no. 51

Part 2
LAWS AND REGULATIONS

20 December 2023 / Volume 155

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

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

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

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

Part 2 – LAWS AND REGULATIONS

Internet

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

www.publicationsduquebec.gouv.qc.ca

Contents

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

Part 2 shall contain:

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

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

(4) regulations made by courts of justice and quasi-judicial tribunals;

(5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	$572
Partie 2 «Lois et règlements»:	$784
Part 2 «Laws and Regulations»:	$784

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: $12.24 per copy.

3. Publication of a document in Partie 1:
$1.97 per agate line.

4. Publication of a document in Part 2:
$1.31 per agate line.

A minimum rate of $286 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

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

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

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

For information, please contact us:

Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca

425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

Subscriptions

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

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

Fax: 418 643-6177
Toll free: 1 800 561-3479

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

Table of Contents

Page

Regulations and other Acts

Draft Regulations

Treasury Board

Regulations and other Acts

Gouvernement du Québec

O.C. 1744-2023, 6 December 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Engineers' Fees (Services to Government) — Revocation

Regulation to revoke the Engineers' Fees (Services to Government) Regulation

WHEREAS, under paragraph 1 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, by regulation and on the recommendation of the Conseil du trésor, determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section entered into by public bodies, for subcontracts related to such contracts or for any other contracts related to such contracts or subcontracts, including contract or subcontract management rules or procedures;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to revoke the Engineers' Fees (Services to Government) Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 23 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to revoke the Engineers' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to revoke the Engineers' Fees (Services to Government) Regulation

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, par. 1)

1. The Engineers' Fees (Services to Government) Regulation (chapter C-65.1, r. 12) is revoked.

The Regulation continues to apply to contract award procedures that are in progress on the date of coming into force of this section and to contracts resulting from those procedures. The same applies to contracts that are in progress on that date.

As regards the contracts referred to in the second paragraph, the parties may agree, as of (*insert the date that is two years and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*) and for the remaining duration of the contract, on terms that are different than those provided for in the Regulation. Such terms may not however be agreed upon before the expiry of four years following the date on which the contract was entered into.

2. Until the coming into force of Section 1, Schedule I of the Engineers' Fees (Services to Government) Regulation (chapter C-65.1, r. 12) must be read

(1) by replacing "FROM 6 APRIL 2023 to 5 JANUARY 2024" by "AS OF 6 APRIL 2023";

(2) by striking out the column "AS OF 6 JANUARY 2024".

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec,* except section 1 which comes into force on (*insert the date that is 18 months and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*).

106607

Gouvernement du Québec

O.C. 1745-2023, 6 December 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Architects' Fees (Services to Government) — Revocation

Regulation to revoke the Architects' Fees (Services to Government) Regulation

WHEREAS, under paragraph 1 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, by regulation and on the recommendation of the Conseil du trésor, determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section entered into by public bodies, for subcontracts related to such contracts or for any other contracts related to such contracts or subcontracts, including contract or subcontract management rules or procedures;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to revoke the Architects' Fees (Services to Government) Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 23 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to revoke the Architects' Fees (Services to Government) Regulation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to revoke the Architects' Fees (Services to Government) Regulation

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, par. 1)

1. The Architects' Fees (Services to Government) Regulation (chapter C-65.1, r. 9) is revoked.

The Regulation continues to apply to contract award procedures that are in progress on the date of coming into force of this section and to contracts resulting from those procedures. The same applies to contracts that are in progress on that date.

As regards the contracts referred to in the second paragraph, the parties may agree, as of (*insert the date that is two years and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*) and for the remaining duration of the contract, on terms that are different than those provided for in the Regulation. Such terms may not however be agreed upon before the expiry of four years following the date on which the contract was entered into.

2. Until the coming into force of Section 1, Schedule II of the Architects' Fees (Services to Government) Regulation must be read

(1) by replacing "FROM 6 APRIL 2023 to 5 JANUARY 2024" by "AS OF 6 APRIL 2023";

(2) by striking out the column "AS OF 6 JANUARY 2024".

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec,* except section 1 which comes into force on (*insert the date that is 18 months and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*).

106608

Gouvernement du Québec

O.C. 1746-2023, 6 December 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres
— Revocation

Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres

WHEREAS, under paragraph 1 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, by regulation and on the recommendation of the Conseil du trésor, determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section entered into by public bodies, for subcontracts related to such contracts or for any other contracts related to such contracts or subcontracts, including contract or subcontract management rules or procedures;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 23 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to revoke the Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, par. 1)

1. The Tarif d'honoraires pour services professionnels fournis au gouvernement par des arpenteurs-géomètres (chapter C-65.1, r. 10) is revoked.

The Tarif continues to apply to contract award procedures begun before the date of coming into force of this section and to contracts resulting from those procedures. The same applies to contracts that are in progress on that date.

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

106609

Gouvernement du Québec

O.C. 1747-2023, 6 December 2023

Act respecting contracting by public bodies
(chapter C-65.1)

Certain service contracts of public bodies
— Amendment

Regulation to amend the Regulation respecting certain service contracts of public bodies

WHEREAS, under paragraph 1 of section 23 of the Act respecting contracting by public bodies (chapter C-65.1), the Government may, by regulation and on the recommendation of the Conseil du trésor, determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 or subparagraph 1 of the second paragraph of that section of the Act entered into by public bodies, for subcontracts related to such contracts or for any other contracts related to such contracts or subcontracts, including contract or subcontract management rules or procedures;

WHEREAS, under paragraph 3 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine bid solicitation procedures and the rules for awarding contracts to public bodies that are applicable to them;

WHEREAS, under paragraph 6 of section 23 of the Act, the Government may, by regulation and on the recommendation of the Conseil du trésor, determine the cases, conditions and manner in or on which a public body must publish information on the contracts it has entered into which involve an expenditure equal to or greater than $25,000;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 4 October 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 23 of the Act respecting contracting by public bodies, the recommendation of the Conseil du trésor has been obtained;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting certain service contracts of public bodies, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain service contracts of public bodies

Act respecting contracting by public bodies
(chapter C-65.1, s. 23, pars. 1, 3 and 6)

1. The Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting the following subdivision after the heading of Division IV of Chapter II:

"***§1.*** *Exceptions relating to scope*

15.2. This Division applies to architecture or engineering service contracts relating to construction work only to the extent provided for in Division IV.1 of Chapter IV. ".

2. Subdivision 1 of Division IV of Chapter II is renumbered 2.

3. Subdivision 2 of Division IV of Chapter II is renumbered 3.

4. Section 24 is revoked.

5. Section 25 is amended by replacing "24" in the ninth paragraph by "23".

6. Section 28 is amended by replacing subparagraphs 2 and 3 of the third paragraph by the following:

"(2) in the case of an evaluation based only on the measurement of the level of quality of the tenders, their quality score and rank according to the quality score and, as the case may be, the names of the tenderers qualified for the second stage or the name and quality score of the successful tenderer;

(3) in the case of an evaluation based on the measurement of the level of quality of the tenders followed by calculation of the price-quality ratio, their quality score, their adjusted price and their rank according to the adjusted prices and, as the case may be, the names of the tenderers qualified for the second stage or the name, quality score and price of the successful tenderer, and the resulting adjusted price;

(4) in the case of an evaluation based on the measurement of the level of quality of the tenders followed by an appraisal of the submitted price, their quality score, their final score including the evaluation of the price of the tender and their rank according to their final score, and the name, quality score, submitted price and final score of the successful tenderer including the evaluation of the submitted price.".

7. Section 30 is amended by adding "In respect of architecture or engineering services relating to construction work, such a contract may be entered into only in accordance with the provisions of subdivision 4 of Division IV.1 of Chapter IV." at the end.

8. Section 34 is amended

(1) by striking out ", except in the cases provided for in section 24,";

(2) by inserting ", except a contract referred to in section IV.1 of Chapter IV" after "contract".

9. Division IV of Chapter IV, including section 40, is revoked.

10. The following Division is added after section 40:

"**DIVISION IV.1**
ARCHITECTURE AND ENGINEERING SERVICE CONTRACTS RELATING TO CONSTRUCTION WORK

§1. Contracts awarded following an evaluation based on measurement of the level of quality of tenders followed by a negotiation of the price of the contract

40.1. A public body may, to award an architecture or engineering contract relating to construction work, request a quality demonstration based on predetermined evaluation criteria in order to negotiate the price of the contract.

The public body opens the tenders only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents and applies the provisions of section 10.1.

The public body evaluates the quality of a tender in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2. If several service providers obtain identical final scores, the public body determines the ranking of the service providers concerned by a drawing of lots.

Within 15 days of the date of informing service providers of the result of the tender quality evaluation, the public body must begin negotiations on the price of the contract with the service provider whose acceptable tender obtained the highest final score, or who won the draw, where applicable.

The negotiation period to enter into a written agreement is 90 days. Not later than the 60th day of this period, if no agreement has been reached, the public body must inform the tenderer of the state of negotiations.

If the parties terminate negotiations or upon the expiry of the 90-day period, the public body negotiates the price of the contract, in accordance with the conditions in the fifth paragraph, with the subsequent service provider whose acceptable tender obtained the highest final score or who won the draw, where applicable. The public body proceeds in this manner until an agreement is entered into or until there are no more service providers whose tenders are acceptable.

The contract is awarded to the service provider with which the public body enters into a written agreement.

The public body publishes in the electronic tendering system the names of the service providers who filed tenders within 4 working days following the awarding of the contract.

40.2. Sections 15.1, 18, 26 and 28 apply to the contract awarding process performed under this subdivision.

In the case of an invitation to tender, the composition of the selection committee may differ from that provided for in the second paragraph of section 26. In addition, the communication to the tenderer provided for in subparagraph 2 of the third paragraph of section 28 of the tenderer's quality score and rank must take place within 15 days of the evaluation of the quality of tenders.

§2. Contract awarded following an evaluation based on measurement of the level of quality of tenders followed by an evaluation of the price submitted

40.3. A public body may, to award an architecture or engineering service contract relating to construction work, request a price and a quality demonstration.

Tenders are given a score out of a total of 100 points, including not less than 40 points and not more than 70 points for quality and not less than 30 points and not more than 60 points for the price.

The quality of a tender is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2.

The tendered price is evaluated on the basis of the gap between that price and

(1) the median market price (MMP), which is calculated on the basis of the prices of acceptable tenders submitted and the contract price estimated by the public body at the time of the call for tenders;

(2) the upper limit (UL) and lower limit (LL) of a price range determined on the basis of the median market price, which are calculated according to the following formulas:

$$LL = MMP \times (1 - X)$$

$$UL = MMP \times (1 + X)$$

where X is the proportion, expressed as a percentage, of the contract price estimated at the time of the call for tenders that the public body is prepared to pay in excess of that price, the proportion being not less than 40% and not more than 60%.

The maximum points relating to the price are attributed to the tender whose price is within the optimal market price range whose upper and lower limits are established by subtracting or adding, as the case may be, to the median market price an amount equivalent to 5% of the value of that median.

No points are attributed to a tender whose price is outside the price range determined in accordance with subparagraph 2 of the fourth paragraph.

In addition, the number of points attributed to a tender that is covered neither by the fifth nor the sixth paragraphs is calculated according to the following formula:

$$\frac{(Y - | MMP - P |)}{(Y - (MMP \times 5\%))} \times Z$$

where

P is the price submitted;

Y is the amount resulting from the difference between the upper limit of the price range and the median market price;

Z is the maximum points relating to price that can be attributed to a tender.

40.4. The tender documents must indicate the proportion, expressed as a percentage, of the contract price estimated at the time of the call for tenders that the public body is prepared to pay in excess of that price.

40.5. At the tender opening, the public body must disclose its estimate of the contract price at the time of the call for tenders. It must also publish that estimate in the electronic tendering system within 4 business days following the tender opening.

40.6. The contract is awarded to the service provider whose tender obtained the highest final score.

40.7. The second paragraph of section 16 and sections 17, 18 and 26 to 28 apply to the contract awarding process performed under this subdivision.

If several service providers obtain identical results, the contract is awarded to the service provider which submits the lowest price or, if the price is identical, by a drawing of lots. In the case of an invitation to tender, the composition of the selection committee may differ from that provided for in the second paragraph of section 26.

§3. Contract awarded following a design competition

40.8. A public body may, to award an architecture or engineering service contract relating to construction work or a contract for both architecture services and engineering relating to such work, hold a competition where a jury selects a design.

For the purpose of this Regulation, the candidates and finalists of a competition under this subdivision are, depending on the context, service providers or tenderer, submissions and proposals are tenders, and the winner of such a competition is the successful tenderer of a public call for tenders.

40.9. The public body constitutes a jury in charge of selecting one of the proposals submitted for the competition. The jury is made up of a selection committee established in accordance with section 26 and one or more persons of public renown. Those persons must be fewer than the members of the selection committee.

At least one of the jury members must be an architect for architecture service contracts and at least one of the jury members must be an engineer for engineering service contracts. For contracts involving both architecture and engineering services, the jury must include at least one architect and one engineer.

The public body may also invite any person with expertise to act as advisor to the jury at any stage of the competition.

40.10. The public body determines the situations in which a conflict of interest is deemed to arise between candidates and the person or persons of public notoriety who are members of the jury. Candidates who are in one of those situations become ineligible.

40.11. The public body conducts the competition by means of a two-stage public call for tenders.

At the first stage, the public body selects candidates by soliciting only a quality demonstration.

The public body opens the applications only in the presence of the secretary of the selection committee or its representative at the designated place and on the date and time fixed in the tender documents and applies the provisions of section 10.1.

The public body evaluates the submissions received, ensuring that candidates are eligible and their tenders are compliant.

The jury evaluates the quality of submissions in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2. All submissions having the acceptable level of performance are retained. If only a limited number of candidates are invited to take part in the second stage, those having obtained the highest final scores are retained.

If the public body rejects a submission because the candidate is ineligible or the submission is non-compliant, the public body so informs the candidate, specifying the

reason for the rejection, at the same time as the public body sends the selected candidates their invitation to take part, as finalists, in the second stage. At the same time, the public body publishes in the electronic tendering system the names of the candidates having taken part in the first stage as well as the names of the finalists among them.

At the second stage, the public body invites the finalists to submit a proposal that includes a quality demonstration. Despite section 9.2, the public body may allow finalists to submit a proposal that is not compatible with the electronic tendering system by a means that the public body indicates in that system. The public body ascertains the integrity of the proposal transmitted through that means.

To evaluate the quality of the proposal, the jury must take into account the extent to which the design that is the subject of the proposal is feasible and keeps to the estimated cost of the work. Proposals that do not reach an acceptable level of performance in regard to either of those two criteria are rejected.

