determine the other elements and services all educational programs must include;

— determine, from among the provisions of a regulation made under section 106, those whose infringement constitutes an offence punishable under section 117 of the Act;

— specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Educational Childcare Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 April 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 Families:

THAT the Regulation to amend the Educational Childcare Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Educational Childcare Regulation

Educational Childcare Act
(chapter S-4.1.1, s. 106, 1st par., subpars. 3.1, 4, 5, 11 to 15, 21 to 24, 27.1, 29.1, 29.2, 30 and 31)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9, ss. 58 and 97)

1. Section 21 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), amended by section 88 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), is further amended by adding the following paragraph at the end:

"The permit holder must ensure that the same ratios are complied with when the children take part in an outing or an activity elsewhere than in the holder's facility.".

2. Section 32 is amended

(1) by replacing "a window that remains unobstructed at all times through which the children may be viewed" in paragraph 1 by "at least one window that remains unobstructed at all times and allows a general view of the play area";

(2) by replacing paragraph 2 by the following:

"(2) if the play area is situated in part below ground level, all the bases of the windows referred to in paragraph 6 must be not more than 1.20 m from the floor and be situated entirely above ground level;".

3. Section 34 is amended by replacing "wired" in paragraph 2 by "working".

4. Section 39 is amended by replacing "delimited by a fence and accessible during the hours of childcare" in subparagraph 2 of the first paragraph by "accessible during the hours of childcare and, subject to section 39.2, delimited by a fence".

5. The following is inserted after section 39.1:

"**39.2.** A permit holder who, in accordance with subparagraph 2 of the first paragraph of section 39, has an outdoor children's play space in a public park is exempted from the requirement that the space be delimited by a fence if, during its use, the permit holder ensures that the children are accompanied by at least 2 staff members, at least 1 of whom is a childcare staff member within the meaning of section 19.".

6. Section 48.1 is amended by adding ", except the notices of contravention, complaints, follow-up documents and reports concerning the home educational childcare provider, which are destroyed 6 years after the end of their processing" at the end.

7. Section 51 is amended

(1) by replacing "friendly relationship" in paragraph 3 by "meaningful affective relationship";

(2) by replacing "leading and supervising children's activities" in paragraph 7 by "accompanying and supporting the children in their games and explorations".

8. Section 54 is amended

(1) by replacing "friendly relationship" in paragraph 2 by "meaningful affective relationship";

(2) by inserting the following after paragraph 2:

"(2.1) be able to help the home educational childcare provider in the implementation of the educational program;".

9. Section 54.1 is amended

(1) by striking out "and information" in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

10. Section 58 is replaced by the following:

"**58.** The home educational childcare provider must ensure that the assistant, unless the latter holds the qualification referred to in section 22, has completed at least 12 hours of child development training.

If the assistant, on beginning employment, has not successfully completed the training referred to in the first paragraph, the home educational childcare provider must ensure that it is completed not later than 6 months after the assistant begins employment.".

11. Section 60 is amended

(1) by replacing "physician's or specialized nurse practitioner's certificate" in paragraph 4 by "declaration signed by the applicant";

(2) by striking out paragraph 5.

12. Section 64.1 is amended by replacing "new medical certificate meeting the requirements of paragraph 4 of section 60" by "physician's or specialized nurse practitioner's certificate attesting that the provider has the physical and mental health necessary to provide childcare".

13. Section 68 is amended by replacing "60 days" in the second paragraph by "90 days".

14. Section 73 is amended by replacing the first two paragraphs by the following:

"The coordinating office must, before renewing recognition, interview the home educational childcare provider and each person over 14 years of age residing in the residence where the childcare is provided who has not already been interviewed under this Regulation.

The coordinating office must also, after making an appointment, visit the residence while childcare is being provided to verify the premises and equipment used to provide childcare services so as to ensure that they are safe and suitable in light, in particular, of the number and age of the children. It must also ensure compliance with the Act and the regulations, in particular compliance with the conditions of recognition.".

15. Section 79 is amended

(1) by replacing "by reason of an illness, a pregnancy or the birth or adoption of a child may apply" in the first paragraph by "may apply in writing";

(2) by striking out "or, in a case of illness, for the period determined in the medical attestation" in the third paragraph.

16. Sections 79.1 and 79.2 are replaced by the following:

"**79.1.** The suspension of recognition under section 79 cannot exceed 24 months, except in the case of a preventive withdrawal or an illness or in order to enable the home educational childcare provider to take part in the negotiations or association activities provided for in the Act respecting the representation of certain home educational childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).".

17. Section 79.3 is amended by replacing "sections 79 and 79.2" by "section 79".

18. Section 80 is amended

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

"Within 30 days of the date scheduled for resumption of the operations of the home educational childcare provider whose recognition has been suspended, the home educational childcare provider must provide the coordinating office with a declaration attesting to the changes or lack of changes that may affect the terms and conditions of the recognition.";

(2) by inserting the following at the beginning of the second paragraph: "Failing production of the declaration or if changes have occurred, the coordinating office must interview the provider and verify the elements listed in section 73 in the manner provided for in that section, with the necessary modifications.".

19. Section 82 is amended by replacing "friendly relationship" in paragraph 2 by "meaningful affective relationship".

20. Section 82.2 is amended

(1) by striking out "and information" in the portion before subparagraph 1 of the first paragraph;

(2) by striking out subparagraphs 2 to 4 of the first paragraph.

21. Section 91 is amended by replacing "a telephone, other than a cellphone" in paragraph 1 by "an accessible working telephone".

22. Section 93 is amended by striking out the second sentence of the first paragraph.

23. Section 100 is amended by adding "or when they take part in an outdoor activity or an outing" at the end.

24. Section 101 is amended

(1) by replacing "near the telephone provided for in section 34 or 91, as the case may be" in the portion before subparagraph 1 of the first paragraph by ", in a conspicuous and accessible place";

(2) by replacing "close to the telephone" in the portion before subparagraph 1 of the second paragraph by "in an accessible place".

25. Section 114 is replaced by the following:

"**114.** An educational childcare provider must ensure that the children are taken outdoors at least 60 minutes every day to a safe place where they can be supervised, unless there are conditions that compromise the children's health, safety or well-being.".

26. Section 115 is replaced by the following:

"**115.** An educational childcare provider may make available to children a television, computer, tablet computer or any other audiovisual equipment only if its use is part of the educational program and occurs sporadically, without exceeding 30 minutes in a same day. Their use is however prohibited for children under 2 years of age.".

27. Section 121.1 is amended by replacing the third paragraph by the following:

"A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may administer medication to a child receiving childcare.".

28. Section 121.7 is amended by replacing the third paragraph by the following:

"A home educational childcare provider and any assistant or, in their absence, the replacement referred to in section 81 may apply insect repellent to a child receiving childcare.".

29. Section 123 is amended by replacing "4 weeks" in the second paragraph by "4 weeks if the child is receiving childcare from a permit holder or every 2 weeks if the child is receiving childcare from a home educational childcare provider".

30. The following is inserted after Division 123.0.7:

"**DIVISION V**
CHILDCARE AT NIGHT

123.0.8. This section applies to an educational childcare provider who provides childcare to a child who is put to bed for the night or part of the night.

123.0.9. With respect to a child who receives childcare at night in accordance with this Division, the educational childcare provider is exempted from the application of the first paragraph of section 23, section 24, the first paragraph of section 36 and sections 93, 100 and 114 when the child is in bed or preparing for bed. In addition, the educational program does not apply during sleep and the provisions of the child's education record do not apply to a child who is only receiving childcare during sleep, the immediate preparation for sleep and wake time.

Despite the first paragraph, the following standards apply to an educational childcare provider referred to in this Division:

(1) a permit holder must ensure that at least 1 childcare staff member out of 3 is qualified and present with the children while childcare is provided;

(2) a permit holder must ensure that at least 2 childcare staff members are present in the facility of the permit holder while childcare is provided;

(3) a permit holder must ensure that the children are under constant auditory supervision and under visual supervision every 30 minutes or less;

(4) a home educational childcare provider must ensure that the space reserved for putting a child to bed is situated on the same storey as the space the provider occupies for bed;

(5) a home educational childcare provider must ensure that the children are under constant electronic auditory supervision while they are sleeping;

(6) an educational childcare provider must have, for each child under 18 months of age, a crib with posts and slats as defined in section 37 and, for each of the other children accommodated, a bed;

(7) an educational childcare provider must provide the bedding to cover each child that must be used only by that child until the bedding is washed, unless the parent wishes, on the parent's own initiative, to provide bedding which the provider considers appropriate and safe.".

31. Section 123.1 is amended

(1) by replacing "and 123.0.1 to 123.0.7" in the first paragraph by ", 123.0.1 to 123.0.7 and 123.0.9";

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

"The amount of the administrative penalty is $500 in the case of a natural person and $1,000 in other cases.".

32. Section 124, amended by section 94 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), is further amended by replacing "40 to 43, 98 to 123, 123.0.2, 123.0.6 and 123.0.7" by "39.2 to 43, 98 to 123, 123.0.2, 123.0.6, 123.0.7 and 123.0.9".

33. The following is inserted after section 135:

"**135.1.** The holder of a permit issued before 1 September 2022 is exempted from the requirement prescribed by paragraph 1 of section 32 to the extent that the play area referred to in that section is equipped with a window that remains unobstructed at all times through which the play area may be viewed. The permit holder is also exempted from the requirement prescribed by paragraph 2 of section 32 to the extent that the play area referred to in that section has, on average, at least half of its floor/ceiling height above ground level.

The same applies for a permit holder whose plans for the premises of a facility were approved by the Minister before that date in accordance with sections 18 and 19 of the Act, provided a permit is issued.

The exemptions referred to in the first and second paragraphs remain valid until changes to the structures covered by the exemptions require the approval of new plans, in accordance with sections 18 and 19 of the Act, and the work covered by the plans has been carried out.".

34. Schedule II is amended

(1) by inserting ", and assistant" after "home educational childcare provider" in the PROTOCOL FOR ADMINISTERING ACETAMINOPHEN TO TREAT FEVER under the heading AUTHORIZATION FORM FOR THE ADMINISTRATION OF ACETAMINOPHEN;

(2) by inserting ", and assistant" after "a home educational childcare provider" in the PROTOCOL FOR APPLYING INSECT REPELLENT under the heading AUTHORIZATION FORM FOR THE APPLICATION OF INSECT REPELLENT.

TRANSITIONAL AND FINAL

35. A home educational childcare coordinating office that, on 1 September 2022, has not yet ruled on an application for the suspension of recognition made by a home educational childcare provider must render its decision under sections 79 to 80 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by sections 16 to 19 of this Regulation.

36. A home educational childcare provider who, on 1 September 2022, provides childcare to a child to be put to bed for the night or part of the night and for whom the provider does not meet the requirement provided for in subparagraph 4 of the second paragraph of section 123.0.9 of the Educational Childcare Regulation, enacted by section 30 of this Regulation, may continue to provide childcare to the child without complying with the requirement until 1 September 2023.

37. This Regulation comes into force on 1 September 2022, except section 6, paragraph 1 of section 11, section 29 and subparagraph 5 of the second paragraph of section 123.0.9 of the Educational Childcare Regulation, enacted by section 30 of this Regulation, which come into force on 30 December 2022.

105945

Gouvernement du Québec

O.C. 1470-2022, 3 August 2022

Fire Safety Act
(chapter S-3.4)

Decorations and citations awarded in the field of fire safety and for rescue activities — Amendmend

Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities

WHEREAS, under paragraph 3 of section 151 of the Fire Safety Act (chapter S-3.4), the Government may, by regulation, determine the decorations and citations that may be awarded, the cases in which they may be awarded, the procedure for awarding decorations and citations, and the classes of persons or bodies that may qualify therefor;

WHEREAS the Government made the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities (chapter S-3.4, r. 1.01);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities 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 it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities

Fire Safety Act
(chapter S-3.4, s. 151, par. 3)

1. The Regulation respecting decorations and citations awarded in the field of fire safety and for rescue activities (chapter S-3.4, r. 1.01) is amended in section 4 by striking out "exceptional".

2. Section 8 is amended by inserting "other than the candidate himself or herself" at the end.

3. Section 11 is amended

(1) by replacing subparagraphs 4 and 5 of the first paragraph by the following:

"(4) two persons from the associations representing the local or regional authorities;";

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

"The Minister, after consultation of the organizations concerned, if any, appoints the committee members for a term of not more than 3 years. The Minister may, in the same manner and for a term of the same duration, appoint a substitute for each member, to replace them whenever they are absent or unable to act or where their position is vacant. At the expiry of their term, the committee members and the substitutes remain in office until they are replaced or re-appointed.".

4. Section 12 is amended by inserting "by a substitute appointed to replace the member or, failing that," after "portion of the term" in the first paragraph.

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

105952

Gouvernement du Québec

O.C. 1471-2022, 3 August 2022

Police Act
(chapter P-13.1)

Internal discipline of members of the specialized anti-corruption police force

By-law respecting the internal discipline of members of the specialized anti-corruption police force

WHEREAS, under the third paragraph of section 257 of the Police Act (chapter P-13.1), the Government is to make a regulation concerning the internal discipline of the members of a specialized police force, on the recommendation of the person acting as director of the police force;

WHEREAS, under section 89.2 of the Act, the specialized anti-corruption police force formed under section 8.4 of the Anti-Corruption Act (chapter L-6.1) is a specialized police force;

WHEREAS, under subparagraph 2 of the first paragraph of section 9 of that Act, the Anti-Corruption Commissioner has the function to act as director of the specialized anti-corruption police force;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft By-law respecting the internal discipline of members of the specialized anti-corruption police force 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 the Anti-Corruption Commissioner recommends to the Government to make the By-law;

WHEREAS it is expedient to make the By-law without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the By-law respecting the internal discipline of members of the specialized anti-corruption police force, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

By-law respecting the internal discipline of members of the specialized anti-corruption police force

Police Act
(chapter P-13.1, s. 257, 3rd par.)

DIVISION I
PURPOSE, SCOPE AND INTERPRETATIVE PROVISIONS

1. The purpose of this By-law is to promote maintenance of the necessary discipline and ethics to ensure the organizational integrity of the specialized anti-corruption police force formed in section 8.4 of the Anti-Corruption Act (chapter L-6.1).

For that purpose, it imposes duties and standards of conduct on the members of that police force, who are designated in paragraph 1 of section 8.4 of that Act, to ensure the effectiveness and quality of the services provided and respect for the authorities over them.

In addition, it determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

2. The powers assigned to the Anti-Corruption Commissioner by this By-law, except the power respecting the appointment of the person in charge of processing complaints, may be exercised by a member of the administration of the police force designated by the Commissioner.

For the purposes of this By-law, "member of the administration" means the Associate Commissioner for Investigations and any other person belonging to the senior administration of the police force, any member of the police force referred to in subparagraph *i* of subparagraph *c* of paragraph 1 of section of 8.4 of the Anti-Corruption Act (chapter L-6.1), as well as the Human Resources Officer.

Where a member of the police force referred to in subparagraph *i* of subparagraph *c* of paragraph 1 of section 8.4 of the Anti-Corruption Act exercises a power as a member of the administration designated by the Commissioner pursuant to the first paragraph or a power assigned to a member of the administration by a provision of this By-law, that member must hold a rank equal to or higher than that of the member who is the subject of the complaint.

3. This By-law must not be interpreted as restricting, in particular, the administrative power of the Commissioner or a member of the administration to provisionally suspend a member, with or without pay, who is suspected of having committed a criminal or penal offence or a serious breach of discipline or for any other reason requiring provisional suspension, or to terminate the probationary period of a member, even for a disciplinary reason.

DIVISION II
DUTIES AND STANDARDS OF CONDUCT OF MEMBERS

4. Members must obey their oath of office and their oath of discretion.

Members must, in particular,

(1) refrain from using for personal purposes, or for the purpose of obtaining a benefit or a profit, any information obtained in performing or while performing their duties or by reason of their status, duties or position in the police force;

(2) refrain from destroying, removing or modifying any official document of the police force or any document obtained or written for the police force, unless so authorized by the Commissioner;

(3) refrain from disclosing, transmitting or communicating information or making statements concerning an investigation or the activities of the police force or the activities of the teams designated by the Government pursuant to section 8.5 of the Anti-Corruption Act (chapter L-6.1), unless so authorized by law or by the Commissioner.

5. Members must perform their duties with impartiality and integrity and avoid any conflict of interest or appearance of a conflict of interest of a nature to compromise their impartiality in the performance of their duties or adversely influence their judgment and loyalty.

Members must, in particular,

(1) refuse, or refrain from seeking, benefits or favours for themselves or another person, whatever their nature or origin, because of their status, unless so authorized by the Commissioner;

(2) refrain from using their status for personal purposes or for the benefit of another person;

(3) refrain from engaging, directly or indirectly, in influence peddling or obtaining or attempting to obtain a sum of money, a favour or any other benefit in exchange for a favour of any kind;

(4) refrain from accepting, soliciting or demanding, directly or indirectly, a sum of money, a favour or any other benefit or consideration of a nature to compromise their impartiality in the performance of their duties;

(5) refrain from placing themselves in a situation where they would be in a conflict of interest when soliciting or collecting money, or allowing money to be solicited or collected, from the public by the sale of advertisements or tickets or in any other manner for the benefit of a person, organization or association;

(6) refrain from paying, offering to pay or agreeing to offer a sum of money, a favour or any other benefit or consideration to a person of a nature to compromise that person's impartiality in the performance of his or her duties or to induce the person to intercede in their favour in order to obtain a promotion or any other change in their status;

(7) refrain from suggesting or recommending the goods and services of a professional, a merchant or any other business to a person with whom they have been in contact while engaged in the performance of their duties;

(8) refrain from standing surety in a case under the jurisdiction of a court of criminal or penal jurisdiction, except where warranted by family relations with the accused;

(9) refrain from signing a letter of recommendation or other certificate knowing it to be false or inaccurate;

(10) refrain from holding employment or carrying out an activity incompatible with the duties of a member of the police force;

(11) refrain from operating an enterprise or business, holding employment, engaging in a trade or activity or having a direct or indirect interest in an enterprise that would be of a nature to compromise their independence, the independence of the police force or the values of the police force, or of a nature to diminish their effectiveness during working hours;

(12) refrain from soliciting or collecting money, goods or services, or allowing money, goods or services to be solicited or collected, from a person, a business or any other organization that they know or reasonably should know is not of good moral character.

6. Members must be politically neutral in the performance of their duties.

Members must, in particular,

(1) refrain from attending a political meeting while in uniform or wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or the Unité permanente anticorruption, unless they are on duty at the meeting;

(2) refrain from publicly showing or expressing their political opinions, soliciting funds for a candidate for an election, for a political body or for a political party, or publicly showing support for a candidate for election or for a political party;

(3) refrain from engaging in any political activity prohibited by the Police Act (chapter P-13.1).

7. Members must respect the authorities over them and promptly obey their verbal and written orders, their requests and their directives. Members must also be loyal to the police force, their supervisors and the other members.