The jury may invite the finalists to present the proposal and to interact with them. The mode of communication chosen must ensure that the members of the selection committee sitting on the jury remain anonymous.

The contract is awarded to the winner of the competition, that is the finalist whose proposal best meets all the criteria. The jury may also award prizes and honourable mentions to the other finalists.

The public body must pay, to each of the finalists, the compensation provided for in the tender documents. The compensation received by the winner of the competition represents an advance on the fees owed to the winner for carrying out the contract.

Sections 18 and 28 apply to a contract awarding process conducted according to the provisions of this subdivision. Where the quality of the proposals is not evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2, the information that the public body must send to finalists pursuant to section 28 includes, where applicable, their quality score and corresponding rank, the name of the winner and, where applicable, the quality score of the winner.

40.12. The public body must indicate in the tender documents

(1) the name of the person or persons of public notoriety referred to in the first paragraph of section 40.9 as well as the rules aimed at preventing conflicts of interest between that person or persons on the one hand and the candidates and finalists on the other hand;

(2) whether the number of candidates invited to participate in the second stage is limited;

(3) the compensation payable to the finalists having completed the second stage and the compensation payable to finalists if the call for tenders is cancelled;

(4) any prizes or honourable mentions awarded to the finalists, other than the winner of the competition, having completed the second stage;

(5) fees payable to the winner of the competition for the performance of the contract.

§4. *Task order contract awarded following an evaluation based on the measurement of the level of quality of tenders*

40.13. A public body may, when the procurement requirements are recurrent and the number of requests, the rate or frequency at which they are to be performed is uncertain, enter into a task order contract with a service provider for architecture or engineering services relating to construction work.

The public body must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract.

The public body must apply the provisions of subdivision I of this Division.

40.14. The Ministère des Transports and the Société québécoise des infrastructures may, when the procurement requirements are recurrent and the number of requests, the rate or frequency at which they are to be performed is uncertain, enter into a task order contract with one or more service providers for architecture or engineering services relating to construction work. The Ministère and the Société may only request a quality demonstration, which is evaluated in accordance with the evaluation conditions in sections 1 to 7 of Schedule 2, and all tenders that obtain the acceptable level of performance are retained.

The public body concerned must indicate in the tender documents the extent of the services that the public body intends to request or, failing that, the approximate monetary value of the contract, the criteria for distributing performance requests among service providers, as well as the applicable fees. Performance requests are distributed to the service providers retained in a fair manner that takes into account the objectives set out in subparagraphs 2 and 6 of the first paragraph of section 2 of the Act.

Where the Ministère des Transports or the Société québécoise des infrastructures enters into a contract under this section, it must publish, once a year, a notice in the electronic tendering system in order to enable the selection of one or more additional service providers for the purpose of carrying out the performance requests resulting from the contract. The notice must indicate, in addition to the estimated amount of the expenditure for the remaining period of the contract, the information provided for in the second paragraph of section 4, with the necessary modifications. The third paragraph of section 4 applies. In addition, the tender documents are adapted and used again for selecting one or more additional service providers.

Sections 15.1, 17, 18, 26 and 28 apply to a contract awarding process conducted according to the provisions of this section. However, pursuant to section 28, the public body does not send the tenderer its rank according to its quality score.

§5. Contracts awarded to more than one service provider following an evaluation based on the measurement of the level of quality of tenders

40.15. The Ministère des Transports and the Société québécoise des infrastructures may make a public call for tenders by soliciting a quality demonstration in order to award architecture or engineering service contracts relating to construction work to one or more service providers. To that end, the quality of the tenders is evaluated in accordance with the evaluation conditions provided for in sections 1 to 7 of Schedule 2.

The tender documents must indicate the applicable fees.

Contracts are awarded to the service providers whose acceptable tenders obtained the highest final scores. If the monetary values of the contracts differ, the contract with the highest value is awarded to the service provider whose acceptable tender obtained the highest final score, and so on. In the case of identical final scores, the public body will determine the rank of the service providers concerned by a drawing of lots.

Sections 15.1, 17, 18, 26 and 28 apply to a contract awarding process conducted according to the provisions of this subdivision.”.

11. Section 51 is amended by adding the following paragraph at the end:

“(6) in the case of a contract awarded following an evaluation based on measurement of the level of quality of tenders followed by an appraisal of the price submitted, the median market price;”.

12. The following Division is added after section 51.3:

“**DIVISION I.1**
TASK ORDER CONTRACTS ENTERED INTO WITH MORE THAN ONE SERVICE PROVIDER FOR ARCHITECTURE OR ENGINEERING SERVICES RELATING TO CONSTRUCTION WORK

51.4. Each year, after task order contracts are entered into with more than one service provider for architecture or engineering services relating to construction work, the Ministère des Transports or the Société québécoise des infrastructures must make public at least the following information:

(1) the name of the service provider or providers;

(2) the date of conclusion of the contract with the service provider or providers;

(3) the number of task orders completed by the service provider or providers and the nature of the services requested;

(4) the amount paid for each task order completed;

(5) the estimated amount of the expenditure corresponding to the remaining period of the contract.”.

TRANSITIONAL AND FINAL

13. Contract award procedures begun before the coming into force of the provisions of this Regulation that apply to them are continued in accordance with the provisions in force on the date of the beginning of the procedures.

In addition, any contract in progress on the date of coming into force of the provisions of this Regulation that apply to it is continued in accordance with the provisions that are in force on the day before that coming into force.

14. Until section 9 of this Regulation comes into force, the first paragraph of section 40 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) must read as follows:

“**40.** In the case of engineering service contracts relating to transport infrastructure for which only a quality demonstration is solicited in accordance with section 23, the special awarding rules below may be applied with the authorization of the Minister of Transport:

(1) following a single public call for tenders, contracts are awarded to more than one service provider, despite section 22;

(2) a task order contract is awarded to more than one service provider, despite section 32.".

15. Until the coming into force of subdivision 1 of Division IV.1 of Chapter IV of the Regulation respecting certain service contracts of public bodies, enacted by section 10 of this Regulation, the third paragraph of section 40.13 of the Regulation respecting certain service contracts of public bodies, enacted by section 10 of this Regulation, should read as follows:

"The public body applies, as the case may be, the Architects' Fees (Services to Government) Regulation (chapter C-65.1, r. 9) or the Engineers' Fees (Services to Government) Regulation (chapter C-65.1, r. 12). ".

16. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 9, section 10, insofar as it enacts subdivision 1, subdivision 4, insofar as it concerns task order contracts with more than one service provider, and subdivision 5 of Division IV.1 of Chapter IV of the Regulation respecting certain service contracts of public bodies, and section 12, which come into force on (*insert the date occurring 18 months and 15 days after the date of publication of this Regulation in the Gazette officielle du Québec)*.

106610

Gouvernement du Québec

O.C. 1748-2023, 6 December 2023

Act respecting municipal territorial organization (chapter O-9)

Amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville

WHEREAS, in accordance with the first paragraph of sections 84 and 85 of the Act respecting municipal territorial organization (chapter O-9), each of the municipal councils of Ville de Plessisville and Municipalité de la paroisse de Plessisville has adopted a by-law authorizing the filing of a joint application with the Government to constitute a local municipality by the amalgamation of the two municipalities;

WHEREAS the joint application has been submitted to the Minister of Municipal Affairs;

WHEREAS, in accordance with section 109 of the Act, the plan prepared by a land surveyor and referred to in section 87 must be approved by the Minister of Natural Resources and Forests before the order constituting the local municipality resulting from the amalgamation is made by the Government;

WHEREAS the plan has been approved by the Minister of Natural Resources and Forests;

WHEREAS, pursuant to the first paragraph of section 107 of the Act, the Minister may recommend that the application be granted by the Government with or without amendment;

WHEREAS it is expedient to grant, without amendment, the joint application for the amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville and to constitute the local municipality resulting from the amalgamation of the two municipalities;

WHEREAS, pursuant to the first paragraph of section 108 of the Act, the order constituting the local municipality resulting from the amalgamation must contain the information listed in that paragraph;

WHEREAS pursuant to section 110 of the Act, the order comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS it is expedient for this order in council to come into force on 1 January 2024;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the joint application for the amalgamation of Ville de Plessisville and Municipalité de la paroisse de Plessisville be granted without amendment and that the local municipality resulting from the amalgamation of the two municipalities be constituted, in accordance with the following provisions:

1. The name of the new municipality shall be "Ville de Plessisville".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources and Forests on 12 September 2023; the description is appended as Schedule "A" to this order in council.

3. The new municipality shall be governed by the Cities and Towns Act (chapter C-19).

4. The territory of the new municipality is comprised within the territory of the regional county municipality of L'Érable.

5. Until the term of office of a majority of the candidates elected at the first general election begins, the new municipality shall be directed by a temporary council composed of all the members of the councils of the former municipalities who were in office on the date of coming into force of this order in council.

One additional vote is allotted, on the temporary council, to the mayor of a former municipality for each vacant seat on the council of that municipality on the date of coming into force of this order in council and for each vacant seat on the temporary council held by a member of the council of the former municipality occurring after that date. This rule does not apply if there are an equal number of vacant seats for each of the former municipalities.

If one of the seats of mayor is vacant, the mayor's votes are transferred to the councillor who, before the coming into force of this order in council, acted as deputy mayor of the former municipality concerned. If that councillor is not a member of the temporary council, the votes are transferred to a councillor selected by and from among the members of the temporary council who were members of the council of the former municipality concerned.

For the period during which the temporary council directs the new municipality, no by-election may be held to fill vacant seats on the temporary council, except if fewer than one mayor or six councillors are in office. The mayor holding office as deputy mayor is not counted in calculating the number of councillors for the purposes of this section.

6. In a by-election to fill a councillor's seat on the temporary council, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former municipality having the greatest number of vacant seats on the temporary council, are eligible to vote. In a by-election for the seat of mayor, there is no criterion governing eligibility to vote for the duration of the temporary council.

7. The mayor of the former Ville de Plessisville and the mayor of the former Municipalité de la paroisse de Plessisville shall act respectively as mayor and deputy mayor of the new municipality from the date of coming into force of this order in council until the last day of the month in which that date occurs. From that date, the positions of the two mayors shall alternate, each month, until the term of the mayor elected at the first general election following the date of coming into force of this order in council begins.

Between the date of coming into force of this order in council and the first general election, the mayors shall continue to sit on the council of the regional county municipality of L'Érable with the same number of votes they had before the date of coming into force of this order in council. In addition, they shall retain their capacity to sit on any committee and hold any office.

8. The quorum of the temporary council is a majority of its members holding office.

9. The first sitting of the temporary council shall be held in the auditorium of Polyvalente La Samare in the former Ville de Plessisville, located at 1159, rue Saint-Jean, Plessisville, Québec, G6L 1E1.

10. By-law 1470 of the former Ville de Plessisville concerning the remuneration of the mayor and councillors applies to the members of the temporary council until amended in accordance with law. For the duration of the temporary council, the remuneration of the mayors of the former municipalities shall be equivalent to the remuneration of the mayor as provided for in that by-law and may not be reduced.

Every elected official of a former municipality whose term ends before 1 February 2024 shall receive compensation equivalent to eleven months of remuneration for a councillor of the former Ville de Plessisville, based on the remuneration in effect in December 2023.

11. The director general, the clerk and the treasurer of the former Ville de Plessisville shall act respectively as director general, clerk and treasurer of the new municipality.

12. The director general and assistant director general of the former Municipalité de la paroisse de Plessisville shall act respectively as assistant director general and assistant treasurer of the new municipality.

13. The poll for the first general election shall be held on 2 November 2025 in accordance with the Act respecting elections and referendums in municipalities. The second general election shall be held in 2029.

14. The council of the new municipality shall have a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6 beginning at the first general election.

15. For the purposes of the first general election, the territory of each of the former municipalities shall be divided into three electoral districts, making a total of six electoral districts.

The procedure of division for election purposes provided for in the Act respecting elections and referendums in municipalities, adapted as required, shall apply to the division.

16. For the purposes of the second general election, the council shall be responsible for establishing the six electoral districts for the entire territory of the new municipality in accordance with the Act respecting elections and referendums in municipalities.

17. The procedure for allocating the cost of a pooled service provided for in an intermunicipal agreement between the two former municipalities that was in force before the coming into force of this order in council shall apply until the end of the last fiscal year for which separate budgets are adopted.

18. The new municipality succeeds to the rights and obligations of the former municipalities arising from their applications for financial assistance under the Regions and Rurality Fund.

19. The period specified in section 474 of the Cities and Towns Act for preparing and adopting the first budget of the new municipality shall be extended until the end of the month of coming into force of this order in council.

20. If a budget was adopted by a former municipality for the fiscal year during which this order in council comes into force,

(1) the budget shall remain applicable;

(2) the expenditures and revenues of the new municipality for the remainder of the fiscal year during which this order in council comes into force shall continue to be accounted for separately for each former municipality as if the amalgamation had not taken place;

(3) an expenditure arising from the amalgamation and recognized by the council of the new municipality shall be borne by each of the former municipalities in the proportion of 66% for the former Ville de Plessisville and 34% for the former Municipalité de la paroisse de Plessisville;

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal, once the expenditures recognized by the council pursuant to paragraph 3 and financed out of that amount have been deducted, shall constitute a reserve to be paid into the general fund of the new municipality for the first fiscal year for which it prepares and adopts a budget for the whole of its territory.

21. Where applicable, at the end of the last fiscal year for which separate budgets are prepared and adopted, the accumulated surpluses, whether appropriated or unappropriated, and the financial reserves of each former municipality shall be used, after having been allocated in accordance with sections 22 and 23 of the operative part of this order in council, for the benefit of the taxpayers in the sector formed by the territory of that former municipality.

The first paragraph does not apply to the financial reserves for the disposal of sludge from each of the former municipalities, which will be merged and used for the whole of the territory served by the new municipality.

22. For the first fiscal year for which the new municipality prepares and adopts a budget for the whole of its territory, the new municipality shall pay into its general fund the amount of $1,000,000, comprising $660,000 from the unappropriated accumulated surplus of the former Ville de Plessisville and $340,000 from the unappropriated accumulated surplus of the former Municipalité de la paroisse de Plessisville.

If the unappropriated accumulated surplus of a former municipality is insufficient for the purposes of the first paragraph, the new municipality shall cover the difference via a special tax imposed on the taxable immovables situated in the sector formed by the territory of that former municipality, based on their taxable value as indicated in the assessment roll in effect on the date on which the payment is made.

23. The working funds of the former municipalities shall be abolished at the end of the last fiscal year for which they prepared and adopted separate budgets. The parts of those funds that are not committed on that date shall be added to the unappropriated accumulated surplus of the municipalities and must be allocated in accordance with the second paragraph and sections 21 and 22 of the operative part of this order in council.

The new municipality shall constitute a working fund in the amount of $1,000,000, comprising a contribution of $660,000 from the former Ville de Plessisville and a contribution of $299,064 from the former Municipalité de la paroisse de Plessisville, taken out of their unappropriated accumulated surpluses at the end of the last fiscal year for which the former municipalities prepared and adopted separate budgets. If the unappropriated accumulated surplus of a former municipality is insufficient to allow the payment of the contribution, the new municipality shall cover the difference via a special tax imposed on all the taxable immovables in the territory of that former municipality.

A total amount of $40,936 shall also be paid into the working fund within seven years of the date of coming into force of this order in council. To pay this amount, the new municipality shall impose a tax on all the taxable immovables served by the sewer system located in the territory of the former Municipalité de la paroisse de Plessisville.

24. Where applicable, the accumulated deficit of each former municipality at the end of the last fiscal year for which separate budgets were prepared and adopted shall be borne by all the taxable immovables situated in the sector formed by the territory of that municipality.

25. The repayment of the loans contracted pursuant to by-laws adopted by each former municipality before the coming into force of this order in council shall continue to be borne by the taxable immovables concerned, in accordance with the provisions of the by-laws which impose a special tax or mode of tariffing.

No change to a sector charged with the repayment of a loan referred to in the first paragraph may result in an extension of that sector beyond the territory of the former municipality that adopted the by-law concerned.

26. The new municipality shall gradually harmonize, over a period of five years, the general property tax rate, the modes of tariffing and the compensations applicable in the territories of the former municipalities.

At the end of the fifth year, the general property tax rate, the modes of tariffing and the compensations must be identical in the territories of both former municipalities, except sector-based taxes, including those referred to in section 25 of the operative part of this order in council.

27. The new municipality may replace the zoning and subdivision by-laws applicable in its territory despite section 110.10.1 of the Act respecting land use planning and development (chapter A-19.1).

28. The new municipality must maintain a service point for issuing permits in the territory of the former Municipalité de la paroisse de Plessisville until November 2029.

29. Every debt or gain resulting from judicial proceedings for an action taken by a former municipality before the date of coming into force of this order in council shall be borne by or shall be to the benefit of all the taxable immovables in the sector formed by the territory of that former municipality.

30. For the purposes of the program that will replace the Fuel Tax Program and the 2019-2024 Québec Contribution, the amounts granted to each former municipality shall be disbursed only in the territory of that former municipality.

THAT this order in council come into force on 1 January 2024.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

SCHEDULE "A"

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF VILLE DE PLESSISVILLE IN THE REGIONAL COUNTY MUNICIPALITY OF L'ÉRABLE

The territory of Ville de Plessisville, in the regional county municipality of L'Érable, following the amalgamation of Ville de Plessisville and Paroisse de Plessisville, comprising as of the date of this description, with reference to the cadastre of Québec, all the lots or parts of lots, successor lots, hydrographic and topographic entities and built-up sites or parts thereof within the perimeter commencing at the apex of the northern corner of lot 4 018 757 and continuing along, successively, the following lines and demarcations: southeastlerly, the northeastern boundary of lot 4 018 757; northeasterly, part of the northwestern boundary of lot 4 018 820; southeastlerly, the northeastern boundary of lots 4 018 820 and 4 016 678 and part of the northeastern boundary of lot 4 016 463; southwesterly, part of the southeastern boundary of lot 4 016 463; southeastlerly, part of the northeastern boundary of lot 4 016 463 and the northeastern boundary of lots 4 016 667, 4 016 591 and 4 016 590; easterly, the northern boundary of lot 4 018 540; southeastlerly, the northeastern boundary of lots 4 016 543, 4 016 542, 4 241 040 and 4 018 665 and part of the northeastern boundary of lot 4 018 555; northeasterly, part of the northwestern boundary of lot 4 018 555; southeastlerly, part of the northeastern boundary of lot 4 018 555 and the northeastern boundary of lots 4 017 679, 4 017 678 and 4 017 741; southwesterly, part of the southeastern boundary of lot 4 017 741; southerly, part of the eastern boundary of lot 4 017 741; southeastlerly, the northeastern boundary of lots 4 017 752, 6 503 341, 4 017 089, 4 241 119, 4 017 110 and 4 017 109; southwesterly, the southeastern boundary of lots 4 017 109, 4 017 108 and 4 017 106; northwesterly, the southwestern boundary of lot 4 017 106 and part of the southwestern boundary of lot 4 017 108; southwesterly, the southeastern boundary of lots 4 017 105, 6 284 037, 6 284 036, 4 017 452, 4 017 067, 4 017 070, 4 017 069 and 4 017 068; southeastlerly, part of the northeastern boundary of lot 4 017 059; southwesterly, the southeastern boundary of lots 4 017 059, 4 017 060, 4 017 076, 4 017 058, 4 018 407, 4 016 373 and 4 017 310; southeastlerly, the northeastern boundary of lot 4 016 852; southwesterly, the southeastern boundary of lots 4 016 852 and 4 018 581; northwesterly, part of the southwestern boundary of lot 4 018 581; southwesterly, the southeastern boundary of lots 4 016 358, 4 018 558 and 4 017 049; northwesterly, part of the southwestern boundary of lot 4 017 049; southwesterly, the southeastern boundary of lots 4 017 056, 4 017 057, once again 4 017 056, 4 016 896, 4 016 774, 4 016 849, 4 571 543, 4 016 848 and 4 571 542, part of the southeastern boundary of lot 4 017 424, and lots 4 017 425, 4 017 432,

4 017 434, 4 016 952, 4 018 359, 4 016 930, 4 017 444, 4 017 443, once again 4 017 444, 4 017 445, 4 017 446, 4 017 449, 4 017 450, 4 017 451, 4 017 453, 4 017 454, 4 017 455, 4 241 096, 6 535 469, 6 535 470, 4 017 487 and 4 017 484; northerly, the western boundary of lots 4 017 484, 4 017 487, 4 559 858, 4 241 095, 4 017 489, 4 241 096, 4 017 479, 4 017 478 and 6 422 718, part of the western boundary of lot 6 556 196, the western boundary of lots 6 556 195, 4 016 763, 4 017 370, 4 017 369, 4 017 368, 4 017 351, 4 017 350, 4 571 510, 4 016 752, 4 017 362, 4 016 814, 4 018 552, 4 017 802, 4 017 806, 4 571 515, 4 571 516, 4 017 814, 4 017 813, 4 018 545 and 4 017 008, and part of the western boundary of lot 4 017 006; southwesterly, the southeastern boundary of lots 4 017 021, 4 017 020, 4 017 019 and 4 017 016; northerly, the western boundary of lots 4 017 016, 4 017 015 and 4 017 014; southwesterly, the southeastern boundary of lots 4 017 028, 4 018 344, 4 017 031, 4 017 025, 4 017 026 and 4 017 027; northerly, the western boundary of lots 4 017 027, 4 018 274, 4 016 875 and 4 016 873; southwesterly, part of the southeastern boundary of lot 4 522 579 and the southeastern boundary of lots 4 016 867, 4 016 860, 4 016 859, 4 016 866, 4 016 865, 4 016 864, 4 016 853, 4 016 856, 4 016 857 and 4 016 858; northerly, the western boundary of lots 4 016 858 and 4 016 889; northeasterly, the northwestern boundary of lots 4 016 889, 4 016 890, 4 016 891, 4 016 892, 6 541 420, 6 541 421, 6 541 422, 4 016 894, 4 016 895, 4 016 899, 4 016 898, once again 4 016 899, 4 016 900, 4 016 901, 4 018 346, 4 018 347, 4 018 574, 4 018 668 and 4 018 667; northerly, part of the western boundary of lot 4 018 609 and the western boundary of lot 4 018 611; and northeasterly, the northwestern boundary of lot 4 018 611, a straight line across lot 4 018 713, Rivière Noire and lot 4 018 799 to the apex of the southern corner of lot 4 018 779, part of the northwestern boundary of lot 4 018 799 and the northwestern boundary of lots 4 018 789, 4 018 786, 4 018 754, 4 018 755, 4 018 756 and 4 018 757, to the point of commencement.

The said perimeter defining the territory of Ville de Plessisville, in the regional county municipality of L'Érable.

Ministère des Ressources naturelles and des Forêts
Bureau de l'arpenteur général du Québec
Service de l'arpentage and des limites territoriales

Prepared at Québec, 12 September 2023

By: Jessica Lapointe,
Land surveyor

BAGQ file no.: 548732
BAGQ reference no.: 548283

106611

Gouvernement du Québec

O.C. 1762-2023, 6 December 2023

Amendment of the boundaries of the Île Brion ecological reserve in the Gaspésie–Îles-de-la-Madeleine region

Whereas, by Order in Council 1274-88, dated 24 August 1988, the Government made the Règlement sur la réserve écologique de l'Île-Brion, which establishes the Île Brion ecological reserve;

Whereas, under the second paragraph of section 2 of the Regulation respecting certain transitional measures of the Act to amend the Natural Heritage Conservation Act and other provisions (chapter C-61.01, r. 0.1), the provisions of the regulations made in particular for each ecological reserve established as at 18 March 2021 that concern their establishment, boundaries and plan, as they read on that date, are deemed to have been made in accordance with section 27 of the Natural Heritage Conservation Act (chapter C-61.01, r. 0.1) and the Government may assign the reserves concerned any other protection status, apply any other conservation measure to them, amend their boundaries or terminate their designation in accordance with section 42 of the Natural Heritage Conservation Act;

Whereas, under the first paragraph of section 42 of the Natural Heritage Conservation Act, the Government may, if the public interest justifies it, assign any other protection status to a protected area, apply any other conservation measure to it, amend its boundaries or terminate its designation and, in all cases, the Government shall take into account the interests of the local and Aboriginal communities concerned in order to foster their support;

Whereas, under the second paragraph of section 42 of the Act, if the effect of the decision is to decrease the total surface area of protected areas in Québec, the Government must take any appropriate conservation measure to compensate for that decrease, in particular by designating as a protected area, under that Act or another Act, another area having biophysical characteristics that are at least equivalent to those of the area concerned;

Whereas, under the third paragraph of section 42 of the Act, the Government must, in its decision, set out the reasons justifying it;

Whereas, under section 5 of the Regulation respecting certain transitional measures of the Act to amend the Natural Heritage Conservation Act and other provisions, sections 31 to 38 of the Natural Heritage Conservation Act do not apply to the designation of land as a protected area in accordance with section 27 of that Act or the change to a protected area in accordance with section 42 of that

Act when on or before 18 March 2021 one of the public consultations listed in section 5 provided clarification concerning the various issues raised by the proposed protected area or the proposed change to a protected area established as at that date, in particular a public hearing or targeted consultation held in accordance with section 6.3 of the Environment Quality Act (chapter Q-2);

WHEREAS, given the increase in the grey seal population, the Communauté maritime des Îles-de-la-Madeleine has requested that the protection status of Île Brion be amended to regulate certain sustainable activities, including the grey seal hunt on beach areas;

WHEREAS, in accordance with section 6.3 of the Environment Quality Act, on 15 August 2018, the Minister of Sustainable Development, the Environment and the Fight against Climate Change gave the Bureau d'audiences publiques sur l'environnement the mandate to hold a consultation to enable the general public to express its views on the issues arising from the request by the Communauté maritime des Îles-de-la-Madeleine, and more specifically to analyze the possibility of amending the boundaries of the ecological reserve and the protection status of the beach areas;

WHEREAS the public consultation took place in the fall of 2018 and the report on the inquiry and public consultation was made public prior to 18 March 2021, on 21 December 2018;

WHEREAS it is expedient to amend the boundaries of the Île Brion ecological reserve among other things by withdrawing beach areas, in particular to allow a sustainable commercial winter seal hunt;

WHEREAS it is in the interest of the public to allow that hunt in order to help to maintain the practice of that traditional activity of the Magdalen Islanders, which contributes to the local economy;

WHEREAS the effect of the decision is to decrease the total surface area of protected areas in Québec by close to 9 ha;

WHEREAS , in accordance with section 15 of the Natural Heritage Conservation Act, a notice that the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks intends to designate the natural setting with boundaries established on a plan of Île Brion was published in Part 2 of the *Gazette officielle du Québec* of 1 November 2023 and this designation can take effect after a period of 30 days from the publication of the notice in the *Gazette officielle du Québec;*

WHEREAS that conservation measure covering 20 ha compensates for the decrease of the total surface area of protected areas in Québec;

WHEREAS the territory of the Île Brion ecological reserve covererd by the new boundaries is part of the domain of the State;

WHEREAS, in accordance with the first paragraph of section 151 of the Act respecting land use and development (chapter A-19.1), the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks has given the Communauté maritime des Îles-de-la-Madeleine a notice that describes the planned intervention;

WHEREAS, in accordance with the first paragraph of section 152 of the Act, on 6 December 2022, the Communauté maritime des Îles-de-la-Madeleine gave its opinion on the conformity of the planned intervention with its planning and development plan;

WHEREAS, under the first paragraph of section 40 and section 43 of the Natural Heritage Conservation Act, all Government decisions referred to in section 42 of the Act come into force on the date of their publication in the *Gazette officielle du Québec*;

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

THAT the boundaries of the Île Brion ecological reserve, in the Gaspésie–Îles-de-la-Madeleine region, a plan of which appears in Schedule 1 of the Règlement sur la réserve écologique de l'Île-Brion made by Order in Council 1274-88, dated 24 August 1988, be replaced by those shown on the plan appended to this Order in Council;