Members must, in particular,

(1) comply with all procedures, directives or policies in force within the police force;

(2) refrain from refusing or neglecting to report to a supervisor on their actions and activities performed during their working hours, or outside their working hours where they act in their capacity as, or identify themselves as, members of the police force;

(3) provide, where so required by a supervisor, a report concerning the activities carried out in the performance of their duties;

(4) report to a supervisor any actions and activities incompatible with the performance of their duties;

(5) perform the work generally or specifically assigned and be present at the place designated by their supervisor, unless serious reasons related to the performance of their duties warrant performing another task or leaving that place and they promptly inform their supervisor;

(6) refrain from inciting anyone to refuse to perform their work;

(7) report to their supervisor in writing each time that they use a service weapon or participate in a car chase in the performance of their duties;

(8) comply with a subpoena to appear as a witness;

(9) adopt a respectful and polite attitude toward their supervisors, colleagues or subordinates;

(10) refrain from defaming the authorities of the police force, their supervisors, their colleagues, their subordinates, as well at the persons who form the teams designated by the government pursuant to section 8.5 of the Anti-Corruption Act (chapter L-6.1).

8. Members must act with dignity and moderation and avoid any conduct of a nature to jeopardize the confidence or consideration required by their duties or of a nature to compromise the image, independence or effectiveness of the police force.

Members must, in particular,

(1) refrain from consorting with persons that they know or should reasonably know are not of good moral character without having a satisfactory reason to do so, as well as fraternizing with such persons without having a satisfactory reason to do so;

(2) refrain from frequenting places that are frequented by persons they know or should reasonably know are not of good moral character without having a satisfactory professional reason to do so;

(3) treat all persons with curtesy and respect;

(4) refrain from using any obscene or insulting language;

(5) refrain from misusing their authority or engaging in intimidation or harassment;

(6) refrain from resorting to greater force than necessary to accomplish what they are ordered or permitted to do;

(7) refrain from maliciously damaging or destroying, losing due to negligence or illegally transferring public or private property;

(8) refrain from showing, handling or pointing a service weapon without having a satisfactory reason to do so;

(9) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from buying, transporting, consuming or selling alcoholic beverages or cannabis, unless so required by their work or so authorized by the Commissioner;

(10) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from being under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance of the same nature capable of causing intoxication, diminution or impairment of the faculties, or unconsciousness;

(11) refrain from keeping, in a vehicle or on premises belonging to or made available to the police force, alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance of the same nature capable of causing intoxication, diminution or impairment of the faculties, or unconsciousness, unless so authorized by the Commissioner;

(12) refrain from buying, selling or possessing narcotics or any other substance of the same nature whose sale is prohibited or regulated or acting as an intermediary in such a case, unless so required by their work;

(13) refrain from excessive consumption of alcoholic beverages or cannabis in a public place;

(14) refrain, while they are performing their duties or at any time while they are wearing or bearing an item with a name, logo, distinctive sign, drawing or image associated with the police force or with the Unité permanente anticorruption, from displaying an appearance or attitude that is negligent or does not comply with the directives of the police force;

(15) refrain from wearing, bearing or using, while they are performing their duties, a weapon or piece of equipment other than those issued to them by the police force, unless so authorized by the Commissioner;

(16) refrain from using any contrivance or false statement to prolong a leave of absence, delay returning to work or taking time off from work;

(17) obey all laws and regulations;

(18) refrain from inducing or inciting another member to commit an offence against any law or regulation by giving that member their aid, encouragement, advice, consent, authorization or an order;

(19) refrain from wearing or bearing their service weapon or badge or using other items belonging to the police force or the Unité permanente anticorruption while they are not on duty, unless so authorized by the

Commissioner, or while, although they are supposed to be on duty, they are engaged in activities that are not part of their duties.

9. Members must perform their duties conscientiously, diligently and efficiently.

Members must, in particular,

(1) comply with their work schedule and carry out the work assigned to them;

(2) refrain from acting with negligence, carelessness or a lack of rigour in carrying out their duties;

(3) refrain from acting with a lack of vigilance in carrying out their duties;

(4) refrain from taking time off from work without permission;

(5) refrain from trading duties or work shifts with another member without the permission of their supervisor;

(6) promptly transmit to their supervisor any information concerning crimes, offences, facts or important events that they have witnessed or have knowledge of;

(7) maintain any weapon or ammunition that has been entrusted to them in good working order and store them in accordance with the applicable laws, regulations and directives;

(8) refrain from negligence in the custody or supervision of a person held in custody or any other person under their responsibility;

(9) protect, maintain and ensure the integrity of any property used by or in the custody of the police force or any of its members;

(10) maintain any equipment and any item provided by the police force in good working order.

10. Members must act with probity.

Members must, in particular,

(1) promptly remit and account for any sum of money or any other property received in their capacity as a member of the police force;

(2) claim or authorize only reimbursement of expenses incurred, payment for hours worked or payment of warranted premiums;

(3) refrain from using a vehicle of the police force or any other property belonging to the police force, or allowing it to be used, for purposes other than those authorized;

(4) refrain from causing a person to get into a vehicle of the police force otherwise than in the course of police force activities, unless so authorized by the Commissioner;

(5) refrain from filing or signing a report or other writing that they know or reasonably should know is false or inaccurate;

(6) refrain from lending, selling or transferring an item or a piece of equipment provided by the police force, unless so authorized by the Commissioner;

(7) promptly inform the Commissioner in writing when they are the subject of a criminal investigation, a criminal proceeding or a conviction of a criminal offence;

(8) promptly inform the Commissioner in writing of the conduct of another member that may constitute a criminal offence or that, if they have personal knowledge of it, may constitute a breach of discipline or professional ethics affecting the enforcement of rights or the safety of the public;

(9) take part or cooperate in any investigation concerning a conduct referred to in subparagraph 8;

(10) promptly inform the Commissioner in writing that their driver's licence has been revoked, suspended or restricted and indicate the reasons why;

(11) promptly inform the Commissioner in writing of any other function, office or employment they hold, other income they receive from property or a business and any situation that may be incompatible with the performance of their duties.

11. Members must respect the authority of the law and the courts and must collaborate in the administration of justice.

Members must, in particular,

(1) refrain from contravening any law or regulation where doing so is likely to compromise the performance of their duties;

(2) refrain from hindering or contributing to hindering the course of justice;

(3) refrain from concealing evidence or information in order to harm a person, in particular an accused, a complainant or a witness, or from favouring evidence;

(4) refrain from omitting to transmit or unduly delaying to transmit to their supervisor any information concerning crimes and offences they have witnessed or have knowledge of.

DIVISION III
DISCIPLINARY PROCEDURE

§1. Breach of discipline

12. Any failure by members to comply with a duty or a standard of conduct provided for in this By-law constitutes a breach of discipline and may entail the imposition of a disciplinary penalty.

§2. Disciplinary complaint

13. The Commissioner appoints a member of the administration as person in charge of processing complaints.

If the person in charge of processing complaints is absent or unable to act, he or she is replaced for the duration of that absence or inability to act by another member of the administration designated by the Commissioner.

14. The duties of the person in charge of processing complaints are, in particular, to receive and examine any complaint lodged against a member and ensure that it is dealt with in accordance with this By-law.

The Commissioner may also exercise the powers conferred on the person in charge of processing complaints by this By-law.

15. Members must promptly inform their supervisor when they observe the commission of a breach of discipline or when they are informed or have reasonable grounds to believe that a breach of discipline has been committed or is about to be committed by another member.

Any other person may also lodge a complaint concerning the conduct of a member.

16. Any complaint must be submitted in writing to the person in charge of processing complaints and summarily indicate, to the best of the complainant's knowledge, the nature and the time and place of the alleged breach of discipline. The complaint may also be accompanied by any supporting document.

The person in charge of processing complaints keeps a register of all complaints received, in the form and manner he or she determines.

17. Despite the first paragraph of section 16, a complaint concerning the person in charge of processing complaints must be transmitted to the Commissioner. The person in charge of processing complaints also transmits to the Commissioner any complaint concerning a member of a higher rank than that of the person in charge of processing complaints.

Where the Commissioner receives a complaint pursuant to the first paragraph, the Commissioner exercises the duties conferred on the person in charge of processing complaints by this By-law, adapted as required.

18. The person in charge of processing complaints transmits to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif any complaint concerning the Commissioner or the Associate Commissioner for Investigations.

The disciplinary process provided for in the Regulation respecting the ethics and professional conduct of public office holders (chapter M-30, r. 1) then applies in lieu of the disciplinary procedure provided for by this Division, subject to section 5.2.1, 5.2.2 or 8.2 of the Anti-Corruption Act (chapter L-6.1), as applicable.

19. The person in charge of processing complaints transmits a copy of the complaint to the supervisor of the member who is the subject of the complaint and to the Human Resources Officer and, if the complaint concerns a member whose services are on secondment, to the police force that seconded the member's services.

20. The immediate supervisor or line supervisor of the member who is the subject of a complaint may, after consulting with the Human Resources Officer and the person in charge of processing complaints, issue the member a written warning in a case where the breach of discipline alleged in the complaint does not warrant any other disciplinary measure. A copy of the warning is transmitted to the Human Resources Officer and the person in charge of processing complaints.

However, if the complaint concerns a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member. If applicable, a copy of the written warning is transmitted to the Human Resources Officer and the person in charge of processing complaints.

21. The right to lodge a disciplinary complaint is prescribed 2 years after the date of the facts giving rise to the complaint or the date on which they become known to the administration of the police force, except in a case where those facts could also constitute a criminal offence.

22. A member may be the subject of a disciplinary complaint despite the fact that the member has been acquitted or convicted, by a court of criminal or penal jurisdiction, of an offence for which the facts that gave rise to the accusation are the same as those of the breach of discipline alleged in the complaint.

23. Unless the person in charge of processing complaints decides otherwise, the disciplinary procedure is not suspended where the member concerned by a disciplinary complaint is also the subject of a complaint, investigation or proceeding of a civil, professional ethics, criminal or penal nature before any judicial or quasi-judicial tribunal in connection with the same facts as those of the breach of discipline alleged in the complaint.

24. On receiving a complaint, the person in charge of processing complaints may, after a preliminary assessment,

(1) dismiss it if the person in charge of processing complaints judges it to be frivolous, vexatious, unfounded or made in bad faith;

(2) submit it to the member's immediate supervisor or line supervisor so that the supervisor can decide whether a written notice pursuant to section 20 should be issued to the member or, if the complaint concerns a member whose services are on secondment, submit it to the Commissioner so that he or she can decide, in accordance with that section, whether to recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member;

(3) terminate the disciplinary procedure if a written warning has been issued to the member pursuant to section 20;

(4) conduct an investigation or charge another person to do so; or

(5) cite the member with a breach of discipline.

The person in charge of processing complaints may also, on his or her own initiative, conduct an investigation or charge another person to do so if he or she has reasonable grounds to believe that a member has committed a breach of discipline.

25. At any stage in the disciplinary procedure, the person in charge of processing complaints may, after consulting with the Human Resources Officer, recommend to the Commissioner to impose on the member concerned any non-disciplinary measure warranted by the circumstances, in particular,

(1) a feedback measure aimed at communicating to the member comments and observations of a nature to develop the member's professional conscience or prevent the commission of a breach of discipline, or aimed at identifying the causes and effects of a conduct or an event and, if applicable, the means of achieving the objectives determined;

(2) requiring the member to submit to a medical examination or any other assessment of ability;

(3) requiring the member to receive training, take a follow-up course or undertake any other measure to upgrade his or her knowledge.

In a case where the complaint concerns a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services the imposition of any non-disciplinary measure warranted by the circumstances.

A member who fails or refuses to comply with such a measure commits a breach of discipline.

§3. Disciplinary investigation

26. Based on the nature of the case, the person charged with an investigation pursuant to section 24 communicates with the complainant and with the witnesses, if applicable, and collects the documentary evidence and any other relevant information.

The person charged with the investigation also communicates with the member concerned by the investigation, unless doing so is likely to hinder the investigation.

27. The member concerned by the investigation must provide, when so required by a supervisor, a report concerning the activities carried out during or in the context of the member's work.

28. On completion of the investigation, the person charged with the investigation submits to the person in charge of processing complaints an investigation report containing the evidence collected. A copy of the report is transmitted to the Human Resources Officer.

29. After analysis of the investigation report and consultation with the Human Resources Officer, the person in charge of processing complaints may

(1) dismiss the complaint if the person in charge of processing complaints judges it to be frivolous, vexatious, unfounded or made in bad faith;

(2) terminate the disciplinary procedure if there is insufficient evidence;

(3) submit the file to the immediate supervisor or line supervisor of the member so that the supervisor can decide whether a written notice pursuant to section 20 should be issued to the member or, if the complaint concerns a member whose services are on secondment, submit it to the Commissioner so that the Commissioner can decide, in accordance with that section, whether to recommend to the competent disciplinary authorities of the police force that seconded the member's services that a written warning be issued to the member and terminate the disciplinary procedure if such a warning is issued to the member;

(4) order a supplementary investigation; or

(5) cite the member with a breach of discipline.

§4. Citation for breach of discipline

30. A citation for breach of discipline is issued for the purpose of determining whether the conduct of the member concerned constitutes a contravention of a duty or standard of conduct provided for by this By-law that could entail the imposition of a penalty.

A citation includes as many charges as the number of alleged contraventions. Each charge in a citation must summarily relate the conduct constituting a contravention of this By-law and indicate the provision alleged to have been contravened. The citation is notified to the member concerned and a copy is transmitted to Human Resources Officer and, if it concerns a member whose services are on secondment, to the competent disciplinary authorities of the police force that seconded the member's services.

31. The person in charge of processing complaints sets the date, time and place of the disciplinary meeting before the Commissioner so that the member may have an opportunity to explain. He gives the member at least 24 hours' advance notice. If the citation concerns a member whose services are on secondment, a member of the administration of the police force that seconded the member's services, designated by the director of that police force, also participates in the meeting.

During the meeting, the member may be accompanied by a person of his or her choice.

The Commissioner is assisted by the Human Resources Officer. The Commissioner may also be assisted by no more than two other persons, one of whom may be a person not belonging to the police force.

32. Where the member refuses or neglects, with no valid reason, to appear at the disciplinary meeting or leaves the meeting without authorization, the disciplinary meeting may continue in the member's absence. The Commissioner and, if applicable, the member of the administration of the police force that seconded the member's services may then take the appropriate measures.

33. During or after the disciplinary meeting, the Commissioner renders a disciplinary decision ruling on the citation. The decision must be in writing, state the reasons on which it is based and be signed. In a case where the complaint concerns a member whose services are on secondment, the Commissioner recommends a disciplinary decision ruling on the citation to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the direction of the administration of that police force who participated in the disciplinary meeting. The Commissioner may first ask a member of the administration to prepare a supplementary report.

§5. Disciplinary penalty

34. Where the Commissioner concludes that there has been a breach of discipline with regard to an alleged contravention, whether it was alleged in the citation or disclosed in the disciplinary meeting, the Commissioner imposes on the member one of the following penalties for each contravention:

(1) a warning;

(2) a reprimand;

(3) a disciplinary suspension without pay;

(4) a disciplinary reassignment;

(5) a demotion;

(6) a dismissal.

However, in the case of a member whose services are on secondment, the Commissioner recommends to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the administration of that police force who participated in the disciplinary meeting, the imposition of one of the penalties provided for in the first paragraph for each contravention.

A decision imposing two or more penalties may provide they will be served consecutively.

35. In determining the penalty, the seriousness of the breach of discipline in regard to all the circumstances, as well as the member's general conduct and the contents of his or her disciplinary and professional ethics records, is taken into account.

36. The Commissioner may impose, in addition to a disciplinary penalty or even if the Commissioner concludes that there was no breach of discipline, any non-disciplinary measure warranted by the circumstances, including those provided for in section 25.

However, in the case of a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the member of the administration of that police force who participated in the disciplinary meeting, the imposition of such a measure.

A member who fails or refuses to comply with such a measure commits a breach of discipline.

37. At any stage in the disciplinary procedure, where a member acknowledges in writing that he or she has committed a breach of discipline, the member of the administration having jurisdiction over the member may impose on him or her, after consulting with the Human Resources Officer and the person in charge of processing complaints, one of the following penalties:

(1) a warning;

(2) a reprimand;

(3) a disciplinary reassignment;

(4) a disciplinary suspension without pay for a period of no more than 15 working days; or

(5) requiring the member to comply with such reasonable conditions as are judged desirable by the member having jurisdiction over him or her to ensure his or her good conduct and prevent any repetition of the breach of discipline.

However, in the case of a member whose services are on secondment, the Commissioner may recommend to the competent disciplinary authorities of the police force that seconded the member's services, after consulting with the Human Resources Officer and the person in charge of processing complaints, the imposition of one of the penalties provided for in the first paragraph.

The member of the administration must notify the Commissioner, the Human Resources Officer and the person in charge of processing complaints in writing within 10 days of the penalty imposed pursuant to the first paragraph and the reasons warranting it. Within that same time period, the Commissioner must notify the person in charge of processing complaints and the Human Resources Officer in writing of the penalty recommended pursuant to the second paragraph and the reasons warranting it.

38. In accordance with a recommendation by the Commissioner pursuant to any of sections 33, 34 or 37, the competent disciplinary authorities of a police force that seconded the services of one of its members are then seized of the matter by operation of law and may impose a penalty on the member pursuant to their own internal discipline by-law.

The decisions taken by the competent disciplinary authorities further to a recommendation may not by cited as a precedent in respect of the Commissioner where a penalty is imposed pursuant to this By-law. Despite those decisions, the Commissioner may terminate a secondment of services without further notice or delay. Resiliation of the services secondment agreement does not constitute a disciplinary penalty for the purposes of this By-law.

39. The Commissioner or the competent disciplinary authorities of the police force that seconded a member's services, as applicable, see to the application of disciplinary penalties.

The Commissioner determines the terms and conditions of a disciplinary suspension without pay, in particular, the dates of the suspension and whether it will be continuous or non-continuous. The competent disciplinary authorities of a police force that seconded a member's services consult with the Commissioner before determining the terms and conditions of a disciplinary suspension without pay imposed on the member.

40. A member on whom a disciplinary suspension without pay or a disciplinary reassignment has been imposed by the Commissioner pursuant to this By-law may, after 3 years, apply to the Commissioner to have the penalty stricken from the record.

The same applies in the case of a reprimand, except that the application may be made after 2 years.

DIVISION IV
FINAL PROVISION

41. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105953

Gouvernement du Québec

O.C. 1473-2022, 3 August 2022

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20)

Coroners Act
(chapter R-0.2)

Procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

WHEREAS the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20) was assented to on 22 October 2020;

WHEREAS, under Order in Council 1472-2022 dated 3 August 2022, the date of coming into force of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner is set for 1 November 2022;

WHEREAS, under section 1 of the Act, the title of the Act respecting the determination of the causes and circumstances of death (chapter R-02) is replaced by the Coroners Act;

WHEREAS, under the first paragraph of section 163 of the Coroners Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to establish, by regulation, the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner;

WHEREAS, under the first paragraph of section 163.1 of that Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to establish, by regulation, the procedure for renewing a coroner's term;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term 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 it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the procedure for recruiting and selecting persons qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner and the procedure for renewing a coroner's term

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20, s. 37)

Coroners Act
(chapter R-0.2 (chapter 20, s. 1), s. 163 and 163.1)

CHAPTER I
RECRUITMENT AND SELECTION OF PERSONS QUALIFIED FOR APPOINTMENT AS CORONER, CHIEF CORONER OR DEPUTY CHIEF CORONER

DIVISION I
NOTICE OF RECRUITMENT

1. Where it is expedient to draw up a list of persons declared qualified for appointment as coroner, Chief Coroner or Deputy Chief Coroner, as the case may be, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif publishes a notice of recruitment in a publication circulating or broadcast throughout Québec, inviting interested persons to submit an application for one of the offices.

2. The notice of recruitment gives

(1) a brief description of the duties of full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, as the case may be;

(2) the place where the person may be assigned to mainly perform the duties;

(3) in substance, the selection conditions and criteria set out in this Regulation and any professional qualifications, training or particular experience sought, given the needs of the position;

(4) in substance, the system of confidentiality applicable to the selection procedure and an indication that the selection committee may hold consultations about the applications; and

(5) the deadline and address for submitting an application.

3. A copy of the notice is sent to the Minister of Public Security and the Chief Coroner.

DIVISION II
APPLICATIONS

4. Only the following persons may submit an application to be declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner:

(1) a member of the Collège des médecins du Québec;

(2) a member of the Barreau du Québec;

(3) a member of the Chambre des notaires du Québec;

(4) a member of the Ordre des pharmaciens du Québec;

(5) a member of the Ordre des infirmières et infirmiers du Québec who holds a Master's degree in nursing or in another relevant field;

(6) a member of the Ordre des ingénieurs du Québec.

5. A member of a professional order referred to in section 4 must have the number of years of experience relevant to the office for which the member submits an application, namely,

(1) at least 10 years for the office of Chief Coroner;

(2) at least 8 years for the office of Deputy Chief Coroner, including at least 5 years of experience as full-time or part-time coroner;

(3) at least 8 years for the office of full-time coroner; and

(4) at least 4 years for the office of part-time coroner.

Despite subparagraph 4 of the first paragraph, in the territory situated north of the 50th parallel and in the Gaspésie-Îles-de-la-Madeleine administrative region, a member of a professional order may submit an application even if the member has less than 4 years of experience relevant to the office of part-time coroner.

A 30-credit block of relevant studies in addition to those required to become a member of one of those orders may be substituted for each year of experience that a member of a professional order does not have.

In addition, 1 year of relevant specialization for the purpose of obtaining a specialist's certificate from the Collège des médecins du Québec may be substituted for each year of experience that a member of the Collège des médecins du Québec does not have.

6. A person who wishes to submit an application must, not later than the date indicated in the notice of recruitment, send a résumé and the following information:

(1) name and address and telephone number of the residence and, where applicable, place of work;

(2) date of birth;

(3) university diplomas and other relevant certificates held;

(4) proof that the person is a member of a professional order referred to in section 4, the year of admission to that order and the number of years of practice completed, along with the main sectors of activities in which the person has worked;

(5) the nature of the activities that the person has carried out and through which the person has acquired the relevant experience required;

(6) where applicable, proof that the person has the qualifications indicated in the notice;

(7) any conviction, in any place, for an indictable or a criminal offence or any disciplinary decision, as well as the nature of the offence or fault concerned and the imposed sentence or disciplinary penalty;

(8) any conviction for a penal offence, the nature of the offence concerned and the sentence imposed and whether one can reasonably believe that such offence is likely to

call into question the integrity or impartiality of the candidate or the office of coroner, to interfere with the ability to perform the duties or to undermine the trust of the public in the office holder;

(9) where applicable, the names of employers, partners or immediate or line superiors in the last 10 years;

(10) where applicable, the name of any legal person, partnership or professional association of which the person is or was a member;

(11) where applicable, whether the person has submitted an application for the office of Chief Coroner, Deputy Chief Coroner or full-time or part-time coroner in the preceding 3 years;

(12) a summary of the reasons for the person's interest in the office of Chief Coroner, Deputy Chief Coroner or full-time or part-time coroner.

The person must also provide a writing in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member, the person's employers in the last 10 years, police forces and, where applicable, in which the person agrees that the persons, partnerships or associations mentioned in section 16 may be consulted.

7. Despite this Chapter, applications may be requested by invitation in the territory situated north of the 50th parallel and in the Gaspésie-Îles-de-la-Madeleine administrative region.

DIVISION III
ESTABLISHMENT OF A SELECTION COMMITTEE

8. Following the publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif establishes a selection committee, designates the chair and appoints to it, as the case may be,

(1) for the assessment of the candidates' qualifications for appointment as Chief Coroner:

(*a*) a chief executive officer;

(*b*) the Deputy Minister of Public Safety or, after consulting the Deputy Minister, one of his or her representatives;

(*c*) a representative of the public qualified to assess the qualifications required for the office of Chief Coroner who is not a chief executive officer;

(2) for the assessment of the candidates' qualifications for appointment as Deputy Chief Coroner:

(*a*) the Chief Coroner or, after consulting the Chief Coroner, a Deputy Chief Coroner or another coroner;

(*b*) the Deputy Minister of Public Safety or, after consulting the Deputy Minister, one of his or her representatives;

(*c*) a representative of the public qualified to assess the qualifications required for the office of Deputy Chief Coroner;

(3) for the assessment of the candidates' qualifications for appointment as full-time or part-time coroner:

(*a*) the Chief Coroner or, after consulting the Chief Coroner, a Deputy Chief Coroner or another coroner;

(*b*) a member of a professional order referred to in section 4;

(*c*) a representative of the public qualified to assess the qualifications required for the office of coroner who is not a coroner or a member of a professional order referred to in section 4.

9. A committee member whose impartiality could be questioned must withdraw with respect to a candidate, including in the following situations:

(1) the member is or was the candidate's spouse;

(2) the member is related to the candidate by birth, marriage or civil union, to the degree of first cousin inclusively;

(3) the member is or was a partner, employer or employee of the candidate in the last 10 years; despite the foregoing, a member who is in the public service must withdraw with respect to a candidate only if the member is or was the employee or immediate superior of the candidate.

A member must immediately bring to the attention of the other members of the committee any fact that may give rise to a reasonable apprehension of bias.

Where a member of the committee has withdrawn, is absent or is unable to act, the decision must be made by the other members.

10. Before taking office, the members of the committee must take the following oath: "I, (full name), swear that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office.".

The oath is taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Sécurité publique empowered to administer oaths.

The writing evidencing the oath must be sent to the Associate Secretary General.

11. A person may be appointed to more than one committee at the same time.

12. Travel and accommodation expenses of the committee members are reimbursed in accordance with the Règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux (D. 2500-83, 83-11-30), as amended from time to time.

In addition to the reimbursement of their expenses, the chair and the committee members who are not a coroner nor employees of a government department or body are entitled respectively to fees of $250 or $200 per half-day of sitting they attend.

DIVISION IV
OPERATION OF THE SELECTION COMMITTEE

13. The list of candidates and their records are sent to the members of the selection committee.

14. The committee analyzes the candidates' records and retains those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

15. The chair of the committee informs the candidates found eligible at this stage of the date and place of their meeting with the committee and informs the other candidates that their application has not been retained and, as a result, they will not be called to a meeting.

DIVISION IV
CONSULTATIONS AND SELECTION CRITERIA

16. The committee may, on any matter in a candidate's record or any aspect of an application or of the applications as a whole, consult with

(1) any person who has been, in the last 10 years, an employer, partner, immediate superior or line supervisor of the candidate; and

(2) any legal person, partnership or professional association of which the candidate is or was a member.

17. The selection criteria to be taken into account by the committee in determining a candidate's qualifications for appointment as full-time or part-time coroner are

(1) the candidate's personal and intellectual qualities;

(2) the holding of a diploma in a field relevant to the office;

(3) the minimum experience required and any other experience relevant to the office;

(4) the extent of the candidate's knowledge and skills in view of the qualifications, training or particular experience specified in the notice of recruitment;

(5) the candidate's ability to perform the duties of coroner, including the candidate's judgment, ability to act with impartiality, open-mindedness, insight, empathy, level-headedness, capacity for analysis and synthesis, decision-making, ability to work in a team, quality of oral and written expression and ability to engage in ethical conduct;

(6) the candidate's conception of the duties of coroner.

18. The selection criteria to be taken into account by the committee in determining a candidate's qualifications for appointment as Deputy Chief Coroner are, in addition to those provided for in section 17,

(1) knowledge of the following:

(*a*) statutes relevant to the duties;

(*b*) issues relating to mortality phenomena and the prevention of deaths due in particular to violence or neglect;

(2) experience as manager, as well as mentor or coordinator and relevance to the duties of Deputy Chief Coroner;

(3) professional skills, namely,

(*a*) ability to participate in the development of a strategic vision;

(*b*) ability to disseminate and implement directions;

(*c*) ability to implement mechanisms, tools and indicators for measuring the degree to which the objectives have been attained;

(*d*) ability to mentor coroners;

(*e*) ability to ensure the development and maintenance of skills of coroners, particularly by determining the needs, organization and preparation of training activities and verification of achievements;

(*f*) writing skills and ability to assess the quality of drafting of coroners reports;

(*g*) leadership, sense of public service, tactfulness, thoroughness and working methods.

19. The selection criteria to be taken into account by the committee in determining a candidate's qualifications for appointment as Chief Coroner are, in addition to those provided for in sections 17 and 18,

(1) knowledge of the following:

(*a*) statutes relevant to the duties of Chief Coroner;

(*b*) as regards management, particularly the management of public bodies and the management of human resources;

(*c*) government organization and administrative operations;

(2) experiences as manager and relevance to the duties of Chief Coroner;

(3) professional skills, namely,

(*a*) ability to develop a strategic vision and to lead the organization toward achievement of its objectives;

(*b*) ability to interpret a complex and evolving environment and adapt to it;

(*c*) ability to communicate and maintain working relationships and networks.

20. The selection committee may apply evaluative measures that it determines to candidates who meet the eligibility requirements.

DIVISION VI
REPORT OF THE SELECTION COMMITTEE

21. Committee decisions are made by a majority of its members. In the case of a tie-vote, the chair of the committee has a casting vote.

22. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee promptly submits a report including

(1) the names of the candidates who have not been retained and have not been met, with reasons;

(2) the names of the candidates with whom the committee met but who have not been retained, with reasons;

(3) the names of the candidates with whom the committee met and whom it declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, their profession and the particulars concerning their work place;

(4) any comments that the committee considers appropriate, particularly with respect to the special characteristics, qualifications or experience of the candidates declared qualified.

The report is submitted to the Associate Secretary General, the Minister and the Chief Coroner, unless the report does not concern his or her office, if the latter is not a member of the committee.

23. A person may be declared qualified for appointment to more than one office.

Unless it is unable to do so, the committee declares as qualified a number of candidates corresponding to at least twice the number of vacant positions, if any.

If, once the assessment is concluded, fewer than 2 candidates are declared qualified for appointment as Chief Coroner, the Associate Secretary General must publish a new notice of recruitment.

24. A committee member may register dissent with respect to all or part of the report.

DIVISION VII
REGISTER OF CERTIFICATES OF QUALIFICATION

25. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif writes to the candidates to inform them whether or not they have been declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner.

26. The Associate Secretary General keeps the register of certificates of qualification up to date and enters therein the list of the persons declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner.

The certificate of qualification is valid for a period of 3 years from the date on which it is entered in the register.

The Associate Secretary General strikes out an entry on the expiry of the validity period of the certificate of qualification, or before where the person is appointed as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, dies or asks to be withdrawn from the register.

DIVISION VIII
RECOMMENDATION

27. On being notified of a vacant position of full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif sends a copy of the updated list of persons declared qualified for appointment to the position concerned to the Minister.

28. If the Minister is of the opinion that he or she cannot, considering the list of persons declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner and in the best interest of the proper operation of the position to be filled, recommend an appointment, the Minister then asks the Associate Secretary General to have a notice of recruitment published in accordance with Division I.

The committee in charge of assessing the qualifications of the candidates who submitted an application after the publication of another notice of recruitment and of reporting in accordance with the second paragraph of section 22 may be composed of persons previously designated to sit on a preceding committee.

29. The Minister recommends to the Government the name of a person who has been declared qualified for appointment as full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, according to the position to be filled.

CHAPTER II
RENEWAL OF THE TERM OF A CORONER

30. In the 12 months before the expiry of the term of a full-time or part-time coroner, Chief Coroner or Deputy Chief Coroner, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif asks that person to provide him or her with the information mentioned in subparagraphs 7 and 8 of the first paragraph of section 6 and with a writing in which the person agrees to a verification with, in particular, a disciplinary body, a professional order of which the person is or was a member and police forces and, where applicable, in which the person agrees that the persons, partnerships or associations mentioned in section 16 be consulted.

31. The Associate Secretary General establishes an examination committee to examine the renewal of the coroner's term of office, designates the chair and appoints a representative of the public qualified to assess the qualities required to perform the duties of coroner, a person who has performed the duties of coroner and a member of a professional order in a relevant field. Those persons must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it.

Sections 9 to 12 then apply.

32. The committee ascertains whether the coroner is a member of a professional order referred to in section 4 and, if the coroner still meets the criteria set out in section 17, considers the coroner's annual performance evaluations and takes into account the needs of the office of full-time or part-time coroner. The committee may, on any matter in the record, consult as provided for in section 16.

33. Committee decisions are made by a majority vote of its members. In the case of a tie-vote, the chair of the committee has a casting vote. A member may register dissent.

The committee sends its recommendation to the Associate Secretary General, the Minister and the Chief Coroner.

34. The Associate Secretary General is the agent empowered to notify a coroner of the non-renewal of a term of office.

CHAPTER III
CONFIDENTIALITY

35. The names of candidates, the reports of selection committees, the recommendations of the committees for the examination of the renewal of terms, the register of certificates of qualification, the list of candidates declared qualified for appointment as full-time or part-time coroner, Chief Coroner and Deputy Chief Coroner and any information or document related to a consultation or decision by a committee are confidential.

Despite the foregoing, a full-time or part-time coroner whose term is not renewed may consult the recommendation of the examination committee concerning him or her.

CHAPTER IV
FINAL

36. This Regulation replaces the Regulation respecting criteria and procedures for selecting persons fit for the post of coroner (chapter R-0.2, r. 2).

37. This Regulation comes into force on 1 November 2022.

105955

Gouvernement du Québec

O.C. 1474-2022, 3 August 2022

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20)

Coroners Act
(chapter R-0.2)

Training of coroners

Regulation respecting the training of coroners

WHEREAS the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20) was assented to on 22 October 2020;

WHEREAS, under Order in Council 1472-2022 dated 3 August 2022, the date of coming into force of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner is set for 1 November 2022;

WHEREAS, under section 1 of the Act, the title of the Act respecting the determination of the causes and circumstances of death (chapter R-02) is replaced by the Coroners Act;

WHEREAS, under section 163.4 of that Act, enacted by section 37 of the Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner, the Government is to determine, by regulation, basic training criteria and continuing education requirements;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the training of coroners 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 it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the training of coroners, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the training of coroners

Act concerning mainly the appointment and the terms of office of coroners and of the Chief Coroner (2020, chapter 20, s. 37)

Coroners Act
(chapter R-0.2 (2020, chapter 20, s. 1), s. 163.4)

CHAPTER I
BASIC TRAINING PROGRAM

1. The objectives of the basic training program are the acquisition and development of the skills and knowledge required to perform the duties of a coroner. The program covers, in particular,

(1) the methods and tools for conducting an investigation;

(2) the relevant medical and legal notions;

(3) the rules of conduct and ethics that a coroner must comply with and the personal skills that a coroner must have;

(4) computer tools; and

(5) the organization, operation, activities and relations of the Bureau du coroner.

The basic training program comprises initial training required to perform the duties of a coroner, as well as additional training consisting in particular of practical studies that must take place after a coroner begins performing the duties, at the time determined by the Chief Coroner.

2. The basic training program lasts not less than 60 hours.

3. A coroner who is appointed for the first time, including the Chief Coroner, must participate in the basic training program and complete it within 18 months after the date of appointment.

4. When required by the quality of the performance of a coroner's duties, the Chief Coroner may require that a coroner appointed more than 2 years after the end of the last mandate participate in all or part of the basic training program. The Chief Coroner determines the parts of the training that the coroner must participate in and the time for completing them.

CHAPTER II
MANDATORY CONTINUING EDUCATION

DIVISION I
CONTINUING EDUCATION ACTIVITIES

5. The objectives of continuing education activities include enabling coroners to acquire, maintain, update, improve and expand skills and knowledge related to the performance of the duties of a coroner.

6. Subject to section 11, the following activities, where they meet the objectives provided for in section 5, are continuing education activities:

(1) participating in courses, seminars, symposiums or conferences offered or organized by the Chief Coroner or at the request of the Chief Coroner, by a professional order, a university or college level educational institution or another organization;

(2) participating in structured education activities offered in the workplace;

(3) preparing to act as an instructor or speaker;

(4) writing and publishing articles or books;

(5) participating in a mentoring activity as a mentor, up to a maximum of 10 hours.

DIVISION II
CONTINUING EDUCATION REQUIREMENTS

7. Coroners, including the Chief Coroner, must participate in at least 30 hours of continuing education per 2-year reference period; the reference period begins on 1 April of every odd-numbered year.

8. The Chief Coroner may, for a given reference period, determine the continuing training activities in which all or some coroners must participate, in particular because of a legislative or regulatory reform or if the Chief Coroner considers that a deficiency is affecting the quality of the performance of the coroner's duties.

DIVISION III
RECOGNITION AND MONITORING OF CONTINUING EDUCATION

9. All coroners must provide the Chief Coroner with a continuing education declaration, not later than 30 April following the end of the reference period, using the form prescribed for that purpose. The declaration must indicate the continuing education activities participated in during the reference period, specifying for each activity the date on which it took place, the name and contact information of the organization that provided it, and the number of hours completed. If a coroner declares an education activity that was participated in as part of mandatory continuing education as an advocate, a nurse, an engineer, a physician, a notary or a pharmacist, as the case may be, the coroner must also specify how the education activity has met the objectives provided for in section 5.

A coroner who has obtained an exemption under Division IV must indicate it in the declaration.

The Chief Coroner may require that a coroner provide any other document or information making it possible to verify whether the coroner has met the requirements with regard to continuing education.

10. For a period of 2 years after submitting a continuing education declaration, the coroner must keep the supporting documents making it possible for the Chief Coroner to verify whether the coroner meets the requirements with regard to continuing education.

11. The Chief Coroner may refuse to recognize part or all of a continuing education activity if the Chief Coroner is of the opinion that the activity does not meet the objectives provided for in section 5. In such a case, the Chief Coroner must first send a notice of intention to the coroner and inform the coroner of the right to submit written observations within 15 days of the date of notification. The Chief Coroner notifies the decision to the coroner within 30 days of the date of notification of the notice or the date of receipt of the written observations, whichever time limit expires last.

For the purposes of the first paragraph, the Chief Coroner considers in particular the following elements:

(1) the relation between the activity and the performance of the duties of a coroner;

(2) the experience and skills of the trainer;

(3) the content and relevance of the activity;

(4) the curricular framework in which the activity is carried out;

(5) the quality of the documents;

(6) the existence of a participation certificate or an assessment, as the case may be.

DIVISION IV
EDUCATION EXEMPTION

12. A coroner who has participated in the basic training program is exempted from the continuing education requirement for the reference period during which the coroner participated in the program. If the program is carried out over more than 1 reference period, the exemption only applies to the first reference period.

13. A coroner may be exempted, in whole or in part, from the requirement to participate in continuing education activities if the coroner temporarily ceases to perform duties because of illness, accident, pregnancy, maternity, paternity or parental leave, leave to act as a caregiver within the meaning of the Act respecting labour standards (chapter N-1.1), or exceptional circumstances.

A coroner having been suspended in accordance with the Coroners Act, or having had the right to engage in professional activities suspended or restricted by a disciplinary council, the professional order of which the coroner is a member or the Professions Tribunal does not constitute an exceptional circumstance.