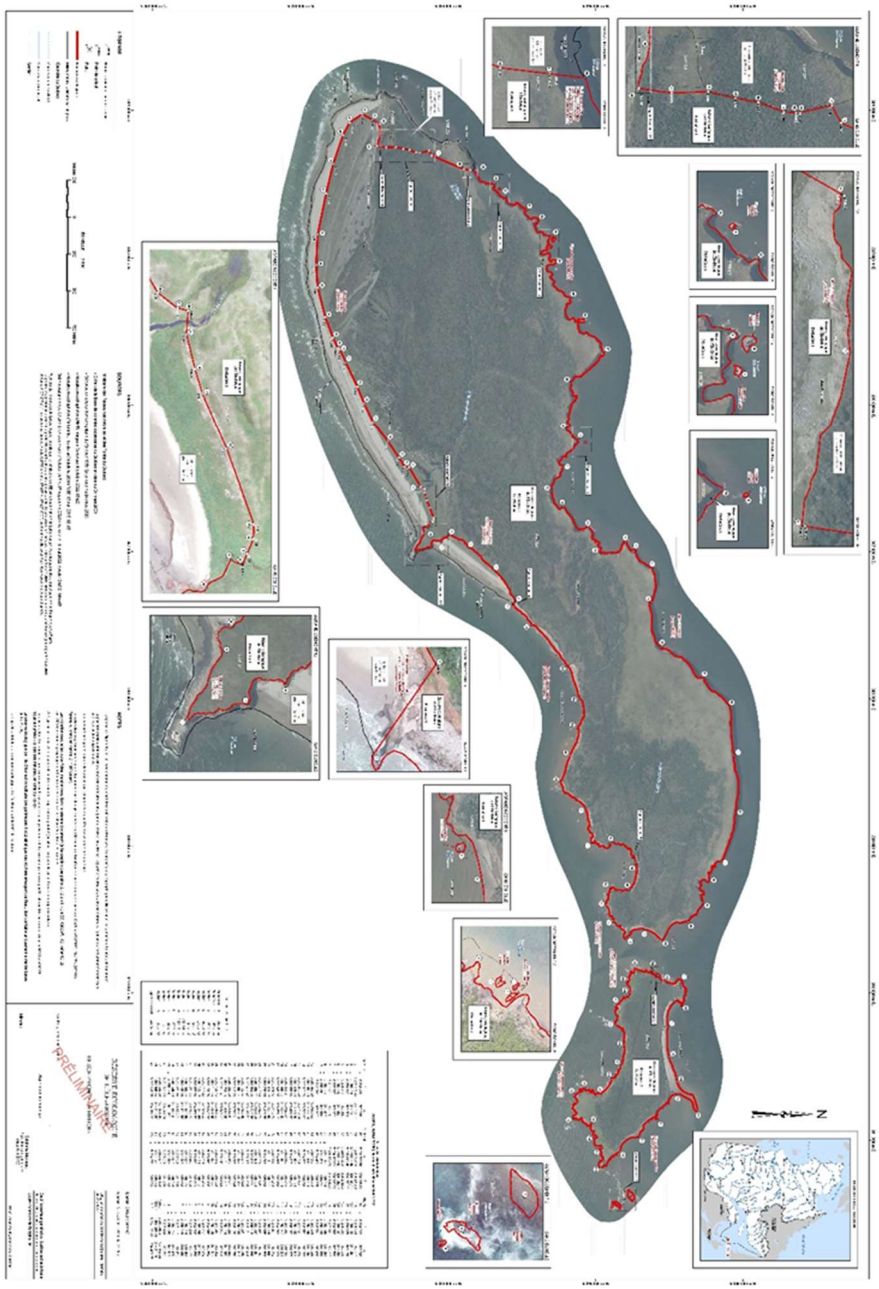
THAT the Regulation be amended in section 1 by replacing "section 2 and" by "the original plan filed in the office of the Surveyor-General of Québec under file number BAGQ 544447, minute 615 of land surveyor Stéphane Morneau dated 16 November 2023,";

THAT section 2 be revoked.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

SCHEDULE 1

PLAN OF THE ÎLE BRION ECOLOGICAL RESERVE



106612

M.O., 2023

Order 2023-1011 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 6 December 2023

Designation of a natural setting with boundaries established on a plan of Île Brion, in the Gaspésie-Îles-de-la-Madeleine region

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS

CONSIDERING the first paragraph of section 13 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks may, to ensure the maintenance of biodiversity and of the associated ecological functions, in particular to take into account climate change issues, designate natural settings by establishing their boundaries on a plan;

CONSIDERING that under Order in Council 1762-2023, dated December 6, 2023, the boundaries of the Île Brion ecological reserve have been amended to allow sustainable commercial winter hunting of grey seals on a part of Île Brion;

CONSIDERING that to maintain the biodiversity and ecological functions associated with the Île Brion ecological reserve across the entire island of Île Brion, the natural setting, which is located on Île Brion and whose boundaries are established on a plan appended to this Ministerial Order, requires protection;

CONSIDERING the first paragraph of section 15 of the Natural Heritage Conservation Act, which provides that the Minister must make public a proposal to designate a natural setting under section 13 by publishing a notice in the *Gazette officielle du Québec* and by any other means of informing the public;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* dated November 1st 2023 and in the local newspaper Le Radar on November 3rd 2023 of the summary plan of the natural setting with boundaries established on a plan of Île Brion, with a notice that it could be designated by the Minister on the expiry of 30 days following its publication in the *Gazette officielle du Québec*;

CONSIDERING that it is expedient to designate the natural setting with boundaries established on a plan of Île Brion;

CONSIDERING the first paragraph of section 16 of the Act, which requires the Minister to publish the definitive plan of a natural setting designated under section 13 in the *Gazette officielle du Québec*;

CONSIDERING section 17 of the Act, which provides that the designation of a natural setting comes into force on the date of publication of the plan in the *Gazette officielle du Québec*;

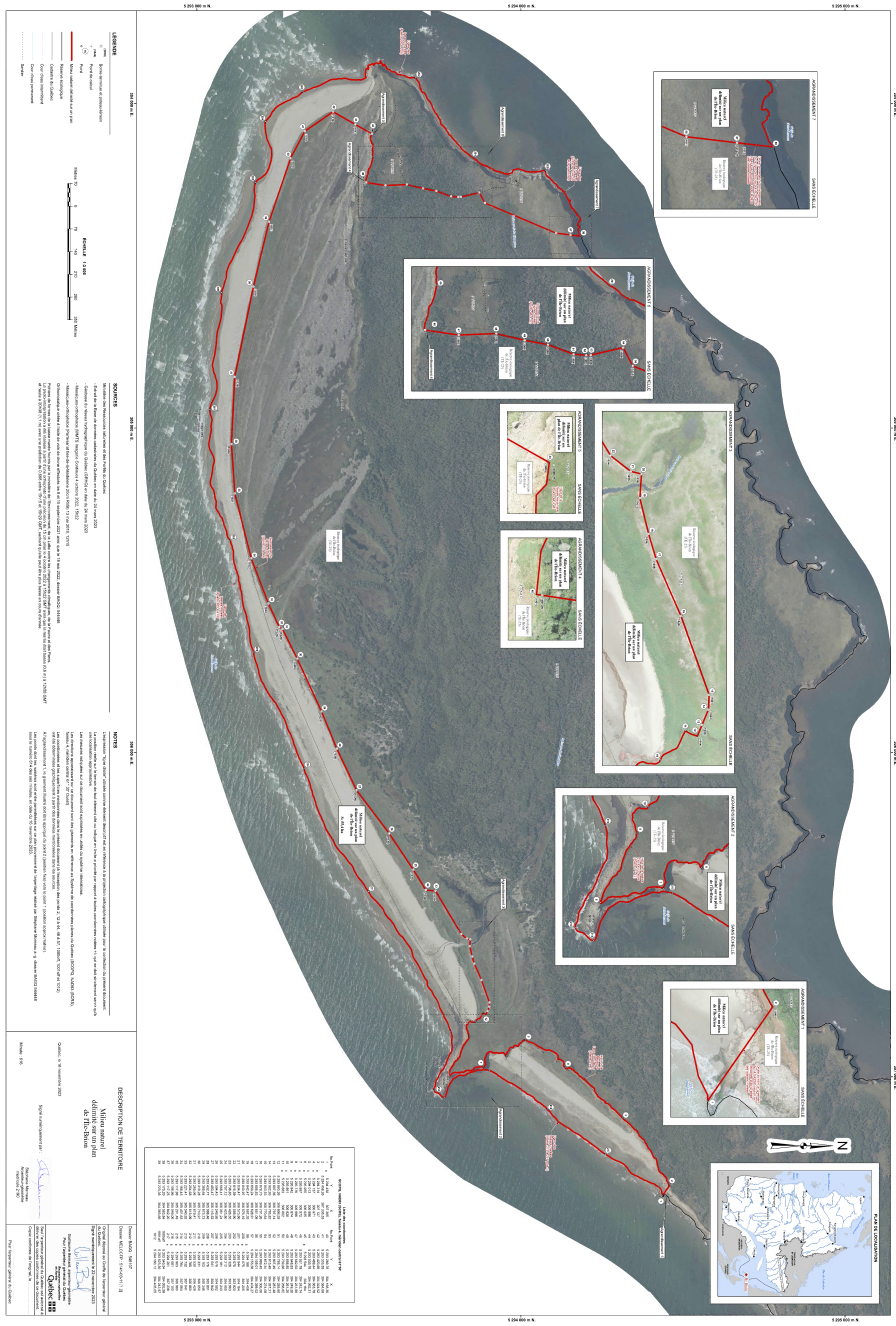
ORDERS AS FOLLOWS:

The natural setting, located in the Gaspésie-Îles-de-la-Madeleine region, with boundaries established on a plan of Île Brion and shown on the descriptive plan filed in the office of the Surveyor-General of Québec under file number BAGQ 548107, minute 616 of land surveyor Stéphane Morneau dated 16 November 2023, appended to this Order, is hereby designated.

Québec, 6 December 2023

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

SCHEDULE
NATURAL SETTING WITH BOUNDARIES ESTABLISHED ON A PLAN OF ÎLE BRION



106605

M.O., 2023-21

Order number I-14.01-2023-21 of the Minister of Finance dated 5 December 2023

Derivatives Act
(chapter I-14.01)

Concerning the Regulation 93-101 respecting Derivatives: Business Conduct

WHEREAS subparagraphs 2, 3, 11, 12, 13, 16, 26 and 29 of first paragraph of section 175 of the Derivatives Act (chapter I-14.01) provide that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS section 177 of the said Act provides that, in exercising their regulatory powers, the Government, the Minister of finances and the Autorité des marchés financiers may establish various categories of persons, derivatives and transactions and prescribe appropriate rules for each category;

WHEREAS the fourth et fifth paragraphs of section 175 of the said Act provide that a draft regulation shall be published in the Bulletin de l'Autorité des marchés financiers, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the second and sixth paragraphs of the said section provide that every regulation made under that section must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS, in accordance with that section, the draft Regulation 93-101 respecting Derivatives: Business Conduct was published in the Bulletin de l'Autorité des marchés financiers, vol. 19, no. 2 of 20 January 2022, with a notice that it could be approved by the Minister of Finance on the expiry of 90 days following that publication;

WHEREAS the Autorité des marchés financiers made, on 13 November 2023, by the decision no. 2023-PDG-0051, the Regulation 93-101 respecting Derivatives: Business Conduct;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 93-101 respecting Derivatives: Business Conduct appended hereto.

Québec, 5 December 2023

ERIC GIRARD
Minister of Finance

REGULATION 93-101 RESPECTING DERIVATIVES: BUSINESS CONDUCT

Derivatives Act
(chapter I-14.01, s. 175, 1st par., par. (2), (30, (11), (12), (13), (16), (26) and (29), and s. 177)

PART 1 DEFINITIONS AND INTERPRETATION

Definitions and interpretation

1. (1) In this Regulation

"CIRO" means the Canadian Investment Regulatory Organization;

"collateral" means cash, securities or other property that is

(a) received or held by a derivatives firm from, for or on behalf of a derivatives party, and

(b) intended to or does margin, guarantee, secure, settle or adjust one or more derivatives between the derivatives firm and the derivatives party;

"commercial hedger" means a person that carries on a business and that transacts a derivative to hedge a risk in respect of the business, related to any of the following:

(a) an asset that the person owns, produces, manufactures, processes, or merchandises or, at the time of the execution of the transaction, reasonably anticipates owning, producing, manufacturing, processing, or merchandising;

(b) a liability that the person incurs or, at the time the transaction occurs, reasonably anticipates incurring;

(c) a service that the person provides, purchases, or, at the time the transaction occurs, reasonably anticipates providing or purchasing;

"commodity derivative" means a derivative for which the only underlying interest is a commodity other than a currency;

"derivatives adviser" means any of the following:

(a) except in Québec, a person engaging in or holding themself out as engaging in the business of advising others in respect of derivatives;

(b) in Québec, an adviser as that term is defined in the Derivatives Act (chapter I-14.01);

(c) any other person required to be registered as a derivatives adviser under securities legislation;

"derivatives dealer" means any of the following:

(a) except in Québec, a person engaging in or holding themself out as engaging in the business of trading in derivatives as principal or agent;

(b) in Québec, a dealer as that term is defined in the Derivatives Act;

(c) any other person required to be registered as a derivatives dealer under securities legislation;

"derivatives firm" means a derivatives dealer or a derivatives adviser, as applicable;

"derivatives party" means,

(a) in relation to a derivatives dealer, any of the following:

(i) a person for which the derivatives dealer acts or proposes to act as an agent in relation to a transaction;

(ii) a person that is, or is proposed to be, a party to a derivative for which the derivatives dealer is the counterparty, and

(b) in relation to a derivatives adviser, a person to which the adviser provides or proposes to provide advice in relation to a derivative;

"derivatives party assets" means any asset, including, for greater certainty, collateral, received or held by a derivatives firm from, for or on behalf of a derivatives party;

"derivatives position" means the economic interest of a counterparty in an outstanding derivative;

"derivatives sub-adviser" means an adviser to any of the following:

(a) a derivatives adviser;

(b) a person that is registered as an adviser under securities legislation of a jurisdiction of Canada, or a person registered under commodity futures legislation in Manitoba or Ontario;

(c) a registered dealer member or a derivatives dealer that is, in each case, a dealer member of CIRO acting as an adviser in accordance with the applicable rules of CIRO;

"eligible commercial hedger" means a person that,

(a) is described in paragraph (n) of the definition of "eligible derivatives party", and

(b) is not described in any other paragraph of that definition;

"eligible derivatives party" means, for a derivatives party of a derivatives firm, any of the following:

(a) a Canadian financial institution;

(b) the Business Development Bank of Canada continued under the Business Development Bank of Canada Act (S.C., 1995, chapter 28);

(c) a subsidiary of a person referred to in paragraph (a) or (b), if the person owns all of the voting securities of the subsidiary, except the voting securities required by law to be owned by directors of the subsidiary;

(d) a person registered under the securities legislation of a jurisdiction of Canada as any of the following:

(i) a derivatives dealer;

(ii) a derivatives adviser;

(iii) an adviser;

(iv) an investment dealer;

(e) a pension fund that is regulated by the federal Office of the Superintendent of Financial Institutions or a pension commission or similar regulatory authority of a jurisdiction of Canada or a wholly-owned subsidiary of the pension fund;

(f) an entity organized under the laws of a foreign jurisdiction that is analogous to any of the entities referred to in paragraphs (a) to (e);

(g) the Government of Canada or the government of a jurisdiction of Canada, or any crown corporation, agency or wholly-owned entity of the Government of Canada or the government of a jurisdiction of Canada;

(h) a government of a foreign jurisdiction or any agency of that government;