14. A coroner who wishes to obtain an exemption in accordance with section 13 must submit a written application to the Chief Coroner and provide

(1) the grounds in support of the application;

(2) the duration of the exemption sought; and

(3) a doctor's note or any other supporting document attesting that the coroner has ceased to hold the office.

15. If the Chief Coroner grants the exemption, the Chief Coroner sets its duration, terms and conditions.

If the Chief Coroner intends to refuse the exemption, the Chief Coroner sends a notice to the coroner and informs the coroner of the right to submit written observations within 15 days following the date of notification.

The Chief Coroner notifies the decision to the coroner within 30 days of the date of notification of the notice or the date of receipt of the written observations, whichever time limit expires last.

16. The coroner must notify the Chief Coroner as soon as the ground for exemption no longer applies.

The Chief Coroner then determines the number of hours of continuing education that the coroner must complete and any applicable terms and conditions. In such a case, the Chief Coroner sends a notice of intention to the coroner and informs the coroner of the right to submit written observations within 15 days of the date of notification.

The Chief Coroner notifies the decision to the coroner within 30 days of the date of notification of the notice or the date of receipt of the written observations, whichever time limit expires last.

CHAPTER III
FAILURE TO COMPLY WITH AN EDUCATION REQUIREMENT

17. The Chief Coroner notifies a notice to comply with the continuing education requirements to coroners who fail to participate in the basic training or to submit the continuing education declaration or the supporting documents referred to in sections 10 and 14.

The notice indicates the nature of the failure, the time granted to the coroner to remedy the failure and submit evidence thereof, and the consequences that the coroner may face should the coroner fail to remedy the failure.

CHAPTER IV
TRANSITIONAL AND FINAL

18. For the purposes of continuing education requirements, the first reference period begins on 1 April 2025.

19. This Regulation comes into force two years after the date of its publication in the *Gazette officielle du Québec*.

105956

Gouvernement du Québec

O.C. 1475-2022, 3 August 2022

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Lottery Scheme Rules

Lottery Scheme Rules

WHEREAS, under subparagraphs *c*, *d*, *f*, *g*, *i*, *j*, *k*, *l* and *m* of the first paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), except with respect to video lotteries and State casinos, the Régie des alcools, des courses et des jeux (the board) may make rules respecting

—the nature, number and frequency of lottery schemes;

—the distribution of dates, places and times for the conduct of lottery schemes;

—the nature, quality and use of machines or equipment utilized in activities governed by the Act;

—the maintaining of public order and the safety of persons in premises in which activities governed by the Act are being carried on;

—the conditions for obtaining prescribed licences and the standards, restrictions or prohibitions relating to the use thereof;

—the carrying or the posting up of licences;

—the advertising and promotion relating to activities governed by the Act;

—the reports that licence holders must submit, the form of such reports, their frequency and the information that the reports must contain, which may vary according to the categories of licences;

—the registers and financial statements that licence holders must keep, the information that such documents must contain, the length of time for which and the place in which they must be preserved and the standards relating to the disposal of the amounts collected by licence holders, which may vary according to the categories of licences;

WHEREAS, under the second paragraph of section 20 of the Act, the board may also make any other rule relating to the organization, management, conduct and operation of publicity contests and lottery schemes and to the operation of amusement machines;

WHEREAS, under the third paragraph of section 20 of the Act, every rule must be submitted to the Government for approval;

WHEREAS, in accordance with the fourth paragraph of section 20 of the Act, the Secrétariat du bingo has been consulted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Lottery Scheme Rules was published in Part 2 of the *Gazette officielle du Québec* of 30 March 2022 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Rules with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Lottery Scheme Rules, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Lottery Scheme Rules

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 20, 1st par., subpars. *c*, *d*, *f*, *g*, *i*, *j*, *k*, *l*, and *m*, and 2nd par.)

TITLE I
INTERPRETATION

1. In these Rules, the expressions "ticket", "card", "charitable purposes", "religious purposes", "fair or exhibition", "instant lottery", "organization", "electronic scheme", "drawing" and "electronic drawing" have the meaning assigned by the Lottery Scheme Regulation, made by Order in Council 1476-2022 dated 3 August 2022.

TITLE II
LICENCE APPLICATIONS

CHAPTER I
LOTTERY SCHEMES LICENCE

2. An organization, a board of a fair or exhibition or an operator of a concession leased from the board of a fair or exhibition that applies for a lottery schemes licence to the Régie des alcools, des courses et des jeux must have an establishment in Québec.

If a natural person, the operator of a concession leased from the board of a fair or exhibition must be a Canadian citizen or permanent resident of full age.

3. Where the applicant is an organization, the licence application must include

(1) the organization's name, address, telephone number and email address;

(2) a copy of the resolution that designates the natural person acting as representative for the licence application;

(3) the representative's name, address, telephone number, email address and date of birth;

(4) the organization's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution, of its registration or of a document attesting to its existence;

(5) a detailed description of the charitable or religious purposes for which the application is made; and

(6) a document proving the charitable or religious purposes pursued by the organization.

4. Where the applicant is a board of a fair or exhibition or the operator of a concession leased from the board of a fair or exhibition, the application must include

(1) the board or operator's name, address, telephone number and email address;

(2) a copy of the resolution that designates the natural person acting as representative for the licence application;

(3) the representative's name, address, telephone number, email address and date of birth;

(4) the board or operator's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) or, failing that, a copy of its letters patent, of its certificate of constitution, of its registration or of a document attesting to its existence;

(5) the name of the fair or exhibition; and

(6) a declaration that the lottery scheme will be operated during and on the premises of the fair or exhibition.

The operator of a concession must also provide the leasing contract that the operator signed with the board of a fair or exhibition.

Despite the first paragraph, an operator who is a natural person must provide

(1) the operator's name, address, telephone number, email address and date of birth;

(2) the name of the fair or exhibition; and

(3) a declaration that the lottery scheme will be operated during and on the premises of the fair or exhibition.

5. An applicant for a licence to conduct and manage a drawing must provide the board, for each drawing, with

(1) the date and place of the drawing;

(2) the dates when tickets will be on sale;

(3) the number or estimated number of tickets that will be on sale;

(4) the ticket selling price;

(5) the total value of the prizes to be awarded or the total percentage of gross profit for each prize as well as the corresponding value of the total percentage that would come from the sale of all the estimated tickets;

(6) a brief description and the retail value of each prize, or the total percentage of gross profit of each prize;

(7) the anticipated profit and costs;

(8) the rules of participation and operation; and

(9) the type of drawing.

If the applicant uses an electronic scheme from a supplier in order to conduct and manage the applicant's drawing, the applicant must also provide the name of the supplier, the name and proposed use of the electronic scheme and a copy of the contract entered into with the supplier.

If the applicant has established an electronic scheme to conduct and manage an electronic drawing, the applicant must provide

(1) the name and description of the scheme;

(2) the digital signatures of the electronic scheme's critical components and the digital signature specific to the random number generator at the time of the application; and

(3) the certification or expert report referred to in section 53 and an attestation from the laboratory confirming that the scheme has the characteristics listed in section 54.

6. An applicant for a licence to conduct and manage an instant lottery must provide the board, for each instant lottery, with

(1) the dates when cards will be on sale;

(2) the date and place of any drawing of lots;

(3) the number of cards;

(4) the card selling price;

(5) the total value of prizes to be awarded and a brief description and the retail value of each prize;

(6) the rules of participation and operation; and

(7) the anticipated profit and costs.

7. An applicant for a licence to conduct and manage a charity casino must provide the board, for each charity casino, with

(1) the date and place of the charity casino;

(2) the number of admission tickets on sale;

(3) the admission ticket selling price;

(4) the estimated revenues from the sale of additional phoney money;

(5) the total value of prizes to be awarded and a brief description and the retail value of each prize;

(6) a description of the blackjack tables and the types of wheels of fortune and the rules of participation and operation;

(7) the number of blackjack tables or wheels of fortune;

(8) a copy of all contracts entered into by the applicant pertaining to the holding of the charity casino; and

(9) the anticipated profit and costs.

8. An applicant for a licence to conduct and manage a wheel of fortune must provide the board with

(1) the date and place of the wheel of fortune;

(2) a description of the types of wheel of fortune and the rules of participation and operation; and

(3) the number of wheels of fortune and the minimum and maximum bets per wheel of fortune.

9. The board may issue a single licence for more than one lottery scheme.

10. A licence application made by a number of persons must be signed by each person.

11. The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors or employees working on the lottery scheme has been found guilty of or has pleaded guilty to

(1) an offence against the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or a lottery scheme regulation or rules made under the Act with respect to a lottery scheme, within the last 3 years;

(2) an offence punishable on summary conviction pertaining to gaming or betting, within the last 3 years; or

(3) an indictable offence involving gaming or betting or under Part IX or X of the Criminal Code (R.S.C. 1985, c. C-46), within the last 5 years.

12. The board may refuse to issue a licence to applicants who failed to comply with the requirements for a previous lottery schemes licence.

13. The board may require that the applicant provide a security

(1) by filing a letter of guarantee from a financial institution that indicates the guaranteed amount and identifies the lottery scheme associated with it;

(2) by depositing a sum of money with the board or in a trust account belonging to a financial institution, advocate or notary.

14. An applicant must immediately notify the board of any change in the information and documents required in this Chapter.

Under the licence, no modification may be made to a lottery scheme and no lottery scheme may be added without the prior authorization of the board.

When granting such an authorization, the board may modify the licence already issued. In case of a refusal, it may cancel or revoke the licence.

CHAPTER II
ELECTRONIC SCHEMES SUPPLIER LICENCES

15. An applicant for an electronic schemes supplier licence must be registered with the enterprise registrar or, if a natural person, a Canadian citizen or permanent resident of full age.

16. An application made to the board must include

(1) the applicant's name, address, telephone number, email address and, if the applicant is a natural person, the applicant's date of birth;

(2) a copy of the resolution that designates the natural person authorized to act as representative for the licence application;

(3) the representative's name, address, telephone number, email address and date of birth;

(4) the applicant's Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(5) the name, address and date of birth of each director or officer, and of every shareholder holding 10% or more of the shares carrying full voting rights;

(6) proof of solvency;

(7) proof of at least 2 years' experience developing and creating electronic or related schemes; and

(8) for each electronic scheme that the applicant intends to offer,

(*a*) the name and description of the scheme;

(*b*) the digital signatures of the electronic scheme's critical components and the digital signature specific to the random number generator at the time of the application; and

(*c*) the certification or expert report referred to in section 53 and an attestation from the laboratory confirming that the scheme has the characteristics listed in section 54.

Subparagraphs 2, 3, 4 and 5 of the first paragraph do not apply to a natural person.

17. The board may refuse to issue a licence if an applicant or one of the applicant's officers, directors or employees who has access to the electronic schemes has been found guilty of or has pleaded guilty to

(1) an offence against the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) or a lottery scheme regulation or rules made under the Act, within the last 3 years;

(2) an offence punishable on summary conviction directly related to the activities authorized by the licence, within the last 3 years; or

(3) an indictable offence directly related to the activities authorized by the licence, within the last 5 years.

A licence application may also be refused if an applicant or one of the applicant's officers or directors resorted to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3) or the Companies' Creditors Arrangement Act (R.S.C. 1985, c. C-36) within less than 5 years.

18. The board may refuse to issue a licence to applicants who failed to comply with the requirements for a previous electronic schemes supplier licence.

19. An applicant must immediately notify the board of any change in the information and documents required in this Chapter.

TITLE III
STANDARDS FOR THE USE OF LOTTERY SCHEMES LICENCES

CHAPTER I
GENERAL

20. A person designated to act as the representative of the licence holder must be a member, director or employee or volunteer for the holder and have the necessary knowledge on the conduct and management of the lottery scheme to answer the board.

21. A lottery schemes licence holder must conduct and manage a lottery scheme themselves.

The lottery schemes licence holder is also responsible for the integrity and safety of the lottery scheme.

22. A holder must allow the public to consult the holder's lottery schemes licence and the rules of participation and operation, and to learn the charitable or religious purposes for which the licence was issued.

23. A holder must not allow a minor to take part in the lottery scheme.

24. All advertising related to the lottery scheme must bear the holder's name and licence number and specify that it is forbidden for a minor person to take part in the lottery scheme.

All advertising must also comply with the lottery scheme's rules of participation and operation.

25. Within 30 days of a licence's date of issue, the holder must send to the board

(1) in the case of a drawing that uses regular tickets, a specimen ticket; or

(2) in the case of an instant lottery, a specimen card.

26. A lottery schemes licence may not be used during a bingo event or a bingo day governed by the Regulation respecting bingo (chapter L-6, r. 4) and the Bingo Rules (chapter L-6, r. 5).

CHAPTER II
EXPENSES AND PROFIT

27. The funds collected by an organization during the conduct and management of a lottery scheme, other than prize payout funds, must be the object of separate book-keeping.

28. The percentage of the net profit from a lottery scheme may not be less than

(1) 35% for a drawing;

(2) 50% for an instant lottery; and

(3) 30% for a charity casino.

29. Except in the case of a wheel of fortune, a lottery scheme's administration expenses must be less than the scheme's net profit.

30. The cost for the rental, upkeep or use of the premises where the lottery scheme is to be conducted, the cost of advertising, the cost of the electronic scheme and the cost of the equipment used for a charity casino must be a fixed price; it must not be based on a percentage of the profit, an admission charge, a per capita contribution or any kind of interest in the profit.

31. The transportation expenses of the participants in a lottery scheme may not be paid by or for the holder of a licence for the lottery scheme.

32. The remuneration of any member, director, employee or volunteer for the holder who works in the conduct and management of a lottery scheme must be fixed and may not be determined on the basis of a percentage of the lottery scheme's profits.

The remuneration of any other person is prohibited.

CHAPTER III
PRIZES

33. The total value of prizes awarded must correspond to the value of prizes or percentage of gross profit specified on the licence application and in the rules of participation and operation.

34. Where a prize is awarded in the form of merchandise, a licence holder must ensure that the value of the prize to be awarded is equal to the total amount that a person would have to pay to purchase an identical or similar item or service in Québec, even if the prize was awarded free of charge or sold at a discount.

CHAPTER IV
DRAWINGS

DIVISION I
GENERAL

35. In the case of a drawing held at a benefit activity, the price of a ticket must be distinct from the amount asked for in order to take part in the benefit activity.

36. When a drawing is held during an event, the licence holder must have been authorized by the event organizer to establish and operate the drawing.

37. A holder of a licence to conduct and manage a drawing may not

(1) offer tickets for sale before the licence is issued by the board;

(2) sell a ticket for a value other than the selling price indicated on it and in the licence application; or

(3) sell a ticket to a person who is not in Québec.

38. A licence to conduct and manage a drawing authorizes the holder to sell regular or simplified tickets that entitle purchasers to take part in a drawing of lots for various prizes.

Simplified tickets may be used only when tickets are sold and a winner is chosen at the same place on the same day in the presence of the participants.

39. Regular tickets must contain

(1) the holder's name;

(2) the licence number;

(3) the ticket's sequential number;

(4) the selling price of each ticket;

(5) the place, date and time of the drawing; and

(6) the place where the rules of participation and operation may be consulted.

The licence holder must also retain, for the purpose of choosing the winners, the purchaser's name, address and telephone number for the sequential number corresponding to the ticket given to the purchaser.

40. Simplified tickets must contain a sequential number, which must be retained by the holder for the purpose of choosing the winners.

41. The rules of participation and operation of a drawing must contain

(1) the holder's name;

(2) the licence number;

(3) the type of drawing;

(4) the number of tickets on sale and the numbers of the first and last tickets or an indication that the number of tickets is undetermined;

(5) the selling price of each ticket;

(6) the place and date of the sale of tickets;

(7) the place, date and time of the drawing;

(8) the order in which the prizes are to be drawn and whether winning tickets will be removed from subsequent drawing of lots;

(9) the total value of prizes to be awarded or the total percentage of gross profit for each prize as well as the corresponding value of the total percentage that would come from the sale of all the estimated tickets;

(10) a brief description and the retail value of each prize, or the total percentage of gross profit of each prize;

(11) the manner in which and place where prizes must be claimed;

(12) the time within which the prize must be claimed as of the drawing; and

(13) the procedure for choosing the winner if the drawing of progressive lots must take place on the last day of the licence's period of validity.

42. A winner must be chosen by the drawing of lots.

A winner must be chosen publicly before at least 3 witnesses or recorded and broadcast as a video, unless the winner is chosen by an electronic scheme.

43. Each drawing prize whose amount is determined by a percentage of the revenue generated from ticket sales must be announced to the participants before a winner is chosen.

44. To receive a prize, a participant must show the licence holder that he or she is at least 18 years of age.

The participant must also prove his or her identity to the licence holder if the participant holds a regular ticket or, if the participant holds a simplified ticket, present that ticket.

To be valid, a simplified ticket must be intact and must not have been modified, altered, reconstituted or counterfeited in any manner whatsoever.

45. The participant who holds the simplified ticket that bears the sequential number drawn must claim the prize not later than 30 minutes after the winning sequential number has been called. Otherwise the licence holder must choose another winner until the prize is awarded.

46. When a winner is not chosen within 30 minutes after the time at which a winner was supposed to be chosen, the licence holder must inform the participants of the time to which choosing a winner is postponed.

If, due to exceptional circumstances, a winner cannot be chosen on the scheduled day, choosing a winner must be postponed to a time, and in a manner, agreed with the board.

47. During a progressive drawing, the progressive jackpot must be drawn not later than the last day of the licence's period of validity and the rules of participation and operation must set out the procedure for choosing the winner.

DIVISION II
ELECTRONIC SCHEMES

§1. General

48. Only an organization holding a licence to conduct and manage a drawing may use an electronic scheme.

An electronic scheme may only be used for selling tickets, choosing a winner or awarding a prize as part of a drawing.

49. For an electronic drawing, an organization must establish its own electronic scheme or use an electronic scheme from a supplier holding an electronic schemes supplier licence issued by the board.

50. An electronic scheme must

(1) be up to date, in good working order and not be compromised or altered in a way that would affect the integrity of the drawing;

(2) be safe, in particular by controlling access and network security and by having safety monitoring tools;

(3) ensure availability, in particular by having processes to save and restore applications and data, a disaster recovery plan, data redundancy and incident management procedures;

(4) protect processing integrity, in particular by collecting and storing the entirety of the data, recording all valid tickets in the drawings, using audit journals to document and track the activity, and precisely recording and noting the results of the drawings;

(5) be the subject of a lifetime software development process; and

(6) use a server situated in Canada.

51. An electronic scheme used for the sale of tickets must

(1) limit the period during which the tickets are on sale;

(2) have a means of ensuring that a purchaser is in Québec and is at least 18 years of age;

(3) allow secure payments;

(4) have a means of ensuring that participants agree to the privacy policies and rules of participation and operation;

(5) protect participants' personal information in accordance with the statutes that apply; and

(6) enable a ticket to be cancelled or reissued after it is sold.

52. A random number generator used to choose a winner must use a proven and reliable algorithm and generate unpredictable random numbers that are statistically independent and have the same odds of being generated within the same series.

The results produced by a random number generator must at the very least pass the relevant statistical tests to show, with a high degree of confidence, that the results meet the conditions of randomness.

§2. Reports and certifications

53. An electronic scheme, including a random number generator, must be certified or expertly assessed using the recognized standards in the field, such as GLI-27, GLI-31 or ISO /IEC27000-series standards.

The certification or expert report must be issued by a laboratory that meets the requirements of section 54.

The laboratory must also certify that the electronic scheme meets the requirements of this Division.

54. Only an independent and competent laboratory that has the following characteristics may certify or expertly assess an electronic or related scheme:

(1) have at least 2 years' experience inspecting or certifying electronic schemes, including any random number generators or related schemes;

(2) have sufficient staff specialized in the required disciplines;

(3) have the capacity to independently evaluate and document each standard;

(4) have the capacity to understand and test interactions between the components of an electronic scheme while establishing how the components might impact integrity and their proper operation;

(5) have sufficient material, schemes and tools to independently perform the required tests;

(6) be able to ensure the safety of the rooms, material and schemes used.

§3. Supplier obligations

55. A supplier must

(1) provide adequate training to organizations to use the electronic scheme;

(2) store the scheme securely and protect access to them at all times;

(3) resolve any technical difficulties that occur during the drawing and affect its integrity;

(4) monitor the scheme and intervene during any unusual or suspicious activity;

(5) monitor and detect errors in the scheme and related components; and

(6) inform the board of any incident that might affect the safety or integrity of the scheme or drawing, and of the measures taken to correct it.

56. When changes are made to a random number generator or critical component of an electronic scheme, a supplier must provide the board with a new certification or expert report and up to date digital signatures.

The supplier must also keep the digital signatures for the electronic scheme, including the random number generator, and make them available to the board for inspection upon request.

57. A supplier may not conduct or manage a lottery scheme for an organization.

58. A supplier and a supplier's officers, directors and employees may not take part in a drawing for which the supplier's electronic scheme is used.

59. The cost charged to an organization to use an electronic scheme must be fixed and predetermined. It may not be set as a percentage of profit.

§4. Organization obligations

60. During the conduct and management of an electronic drawing, an organization must

(1) ensure that the organization's staff assigned to the drawing have the skills and knowledge required to use the electronic schemes;

(2) store the schemes securely and protect access to them at all times;

(3) inform the board of any incident that might affect the safety or integrity of the scheme or drawing, and of the measures taken to correct it; and

(4) keep all data related to the drawing for 2 years after the date of expiry of the licence.

61. If an organization has established its own electronic scheme, the organization must also meet the requirements set out in sections 50 to 56.

CHAPTER V
INSTANT LOTTERIES

62. A holder of a licence to conduct and manage an instant lottery must give purchasers a card containing

(1) the licence holder's name;

(2) the licence number;

(3) the number of cards on sale;

(4) the selling price of each card;

(5) the period during which the cards are on sale;

(6) the place where purchasers can purchase a card;

(7) the combination of symbols or hidden symbol that allows the purchaser to win;

(8) the list of prizes, retail value of each prize and any combination of symbols or hidden symbol for each prize;

(9) the place where prizes must be claimed; and

(10) the deadline and procedure for claiming a prize.

When the card may also entitle a purchaser, in addition to the chance to win an instant prize, to take part in a drawing of lots, the card must also contain

(1) the sequential number of the card;

(2) the place, date and time of the drawing of lots; and

(3) the order in which the prizes will be drawn and if the winning tickets are removed from subsequent drawings of lots.

When that is the case, the licence holder must keep the sequential number corresponding to the sequential number of the card given to the purchaser to perform the drawing of lots.

63. A drawing of lots that is part of an instant lottery must be made publicly before at least 3 witnesses or recorded and broadcast as a video.

64. The rules of participation and operation must contain the same information as the cards, except the combination of symbols or hidden symbol and the sequential number used if there is a drawing of lots.

65. Each instant lottery card must be opaque and designed to make it impossible to read the contents without showing that the card has been altered.

A winning card must not be identifiable by colour, size or the presence of a mark, except the sealed content.

66. To be declared a valid winning card, an instant lottery card must be intact, except the part used to seal the contents, and must not have been modified, altered, reconstituted or counterfeited in any manner whatsoever.

67. Each winning instant lottery card must be marked when the prize is awarded.

CHAPTER VI
CHARITY CASINOS

68. A holder of a licence to conduct and manage a charity casino must give each subscriber, for each amount, a fixed sum of phoney money to be accepted only at blackjack tables or wheels of fortune and exchanged for the right to take part in a drawing of lots or for the right to purchase merchandise in an auction or sale.

The admission ticket and phoney money must show

(1) the licence number; and

(2) the licence holder's name.

69. In the case of a blackjack table, a holder must not allow a player to place more than one bet at a time, except when the rules of the scheme allow a player to make 2 separate hands with the first 2 cards if such cards are a pair.

70. A holder who conducts and manages a charity casino on leased commercial premises may in no manner whatsoever hire the lessor of the premises, the lessor's representative or any of the lessor's employees to conduct and manage the charity casino.

71. No one working in the conduct and management of a charity casino may take part in the charity casino unless the work ends before the charity casino begins.

CHAPTER VII
WHEELS OF FORTUNE

72. A licence to conduct and manage a wheel of fortune authorizes the holder to operate a lottery scheme in the form of a wheel divided into sections, each containing a number or symbol, where players can place bets corresponding to those numbers or symbols for the chance to win prizes.

73. A holder must ensure that wheel of fortune tables are identified with the value of their minimum and maximum bets and that the values are not changed for the duration of the lottery scheme.

74. A wheel of fortune may only be held during and on the premises of the fair or exhibition referred to in the licence.

TITLE IV
STATEMENT OF PROFIT

75. A holder of a licence to conduct and manage a drawing must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each drawing:

(1) the number of tickets on sale;

(2) the number of tickets sold;

(3) the selling price of each ticket;

(4) the total proceeds from the sale of tickets;

(5) the total value of prizes awarded;

(6) the actual cost of each prize awarded, as well as supporting vouchers at the board's request;

(7) the total value of the prizes claimed;

(8) the administration expenses;

(9) the profit or loss;

(10) the name and address of each winner of a prize valued at $2,000 or more, at the board's request;

(11) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

76. A holder of a licence to conduct and manage an instant lottery must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each instant lottery:

(1) the number of cards on sale;

(2) the number of cards sold;

(3) the selling price of each card;

(4) the total proceeds from the sale of cards;

(5) the total value of prizes awarded;

(6) the actual cost of each prize awarded, as well as supporting vouchers at the board's request;

(7) the total value of the prizes claimed;

(8) the administration expenses;

(9) the profit or loss;

(10) the name and address of each winner of a prize valued at $2,000 or more, at the board's request;

(11) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

77. A holder of a licence to conduct and manage a charity casino must prepare and keep a statement of gross and net profit on the form prescribed by the board.

The holder must send a copy of the statement to the board not later than 60 days following the date of expiry of the licence.

The statement must contain the following information for each charity casino:

(1) the number of admission tickets on sale;

(2) the number of admission tickets sold;

(3) the selling price of an admission ticket;

(4) the total proceeds from the sale of admission tickets;

(5) the total proceeds from the sale of additional phoney money;

(6) the total value of prizes awarded;

(7) the actual cost of each prize awarded, as well as supporting vouchers at the board's request;

(8) the total value of the prizes claimed;

(9) the administration expenses;

(10) the profit or loss;

(11) the name and address of each winner of a prize valued at $2,000 or more, at the board's request;

(12) an attestation that all prizes offered were awarded or the reasons why they were not awarded.

TITLE V
USE OF PROFITS

78. The profit from the conduct and management of a lottery scheme by an organization must be used in Québec for the charitable or religious purposes for which the licence was issued and may not be used to repay expenses already incurred.

The profit must be used within one year following the date of expiry of the licence.

The organization may, for serious grounds, apply to the board to have that period extended.

79. An organization must, at the board's request, show that profit from the conduct and management of the lottery scheme was used for the purposes for which the licence was issued.

The organization must keep the data required to show that for 2 years after the date of expiry of the licence.

TITLE VI
FINAL

80. These Rules replace the Lottery Scheme Rules (chapter L-6, r. 12).

81. These Rules come into force on the fifteenth day following the date of publication in the *Gazette officielle du Québec*.

105957

Gouvernement du Québec

O.C. 1476-2022, 3 August 2022

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Lottery Scheme Regulation

Lottery Scheme Regulation

WHEREAS, under subparagraph *a* of the first paragraph of section 119 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), the Government may, by regulation, prescribe whatever is required to be prescribed by regulation under the Act;

WHEREAS, under subparagraph *b* of the first paragraph of section 119 of the Act, the Government may, by regulation, establish categories of licences according to the activities to be carried on;

WHEREAS, under subparagraph *c* of the first paragraph of section 119 of the Act, the Government may, by regulation, determine the amount of duties for the issue, modification, maintenance or renewal of a licence or the obtention of an authorization, the fees for the examination of an application for the issue, modification or renewal of a licence or the obtention of an authorization, the fees for the issue of a duplicate and the terms and conditions of payment or reimbursement, which may vary according to the category of licence or authorization, or according to factors specified in the regulation;

WHEREAS, under subparagraph *d* of the first paragraph of section 119 of the Act, the Government may, by regulation, determine, in respect of lottery schemes, the categories of persons who may apply for a licence and the category of licence that a person may obtain;

WHEREAS, under the second paragraph of section 119 of the Act, the Government may also make regulations it considers expedient for the application and enforcement of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Lottery Scheme Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 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 Public Security:

THAT the Lottery Scheme Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Lottery Scheme Regulation

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 119, 1st par., subpars. *a*, *b*, *c* and *d*, and 2nd par.)

DIVISION I
DEFINITIONS

1. In this Regulation,

"card" means a printed card used in the context of an instant lottery or a manufactured object accompanied by a medium that contains the same information as a card; (*carte*)

"charitable purposes" means purposes intended to relieve suffering or poverty and those intended to promote education or achieve any other objective favourable to the population in the fields of culture, the arts, sports or community interests; (*fins charitables*)

"drawing" means a drawing with a fixed prize, a drawing whose prize is determined based on the percentage of gross revenues such as a 50/50, a progressive drawing such as chase the ace, or a mixed drawing that combines more than one type of drawing; (*tirage*)

"electronic drawing" means a drawing that uses an electronic scheme to sell tickets, choose a winner or award a prize; (*tirage électronique*)

"electronic scheme" means a computer, device, machine or computer platform used to establish or operate an electronic drawing that does not constitute a video lottery machine within the meaning of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6); (*système électronique*)

"fair or exhibition" means a fair or exhibition within the meaning of subsection 3.1 of section 206 of the Criminal Code (R.S.C. 1985, c. C-46); (*foire ou exposition*)

"instant lottery" means a lottery scheme in which a card contains sufficient information, in itself, to determine if the holder is entitled to a prize; (*loterie instantanée*)

"organization" means a partnership, association or non-profit legal person engaged in charitable or religious purposes; (*organisme*)

"religious purposes" means purposes intended to promote a religious doctrine; (*fins religieuses*)

"ticket" means a regular ticket or a simplified ticket used in the context of a drawing, or a manufactured object accompanied by a medium that contains the same information as a ticket. (*billet*)

DIVISION II
LICENCES

§1. Lottery schemes licence

2. A licence is prescribed to conduct and manage the following lottery schemes:

(1) drawings;

(2) instant lotteries;

(3) charity casinos;

(4) wheels of fortune.

3. An organization may apply for a licence to conduct and manage all the lottery schemes set out in section 2, except wheels of fortune, where the profits from the lottery scheme are used for charitable or religious purposes compatible with the purposes pursued by the organization.

The board of a fair or exhibition may apply for a licence to conduct and manage, at a fair or exhibition it organizes, a drawing, an instant lottery or a wheel of fortune.

The operator of a concession leased from the board of a fair or exhibition may apply for a licence to conduct and manage a wheel of fortune that is operated when the fair or exhibition is held.

4. An application for a lottery schemes licence or any application to add a new lottery scheme must be filed with the board at least 30 days before the sale of tickets or instant lottery cards, or the date that the charity casino or the wheel of fortune is held.

§2. Electronic schemes supplier licence

5. An electronic schemes supplier licence is prescribed to provide an organization with an electronic scheme used in the context of a drawing.

DIVISION III
PAYABLE DUTIES AND FEES

6. An applicant for a lottery schemes licence must pay, upon applying, examination fees of $30.75, as well as

(1) for a drawing, subject to section 7, a payable duty representing 0.9% of the total selling price of the tickets estimated by the applicant;

(2) for an instant lottery, a payable duty representing 0.9% of the total selling price of the instant lottery cards;

(3) for a charity casino, a payable duty of $30.75 per day for each blackjack table or wheel of fortune; and

(4) for a wheel of fortune, a payable duty of $60 per day for each wheel of fortune where the stake is from $0.25 to $2, and $119 per day for other wheels of fortune.

Despite subparagraph 1 of the first paragraph, for a progressive drawing, a payable duty representing 0.9% of the total selling price of the tickets must be sent to the Régie des alcools, des courses et des jeux every quarter as of the first drawing.

7. In the case of a licence to conduct and manage drawings, where the revenues from the sale of tickets for all drawings under the licence exceed 10% of the total selling price of the tickets estimated at the time of the application, the holder is required to pay a duty representing 0.9% of the excess amount. The payment of duties must accompany the copy of the statement of profit sent to the board pursuant to section 75 of the draft Lottery Schemes Rules, approved by Order in Council 1475-2022 dated 3 August 2022, or be sent not later than 60 days after the date of expiry of the licence.

8. An applicant for an electronic schemes supplier licence must pay, upon applying, examination fees of $30.75 and a payable duty of $225.

9. The board will reimburse only the duty paid by an applicant upon applying for a licence where the application is refused, except examination fees.

10. Where a lottery scheme for which a licence was issued is not held during the period of validity of the licence, the holder may ask the board to reimburse the duty paid, except examination fees, not later than on the thirtieth day after the date of expiry of the licence.

11. The duties and fees payable under this Regulation, except the duties determined using the percentages provided for in subparagraphs 1 and 2 of the first paragraph of section 6 and in section 7, are adjusted

on 1 January of each year, based on the percentage change in the All-Items Consumer Price Index for Canada, for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada. The adjustment rate may not be less than zero.

The adjusted duties and fees are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between $0.01 and $0.25, they are increased by $0.25;

(2) where the annual increase resulting from the adjustment is between $0.25 and $0.50, they are increased by $0.50;

(3) where the annual increase resulting from the adjustment is between $0.50 and $1, they are increased by $1; and

(4) where the annual increase resulting from the adjustment is greater than $1,

(*a*) they are reduced to the nearest dollar if they contain a fraction of a dollar less than $0.50; or

(*b*) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than $0.50.

The board informs the public of the results of the adjustments under this section by publishing them in Part 1 of the *Gazette officielle du Québec* and, if the board considers it appropriate, by any other means.

DIVISION IV
FINAL AND TRANSITIONAL

12. The licences issued pursuant to the Lottery Schemes Regulation (chapter L-6, r. 11) remain in force until the date on which they would have expired in accordance with that Regulation and the holders may, until that date, carry on the operations authorized by those licences.

13. This Regulation replaces the Lottery Schemes Regulation (chapter L-6, r. 11).

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

105958

Gouvernement du Québec

O.C. 1480-2022, 3 August 2022

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2)

Financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

WHEREAS, under section 168.1 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), a government regulation may be made to determine the amounts, the eligibility requirements and the terms and conditions of payment of the financial assistance the Chief Coroner may grant to members of a deceased person's family under section 125.1 of that Act to cover expenses incurred for legal assistance and representation during a coroner's inquest following an independent investigation conducted by the Bureau des enquêtes indépendantes in accordance with section 289.1 of the Police Act (chapter P-13.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner was published in Part 2 of the *Gazette officielle du Québec* of 20 April 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 Public Security:

THAT the Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the financial assistance that may be granted to members of a deceased person's family to cover expenses incurred for legal assistance and representation during certain inquests by a coroner

Act respecting the determination of the causes and circumstances of death
(chapter R-0.2, s. 168.1)

CHAPTER I
ELIGIBILITY REQUIREMENTS

1. A member of the deceased person's family who has been recognized, under section 136 of the Act respecting the determination of the causes and circumstances of death (chapter R-0.2), as an interested person by the coroner conducting the inquest is eligible for financial assistance.

For the purposes of this Regulation, the spouse of the deceased person, the children of the deceased person or the deceased person's spouse, the parent of the deceased person or the persons acting in their stead, the brothers and sisters of the deceased person, and the person who had custody of the deceased person under a court judgment, except a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), are members of the deceased person's family.

2. A member of the family who is eligible for the legal aid system established under the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is not eligible for the financial assistance provided for in this Regulation.

3. Only 1 member of the deceased person's family may obtain financial assistance for the inquest conducted by the coroner.

Another member of the family may be declared eligible if they establish to the coroner's satisfaction that their interests and those of the member of the family who has been declared eligible for financial assistance are divergent, opposed or irreconcilable.

CHAPTER II
APPLICATION FOR FINANCIAL ASSISTANCE

4. A member of the family who wishes to obtain financial assistance must apply to the Chief Coroner, before the end of the inquest, using the form prescribed for that purpose. The application must contain in particular a brief description of the legal assistance and representation required, as well as relevant grounds in support of the application.

The application must be accompanied by proof that the applicant is a member of the deceased person's family and that the applicant meets the other eligibility requirements provided for in this Regulation. Where applicable, the application is accompanied by other supporting documents that is relevant or required by the Chief Coroner.

5. On receiving an application for financial assistance, the Chief Coroner informs the coroner conducting the inquest and provides the coroner with the relevant information to make a recommendation.

If the Chief Coroner has already declared another member of the deceased person's family eligible for financial assistance for the same inquest, the Chief Coroner informs the applicant, who may provide any information to demonstrate eligibility for financial assistance under the second paragraph of section 3. The recommendation of the coroner conducting the inquest must then cover the existence or absence of divergent, opposed or irreconcilable interests between the applicant and the member of the family who has been declared eligible for financial assistance.

6. After analysis of the application for financial assistance, on the recommendation of the coroner conducting the inquest, the Chief Coroner informs the applicant of the decision in writing and, if the applicant is eligible, indicates the legal assistance and representation that may be reimbursed under Chapter III.

CHAPTER III
AMOUNTS AND TERMS AND CONDITIONS OF PAYMENT OF THE FINANCIAL ASSISTANCE

7. An eligible member of the family is entitled, up to an amount of $20,000 per inquest, to the reimbursement of the following expenses incurred for legal assistance and representation:

(1) to the extent provided for in section 10, advocate fees related to the preparation of the inquest, including the interviews with witnesses and the visit to the place of death, and the advocate's participation in the inquest or a meeting requested by the coroner conducting the inquest or the Chief Coroner;

(2) the expenses for service by bailiff and notification by registered mail;

(3) expert fees;

(4) the reasonable expenses of an advocate, including the cost of reproducing documents, travel, meals, and other expenses for participating in a coroner's inquest.

An advocate referred to in subparagraphs 1 and 4 of the first paragraph must be a member of the Barreau du Québec or be legally authorized to practise in Québec.

8. No financial assistance may be granted for fees, costs and other expenses that are, as the case may be,

(1) related to the negotiation of the service contract between the advocate and the member of the family;

(2) related to secretarial work or time spent on travel and meals;

(3) related to representations for obtaining the status of interested person;

(4) incurred as part of judicial proceedings that may result from the direction and decisions of the coroner conducting the inquest; or

(5) incurred to contest the decision of the Chief Coroner on an application for financial assistance filed under this Regulation.

9. An eligible member of the family may obtain the reimbursement of advocate fees paid for each period of work carried out, according to the tariff set for a coroner's inquest pursuant to section 83.21 of the Act respecting legal aid and the provision of certain other legal services.