(i) a municipality, public board or commission in Canada and a metropolitan community, school board, the Comité de gestion de la taxe scolaire de l'île de Montréal or an intermunicipal management board in Québec;

(j) a trust company or trust corporation registered or authorized to carry on business under the Trust and Loan Companies Act (S.C., 1991, chapter 45) or under comparable legislation in a jurisdiction of Canada or a foreign jurisdiction, acting on behalf of a managed account managed by the trust company or trust corporation, as the case may be;

(k) a person that is acting on behalf of a managed account if the person is registered or authorized to carry on business as either of the following:

(i) an adviser or a derivatives adviser in a jurisdiction of Canada;

(ii) the equivalent of an adviser or a derivatives adviser under the securities legislation of a jurisdiction of Canada or a foreign jurisdiction;

(l) an investment fund if either of the following apply:

(i) the investment fund is managed by a person registered as an investment fund manager under the securities legislation of a jurisdiction of Canada;

(ii) the investment fund is advised by an adviser registered or exempted from registration under securities legislation or under commodity futures legislation of a jurisdiction of Canada;

(m) a person, other than an individual, that has net assets of at least $25 000 000 as shown on its most recently prepared financial statements;

(n) a person that has represented to the derivatives firm, in writing, that it is a commercial hedger in relation to the derivatives that it transacts with the derivatives firm;

(o) an individual that beneficially owns financial assets, as defined in section 1.1 of Regulation 45-106 respecting Prospectus Exemptions (chapter V-1.1, r. 21), that have an aggregate realizable value before tax but net of any related liabilities of at least $5 000 000;

(p) a person, other than an individual, that has represented to the derivatives firm, in writing, that its obligations under derivatives that it transacts with the derivatives firm are fully guaranteed or otherwise fully supported, under a written agreement, by one or more derivatives parties referred to in this definition, other than a derivatives party referred to in paragraph (n) or (o);

(q) a qualifying clearing agency;

"institutional foreign exchange market" means the global foreign exchange market comprised of persons that are active in foreign exchange markets as part of their business and transact in foreign exchange contracts or instruments, including, for greater certainty, short-term foreign exchange contracts or instruments;

"investment dealer" means a person registered as an investment dealer under the securities legislation of a jurisdiction of Canada;

"managed account" means an account of a derivatives party for which another person makes the trading decisions if the other person has discretion to transact derivatives for the account without requiring the derivatives party's express consent to the transaction;

"non-eligible derivatives party" means a derivatives party that is not an eligible derivatives party;

"permitted depository" means a person that is any of the following:

(a) a Canadian financial institution;

(b) a qualifying clearing agency;

(c) the Bank of Canada or the central bank of a permitted jurisdiction;

(d) a person recognized or exempted from recognition as a central securities depository under the Securities Act (chapter V-1.1);

(e) a person

(i) whose head office or principal place of business is in a permitted jurisdiction,

(ii) that is a banking institution or trust company of a permitted jurisdiction, and

(iii) that has shareholders' equity, as reported in its most recent audited financial statements, of not less than $100 000 000;

(f) with respect to derivatives party assets that it receives from a derivatives party, a derivatives dealer;

"permitted jurisdiction" means a foreign jurisdiction that is any of the following:

(a) a country where the head office or principal place of business of an authorized foreign bank named in Schedule III of the Bank Act (S.C., 1991, chapter 46) is located, and a political subdivision of that country;

(b) if a derivatives party has provided express written consent to the derivatives dealer entering into a derivative in a foreign currency, the country of origin of the foreign currency used to denominate the rights and obligations under the derivative entered into by, for or on behalf of the derivatives party, and a political subdivision of that country;

"qualifying clearing agency" means a person if any of the following apply:

(a) it is recognized or exempted from recognition as a clearing agency or a clearing house, as applicable, in a jurisdiction of Canada;

(b) it is subject to regulation in a foreign jurisdiction that is consistent with the Principles for financial market infrastructures applicable to central counterparties, as amended from time to time, and published by the Bank for International Settlements' Committee on Payments and Market Infrastructures and the International Organization of Securities Commissions;

"referral arrangement" means any arrangement in which a derivatives firm agrees to pay or receive a referral fee;

"referral fee" means any compensation, whether made directly or indirectly, provided for the referral of a derivatives party to or from a derivatives firm;

"registered derivatives firm" means a derivatives dealer or a derivatives adviser that is registered under the securities legislation of a jurisdiction of Canada as a derivatives dealer or a derivatives adviser;

"registered firm" means a registered derivatives firm or a registered securities firm;

"registered securities firm" means a person that is registered as a dealer, an adviser or an investment fund manager in a category of registration specified in Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10);

"segregate" means to separately hold or separately account for a derivatives party's positions related to derivatives or derivatives party assets;

"short-term foreign exchange contract or instrument" means a contract or instrument referred to in the following:

(a) in Manitoba, paragraph 2(1)(c) of Manitoba Securities Commission Rule 91-506 Derivatives: Product Determination;

(b) in Ontario, paragraph 2(1)(c) of Ontario Securities Commission Rule 91-506 Derivatives: Product Determination;

(c) in Québec, paragraph 2(c) of Regulation 91-506 respecting Derivatives Determination (chapter I-14.01, r. 0.1);

(d) in all other jurisdictions of Canada, paragraph 2(1)(c) of Multilateral Instrument 91-101 Derivatives: Product Determination;

"transaction" means either of the following:

(a) entering into a derivative or making a material amendment to, terminating, assigning, selling, or otherwise acquiring or disposing of, a derivative;

(b) the novation of a derivative, other than a novation with a qualifying clearing agency;

"valuation" means the value of a derivative as at a certain date determined in accordance with applicable accounting standards for fair value measurement using a methodology that is consistent with derivatives industry standards.

(2) In this Regulation, "adviser" includes

(a) in Manitoba, an "adviser" as defined in The Commodity Futures Act (C.C.S.M. chapter C152),

(b) in Ontario, an "adviser" as defined in the Commodity Futures Act (R.S.O. 1990, chapter C.20), and

(c) in Québec, an "adviser" as defined in the Securities Act.

(3) In this Regulation, a person is an affiliated entity of another person if one of them controls the other or each of them is controlled by the same person.

(4) In this Regulation, a person (the first party) is considered to control another person (the second party) if any of the following apply:

(a) the first party beneficially owns or directly or indirectly exercises control or direction over securities of the second party carrying votes which, if exercised, would entitle the first party to elect a majority of the directors of the second party unless the first party holds the voting securities only to secure an obligation;

(b) the second party is a partnership, other than a limited partnership, and the first party holds more than 50% of the interests of the partnership;

(c) all of the following apply:

(i) the second party is a limited partnership;

(ii) the first party is a general partner of the limited partnership referred to in subparagraph (i);

(iii) the first party has the power to direct the management and policies of the second party by virtue of being a general partner of the second party;

(d) all of the following apply:

(i) the second party is a trust;

(ii) the first party is a trustee of the trust referred to in subparagraph (i);

(iii) the first party has the power to direct the management and policies of the second party by virtue of being a trustee of the second party.

(5) In this Regulation, a person is a subsidiary of another person if at least one of the following applies:

(a) the person is controlled by

(i) the other person,

(ii) the other person and one or more persons each of which is controlled by that person, or

(iii) two or more persons each of which is controlled by the other person;

(b) the person is a subsidiary of a person that is that other person's subsidiary.

(6) For the purpose of this Regulation, a person referred to in paragraph (k) of the definition of "eligible derivatives party" is deemed to be transacting as principal when it is acting as an agent or trustee for a managed account.

(7) In this Regulation, in Alberta, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, "derivative" means a "specified derivative" as defined in Multilateral Instrument 91-101 Derivatives: Product Determination.

PART 2 APPLICATION AND EXEMPTION

Application to derivatives firms and individuals acting on their behalf

2. For greater certainty, this Regulation applies to a derivatives firm and an individual acting on behalf of the derivatives firm whether or not they are registered.

Application to certain derivatives

3. This Regulation applies to,

(a) in Manitoba,

(i) a derivative other than a contract or instrument that, for any purpose, is prescribed by any of sections 2, 4 and 5 of Manitoba Securities Commission Rule 91-506 Derivatives: Product Determination not to be a derivative, and

(ii) a derivative that is otherwise a security and that, for any purpose, is prescribed by section 3 of Manitoba Securities Commission Rule 91-506 Derivatives: Product Determination not to be a security,

(b) in Ontario,

(i) a derivative other than a contract or instrument that, for any purpose, is prescribed by any of sections 2, 4 and 5 of Ontario Securities Commission Rule 91-506 Derivatives: Product Determination not to be a derivative, and

(ii) a derivative that is otherwise a security and that, for any purpose, is prescribed by section 3 of Ontario Securities Commission Rule 91-506 Derivatives: Product Determination not to be a security,

(c) in Québec, a derivative specified in section 1.2 of Regulation 91-506 respecting Derivatives Determination (chapter I-14.01, r. 0.1), other than a contract or instrument specified in section 2 of that regulation, and

(d) in Alberta, New Brunswick, Newfoundland and Labrador, the Northwest Territories, Nova Scotia, Nunavut, Prince Edward Island, Saskatchewan and Yukon, a "specified derivative" as defined in Multilateral Instrument 91-101 Derivatives: Product Determination.

Application – short-term foreign exchange contract or instrument

4. (1) Despite section 3, this Regulation applies to a derivative that is a short-term foreign exchange contract or instrument in the institutional foreign exchange market transacted by a derivatives dealer with a derivatives party if all of the following apply:

(a) the derivatives dealer is a Canadian financial institution;

(b) the derivatives dealer has had, at any time after the date on which this Regulation comes into force, a month-end gross notional amount under all outstanding derivatives that exceed $500 000 000 000.

(2) In respect of a short-term foreign exchange contract or instrument to which subsection (1) applies, this Regulation does not apply other than the following provisions:

(a) section 9;

(b) section 10;

(c) section 12;

(d) Division 1 of Part 5.

Non-application – affiliated entities

5. This Regulation does not apply to a person in respect of dealing with or advising an affiliated entity of the person unless the affiliated entity is an investment fund.

Non-application – qualifying clearing agencies

6. This Regulation does not apply to a qualifying clearing agency.

Non-application – governments, central banks and international organizations

7. This Regulation does not apply to any of the following:

(a) the Government of Canada, the government of a jurisdiction of Canada or the government of a foreign jurisdiction;

(b) the Bank of Canada or a central bank of a foreign jurisdiction;

(c) the Bank for International Settlements;

(d) the International Monetary Fund.

Exemptions from certain requirements in this Regulation when dealing with or advising an eligible derivatives party

8. (1) Subject to subsection (3), a derivatives firm is exempt from this Regulation, in relation to a transaction with a derivatives party if the derivatives party

(a) is an eligible derivatives party, and

(b) is not an individual or an eligible commercial hedger.

(2) Subject to subsection (3), a derivatives firm is exempt from this Regulation, in relation to a transaction with a derivatives party,

(a) if the derivatives party,

(i) is an eligible derivatives party,

(ii) is an individual or an eligible commercial hedger, and

(iii) has provided the derivatives firm with a written statement that it "waives protections provided in Regulation 93-101" and specifies which protections that statement applies to, and

(b) if, in the case of a derivatives party that is an individual and is an eligible commercial hedger, the derivatives firm has identified and documented the nature of the derivatives party's business and the related commercial risks that the derivatives party is hedging.

(3) The exemptions in subsections (1) and (2) do not apply in respect of the following:

(a) Division 1 of Part 3;

(b) sections 24 and 25;

(c) subsection 28(1);

(d) Part 5.

PART 3 DEALING WITH OR ADVISING DERIVATIVES PARTIES

DIVISION 1 General obligations towards all derivatives parties

Fair dealing

9. (1) A derivatives firm must act fairly, honestly and in good faith with a derivatives party.

(2) An individual acting on behalf of a derivatives firm must act fairly, honestly and in good faith with a derivatives party.

Conflicts of interest

10. (1) A derivatives firm must establish, maintain and apply reasonable policies and procedures to identify all material conflicts of interest, and material conflicts of interest that the derivatives firm in its reasonable opinion would expect to arise, between the derivatives firm, including each individual acting on behalf of the derivatives firm, and a derivatives party.

(2) A derivatives firm must respond to a conflict of interest identified under subsection (1).

(3) If a reasonable derivatives party would expect to be informed of a conflict of interest identified under subsection (1), the derivatives firm must disclose, in a timely manner, the nature and extent of the conflict of interest to the derivatives party whose interest conflicts with the interest identified.

Know your derivatives party

11. (1) For the purpose of paragraph (2)(c) in Ontario, "insider" has the same meaning as in the Securities Act (R.S.O. 1990, chapter S.5) except that "reporting issuer", as it appears in the definition of "insider", is to be read as "reporting issuer or any other issuer whose securities are publicly traded".

(2) A derivatives firm must establish, maintain and apply reasonable policies and procedures to ensure that the derivatives firm

(a) obtains the facts necessary to comply with applicable legislation relating to the verification of a derivatives party's identity,

(b) establishes the identity of a derivatives party and, if the derivatives firm has cause for concern, makes reasonable inquiries as to the reputation of the derivatives party,

(c) if transacting with, for or on behalf of, or advising a derivatives party in respect of a derivative that has one or more securities as an underlying interest, establishes whether either of the following applies:

(i) the derivatives party is an insider of a reporting issuer or any other issuer whose securities are publicly traded;

(ii) the derivatives party would reasonably be expected to have access to material non-public information relating to any interest underlying the derivative;

(d) establishes the creditworthiness of a derivatives party if the derivatives firm, as a result of its relationship with the derivatives party, will have any credit risk in relation to that derivatives party.

(3) For the purpose of establishing the identity of a derivatives party that is a corporation, partnership or trust, a derivatives firm must establish the following:

(a) the nature of the derivatives party's business;

(b) the identity of any individual if either of the following applies:

(i) in the case of a corporation, is a beneficial owner of, or exercises direct or indirect control or direction over, more than 25% of the voting rights attached to the outstanding voting securities of the corporation;

(ii) in the case of a partnership or trust, exercises control over the affairs of the partnership or trust.

(4) A derivatives firm must take reasonable steps to keep current the information required under this section.

(5) This section does not apply if the derivatives party is a registered firm or a Canadian financial institution.

Handling complaints

12. (1) In Québec, a derivatives firm is deemed to comply with this section if it complies with section 74 to 76 of the Derivatives Act (chapter I-14.01).

(2) A derivatives firm must document and, in a manner that a reasonable person would consider fair and effective, promptly respond to each complaint made to the derivatives firm about any product or service offered by the derivatives firm or an individual acting on behalf of the derivatives firm.