The number of periods of preparation is limited to 1 per day of hearing during the inquest. A work period is a period of preparation, a period of participation in a meeting called by the coroner conducting the inquest or by the Chief Coroner, or a hearing period. A day comprises a maximum of 3 work periods, 1 in the morning, 1 in the afternoon and 1 in the evening; morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

10. The eligible member of the family sends to the Chief Coroner an application for reimbursement accompanied by the supporting documents detailing the fees paid and establishing their payment where the fees are at least $2,000 and, subsequently, for each additional $3,000, except the last application for reimbursement, which may be for a lesser amount.

Despite the first paragraph and at the request of the eligible member of the family, different terms and conditions of payment may be agreed to with the Chief Coroner.

11. After analysis of the application for reimbursement, the Chief Coroner determines the amount that may be reimbursed to the member of the family and makes the payment within 30 days.

CHAPTER IV
TRANSITIONAL AND FINAL

12. Despite section 4, a member of the family who wishes to obtain financial assistance for the reimbursement of expenses incurred during a coroner's inquest that has ended may, if the inquest was held after 1 January 2020 and before 1 September 2022, apply to the Chief Coroner in accordance with this Regulation within 2 years following the end of the inquest.

In addition, the application must specify any amount paid as part of the inquest, to the benefit of a member of the deceased person's family, for the payment or reimbursement of expenses incurred for legal assistance and representation. The maximum amount that may be granted under this Regulation must be reduced by that amount.

13. Until the tariff referred to in section 9 is set, advocate fees that a member of the family has paid are reimbursed at a tariff of $290 per work period.

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

105959

Gouvernement du Québec

O.C. 1490-2022, 3 August 2022

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

Regulation
— Amendment

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

WHEREAS, under paragraph 1 of section 3 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), the Government may, by regulation and subject to the conditions it determines, exempt certain drivers of heavy vehicles, certain heavy vehicles or certain classes of heavy vehicles from the application of all or part 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 Act respecting owners, operators and drivers of heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 6 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS 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 the Act respecting owners, operators and drivers of heavy vehicles, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles

Act respecting owners, operators and drivers of heavy vehicles
(chapter P-30.3, s. 3, par. 1)

1. The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3, r. 1) is amended in section 2

(1) by replacing "motorized road vehicles used by the holder of a taxi owner's permit" in paragraph 6 by "qualified automobiles within the meaning of section 9 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2)";

(2) by adding the following at the end:

"(7) maintenance vehicles within the meaning of paragraph 6 of section 2 of the Act respecting off-highway vehicles (chapter V-1.3).".

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

105960

Draft Regulations

Draft Regulations

Real Estate Brokerage Act
(chapter C-73.2)

Brokerage requirements, professional conduct of brokers and advertising

Contracts and forms

Issue of broker's and agency licences

Records, books and registers, trust accounting and inspection of brokers and agencies

Real Estate Indemnity Fund and determination of the professional liability insurance premium

Disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec

— 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 brokerage requirements, professional conduct of brokers and advertising and to revoke the Regulation respecting contracts and forms, the Regulation to amend the Regulation respecting the issue of broker's and agency licences, the Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies, the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium and the Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulations contain measures mainly to update the regulatory framework applicable to broker's licence holders and agency licence holders in compliance with the amendments made to the Real Estate Brokerage Act (chapter C-73.2) by the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23). The majority of the draft Regulations also propose certain special amendments concerning those licence holders.

As regards the update measures, with the exception of the draft Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium, the draft Regulations make amendments further to the transfer of the supervision of mortgage brokers to the Autorité des marchés financiers, in particular by striking out the provisions relating to mortgage brokers.

The draft Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and to revoke the Regulation respecting contracts and forms and the draft Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies provide that brokerage contracts be designated as real estate brokerage contracts.

The draft Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and to revoke the Regulation respecting contracts and forms and the draft Regulation to amend the Regulation respecting the issue of broker's and agency licences strike out references to the concepts of exchange and enterprise.

The draft Regulation to amend the Regulation respecting the issue of broker's and agency licences and the draft Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium replace the fees paid to the Real Estate Indemnity Fund by contributions.

As other update measures, the draft Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies strikes out the provisions relating to the Fonds de financement de l'Organisme d'autoréglementation du courtage immobilier du Québec, while the draft Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec strikes out the provisions relating to the public nature of the hearings of the discipline committee which are now in the Real Estate Brokerage Act.

As regards the special measures, the draft Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and to revoke the Regulation respecting contracts and forms introduces a requirement for licence holders to

give in certain cases to the parties they represent a document stating in particular the mission of the Organisme d'autoréglementation du courtage immobilier du Québec.

The draft Regulation also imposes that licence holders record in the file the information on a party whose identity they verify independently from the fact that they represent the party.

The draft Regulation further clarifies the requirements of licence holders to disclose to represented parties any remuneration agreement in their favour related to the object of the contract concerning them.

The draft Regulation also revokes the provisions concerning brokers new to the profession and no longer prevents the deposit by a buyer of a deposit paid in a trust account that is not held by a broker's or agency licence holder.

In addition, the draft Regulation provides that the listing of an immovable with a listing service must be made when the marketing or performance of the real estate brokerage contract begins.

The draft Regulation also provides the terms and conditions on which mandatory forms must be completed.

The draft Regulation further clarifies certain limits with respect to representation and advertisement and revokes the Regulation respecting contracts and forms (chapter C-73.2, r. 2.1).

The draft Regulation to amend the Regulation respecting the issue of broker's and agency licences introduces certain restrictions applicable to the name under which an agency licence holder intends to carry on activities and sets out new conditions to be met for acting as an agency executive officer.

The draft Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies provides for an additional case exempting a licence holder from keeping a trust account and imposes that any such licence holder notify the Organisme d'autoréglementation du courtage immobilier du Québec where the conditions allowing the exemption are no longer met.

Lastly, the draft Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium strikes out the provisions related to professional liability insurance premiums.

The draft Regulations have no impact on the public. The proposed amendments do not affect profitability and business models of the enterprises concerned, which are all small and medium-sized businesses.

Further information on the draft Regulations may be obtained by contacting Jean-Hubert Smith-Lacroix, coordinator, Direction générale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 8, rue Cook, 4e étage, Québec (Québec) G1R 0A4; email: jean-hubert.smith-lacroix@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister of Finance, 390, boulevard Charest Est, 8e étage, Québec (Québec) G1K 3H4.

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and to revoke the Regulation respecting contracts and forms

Real Estate Brokerage Act
(chapter C-73.2, ss. 21, 22, 22.1, 46, pars. 5 and 8, ss. 49 and 129.1)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r. 1) is amended by inserting the following before Chapter I:

"**CHAPTER 0.I**
INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the words "broker" and "agency" mean, respectively, a broker's licence holder and an agency licence holder, and the expression "licence holder" means a broker's licence holder and an agency licence holder.".

2. The heading of Chapter I is replaced by "REQUIREMENTS TO BE MET TO ENGAGE IN A BROKERAGE TRANSACTION".

3. Section 1 is amended by replacing the first paragraph by the following:

"A licence holder must disclose to every person dealt with in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) that a broker's or agency licence has been issued to the holder under the Act.".

4. Section 14, amended by section 195 of chapter 36 of the Statutes of 2021, is further amended

(1) by replacing "by a brokerage contract" in the first paragraph by "by a real estate brokerage contract";

(2) by striking out the second paragraph.

5. Section 16 is replaced by the following:

"**16.** A licence holder must as soon as possible inform all unrepresented parties that the holder has an obligation to protect and promote the interests of the party represented and to act towards all other parties in a fair and equitable manner.".

6. The following is inserted after section 16:

"**16.1.** Where the party for whom a licence holder agrees to act as an intermediary does not receive a mandatory form containing an informative text in particular on the mission of the Organisme d'autoréglementation du courtage immobilier du Québec, the licence holder must, without delay, give that party a document containing such text.".

7. Section 17 is amended by replacing the words "by a brokerage contract" wherever they appear by the words "by a real estate brokerage contract".

8. Section 18 is amended

(1) by replacing "or enterprise that is to be purchased, sold or exchanged" in the portion before subparagraph 1 of the first paragraph by "that is to be purchased or sold";

(2) by striking out ", enterprise" in the third paragraph.

9. Section 19 is revoked.

10. Section 20 is amended by replacing "selling, exchanging or leasing an immovable or enterprise" by "selling or leasing an immovable".

11. Section 21 is replaced by the following:

"**21.** A licence holder acquiring a direct or indirect interest in an immovable cannot represent the person who intends to sell or lease the immovable. The holder must without delay inform the person in writing that the holder is not acting as a representative and that the person may seek representation by a licence holder of his or her choice.".

12. Section 22 is amended by replacing "or enterprise to be sold, leased or exchanged by the holder pursuant to a brokerage contract" by "to be sold or leased by the holder pursuant to a real estate brokerage contract".

13. Section 23 is replaced by the following:

"**23.** A licence holder may not claim or receive remuneration when the holder becomes a lessee or acquires an interest in an immovable for the holder, a partnership or legal person controlled by the holder, or if the married or civil union spouse of the holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person becomes a lessee or acquires an interest in the immovable.".

14. The heading of Division IV of Chapter I is amended by replacing "A BROKER OR AGENCY BOUND BY A BROKERAGE CONTRACT" by "A LICENCE HOLDER BOUND BY A REAL ESTATE BROKERAGE CONTRACT".

15. Section 25 is amended by replacing "Except in regard to a mortgage brokerage contract, the notice must state the right of the parties either to continue to deal with the broker if the broker is subsequently acting for an agency, with the name of the agency, or to terminate the brokerage contract." by "The notice must state the right of the parties either to continue to deal with the broker if the broker is subsequently acting for an agency, with the name of the agency, or to terminate the real estate brokerage contract.".

16. Section 26 is replaced by the following:

"**26.** If the broker ceases to act for an agency, the agency, or, failing that, the broker must, without delay, so notify in writing the parties represented by the broker. The notice must state the right of the parties either to continue to deal with the agency, to continue to deal with the broker if the broker is acting for his or her account or for a new agency, with the name of the agency, or to terminate the real estate brokerage contract.".

17. Section 27 is amended by replacing "a brokerage contract" by "a real estate brokerage contract".

18. Section 29 is amended

(1) by replacing "a licence holder" in the first paragraph by "another licence holder";

(2) by replacing "represented party" in the second paragraph by "party whose identity is verified by the licence holder".

19. Section 30 is amended by replacing "a licence holder" by "another licence holder".

20. Section 34.1 is amended

(1) by replacing "Un courtier" in the portion before paragraph 1 of the French text by "Le courtier";

(2) by replacing "Organisme d'autoréglementation du courtage immobilier du Québec" in paragraph 4 by "Organization";

(3) by replacing "le nom usuel du courtier" in paragraph 7 of the French text by "son nom usuel".

21. Section 34.3 is amended by replacing "every contract" and "referred to in section 1" by "every real estate brokerage contract" and "described in section 3.1", respectively.

22. Section 36 is amended by replacing the first paragraph by the following:

"A licence holder who has entered into a real estate brokerage contract must, without delay and in writing, disclose to the represented party every remuneration agreement in the holder's favour related to the object of the contract.".

23. Section 37 is amended

(1) by replacing "Un titulaire" in the first paragraph of the French text by "Le titulaire";

(2) by replacing "section 1 of the Real Estate Brokerage Act (chapter C-73.2) outside Québec, or a person or a partnership authorized to engage in a brokerage transaction under sections 2 and 3 of that Act" in the second paragraph by "section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) or a person referred to in section 3 of the Act";

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

"Despite the first and second paragraphs, a licence holder may, in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations, share remuneration with a firm, an independent representative or an independent partnership within the meaning of the Act or with a dealer or adviser governed by the Securities Act (chapter V-1.1) or the Derivatives Act (chapter I-14.01).".

24. Section 39 is amended

(1) by striking out "all or" in the second paragraph;

(2) in the third paragraph

(*a*) by striking out "all or any part of";

(*b*) by replacing "the seller" at the end by "the person selling or leasing an immovable".

25. Division VIII of Chapter I, including sections 41 and 42, is revoked.

26. Section 43 is amended

(1) by replacing "section 1" in the first paragraph by "section 3.1";

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

"A licence holder who receives such deposit may only place it in a licence holder's trust account.".

27. Section 44 is replaced by the following:

"**44.** If a represented party wishes to use an information listing service in connection with an immovable, the licence holder must list the immovable with that service when the marketing of the immovable or performance of the real estate brokerage contract begins.".

28. Section 45 is amended by replacing ", enterprise or loan secured by immovable hypothec covered by the brokerage contract" by "covered by the real estate brokerage contract".

29. Section 46 is replaced by the following:

"**46.** A licence holder may offer to the represented party only the immovables that correspond to the party's needs or criteria. The holder must also inform the party of the reasons for selecting the proposed immovables.".

30. The following is inserted after section 46:

"**CHAPTER I.1**
MANNER IN WHICH MANDATORY FORMS MUST BE COMPLETED

46.1. Real estate brokerage contracts and other acts related to a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) recorded on a mandatory form must be completed clearly and legibly by the licence holder concerned. When a licence holder completes a form by hand, the licence holder must use ink.

46.2. When a licence holder uses an abbreviation in a mandatory form, the licence holder must write the term out in full at its first occurrence or in an appendix to the form.

46.3. A particular or stipulation may not leave any ambiguity about whether some of the terms and conditions of a mandatory form apply.

46.4. A licence holder who completes a mandatory form must use type that is different from the type used for the particulars or stipulations printed on the form, to enable the parties to easily distinguish those particulars and stipulations from any additions or amendments.

46.5. Any particular or stipulation printed on a mandatory form that is struck out must be struck out by the licence holder in a clearly visible way, and the consent of the parties to the strikeout must be indicated on the form before it is signed.

46.6. Any amendment made to a mandatory form by a licence holder must pertain only to the object of the terms and conditions of that form.

46.7. A licence holder must, before having a mandatory form that he or she has completed signed, allow the parties to take cognizance of its terms and conditions and provide all explanations and answers to questions that the parties may ask.

46.8. A licence holder must not add anything to, amend or strike out anything from a mandatory form after one of the parties has signed the form.

46.9. A mandatory form must bear a title and a unique identifying number.

46.10. A particular required by this Regulation to be indicated on a mandatory form may be indicated on an appendix to the form, and forms an integral part of it.

46.11. A licence holder must use a form prepared pursuant to section 129.1 or 129.2 of the Real Estate Brokerage Act (chapter C-73.2), including any appendix.

46.12. A licence holder must give a copy of the real estate brokerage contract, transaction proposal or form to the parties concerned once it has been completed and signed.

A mandatory form may be in the form of a paper document or in any other form that allows it to be printed and guarantees its integrity.”.

31. Chapter II, including sections 47 to 60, is revoked.

32. Section 68 is amended by replacing “Organisme d’autoréglementation du courtage immobilier du Québec” by “Organization”.

33. Section 73 is amended by replacing “section 1” by “section 3.1”.

34. Section 74 is amended by adding “, in particular by complying with Chapter IV of the Regulation respecting broker’s and agency licences (chapter C-73.2. r. 3)” at the end.

35. Section 76 is amended by striking out “, an enterprise”.

36. The heading of Division III of Chapter III is amended by striking out “AND OBLIGATIONS”.

37. Section 82 is amended by replacing “is published by the Organization, in accordance with section 11 of the Regulation respecting contracts and forms (chapter C-73.2, r. 2.1)” by “is mandatory”.

38. Section 83 is amended by replacing “qu’il, ou l’agence pour laquelle il agit, représente et toutes les parties à une transaction” in the first paragraph of the French text by “qu’il, ou que l’agence pour laquelle il agit, représente et toutes les autres parties à une transaction”.

39. Section 84 is amended by replacing “represented by them or the agency for which they act, the parties to the transaction” by “represented by them or the agency for which they act, the other parties to the”.

40. Section 85 is amended by replacing “represented and all other parties to a transaction” by “represented by them or the agency for which they act and all other parties to a transaction”.

41. Section 87 is replaced by the following:

“**87.** A broker or agency executive officer must, before visiting or arranging to have an immovable visited, first obtain the consent of the licence holder having an exclusive real estate brokerage contract or the seller if no exclusive real estate brokerage contract has been entered into for the immovable.”.

42. Section 88 is amended by replacing “represented by them or the agency for which they act or a party” and “with those parties” by “represented by them or the agency for which they act or another party” and “with each party”, respectively.

43. Section 89 is replaced by the following:

"**89.** A broker or agency executive officer must inform the party with whom the broker or the agency for which they act has a dispute of the possibility under section 34 of the Real Estate Brokerage Act (chapter C-73.2) of referring the matter to conciliation or mediation, or to arbitration if conciliation or mediation fails.".

44. Section 90 is amended

(1) by inserting "real estate" before "brokerage contract";

(2) by striking out "or an enterprise".

45. Section 98 is amended

(1) by striking out "already";

(2) by inserting the words "real estate" before the words "brokerage contract" wherever they appear.

46. Section 99 is amended

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

"A broker or agency executive officer must not perform any act that is incompatible with an exclusive real estate brokerage contract made with another licence holder. In particular, the broker or officer may not set appointments, present transaction proposals or conduct negotiations in relation to a proposed transaction otherwise than through the licence holder under the exclusive real estate brokerage contract, unless authorized to do so by that holder.";

(2) in the second paragraph

(*a*) by replacing "Un courtier" in the French text by "Le courtier";

(*b*) by replacing "an exclusive brokerage contract" by "an exclusive real estate brokerage contract".

47. The heading of Division V of Chapter III is amended by striking out "AND OBLIGATIONS".

48. The heading of subdivision 2 of Division V of Chapter III is amended by replacing "Organisation d'autoréglementation du courtage immobilier du Québec" by "Organization".

49. The heading of Chapter IV is amended by replacing "REPRÉSENTATION" in the French text by "REPRÉSENTATIONS".

50. Section 111 is amended by replacing "section 1" by "section 3.1".

51. Section 112 is amended

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

(2) in the second paragraph

(*a*) by replacing "brokers and agencies" in subparagraph 2 by "licence holders";

(*b*) by striking out subparagraph 3;

(*c*) by inserting "real estate" before "brokerage contract" in subparagraph 4.

52. Section 113 is amended

(1) by striking out "or mortgage" in the portion before paragraph 1;

(2) by replacing "section 1" in paragraph 1 by "section 3.1";

(3) by adding "with another name, trademark, slogan or logo likely to be confusing, in particular the activities engaged in, the type of goods and services offered or the geographical situation, or to falsely suggest that he or she practises a profession reserved to the members of a professional order" at the end of paragraph 3.

53. The heading of Division II of Chapter IV is amended by replacing "BROKERS AND AGENCIES" by "A LICENCE HOLDER".

54. Section 114 is amended by striking out the second paragraph.

55. Section 115 is amended

(1) in the first paragraph

(*a*) by striking out "real estate" in the portion before subparagraph 1;

(*b*) by striking out subparagraph 4;

(2) in the second paragraph

(*a*) by striking out "real estate";

(*b*) by replacing "the designation or designations in subparagraphs 2 and 3 that describe the broker's legal qualification" by "the designation provided for in subparagraph 2 or 3 that describes the broker's legal qualification".

56. Section 115.1 is amended

(1) in the first paragraph

(*a*) by replacing "la publicité" in the French text by "les publicités";

(*b*) by replacing "indications" by "designations";

(2) by replacing "subparagraphs 1 and 2 of the first paragraph" by "paragraphs 1 and 2" and by striking out "as the case may be," and "or "business corporation of a mortgage broker"" in the second paragraph.