Tied selling

13. A derivatives firm, or an individual acting on behalf of the derivatives firm, must not impose undue pressure on or coerce a person to obtain a derivatives-related product or service from a particular person, including, for greater certainty, the derivatives firm and any of its affiliated entities, as a condition of obtaining another product or service from the derivatives firm.

DIVISION 2 Additional obligations when dealing with or advising certain derivatives parties

Derivatives-party-specific needs and objectives

14. (1) A derivatives firm must take reasonable steps to ensure that, before it makes a recommendation to or accepts an instruction from a derivatives party to transact in a derivative, or transacts in a derivative for a derivatives party's managed account, it has sufficient information regarding all of the following to enable it to comply with section 15:

(a) the derivatives party's needs and objectives with respect to its transacting in derivatives;

(b) the derivatives party's financial circumstances;

(c) the derivatives party's risk tolerance;

(d) if applicable, the nature of the derivatives party's business and the operational risks it wants to manage.

(2) A derivatives firm must take reasonable steps to keep current the information required under this section.

Suitability

15. (1) A derivatives firm, or an individual acting on behalf of a derivatives firm, must take reasonable steps to ensure, before it makes a recommendation to or accepts an instruction from a derivatives party to transact in a derivative, or transacts in a derivative for a derivatives party's managed account, that the derivative and the transaction are suitable for the derivatives party.

(2) If a derivatives party instructs a derivatives firm, or an individual acting on behalf of a derivatives firm, to transact in a derivative and, in the derivatives firm's reasonable opinion, following the instruction would result in a transaction or derivative that is not suitable for the derivatives party, the derivatives firm must inform the derivatives party in writing of the derivatives firm's opinion and must not transact in the derivative unless the derivatives party, after being informed, instructs the derivatives firm to proceed with the transaction.

Permitted referral arrangements

16. A derivatives firm, or an individual acting on behalf of a derivatives firm, must not participate in a referral arrangement in respect of a derivative with another person unless all of the following apply:

(a) before a derivatives party is referred by or to the derivatives firm, the terms of the referral arrangement are set out in a written agreement between the derivatives firm and the person;

(b) the derivatives firm records all referral fees;

(c) the derivatives firm, or the individual acting on behalf of the derivatives firm, ensures that the information prescribed by subsection 18(1) is provided to the derivatives party in writing before the derivatives firm or the individual receiving the referral either opens an account for the derivatives party or provides services to the derivatives party.

Verifying the qualifications of the person receiving the referral

17. A derivatives firm, or an individual acting on behalf of a derivatives firm, must not refer a derivatives party to another person unless the derivatives firm first takes reasonable steps to verify and conclude that the person has the appropriate qualifications to provide the services, and, if applicable, is registered to provide those services.

Disclosing referral arrangements to a derivatives party

18. (1) The written disclosure of the referral arrangement required by paragraph 16(c) must include all of the following:

(a) the name of each party to the referral arrangement referred to in paragraph 16(a);

(b) the purpose and material terms of the referral arrangement, including the nature of the services to be provided by each party;

(c) any conflicts of interest resulting from the relationship between the parties to the referral arrangement and from any other element of the referral arrangement;

(d) the method of calculating the referral fee and, to the extent possible, the amount of the fee;

(e) the category of registration of, or exemption from registration relied upon by, each derivatives firm and individual acting on behalf of the derivatives firm that is a party to the referral arrangement with a description of the activities that the derivatives firm and individual is authorized to engage in under that category or exemption and, giving consideration to the nature of the referral, the activities that the derivatives firm or individual is not permitted to engage in;

(f) any other information that a reasonable derivatives party would consider important in evaluating the referral arrangement.

(2) If there is a change to the information set out in subsection (1), the derivatives firm must ensure that written disclosure of that change is provided to each derivatives party affected by the change as soon as possible and no later than the 30th day before the date on which a referral fee is next paid or received.

PART 4 DERIVATIVES PARTY ACCOUNTS

DIVISION 1 Disclosure to derivatives parties

Relationship disclosure information

19. (1) Before transacting with, for or on behalf of, or advising, a derivatives party for the first time, a derivatives firm must deliver to the derivatives party all information that a reasonable person would consider important about the derivatives party's relationship with the derivatives firm, and each individual acting on behalf of the derivatives firm, that is providing derivatives-related services to the derivatives party.

(2) Without limiting subsection (1), the information delivered to a derivatives party under that subsection must include all of the following:

(a) a description of the nature or type of the derivatives party's account;

(b) a description of the conflicts of interest that the derivatives firm is required to disclose to a derivatives party under securities legislation;

(c) disclosure of the fees or other charges the derivatives party might be required to pay related to the derivatives party's account;

(d) a general description of the types of transaction fees or other charges the derivatives party might be required to pay in relation to derivatives;

(e) a general description of any compensation paid to the derivatives firm by any other party in relation to the different types of derivatives that a derivatives party may transact in through the derivatives firm;

(f) a description of the content and frequency of reporting for each account or portfolio of a derivatives party;

(g) disclosure of the derivatives firm's obligations if a derivatives party has a complaint contemplated under section 12;

(h) a statement that the derivatives firm has an obligation to assess whether a derivative is suitable for a derivatives party prior to executing a transaction or at any other time or a statement identifying the exemption the derivatives firm is relying on in respect of this obligation;

(i) the information a derivatives firm must collect about the derivatives party under sections 11 and 14;

(j) a general explanation of how performance benchmarks might be used to assess the performance of a derivatives party's derivatives and any options for benchmark information that might be available to the derivatives party from the derivatives firm;

(k) in the case of a derivatives firm that holds or has access to derivatives party assets, a general description of the manner in which the assets are held, used or are invested by the derivatives firm and a description of the risks and benefits to the counterparty arising from the derivatives firm holding or having access to use or invest the derivatives party assets in that manner.

(3) A derivatives firm must deliver the information required under subsection (1) to the derivatives party in writing before the derivatives firm does either of the following:

(a) first transacts in a derivative with, for or on behalf of the derivatives party;

(b) first advises the derivatives party in respect of a derivative.

(4) If there is a significant change in respect of the information delivered to a derivatives party under subsection (1) or (2), the derivatives firm must take reasonable steps to notify the derivatives party of the change in a timely manner and, if possible, before the derivatives firm next does either of the following:

(a) transacts in a derivative with, for or on behalf of the derivatives party;

(b) advises the derivatives party in respect of a derivative.

(5) A derivatives firm must not impose any new fee or other charge in respect of an account of a derivatives party, or increase the amount of any fee or other charge in respect of an account of a derivatives party, unless written notice of the new or increased fee or charge is provided to the derivatives party at least 60 days before the date on which the imposition or increase becomes effective.

(6) Subsections (1) to (4) do not apply to a derivatives dealer in respect of a derivatives party for whom the derivatives dealer transacts in a derivative only as directed by a derivatives adviser acting for the derivatives party.

(7) A derivatives dealer referred to in subsection (6) must deliver the information referred to in paragraphs (2)(a) to (g) to the derivatives party in writing before the derivatives dealer first transacts in a derivative for the derivatives party.

Pre-transaction disclosure

20. (1) Before transacting in a type of derivative with, for or on behalf of a derivatives party for the first time, a derivatives dealer must deliver each of the following to the derivatives party:

(a) a general description of the type of derivatives and services related to derivatives that the derivatives firm offers;

(b) a document designed to reasonably enable the derivatives party to assess each of the following:

(i) the types of risks that a derivatives party should consider when making a decision relating to types of derivatives that the derivatives dealer offers, including, for greater certainty, the material risks relating to the type of derivatives transacted and the derivatives party's potential exposure under the type of derivatives;

(ii) the material characteristics of the type of derivative, including, for greater certainty, the material economic terms and the rights and obligations of the counterparties to the type of derivative;

(c) the following statement, or a statement in writing that is substantially similar:

"A characteristic of many derivatives is that you are only required to deposit funds that correspond to a portion of your total potential obligations when entering into the derivative. However, your profits or losses from the derivative are based on changes in the total value of the derivative. This means the leverage characteristic magnifies the profit or loss under a derivative, and losses can greatly exceed the amount of funds deposited. We may require you to deposit additional funds to cover your obligations under a derivative as the value of the derivative changes. If you fail to deposit these funds, we may close out your position without warning. You should understand all of your obligations under a derivative, including your obligations if the value of the derivative declines.

"Using borrowed money to finance a derivatives transaction involves greater risk than using cash resources only. If you borrow money, your responsibility to repay the loan and pay interest as required by its terms remains the same even if the value of the derivative declines.".

(2) Before transacting in a derivative with, for or on behalf of a derivatives party, a derivatives dealer must advise the derivatives party of all of the following:

(a) any material risks or material characteristics that are materially different from the risks or characteristics described in the disclosure required under subsection (1);

(b) if applicable, the price of the derivative to be transacted and the most recent valuation;

(c) any compensation or other incentive payable by the derivatives party relating to the derivative or the transaction.

Valuation reporting

21. (1) On each business day, a derivatives dealer must make available to a derivatives party a valuation for each derivative that it has transacted with, for or on behalf of the derivatives party and with respect to which obligations remain outstanding on that day.

(2) At least once every 3 months, a derivatives adviser must make available to a derivatives party a valuation statement for each derivative that it has transacted for or on behalf of the derivatives party, unless the derivatives party requests the valuation statement be made available monthly, in which case the adviser must make available a statement to the derivatives party for each one-month period.

Notice to derivatives parties by non-resident derivatives dealers

22. A derivatives dealer whose head office or principal place of business is not in Canada must not transact in a derivative with a derivatives party in the local jurisdiction unless it has delivered to the derivatives party a statement in writing disclosing all of the following:

(a) the foreign jurisdiction in which the head office or the principal place of business of the derivatives dealer is located;

(b) that all or substantially all of the assets of the derivatives dealer may be situated outside the local jurisdiction;

(c) that there may be difficulty enforcing legal rights against the derivatives dealer because of the above;

(d) the name and address of the agent for service of process of the derivatives dealer in the local jurisdiction.

DIVISION 2 Derivatives party assets

Definition – initial margin

23. In this Division, "initial margin" means any derivatives party assets delivered by a derivatives party to a derivatives firm as collateral to cover potential changes in the value of a derivative over an appropriate close-out period in the event of a default.

Application and interaction with other regulations

24. A derivatives firm is exempt from the provisions in this Division if any of the following apply:

(a) the derivatives firm is subject to and complies with or is exempt from sections 3 to 8 of Regulation 94-102 respecting Derivatives: Customer Clearing and Protection of Customer Collateral and Positions (chapter I 14.01, r. 0.001) in respect of derivatives party assets;

(b) the derivatives firm is subject to and complies with Guideline E-22 *Margin Requirements for Non-Centrally Cleared Derivatives* issued by the federal Office of the Superintendent of Financial Institutions;

(c) the derivatives firm is subject to and complies with the *Guideline on margins for over-the-counter derivatives not cleared by a central counterparty* issued by the Autorité des marchés financiers in respect of derivatives party assets;

(d) the derivatives firm is subject to and complies with Regulation 81-102 respecting Investment Funds (chapter V-1.1, r. 39) in respect of derivatives party assets.

Segregating derivatives party assets

25. A derivatives firm must segregate derivatives party assets and derivatives positions from the property and derivatives positions of the derivatives firm and other persons.

Holding initial margin

26. A derivatives firm must hold initial margin in an account at a permitted depository.

Investment or use of initial margin

27. (1) A derivatives firm must not use or invest initial margin without receiving written consent from the derivatives party.

(2) A derivatives firm must not use or invest the initial margin of a derivatives party unless the derivatives firm has entered into a written agreement with the derivatives party under which the derivatives firm assumes all losses resulting from the investment or use of initial margin by the derivatives firm.

DIVISION 3 Reporting to derivatives parties

Content and delivery of transaction information

28. (1) A derivatives dealer that transacts with, for or on behalf of a derivatives party must promptly deliver a written confirmation of the transaction to the following, as applicable:

(a) the derivatives party;

(b) if the derivatives party has consented in writing, a derivatives adviser acting for the derivatives party.

(2) If a derivatives dealer has transacted with, for or on behalf of a non-eligible derivatives party, the written confirmation required under subsection (1) must include all of the following, as applicable:

(a) a description of the derivative;

(b) a description of the agreement that governs the transaction;

(c) the notional amount, quantity or volume of the underlying asset of the derivative;

(d) the number of units of the derivative;

(e) the total price paid for the derivative and the per unit price of the derivative;

(f) the commission, sales charge, service charge and any other amount charged in respect of the transaction;

(g) whether the derivatives dealer acted as principal or agent in relation to the derivative;

(h) the date and the name of the trading facility on which the transaction took place;

(i) the name of each individual acting on behalf of the derivatives firm that provided advice relating to the derivative or the transaction;

(j) the date of the transaction;

(k) the name of the qualifying clearing agency where the derivative was cleared.

Derivatives party statements

29. (1) A derivatives firm must deliver a statement referred to in subsection (2) to a derivatives party, at the end of each quarterly period, if either of the following applies:

(a) within the quarterly period the derivatives firm transacted a derivative with, for or on behalf of the derivatives party;

(b) the derivatives party has an outstanding derivatives position resulting from a transaction where the derivatives firm acted as a derivatives dealer.

(2) A derivatives firm that delivers a statement referred to in subsection (1) must include in the statement all of the following information for each transaction made with, for or on behalf of the derivatives party by the derivatives firm during the period covered by the statement, if applicable:

(a) the date of the transaction;

(b) a description of the transaction, including, for greater certainty, the notional amount, the number of units, the price per unit and the total price of the derivative transacted;

(c) information sufficient to identify the agreement that governs the transaction.

(3) A derivatives firm that delivers a statement referred to in subsection (1) must include in the statement all of the following information, as applicable, as at the date of the statement:

(a) a description of each outstanding derivative to which the derivatives party is a party;

(b) the valuation, as at the statement date, of each outstanding derivative referred to in paragraph (a);

(c) the final valuation, as at the expiry or termination date, of each derivative that expired or terminated during the period covered by the statement;

(d) a description of all derivatives party assets held or received by the derivatives firm as collateral;

(e) the amount of any cash balance in the derivatives party's account;

(f) a description of assets of a derivatives party, other than assets referred to in paragraph (d), held or received by the derivatives firm;

(g) the total market value of any outstanding derivatives and derivatives party assets referred to in paragraph (f) in the derivatives party's account.

PART 5 COMPLIANCE AND RECORDKEEPING

DIVISION 1 Compliance

Definitions

30. In this Division,

"chief compliance officer" means the officer or partner of a derivatives firm who is responsible for establishing, maintaining and applying written policies and procedures to monitor and assess compliance, of the derivatives firm and individuals acting on its behalf, with securities legislation relating to derivatives;

"derivatives business unit" means, in respect of a derivatives firm, a division or other organizational unit the employees of which transact in, or provide advice in relation to, a type of derivative, or a class of derivatives, on behalf of the derivatives firm;

"senior derivatives manager" means an individual designated by the derivatives dealer under subsection 32(1).

Policies and procedures

31. A derivatives firm must establish, maintain and apply policies and procedures that establish a system of controls and supervision sufficient to provide reasonable assurance that all of the following are satisfied:

(a) the derivatives firm and each individual acting on its behalf in relation to transacting in, or providing advice in relation to, a derivative, comply with securities legislation relating to trading and advising in derivatives;

(b) the risks relating to its derivatives activities within the derivatives business unit are managed in accordance with the derivatives firm's risk management policies and procedures;

(c) each individual who performs an activity on behalf of the derivatives firm relating to transacting in, or providing advice in relation to, a derivative, before commencing the activity and on an ongoing basis,

(i) has the experience, education and training that a reasonable person would consider necessary to perform the activity competently,

(ii) without limiting subparagraph (i), understands the structure, features and risks of each derivative that the individual transacts in or advises in relation to, and

(iii) acts with integrity.

Designation and responsibilities of a senior derivatives manager

32. (1) A derivatives dealer must do the following:

(a) designate an individual as a senior derivatives manager for each derivatives business unit;

(b) identify to the regulator or, in Québec, the securities regulatory authority, upon request, each individual designated as the senior derivatives manager in respect of each derivatives business unit.

(2) A senior derivatives manager must do the following:

(a) supervise the derivatives-related activities conducted in the derivatives business unit directed towards ensuring compliance by the derivatives business unit, and each individual employed in the derivatives business unit, with this Regulation, applicable securities legislation, including for greater certainty, ensuring the policies and procedures required under section 31 are applied;

(b) respond by addressing, in a timely manner, any material non-compliance by an individual employed in the derivatives business unit with this Regulation, applicable securities legislation, or the policies and procedures required under section 31, including reporting to the chief compliance officer.

(3) At least once every calendar year, the senior derivatives manager in respect of each derivatives business unit must,

(a) prepare a report containing the following, as applicable:

(i) a description of

(A) each incident of material non-compliance with this Regulation, securities legislation relating to trading in derivatives or the policies and procedures required under section 31 by the derivatives business unit or an individual in the derivatives business unit, and

(B) the steps taken to respond to each incidence of material non-compliance;

(ii) a statement to the effect that the derivatives business unit is in material compliance with this Regulation, securities legislation relating to trading and advising in derivatives and the policies and procedures required under section 31; and

(b) submit the report referred to in paragraph (a) to the board of directors of the derivatives firm.

(4) The obligation of the senior derivatives manager under paragraph (3)(b) may be fulfilled by the derivatives firm's chief compliance officer.

Responsibility of a derivatives dealer to report to the regulator or the securities regulatory authority

33. A derivatives dealer must report to the regulator or, in Québec, the securities regulatory authority, in a timely manner any circumstance in which a derivatives dealer is not or was not in compliance with the requirements of this Regulation or other securities legislation relating to trading in derivatives if any of the following applies:

(a) the non-compliance creates or created, in the opinion of a reasonable person, a risk of material harm to a derivatives party;

(b) the non-compliance creates or created, in the opinion of a reasonable person, a risk of material harm to capital markets;

(c) the non-compliance is part of a pattern of material non-compliance.

DIVISION 2 Recordkeeping

Derivatives party agreement

34. (1) A derivatives firm must, before transacting in a derivative with, for or on behalf of a derivatives party, enter into an agreement referred to in subsection (2) with the derivatives party.

(2) For the purposes of (1), the agreement must establish all of the material terms governing the relationship between the derivatives firm and the derivatives party including the rights and obligations of the derivatives firm and the derivatives party.

Records

35. A derivatives firm must keep records of its derivatives transactions and advising activities, including all of the following, as applicable:

(a) records containing a general description of its derivatives business and activities conducted with, for or on behalf of, derivatives parties, and compliance with applicable provisions of securities legislation, including,

(i) records of derivatives party assets, and

(ii) records documenting the derivatives firm's compliance with internal policies and procedures;

(b) for each derivative, records demonstrating the existence and nature of the derivative, including,

(i) records of communications with the derivatives party relating to transacting in the derivative,

(ii) documents provided to the derivatives party to confirm the derivative, the terms of the derivative and each transaction relating to the derivative,

(iii) correspondence relating to the derivative and each transaction relating to the derivative,

(iv) records made by staff relating to the derivative and each transaction relating to the derivative, including notes, memos and journals,

(v) records relating to pre-execution activity for each transaction including all communications relating to quotes, solicitations, instructions, transactions and prices, however they may be communicated,

(vi) reliable timing data for the execution of each transaction relating to the derivative,

(vii) records relating to the execution of the transaction, including

(A) information obtained to determine whether the counterparty qualifies as an eligible derivatives party,

(B) fees or commissions charged,

(C) information used in calculating the derivative's valuation; and

(D) any other information relevant to the transaction;

(viii) an itemized record of post-transaction processing and events, including a record in relation to the calculation of margin and exchange of collateral; and

(ix) the price and valuation of the derivative.

Form, accessibility and retention of records

36. (1) The records required to be maintained in this Regulation must be kept in a safe location, readily accessible and in a durable form for a period of,

(a) except in Manitoba, seven years from the date the record is created, and

(b) in Manitoba, eight years from the date the record is created.

(2) A record required to be provided to the regulator or, in Québec, the securities regulatory authority, must be provided in a format that is capable of being read by the regulator or, in Québec, the securities regulatory authority.

PART 6 EXEMPTIONS

DIVISION 1 Exemption from this Regulation

Exemption for foreign liquidity providers – transactions with derivatives dealers

37. A person is exempt from the provisions of this Regulation in respect of a transaction if all of the following apply:

(a) the transaction is made with either an investment dealer registered in accordance with Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10) or a derivatives dealer, that, in each case, is transacting as principal for its own account;

(b) the person is registered, licensed or authorized, or otherwise operates under an exemption or exclusion from a requirement to be registered, licensed or authorized under the securities, commodity futures or derivatives legislation of a foreign jurisdiction in which its head office or principal place of business is located to carry on the activities in that jurisdiction that registration as a derivatives dealer would permit it to carry on in the local jurisdiction;

(c) the person is not any of the following:

(i) a derivatives dealer whose head office or principal place of business is in Canada;

(ii) a derivatives dealer that is a Canadian financial institution.

Exemption for certain derivatives end-users

38. (1) A person is exempt from this Regulation if all of the following apply:

(a) the person does not solicit or otherwise transact a derivative with, for or on behalf of, a non-eligible derivatives party;

(b) the person does not, in respect of any derivative or transaction, advise a non-eligible derivatives party, other than general advice that is provided in accordance with the conditions of section 45;

(c) the person does not regularly make or offer to make a market in a derivative with a derivatives party;

(d) the person does not regularly facilitate or otherwise intermediate transactions for another person;

(e) the person does not facilitate the clearing of a derivative through the facilities of a qualifying clearing agency for another person.

(2) The exemption in subsection (1) is not available to a person if either of the following applies:

(a) the person is a registered derivatives firm or a registered securities firm in any jurisdiction of Canada or is registered under the commodity futures legislation of Manitoba or Ontario;

(b) the person is registered under the securities, commodity futures or derivatives legislation of a foreign jurisdiction in which its head office or principal place of business is located in a category of registration to carry on the activities in that jurisdiction that registration as a derivatives dealer or derivatives adviser would permit it to carry on in the local jurisdiction.

Exemption for foreign derivatives dealers

39. (1) A derivatives dealer whose head office or principal place of business is in a foreign jurisdiction specified in Appendix A is exempt from the provisions in this Regulation if all of the following apply:

(a) the derivatives dealer transacts only with, for or on behalf of, a person in the local jurisdiction that is an eligible derivatives party;

(b) the derivatives dealer is registered, licensed or authorized under the securities, commodity futures or derivatives legislation of a foreign jurisdiction specified in Appendix A to conduct the derivatives activities in the foreign jurisdiction that it proposes to conduct with the derivatives party;

(c) the derivatives dealer is subject to and complies with the securities, commodity futures or derivatives legislation of the foreign jurisdictions specified in Appendix A relating to the activities being conducted by the derivatives dealer with a derivatives party whose head office or principal place of business is in Canada;

(d) the derivatives dealer provides the regulator or, in Québec, the securities regulatory authority, with prompt access to its books and records upon request with respect to any matter relating to the activities being conducted with a derivatives party whose head office or principal place of business is located in Canada.

(2) The exemption in subsection (1) is not available unless all of the following apply:

(a) the derivatives dealer engages in the business of a derivatives dealer in the foreign jurisdiction in which its head office or principal place of business is located;

(b) the derivatives dealer has delivered to the derivatives party a statement in writing disclosing all of the following:

(i) the foreign jurisdiction in which the derivatives dealer's head office or principal place of business is located;

(ii) that all or substantially all of the assets of the derivatives dealer may be situated outside of the local jurisdiction;

(iii) that there may be difficulty enforcing legal rights against the derivatives dealer because of the above;

(iv) the name and address of the agent for service of process of the derivatives dealer in the local jurisdiction;

(c) the derivatives dealer has submitted to the regulator or, in Québec, the securities regulatory authority, a completed Form 93-101F1.

(3) Paragraphs (1) (a) to (d) do not apply if the derivatives party is an affiliated entity of the derivatives dealer unless the affiliated entity is an investment fund.

(4) Paragraph (2)(b) does not apply if the derivatives party is an affiliated entity of the derivatives dealer unless the affiliated entity is an investment fund.

DIVISION 2 Exemptions from specific provisions in this Regulation

Definition – local counterparty

40. In this Division, "local counterparty" means a counterparty to a derivative in any jurisdiction of Canada if either of the following applies:

(a) the counterparty is a person, other than an individual, to which one or more of the following apply:

(i) the person is organized under the laws of the local jurisdiction;

(ii) the head office of the person is in the local jurisdiction;

(iii) the principal place of business of the person is in the local jurisdiction;

(b) the counterparty is an affiliated entity of a person referred to in paragraph (a) and the person is liable for all or substantially all of the liabilities of the counterparty.

Investment dealers

41. A derivatives dealer that is an investment dealer member of CIRO is exempt from the provisions of this Regulation set out in Appendix B if both of the following apply:

(a) the derivatives dealer is subject to and complies with the corresponding conduct and other applicable rules of CIRO in connection with a transaction or other related activity;

(b) the derivatives dealer promptly notifies the regulator or, in Québec, the securities regulatory authority, of each instance of material non-compliance with a provision of this Regulation that is set out in Appendix B.

Canadian financial institutions

42. A derivatives dealer that is a Canadian financial institution is exempt from the provisions of this Regulation set out in Appendix C if both of the following apply:

(a) the derivatives dealer is subject to and complies with the corresponding conduct and other regulatory provisions of its prudential regulator in connection with a transaction or other related activity;

(b) the derivatives dealer promptly notifies the regulator or, in Québec, the securities regulatory authority, of each instance of material non-compliance with a provision of this Regulation that is set out in Appendix C.

Derivatives transacted on a derivatives trading facility where the identity of the derivatives party is unknown

43. A derivatives dealer is exempt from the provisions in this Regulation, except for section 9, section 12, and Part 5, in respect of a transaction to which both of the following apply:

(a) the execution of the transaction is on and subject to the rules of a derivatives trading facility;

(b) the derivatives dealer does not know the identity of the derivatives party prior to and at the time of execution of the transaction.

Exemptions from certain requirements in this Regulation for certain notional amounts of certain commodity derivatives and other derivatives activity

44. (1) A derivatives dealer is exempt from this Regulation, other than section 9, section 10 and section 28, if all of the following apply:

(a) the derivatives dealer does not solicit or otherwise transact a derivative with, for or on behalf of, a non-eligible derivatives party;

(b) the derivatives dealer does not, in respect of derivatives or transactions, advise a non-eligible derivatives party, other than in accordance with section 45;

(c) either of the following applies:

(i) the derivatives dealer has its head office or principal place of business in a jurisdiction of Canada and the derivatives dealer, together with each affiliated entity of the derivatives dealer that is a local counterparty, excluding investment funds, and excluding derivatives between all affiliated entities, has not had, in any of the previous 24 calendar months, an aggregate month-end gross notional amount under outstanding derivatives, exceeding $250 000 000;

(ii) the derivatives dealer has its head office and principal place of business in a foreign jurisdiction and the derivatives dealer, together with each affiliated entity of the derivatives dealer that is a local counterparty, excluding investment funds, and excluding derivatives between all affiliated entities, has not had, in any of the previous 24 calendar months, an aggregate month-end gross notional amount under outstanding derivatives with one or more counterparties that have a head office or principal place of business in Canada, exceeding $250 000 000.

(2) Subject to subsection (3), a derivatives dealer is exempt from the provisions of this Regulation, other than section 9, section 10 and section 28, if all of the following apply:

(a) the derivatives dealer does not solicit or otherwise transact a derivative with, for or on behalf of, a non-eligible derivatives party;

(b) the derivatives dealer does not, in respect of derivatives or transactions, advise a non-eligible derivatives party, other than in accordance with section 45;

(c) the derivatives dealer, and each affiliated entity of the derivatives dealer that is also a derivatives dealer, is a derivative dealer solely as a result of transactions in respect of commodity derivatives;

(d) either of the following applies:

(i) the derivatives dealer has its head office or principal place of business in a jurisdiction of Canada and the derivatives dealer, together with each affiliated entity of the derivatives dealer that is a local counterparty, excluding investment funds, and excluding derivatives between all affiliated entities, has not had, in any of the previous 24 calendar months, an aggregate month-end gross notional amount under outstanding commodity derivatives, exceeding $10 000 000 000;

(ii) the derivatives dealer has its head office and principal place of business in a foreign jurisdiction and the derivatives dealer, together with each affiliated entity of the derivatives dealer that is a local counterparty, excluding investment funds, and excluding derivatives between all affiliated entities, has not had, in any of the previous 24 calendar months, an aggregate month-end gross notional amount under outstanding commodity derivatives with one or more counterparties that have a head office or principal place of business in Canada, exceeding $10 000 000 000.

(3) Subsection (2) does not apply in respect of a commodity derivative for which the underlying interest is a cryptoasset.