57. Section 116 is amended by striking out the second paragraph.

58. Section 117 is amended

(1) by replacing "a real estate agency" in the portion before paragraph 1 by "an agency";

(2) by striking out paragraph 4.

59. Sections 24 and 28, the heading of subdivision 3 of Division IV of Chapter III and section 118 are amended by replacing the words "brokerage contract" wherever they appear by the words "real estate brokerage contract".

REGULATION RESPECTING CONTRACTS AND FORMS

60. The Regulation respecting contracts and forms (chapter C-73.2, r. 2.1) is revoked.

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

Regulation to amend the Regulation respecting the issue of broker's and agency licences

Real Estate Brokerage Act
(chapter C-73.2, s. 46, pars. 1, 2, 3, 4, 6, 7, 11 and 12)

1. The Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3) is amended by replacing the title by the following:

"Regulation respecting broker's and agency licences".

2. The following is inserted before Chapter I:

"**CHAPTER 0.I**
INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the words "broker" and "agency" mean, respectively, a broker's licence holder and an agency licence holder, and the expression "licence holder" means a broker's licence holder and an agency licence holder.".

3. The heading of subdivision 1 of Division I of Chapter I is amended by striking out "and mortgage".

4. Section 1 is amended

(1) in the first paragraph

(*a*) by striking out "or mortgage" in the portion before subparagraph 1;

(*b*) by replacing "according to the licence applied for or licence restrictions" in subparagraph 1.1 by "according to any licence restrictions";

(*c*) by replacing "obtenir" in subparagraph *e* of subparagraph 4 of the French text by "avoir obtenu";

(*d*) by replacing "fee" in subparagraph 5 by "contribution";

(2) by replacing "brokerage transactions within the meaning of section 1" in the second paragraph by "brokerage transactions referred to in section 3.1";

(3) in the fourth paragraph

(*a*) by striking out the words "a mortgage broker's licence or" wherever they appear;

(*b*) by replacing "permis de courtiers immobiliers" at the end of the French text by "permis de courtier immobilier".

5. Section 2 is amended by replacing the third paragraph by the following:

"A licence holder who passes the training program and passes the required examination may have the restricted licence modified to hold a real estate broker's licence with no restriction.".

6. The following is inserted after section 2:

"**DIVISION I.1**
RIGHTS GRANTED TO A HOLDER
OF A RESTRICTED LICENCE".

7. Section 3 is amended

(1) by replacing "authorizes its holder to act as an intermediary for the purchase, sale or exchange of" in the portion before subparagraph 1 of the first paragraph by "authorizes its holder to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) respecting";

(2) by inserting ", in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations," after "client" in the third paragraph.

8. Section 4 is amended

(1) by replacing "to engage in the brokerage activities described in subparagraphs 1, 2 and 3 of the first paragraph of section 1 of the Real Estate Brokerage Act (chapter C-73.2), including activities involving a vacant commercial lot, but excluding activities" in paragraph 1 by "to engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2), including a brokerage transaction involving a vacant commercial lot or an enterprise if the enterprise's property, according to its market value, consists mainly of immovable property, but excluding a brokerage transaction";

(2) by striking out paragraph 2;

(3) by inserting ", in accordance with the conditions set out in the Act respecting the distribution of financial products and services (chapter D-9.2) and the regulations," after "client" in paragraph 3.

9. Section 5 is amended

(1) by replacing "in subparagraph *a* of subparagraph 4 of the first paragraph of section 1 in French, documents showing the applicant meets one of the requirements of subparagraph 4" in paragraph 5 by "in subparagraph *a* of subparagraph 4 of the first paragraph of section 1 in French, documents showing the applicant meets one of the other requirements of subparagraph 4";

(2) by replacing paragraph 11 by the following:

"(11) if the prospective broker has previously been convicted by a court of, or has pleaded guilty to, an offence under an Act or regulation of Québec, an offence under a federal Act or regulation or an indictable offence, the relevant documents;";

(3) by replacing "brokerage transactions within the meaning of section 1" in paragraph 14 by "brokerage transactions described in section 3.1".

10. The heading of subdivision 2 of Division I of Chapter I is amended by striking out "and mortgage".

11. Section 6 is amended

(1) by striking out "or a mortgage agency licence" in the portion before paragraph 1 and "or a mortgage broker's licence" in paragraph 1;

(2) by replacing "fee" in paragraph 4 by "contribution".

12. Section 7 is amended

(1) by inserting "real estate" before "broker's" in paragraph 1;

(2) by inserting "must in particular comply with paragraphs 2 and 3 of section 113 of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (chapter C-73.2, r. 1), but" after "which name" in paragraph 2;

(3) by inserting "in Québec" after "principal establishment" in paragraph 3;

(4) by replacing paragraph 9 by the following:

"(9) if the applicant has previously been convicted by a court of, or has pleaded guilty to, an offence under an Act or regulation of Québec, an offence under a federal Act or regulation or an indictable offence, the relevant documents;".

13. Section 13 is amended in the first paragraph

(1) by striking out the words "or mortgage" wherever they appear in subparagraph 3;

(2) by replacing "the licence holder's establishment" in subparagraph 6 by "the establishment within which the licence holder carries on activities";

(3) by replacing "is certified to be an agency executive officer, if applicable" in subparagraph 7 by "qualifies to be an agency executive officer or acts as an agency executive officer, if applicable ";

(4) by adding the following at the end:

"(8) the specialist's title granted to the broker, if applicable.".

14. Section 15 is amended by replacing "additional training" in paragraph 3 by "any continuing or additional training".

15. Section 16 is amended by inserting "continuing or" before "additional training" in paragraph 3.

16. Section 17 is amended by striking out "or mortgage".

17. Section 19 is amended by replacing "fees" in paragraph 2 by "contribution".

18. Section 20 is amended by replacing "fees" in paragraph 2 by "contribution".

19. Section 22 is amended by replacing "fees" by "contribution".

20. The heading of Division VI of Chapter I is amended by adding "AND QUALIFICATION OF A BROKER WISHING TO ACT FOR HIS OR HER OWN ACCOUNT" at the end.

21. Section 34 is replaced by the following:

"**34.** A person is qualified as an executive officer of a real estate agency if the person

(1) holds a real estate broker's licence that is neither suspended nor subject to restrictions or conditions unless it is a restriction referred to in section 2;

(2) meets either of the following conditions, showing that the person has the experience necessary to manage an agency:

(*a*) if the person is a person referred to in section 146 of the Real Estate Brokerage Act (chapter C-73.2), the person may act for his or her own account and has carried on the activity of real estate broker for at least 3 of the last 5 years;

(*b*) the person has carried on the activity of real estate broker in an agency for at least 3 of the last 5 years;

(3) meets any of the following conditions, showing that the person is qualified to manage the professional activities of a licence holder:

(*a*) has passed one of the training programs recognized in an agreement between the Organization and an educational institution and that deals with the skills an executive officer of a real estate agency must have, provided for in the system of reference available on the Organization's official website and has passed, in accordance with Division VII, the examination for executive officers of real estate agencies;

(*b*) has qualified as an executive officer of a real estate agency for 3 of the last 5 years;

(*c*) is authorized to represent, direct or qualify a person or partnership that engages in brokerage transactions described in section 3.1 of the Real Estate Brokerage Act through the intermediary of natural persons authorized to engage in such transactions in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government; and

(4) after qualifying as an executive officer of a real estate agency, has taken and, where applicable, passed all continuing or additional training required for some or all brokers to qualify as agency executive officers.

To maintain qualification, an executive officer of a real estate agency must continue to meet the requirements of subparagraphs 1, 2 and 4 of the first paragraph.".

22. Section 35 is amended

(1) by replacing "the holder" in the first paragraph by "a holder";

(2) by replacing "brokerage transactions within the meaning of section 1" in the second paragraph by "brokerage transactions described in section 3.1".

23. Section 39 is amended

(1) by inserting "by the Organization" after "cancelled" in the second paragraph;

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

"A person may only be admitted to a new examination after a period of 12 months following the date of the cancellation of the person's examination for any of the reasons referred to in the first paragraph or after a period of 3 months following the cancellation of the person's examination under the second paragraph.".

24. Section 40 is amended

(1) by replacing "section 1" in the portion before paragraph 1 by "section 3.1";

(2) in paragraph 1

(*a*) by replacing "section 1" in subparagraph *b* by "section 3.1";

(*b*) by replacing "activities" in subparagraph *c* by "transactions";

(3) by replacing "section 1" in paragraph 2 by "section 3.1";

(4) by replacing "fee" in paragraph 4 by "contribution".

25. Section 43 is amended

(1) by replacing "section 1" in subparagraph 1 of the first paragraph by "section 3.1";

(2) by replacing "section 1" in the second paragraph by "section 3.1".

26. Section 44 is amended

(1) in the first paragraph

(*a*) by replacing "section 1" in the portion before subparagraph 1 by "section 3.1";

(*b*) by replacing "section 1" in subparagraph 2 by "section 3.1";

(2) by replacing "activities" in the third paragraph by "transactions".

27. Section 45 is amended by striking out subparagraphs 2 and 4 of the first paragraph.

28. The heading of Chapter IV is amended by inserting "CONTINUING OR" before "ADDITIONAL".

29. Section 48 is amended by inserting "continuing or" before "additional".

30. Section 49 is amended

(1) by inserting "continuing or" before "additional" in the portion before paragraph 1;

(2) by replacing "section 1" in paragraphs 1, 3 and 4 by "section 3.1".

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

Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies

Real Estate Brokerage Act
(chapter C-73.2, s. 10, s. 46, pars. 9, 10 and 10.1, and s. 49)

1. The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (chapter C-73.2, r. 4) is amended by inserting the following before Chapter I:

"**CHAPTER 0.I**
INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the words "broker" and "agency" mean, respectively, a broker's licence holder and an agency licence holder, and the expression "licence holder" means a broker's licence holder and an agency licence holder.".

2. Section 2 is amended

(1) by inserting "real estate" before "brokerage contracts" in paragraph 1;

(2) by replacing paragraph 3 by the following:

"(3) where applicable, an accounting register on the amounts held in trust by the broker or the agency;".

3. Section 3 is amended

(1) by inserting "real estate" before "brokerage contracts" and "brokerage contract" in the portion before paragraph 1;

(2) by striking out paragraph 2;

(3) by replacing "the contract was awarded to" in paragraph 3 by "the contract was entered into with".

4. Section 9 is amended by replacing "section 1" by "section 3.1".

5. Sections 10, 11 and 12 are amended by replacing the words "brokerage contract" wherever they appear by the words "real estate brokerage contract".

6. Section 24 is amended

(1) by replacing "A broker" in the first paragraph by "A licence holder";

(2) in the fourth paragraph

(*a*) by replacing "broker" in the portion before subparagraph 1 by "licence holder";

(*b*) by replacing "section 1" in subparagraph 2 by "section 3.1";

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

"(3) does not receive a deposit, an advance on remuneration or costs from the clients, or any other amount for other persons.";

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

"Where a licence holder is no longer in the situation described in subparagraph 3 of the fourth paragraph, the licence holder must immediately so notify the Organization in writing and comply with the requirements related to trust accounts provided for in this Chapter.".

7. Section 28 is amended by replacing "into the Financing fund of the Organization" at the end of the third paragraph by "under section 44".

8. Section 29 is amended by replacing "into the Financing fund of the Organization" in subparagraph 7 and "to the Financing fund of the Organization" in subparagraph 8 of the second paragraph by "to the Organization".

9. The heading of Chapter III is replaced by the following:

"INTERESTS GENERATED BY THE SUMS HELD IN TRUST".

10. Sections 42 and 43 are revoked.

11. Section 44 is amended by replacing "to the financing fund, and any other agreement useful for the purposes of this Chapter" at the end by "to the Organization".

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

Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium

Real Estate Brokerage Act
(chapter C-73.2, s. 46, pars. 15 and 17, and ss. 106 and 109)

1. The Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium (chapter C-73.2, r. 5) is amended by replacing the title by the following:

"Regulation respecting the Real Estate Indemnity Fund".

2. The following is inserted before Chapter I:

"**CHAPTER 0.I**
INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the expression "licence holder" means a broker's licence holder and an agency licence holder.".

3. Section 9 is amended by replacing in the French text "titulaire d'un permis" by "titulaire de permis".

4. The heading of Division III of Chapter I and sections 15 and 16 are amended by replacing the words "fee" and "fees" wherever they appear by the word "contribution".

5. Chapter II, including section 17, is revoked.

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

Regulation to amend the Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec

Real Estate Brokerage Act
(chapter C-73.2, ss. 82 and 95)

1. The Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec (chapter C-73.2, r. 6) is amended by inserting the following before Chapter I:

"**CHAPTER 0.I**
INTERPRETATION

0.1. In this Regulation, unless the context indicates otherwise, the expression "licence holder" means a broker's licence holder and an agency licence holder.".

2. Section 1 is amended by replacing the first paragraph by the following:

"Neither the syndic nor an assistant syndic may, while in office, engage in a brokerage transaction described in section 3.1 of the Real Estate Brokerage Act (chapter C-73.2) or in a mortgage brokerage transaction as defined in the Act respecting the distribution of financial products and services (chapter D-9.2).".

3. Section 39 is revoked.

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

105946

Draft Regulation

Supplemental Pension Plans Act
(chapter R-15.1)

Exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow for the merger, as of 1 August 2021, of the defined-benefit component of the Globe and Mail Employees' Retirement Plan with the Colleges of Applied Arts and Technology Pension Plan. Rules also apply to allow employees of The Globe and Mail Inc. to start contributing as of 1 May 2021 to the Colleges of Applied Arts and Technology Pension Plan. Since those plans are all registered with the Financial Services Regulatory Authority of Ontario, the draft Regulation provides for measures to reconcile the requirements of the Supplemental Pension Plans Act with those of the Ontario Pension Benefits Act.

Given the merger of the defined-benefit component of the Globe and Mail Employees' Retirement Plan with the Colleges of Applied Arts and Technology Pension Plan, the draft Regulation provides that the Globe and Mail Employees' Retirement Plan is exempted from the provisions of sections 98 and 113 of the Supplemental Pension Plans Act (chapter R-15.1), according to which a member who ceased to be an active member can transfer his or her benefits to a pension plan of his or her choice and obtain a statement of cessation of active membership.

In addition, the draft Regulation provides that the Globe and Mail Employees' Retirement Plan is exempted from the first, second and third paragraphs of section 196 of the Supplemental Pension Plans Act, if all the members and beneficiaries who are covered by the merger are informed thereof by means of a written notice and at least two-thirds of the active members agreed to it and if not more than one-third of the non-active members and beneficiaries as a group were opposed to it.

The draft Regulation also provides for exemptions in respect of the Colleges of Applied Arts and Technology Pension Plan to which the assets and liabilities of Québec members and beneficiaries are transferred. The plan is exempted from the obligation to pay the benefits of members in proportion to the degree of solvency provided for in the last paragraph of section 143 of the Supplemental Pension Plans Act, provided that the benefits of Québec members and beneficiaries are paid at 100% during the plan's existence. The plan is also exempted from the provisions of Chapter XIII of the Act related to the withdrawal of an employer that is a party to a multi-employer pension plan. The benefits of members whose pension is not in payment can be paid at 100%. The pensions in payment will continue to be paid by the pension plan. In addition, upon termination of the plan, the employer is exempted from having to pay the debt provided for in the first paragraph of section 228 of the Act, except as regards the benefits that were transferred on 1 August 2021 to the Colleges of Applied Arts and Technology Pension Plan. Lastly, surplus assets upon plan termination must be allocated to Québec members and beneficiaries in proportion to the value of their benefits.

The draft Regulation provides that it will take effect on 1 May 2021 regarding the provisions related to membership of employees of The Globe and Mail Inc. in the Colleges of Applied Arts and Technology Pension Plan and on 1 August 2021 regarding the provisions on the merger of that plan with the defined-benefit component of the Globe and Mail Employees' Retirement Plan.

The proposed measures do not have additional costs for the enterprises concerned. They make it possible for The Globe and Mail Inc. to reduce and stabilize the costs

related to the funding of pension plans and sustain membership of defined-benefit plans for Québec employees of that employer.

Further information on the draft Regulation may be obtained by contacting Patrick Provost, actuary, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3; telephone: 418 657-8715, extension 4484; fax: 418 643-7421; email: patrick.provost@retraitequebec.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to René Dufresne, President and Chief Executive Officer, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Québec (Québec) G1V 4T3. The comments will be forwarded by Retraite Québec to the Minister of Finance.

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended by inserting the following after section 14.30:

"**14.30.1.** This Division also applies in respect of the merger, on 1 August 2021, of the following pension plans:

(1) the defined-benefit component of the Globe and Mail Employees' Retirement Plan, registered under number 1075704 with the Financial Services Regulatory Authority of Ontario;

(2) the Colleges of Applied Arts and Technology Pension Plan, registered under number 0589895 with the Financial Services Regulatory Authority of Ontario.

14.30.2. The Globe and Mail Employees' Retirement Plan is exempted from sections 98 and 113 of the Act regarding members of the plan who started contributing to the Colleges of Applied Arts and Technology Pension Plan as of 1 May 2021.".

2. Section 14.31 is amended by adding the following at the end:

"The exemptions provided for in the first paragraph apply, on the conditions provided therein, as of 1 August 2021 to the pension plan referred to in paragraph 1 of section 14.30.1.".

3. Section 14.32 is amended by adding the following at the end:

"For the purposes of subpagraph 3 of the first paragraph, the exemption from the first paragraph of section 228 of the Act applies

(1) as of 1 May 2021 regarding the benefits accrued as of that date by the members referred to in section 14.30.2 and any person employed by The Globe and Mail Inc. as of that date;

(2) as of 1 August 2021 regarding the amendments made to enhance the benefits of members or beneficiaries under the plan referred to in paragraph 1 of section 14.30.1 for which the transfer of assets and liabilites takes effect on that date.".

4. Section 14.33 is amended

(1) by replacing "the value of the benefits referred to in paragraph 3" by "the value of the benefits referred to in subparagraph 3 of the first paragraph";

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

"For the purposes of the first paragraph, the assets upon termination must be distributed between the value of the benefits referred to in the second paragraph of section 14.32 and the value of the benefits that come from the pension plan referred to in paragraph 1 of section 14.30.1 before 1 May 2021.".

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

105951

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Act to amend the Automobile Insurance Act,
the Highway Safety Code and other provisions
(2022, chapter 13)

Hours of driving and rest of heavy vehicle drivers — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the hours of driving and rest of heavy vehicle drivers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to detail the requirement for operators to equip heavy vehicles under their responsibility with an electronic logging device, and to detail the requirement for heavy vehicle drivers to use the device to produce a record of duty status in which their hours of service and hours of rest have been entered. The draft Regulation determines exemptions from those requirements and specifies the actions to be taken by operators and drivers should the electronic logging device malfunction. The draft Regulation also determines the conditions under which a driver or an operator must make available or forward records of duty status to peace officers, the content of malfunction registers and the system of accounts for devices, as well as the documents required to be carried in each heavy vehicle equipped with an electronic logging device.

Further purposes of the draft Regulation are to define the supporting documents that must be retained to account for the driver's activities, and to clarify various rules pertaining to hours of service and rest. A consequential amendment is also made concerning the duration of a permit to depart from hours of driving and rest.

Study of the draft Regulation has shown that, for Québec enterprises as an industry, direct costs annualized over a period of 10 years will be approximately $112.2M, although over the 10-year period there will be annualized administrative paperwork savings estimated at $143.6M. On balance, the resulting net annual efficiency gain for the industry as a whole is $31.4M.

Further information on the draft Regulation may be obtainedby contacting François Fortin, Director General, Direction générale de l'expertise légale et de la sécurité des véhicules, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, E-4-34, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-4438; email: francois.fortin@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6;email: nadia.fournier@saaq.gouv.qc.ca. The comments will be sent by the Société to the Minister of Transport.

FRANÇOIS BONNARDEL
Minister of Transport

Regulation to amend the regulation respecting the hours of driving and rest of heavy vehicle drivers

Highway Safety Code
(chapter C-24.2, s. 519.21.1, 2nd par., and s. 621, 1st par., subpars. 12, 12.0.1, 12.0.2, 12.1, 12.1.0.1, 12.1.0.2, 12.1.0.3, 12.1.0.4, 12.2, 12.2.1, 12.2.2, 12.2.3, 12.2.4, 12.4, 12.5 and 39)

Act to amend the Automobile Insurance Act,
the Highway Safety Code and other provisions
(2022, chapter 13, s. 76, pars. 4 to 8, 11 and 13)

1. The Regulation respecting the hours of driving and rest of heavy vehicle drivers (chapter C-24.2, r. 28) is amended in section 1

(1) by inserting the following definition after the definition of "hours of service":

""malfunction" means any event resulting in the automatic recording in an electronic logging device of a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard; (*défaillance*)";

(2) by inserting the following definitions in alphabetical order:

""electronic logging device" means any device or technology that automatically records a driver's hours of driving and that is certified by an accredited certification body under the Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313); (*dispositif de consignation électronique*);

"supporting document" means any one of the following documents received or prepared by a driver in the course of their duties or received or prepared by an operator:

(*a*) any electronic mobile communication record reflecting communications between a driver and an operator transmitted through a driver call-in or fleet management system;

(*b*) any payroll record or equivalent document that indicates payments to the driver;

(*c*) any government-issued document indicating the location of the heavy vehicle;

(*d*) any reports, receipts, records or other documentation relating to the load of the heavy vehicle, including any bill of lading, itinerary, schedule or equivalent document that indicates the origin and destination of each trip;

(*e*) any reports, receipts, records or other documentation relating to the servicing, repairing, conditioning, fuelling, inspection or rental of the heavy vehicle; and

(*f*) any reports, dispatch or trip records, receipts, or other documentation indicating the date, time, or location of the heavy vehicle during a trip, including arrival and departure times. (*document justificatif*)";

(3) by striking out the definition of "daily log";

(4) by replacing the definition of "hours of service" by the following definition:

""hours of service" means the period that begins when a driver begins work, including the time when the driver is required by the operator to be available at the work site, and that ends when the driver stops work or is relieved of responsibility by the operator. The period of hours of service includes hours of driving and time spent by the driver

(*a*) inspecting, servicing, repairing, conditioning, fuelling or starting a heavy vehicle;

(*b*) travelling in a heavy vehicle as a co-driver, when the time is not spent in the sleeper berth;

(*c*) participating in the loading or unloading of a heavy vehicle;

(*d*) inspecting or checking the load of a heavy vehicle;

(*e*) waiting before and while a heavy vehicle is serviced, loaded or unloaded;

(*f*) waiting to be assigned to work;

(*g*) waiting before and while a heavy vehicle or its load is inspected and, if relevant, the time spent necessary for the remedial actions to be taken;

(*h*) waiting before and while the driver's requirements are assessed;

(*i*) waiting at an en-route point because of an accident or other unplanned occurrence or situation;

(*j*) performing any other work at the request of an operator; and

(*k*) performing yard moves of a heavy vehicle that is not on a public road within a terminal, depot or port; (*heures de travail*)";

(5) by inserting the following definition in alphabetical order:

""record of duty status" means the record in which a driver records the information required under section 30.1 or sections 31 and 32, as applicable, and that contains the grid in Schedule II; (*rapport d'activités*)";

(6) by inserting "28.1, 28.4 and" in the definition of "home terminal" after "For the purposes of sections".

2. Section 2 is amended

(1) by replacing "daily logs" in the definition of "establishment" by "records of duty status";

(2) by inserting the following definition in alphabetical order:

""Technical Standard" means the Technical Standard for Electronic Logging Devices published by the Canadian Council of Motor Transport Administrators, as referred to in the Commercial Vehicle Drivers Hours of Service Regulations (SOR/2005-313); (*norme technique*)".

3. Section 4 is amended by replacing "daily log" in subparagraph *iii* by "record of duty status".

4. Section 14 is amended

(1) by inserting the following after paragraph 5:

"(5.1) the hours of driving in a day do not exceed 15 hours; and";

(2) by replacing "indicates in the "Remarks" section of the daily log" in paragraph 6 by "indicates in the record of duty status".

5. Section 15 is amended by replacing "daily log" in paragraph 2 by "record of duty status".

6. Section 19 is amended by replacing "indicates in the "Remarks" section of the daily log" in subparagraph *f* of subparagraph 1 of the first paragraph by "indicates in the record of duty status".

7. Section 24 is amended by replacing "daily logs" in the second paragraph by "records of duty status".

8. Section 26 is amended by striking out ", which shall not exceed one year,".

9. Section 27 is amended by replacing "daily log" in paragraph 3 by "records of duty status".

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

"**CHAPTER III.1**
ELECTRONIC LOGGING DEVICE

28.1. The operator shall ensure that every heavy vehicle under the operator's responsibility is equipped with an electronic logging device that meets the requirements of the Technical Standard, except in the case of

(1) a vehicle that is the subject of a rental agreement of not longer than 30 days that is not an extended or renewed rental of the same heavy vehicle;

(2) a vehicle manufactured before model year 2000;

(3) a vehicle driven to be delivered, travelling unloaded, unless the load is a vehicle being transported by means of the saddle-mount method that is part of the delivery, and is delivered

(*a*) by a manufacturer to a car dealership;

(*b*) by a car dealership to a purchaser or lessee; or

(*c*) by a car rental enterprise for an inventory adjustment from one branch to another; or

(4) a vehicle driven within a radius of 160 km of the driver's home terminal and the driver returns to the home terminal each day to begin a minimum of 8 consecutive hours of rest or to begin a minimum of 6 consecutive hours of rest in the situation described in subparagraph 2 of the first paragraph of section 19.

A vehicle referred to in subparagraph 4 of the first paragraph does not cease to be exempted for the sole reason that the driver is unable to return to the home terminal on the same day because of adverse driving conditions.

If an operator authorizes a driver to perform yard moves off a public road within a terminal, depot or port, the operator shall ensure that the electronic logging device has been configured so that the driver is able to indicate those moves.

28.2. The operator shall create and maintain a system of accounts for electronic logging devices that is in compliance with the Technical Standard and that allows each driver to record their records of duty status in a distinct and personal account and that provides for a distinct account for the hours of service of an unidentified driver.

28.3. The operator shall ensure that each heavy vehicle it operates that is equipped with an electronic logging device carries an information packet containing a current version of the following documents:

(1) a user's manual;

(2) an instruction sheet for the driver describing the technological means supported by the electronic logging device and the steps required to make available or forward the data with respect to the driver's hours of service to a peace officer;

(3) an instruction sheet for the driver describing the measures to take in the event that the electronic logging device malfunctions; and

(4) a sufficient number of records of duty status in paper form to allow the driver to record the information required under sections 31 and 32 for at least 15 days.

28.4. If a driver becomes aware of the fact that the electronic logging device is displaying a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard, the driver shall notify the operator as soon as the vehicle is parked.

The operator shall, within 14 days after the day on which it was notified of an electronic logging device malfunction by the driver or otherwise became aware of it, or at the latest, upon return of the driver to the home terminal from a planned trip if that return exceeds the 14-day period, repair or replace the electronic logging device.

The operator shall maintain a register of electronic logging device malfunction codes noticed on the electronic logging devices installed or used in the heavy vehicles it operates. The register shall contain the following information:

(1) the name of the driver who noticed the malfunction code;

(2) the name of each driver that used the vehicle between the time the malfunction code was noticed and the time the electronic logging device was repaired or replaced;

(3) the make, model and serial number of the electronic logging device;

(4) the registration plate number or vehicle identification number of the vehicle in which the electronic logging device was installed or used;

(5) the date when the malfunction code was noticed and the location of the vehicle on that date, as well as the date when the operator was notified or otherwise became aware of the code;

(6) the date the electronic logging device was replaced or repaired; and

(7) a concise description of the actions taken by the operator to repair or replace the electronic logging device.

For each electronic logging device for which a malfunction code was noticed, the operator shall retain the information referred to in the third paragraph for a period of 6 months from the day on which the electronic logging device is replaced or repaired.".

11. The heading of Chapter IV is replaced by the following:

"RECORD OF DUTY STATUS".

12. Section 29 is amended by replacing "daily log" in the first paragraph by "record of duty status".

13. Section 30 is amended by replacing "daily log" in the portion before paragraph 1 by "record of duty status".

14. The Regulation is amended by inserting the following after section 30:

"**30.1.** The operator shall require the driver to record all the information associated with the records of duty status using an electronic logging device, in accordance with the Technical Standard. The driver is required to comply with that requirement.

The following information shall be recorded by the driver:

(1) the date;

(2) the driver's name and, if the driver is a member of a team of drivers, the names of the co-drivers;

(3) the identification code assigned to the driver;

(4) the time when the day begins if different than midnight;

(5) the cycle followed by the driver;

(6) the number of the registration plate of the motor vehicle or the unit number entered on the registration certificate;

(7) the name of the operator and the addresses of the home terminal and the establishment of the operator by whom the driver is employed or otherwise engaged;

(8) the heavy vehicle's location description, if it is not automatically drawn from the electronic logging device's geo-location database;

(9) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of rest and hours of service that were accumulated by the driver during each day without that requirement during the 14 days before the beginning of the day;

(10) if applicable, the reasons for any excess hours or deferral of hours of rest in accordance with this Regulation;

(11) if the driver became aware during the day of a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard,

(*a*) the malfunction code;

(*b*) the date and time at which the malfunction code was noticed; and

(*c*) the time at which the driver notified the operator of the malfunction code; and

(12) any annotation necessary to complete the record of duty status.

At the end of the day, the driver shall certify the accuracy of the record of duty status.".

15. Section 31 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

"**31.** Despite section 30.1, a driver is exempted from the requirement to use an electronic logging device to record all information associated with the records of duty status if

(1) the vehicle being driven is not equipped with an electronic logging device pursuant to any of subparagraphs 1 to 4 of the first paragraph of section 28.1; or

(2) a malfunction code appearing in Table 4 in Schedule 2 to the Technical Standard is displayed on the electronic logging device of the vehicle being driven.

If the driver is exempted as provided in the first paragraph, the operator shall require the driver to enter, and the driver shall enter, the following information in the record of duty status at the beginning of each day:";

(2) by replacing subparagraph 8 of the first paragraph by the following:

"(8) if the driver was not required to keep a record of duty status immediately before the beginning of the day, the number of hours of rest and hours of service that were accumulated by the driver during each day without that requirement during the 14 days before the beginning of the day;";

(3) by striking out "in the "Remarks" section of the daily log," in subparagraph 9 of the first paragraph;

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

"(10) if applicable, the malfunction code.";

(5) by replacing "first" in subparagraph 2 of the second paragraph by "second".

16. Section 32 is amended

(1) by replacing "daily log" in the portion before paragraph 1 by "record of duty status";

(2) by striking out ", in the "Remarks" section of the daily log," in paragraph 1;

(3) by replacing "daily log" in paragraph 2 by "record of duty status".

17. Section 33 is revoked.

18. Section 34 is amended

(1) by replacing "daily log" in the portion before paragraph 1 by "record of duty status";

(2) by replacing "daily logs" in paragraph 1 by "records of duty status";

(3) by replacing "daily log" in paragraph 2 by "record of duty status".

19. The Regulation is amended by inserting the following after section 34:

"**34.1.** A peace officer may request that a driver, pursuant to section 519.10 of the Highway Safety Code (chapter C-24.2), make available or forward to the peace officer, in their existing format, the driver's records of duty status for the current day and the 14 preceding days, the supporting documents for the current trip and, if applicable, a copy of the permit issued under Chapter III.

To make a technology-based document available, the driver shall produce either a display or a printout of the document. To forward such a document, the driver shall send it by e-mail or, if the document is produced using an electronic logging device, by the technological means and in the form determined by the peace officer from among those prescribed in the Technical Standard and supported by the electronic logging device.

A driver unable to forward technology-based records of duty status shall enter the information they contain on records of duty status in paper form.".

20. Section 35 is amended

(1) by replacing "daily log, forward the original daily log" in the first paragraph by "record of duty status, forward the original of the record of duty status";

(2) by replacing "daily log" in the portion of the second paragraph before subparagraph 1 by "record of duty status";

(3) by replacing "daily log" in subparagraph 1 of the second paragraph by "record of duty status".

21. Sections 36, 37 and 38 are amended by replacing all occurrences of "daily logs" by "records of duty status".

22. Section 39 is amended

(1) by replacing "daily logs" in paragraph 3 by "records of duty status";

(2) by replacing all occurrences of "daily log" in paragraph 4 by "records of duty status";

(3) by replacing "mutilated or defaced a daily log" in paragraph 5 by "defaced or made illegible a record of duty status";

(4) by adding the following at the end:

"(6) the driver uses an electronic logging device that has a disabled, deactivated, blocked or otherwise degraded transmission or signal reception, or uses an electronic

logging device that has been re-engineered, reprogrammed or otherwise altered so that it does not accurately record and retain the data as required, in such a way that the peace officer cannot establish in those cases whether the driver has complied with the hours of driving and hours of rest requirements under Chapter II or the requirements of a permit issued under Chapter III.".

23. Section 40 is amended by replacing "paragraphs 3 to 5" in subparagraph 4 of the second paragraph by "paragraphs 3 to 6", and "daily log" by "record of duty status".

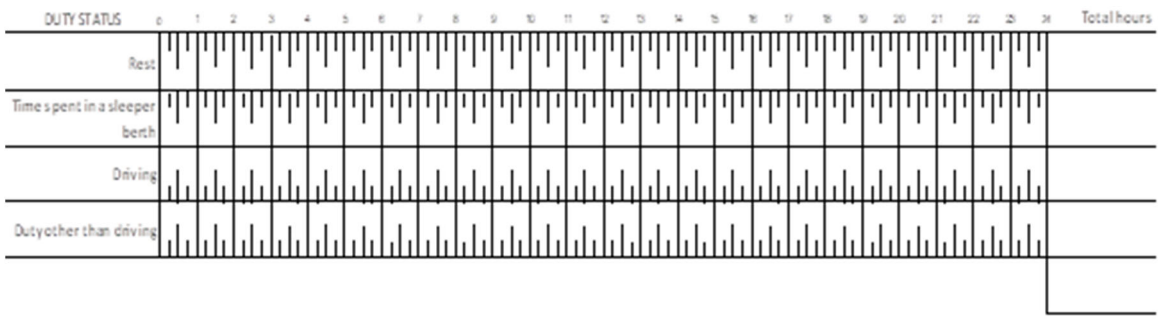
24. Sections 41 and 42 are amended by replacing all occurrences of "daily logs" by "records of duty status".

25. The Regulation is amended by inserting the following after section 42:

"**42.1.** A peace officer may request that an operator, pursuant to section 519.25 of the Highway Safety Code (chapter C-24.2), make available or forward to the peace officer the documents referred to in section 41 and the register referred to in section 28.4 at the place the peace officer indicates.

To make a technology-based document or register available, the operator shall produce either a display or a printout of the document or register. To forward such a document or register, the operator shall send it by the technological means and in the form determined by the peace officer from among those available to the operator.".

26. The grid in Schedule II is replaced by the following:



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

105961

Draft Regulation

Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector
(chapter R-8.3)

Remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector
— Modification

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 remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The object of the draft Regulation is to change some of the conditions for the remuneration of the members of a dispute settlement board and disputes arbitrators in the municipal sector.

Further information on the draft Regulation may be obtained by contacting Nicolas Bouchard, Direction de la fiscalité et des relations de travail municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre Olivier Chauveau, La Tour, 5e étage, Québec (Québec) G1R 4J3, telephone: 418 691 2015, extension 83817; email: nicolas.bouchard@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nicolas Bouchard using the contact information above.

ANDRÉE LAFOREST
Minister of Municipal Affairs and Housing

Regulation to amend the Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector

Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector
(chapter R 8.3, ss. 34 and 47)

1. The Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector (chapter R-8.3, r. 2) is amended, in the first paragraph of section 2,

(1) by replacing "180" by "240";

(2) by replacing "205" by "265".

2. The following is inserted after section 2:

"**2.1.** Each member of a dispute settlement board or disputes arbitrator is entitled to fees at the rates set in section 2 for each hour of a preparatory conference held with the parties.

2.2. Each member of a dispute settlement board is also entitled to a maximum of 1 hour of fees at the rates set in section 2 for the joint planning of each arbitration hearing held.".

3. Sections 4 and 5 are replaced by the following:

"**4.** Where disputes arbitration requires prior disposal of issues on elements other than work and remuneration conditions that are the subject of the dispute, the chair of a dispute settlement board or a disputes arbitrator is entitled to an additional maximum number of 25 hours of fees, and the other members of a dispute settlement board are entitled to an additional maximum number of 5 hours of fees, at the rates set in section 2.

5. For all expenses related to arbitration, namely fees for opening files, telephone calls, correspondence and the drafting and filing of duplicates or copies of the arbitration award, a member of a dispute settlement board or disputes arbitrator is entitled, at the rates set in section 2, to fees determined as follows:

(1) the chair of a dispute settlement board is entitled to 3 hours of fees;

(2) the other members of a dispute settlement board are entitled to 1 hour of fees;

(3) a disputes arbitrator is entitled to 1.5 hours of fees.".

4. Section 6 is amended by replacing "according to the Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics (C.T. 212379, 2013-03-26 amended by C.T. 214163, 2014-09-30)" by "according to 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 subsequently amended".

5. Section 7 is amended by replacing "115" in the second paragraph by "135".

6. Section 8 is replaced by the following:

"**8.** When a case is fully settled or postponed at the request of a party, each member of a dispute settlement board or a disputes arbitrator is entitled, as an indemnity and at the rates set in section 2, to fees determined as follows:

(1) 1 hour of fees if the settlement or postponement occurs between 45 and 31 days before the date of the arbitration hearing;

(2) 3 hours of fees if the settlement or postponement occurs between 30 and 11 days before the date of the arbitration hearing;

(3) 5 hours of fees if the settlement or postponement occurs 10 or fewer days before the date of the arbitration hearing.".

7. The following is inserted after section 9:

"**9.** The fees provided for in section 2, as well as the travel allowance provided for in section 7, are adjusted on 1 January of each year by a rate corresponding to the annual change in the average all-items Consumer Price Index for Québec without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 30 September of the year preceding that for which the fees and travel allowance must be adjusted.

Such fees and travel allowance, so adjusted, are decreased to the nearest dollar if they include a dollar fraction under $0.50; they are increased to the nearest dollar if they include a dollar fraction equal to or over $0.50.

The Minister responsible for municipal affairs informs the public of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.".

8. This Regulation applies to disputes submitted to a dispute settlement board or disputes arbitrator whose activities commence on or after the date of coming into force of this Regulation.

9. Section 9.1 of the Regulation respecting the remuneration of members of a dispute settlement board and disputes arbitrators in the municipal sector, enacted by section 7 of this Regulation, applies from 1 January 2023.

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

105931