DIVISION 3 Exemptions for derivatives advisers

Advising generally

45. (1) For the purpose of subsection (3), “financial or other interest” in relation to a derivative or a transaction includes the following:

(a) ownership of, beneficial or otherwise, an underlying interest or underlying interests of the derivative;

(b) ownership of, beneficial or otherwise, or another interest in, a derivative that has the same underlying interest as the derivative;

(c) a commission or other compensation received or expected to be received from any person in relation to a transaction, an underlying interest in the derivative or a derivative that has the same underlying interest as the derivative;

(d) a financial arrangement in relation to the derivative, an underlying interest in the derivative or a derivative that has the same underlying interest as the derivative;

(e) any other interest that relates to the transaction.

(2) A person that acts as a derivatives adviser is exempt from the provisions of this Regulation applicable to a derivatives adviser if the advice that the person provides does not purport to be tailored to the needs of the person receiving the advice.

(3) If the person referred to in subsection (2) recommends a transaction involving a derivative, a class of derivatives or the underlying interest of a derivative or class of derivatives in which any of the following has a financial or other interest, the person must disclose the interest, including a description of the nature of the interest, concurrently with providing the advice:

(a) the person;

(b) any partner, director or officer of the person;

(c) if the person is an individual, the spouse or child of the individual;

(d) any other person that would be an insider of the first mentioned person if the first mentioned person were a reporting issuer.

Foreign derivatives advisers

46. (1) A derivatives adviser whose head office or principal place of business is in a foreign jurisdiction specified in Appendix D is exempt from the provisions of this Regulation in respect of advice provided to a derivatives party if all of the following apply:

(a) the derivatives party to whom the advice is being provided is an eligible derivatives party;

(b) the derivatives adviser is registered, licensed or authorized, or otherwise operates under an exemption from registration, under the securities, commodity futures or derivatives legislation of a foreign jurisdiction specified in Appendix D to conduct the derivatives activities in the foreign jurisdiction that it proposes to conduct with the derivatives party;

(c) the derivatives adviser is subject to and complies with the securities, commodity futures or derivatives legislation of the foreign jurisdictions specified in Appendix D relating to the activities being conducted by the derivatives adviser with a derivatives party whose head office or principal place of business is in Canada;

(d) the derivatives adviser provides the regulator or, in Québec, the securities regulatory authority, with prompt access to its books and records upon request with respect to any matter relating to the activities being conducted with a derivatives party whose head office or principal place of business is in Canada.

(2) The exemption under subsection (1) is not available unless all of the following apply:

(a) the derivatives adviser engages in the business of a derivatives adviser in the foreign jurisdiction in which its head office or principal place of business is located;

(b) the derivatives adviser has delivered to the derivatives party a statement in writing disclosing the following:

(i) the foreign jurisdiction in which the derivatives adviser's head office or principal place of business is located;

(ii) that all or substantially all of the assets of the derivatives adviser may be situated outside of the local jurisdiction;

(iii) that there may be difficulty enforcing legal rights against the derivatives adviser because of the above;

(iv) the name and address of the agent for service of process of the derivatives adviser in the local jurisdiction.

(c) the derivatives adviser has submitted to the regulator or, in Québec, the securities regulatory authority, a completed Form 93-101F1 Submission to Jurisdiction and Appointment of Agent for Service of Process;

(3) A derivatives adviser that relied on the exemption under subsection (1) during the 12-month period preceding December 1 of a year must notify the regulator or, in Québec, the securities regulatory authority, of that fact by December 1 of that year.

(4) In Ontario, subsection (3) does not apply to a derivatives adviser that complies with the filing and fee payment provisions applicable to an unregistered exempt international firm under Ontario Securities Commission Rule 13-502 Fees.

(5) A person is exempt from subsections (2) and (3) if the person is registered as a derivatives adviser in the local jurisdiction.

(6) Paragraphs (1) (a) to (d) do not apply if the derivatives party is an affiliated entity of the derivatives adviser unless the affiliated entity is an investment fund.

(7) Paragraph (2)(b) does not apply if the derivatives party is an affiliated entity of the derivatives adviser unless the affiliated entity is an investment fund.

Foreign derivatives sub-advisers

47. (1) A derivatives sub-adviser whose head office or principal place of business is in a foreign jurisdiction specified in Appendix E is exempt from the provisions of this Regulation if all of the following apply:

(a) the obligations and duties of the sub-adviser are set out in a written agreement with the derivatives adviser or derivatives dealer;

(b) the derivatives adviser or derivatives dealer has entered into a written agreement with its derivatives parties on whose behalf derivatives advice is or portfolio management services are to be provided, agreeing to be responsible for any loss that arises out of the failure of the derivatives sub-adviser to do any of the following:

(i) exercise the powers and discharge the duties of its office honestly, in good faith and in the best interests of the derivatives firm and each derivatives party of the derivatives firm for whose benefit the derivatives advice is, or portfolio management services are, to be provided;

(ii) exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in the circumstances.

(2) The exemption under subsection (1) is not available unless all of the following apply:

(a) the derivatives sub-adviser's head office or principal place of business is in a foreign jurisdiction;

(b) the derivatives sub-adviser is registered, licensed or authorized in a category of registration, or operates under an exemption from registration, under the securities, commodity futures or derivatives legislation of the foreign jurisdiction in which its head office or principal place of business is located;

(c) the legislation of the foreign jurisdiction referred to in paragraph (b) permits the derivatives sub-adviser to carry on the activities in that jurisdiction that registration as a derivatives adviser would permit it to carry on in the local jurisdiction;

(d) the derivatives sub-adviser engages in the business of a derivatives adviser in the foreign jurisdiction in which its head office or principal place of business is located.

Registered advisers under securities or commodity futures legislation

48. A derivatives adviser that is registered as an adviser under securities legislation or, in Ontario and Manitoba, commodity futures legislation, is exempt from the provisions set out in Appendix F if the derivatives adviser complies with the corresponding business conduct provisions of securities or commodity futures legislation in connection with a transaction or other related derivatives activity with a derivatives party.

PART 7 GRANTING AN EXEMPTION

Granting an exemption

49. (1) The regulator or, in Québec, the securities regulatory authority, may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant such an exemption.

(3) Except in Alberta and Ontario, an exemption referred to in subsection (1) is granted under the statute referred to in Appendix B of Regulation 14-101 respecting Definitions (chapter V-1.1, r. 3) opposite the name of the local jurisdiction.

PART 8 TRANSITION AND EFFECTIVE DATE

Transition representations for existing derivatives parties

50. (1) In this section "transition period" means the period commencing on 28 September 2024 and expiring on 28 September 2029.

(2) During the transition period, for the purposes of this Regulation, an "eligible derivatives party", as defined in section 1(1), includes a person, that is any of the following:

(a) a permitted client, as that term is defined in Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10);

(b) in Ontario, an accredited investor, other than an individual, as that term is defined in Regulation 45-106 respecting Prospectus Exemptions (chapter V-1.1, r. 21);

(c) an accredited counterparty, as that term is defined in the Derivatives Act (chapter I-14.01);

(d) a qualified party, as that term is defined in any of the following:

(i) in Alberta, Blanket Order 91-507 Over-the-Counter Trades in Derivatives;

(ii) in British Columbia, Blanket Order 91-501 Over-the-Counter Derivatives;

(iii) in Manitoba, Blanket Order 91-501 Over-the-Counter Trades in Derivatives;

(iv) in New Brunswick, Local Rule 91-501 Over-the-Counter Trades in Derivatives;

(v) in Nova Scotia, Blanket Order 91-501 Over-the-Counter Trades in Derivatives;

(vi) in Saskatchewan, General Order 91-908 Over-the-Counter Derivatives;

(e) an eligible contract participant as that term is defined under Section 1(a)(18) of the United States Commodity Exchange Act;

(f) a financial counterparty as that term is defined under Article 2(8) of the European Market Infrastructure Regulation;

(g) a non-financial counterparty as that term is defined under Article 2(9) of, and which exceeds clearing thresholds pursuant to Article 10(4)(b) of, the European Market Infrastructure Regulation.

(3) Despite subsection (2), if either of the following circumstances apply, the definition of "eligible derivatives party", as set out in subsection 1(1), applies to that circumstance:

(a) the derivatives firm has obtained a representation from the derivatives party in writing, that the derivatives party is considered to be an eligible derivatives party on the basis of any of paragraphs (2)(a) to (g);

(b) the representation referred to in paragraph (a) was made prior to the effective date of this Regulation.

Transition for existing transactions that remain in place in accordance with their original terms

51. Other than section 9, the provisions of this Regulation do not apply in respect of the transaction if both of the following apply:

(a) the transaction was entered into before the effective date of this Regulation;

(b) the derivatives firm has taken reasonable steps to determine that the derivatives party is one or more of the following, as applicable:

(i) a permitted client, as that term is defined in Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10);

(ii) in Ontario, an accredited investor, other than an individual, as that term is defined in Regulation 45-106 respecting Prospectus Exemptions (chapter V-1.1, r. 21);

(iii) an accredited counterparty, as that term is defined in the Derivatives Act (chapitre I-14.01);

(iv) a qualified party, as that term is defined in any of the following:

(A) in Alberta Blanket Order 91-507 Over-the-Counter Trades in Derivatives;

(B) in British Columbia Blanket Order 91-501 Over-the-Counter Derivatives;

(C) in Manitoba Blanket Order 91-501 Over-the-Counter Trades in Derivatives;

(D) in New Brunswick Local Rule 91-501 Over-the-Counter Trades in Derivatives;

(E) in Nova Scotia Blanket Order 91-501 Over-the-Counter Trades in Derivatives;

(F) in Saskatchewan General Order 91-908 Over-the-Counter Derivatives;

(v) an eligible contract participant as that term is defined in Section 1(a)(18) of the United States Commodity Exchange Act;

(vi) a financial counterparty as that term is defined under Article 2(8) of the European Market Infrastructure Regulation;

(vii) a non-financial counterparty as that term is defined under Article 2(9) of, and which exceeds clearing thresholds pursuant to Article 10(4)(b) of, the European Market Infrastructure Regulation.

Transition for obtaining waivers for certain individuals and eligible commercial hedgers

52. Despite paragraph 8(2)(a)(iii), a derivatives firm has a period of one year following the effective date of this Regulation to obtain the waiver referred to in paragraph 8(2)(a)(iii) of this Regulation.

Effective date

53. This Regulation comes into force on 28 September 2024.

APPENDIX A
FOREIGN DERIVATIVES DEALERS
(Section 39)

LIST OF SPECIFIED FOREIGN JURISDICTIONS

Australia

Brazil

Hong Kong

Iceland

Japan

Republic of Korea

New Zealand

Norway

Singapore

Switzerland

United States of America

United Kingdom of Great Britain and Northern Ireland

Any member country of the European Union

APPENDIX B
INVESTMENT DEALERS
(Section 41)

Section 11, Know your derivatives party

Section 12, Handling complaints

Section 14, Derivatives-party-specific needs and objectives

Section 15, Suitability

Section 19(2)(a)-(k) to (4), Relationship disclosure information

Section 20, Pre-transaction disclosure

Section 21, Valuation reporting

Section 25, Segregating derivatives party assets

Section 26, Holding initial margin

Section 27, Investment or use of initial margin

Section 28, Content and delivery of transaction information

Section 29, Derivatives party statements

Section 32, Designation and responsibilities of senior derivatives managers

Section 33, Responsibility of derivatives dealer to report to the regulator or the securities regulatory authority

APPENDIX C
CANADIAN FINANCIAL INSTITUTIONS
(Section 42)

Section 11, Know your derivatives party

Section 13, Tied selling

Section 25, Segregating derivatives party assets

Section 26, Holding initial margin

Section 27, Investment or use of initial margin

Section 34, Derivatives party agreement

APPENDIX D
FOREIGN DERIVATIVES ADVISERS
(Section 46)

LIST OF SPECIFIED FOREIGN JURISDICTIONS

Australia

Brazil

Hong Kong

Iceland

Japan

Republic of Korea

New Zealand

Norway

Singapore

Switzerland

United States of America

United Kingdom of Great Britain and Northern Ireland

Any member country of the European Union

APPENDIX E
FOREIGN DERIVATIVES SUB-ADVISERS
(Section 47)

LIST OF SPECIFIED FOREIGN JURISDICTIONS

Australia

Brazil

Hong Kong

Iceland

Japan

Republic of Korea

New Zealand

Norway

Singapore

Switzerland

United States of America

United Kingdom of Great Britain and Northern Ireland

Any member country of the European Union

APPENDIX F
REGISTERED ADVISERS UNDER SECURITIES AND COMMODITY FUTURES LEGISLATION
(Section 48)

Section 12, Handling complaints

Section 13, Tied-selling

Division 2, Additional obligations when dealing with or advising certain derivatives parties of Part 3, Dealing with or advising derivatives parties

Part 4, Derivatives party accounts

Part 5, Compliance and recordkeeping, except section 31, Policies and Procedures

FORM 93-101F1
SUBMISSION TO JURISDICTION AND APPOINTMENT OF AGENT FOR SERVICE OF PROCESS
(Sections 39 and 46)

1. Name of person ("**Foreign Firm**"):

2. If the Foreign Firm was previously assigned an NRD number as a registered firm or an unregistered
exempt international firm, provide the NRD number of the firm.

3. Jurisdiction of incorporation of the Foreign Firm:

4. Head office address of the Foreign Firm:

5. The name, email address, phone number and fax number of the Foreign Firm's chief compliance officer, or equivalent.

Name:

Email address:

Phone:

Fax:

6. Section of Regulation 93-101 respecting Derivatives: Business Conduct the Foreign Firm (*insert* reference) is relying on:

☐ Section 39

☐ Section 46

☐ Other (specify) [*e.g exemptive relief decision – please explain*]

7. Name of agent for service of process (the "**Agent for Service**"):

8. Address for service of process on the Agent for Service:

9. The Foreign Firm designates and appoints the Agent for Service at the address stated above as its agent upon whom may be served a notice, pleading, subpoena, summons or other process in any action, investigation or administrative, criminal, quasi-criminal or other proceeding (a "**Proceeding**") arising out of or relating to or concerning the Foreign Firm's activities in the local jurisdiction and irrevocably waives any right to raise as a defence in any such Proceeding any alleged lack of jurisdiction to bring such Proceeding.

10. The Foreign Firm irrevocably and unconditionally submits to the non-exclusive jurisdiction of the judicial, quasi-judicial and administrative tribunals of the local jurisdiction in any Proceeding arising out of or related to or concerning the Foreign Firm's activities in the local jurisdiction.

11. Until seven years after the Foreign Firm ceases to rely on section 39 or section 46, the Foreign Firm must submit to the securities regulatory authority

a. a new Submission to Jurisdiction and Appointment of Agent for Service in this form no later than the 30th day before the date this Submission to Jurisdiction and Appointment of Agent for Service is terminated;

b. an amended Submission to Jurisdiction and Appointment of Agent for Service no later than the 30th day before any change in the name or above address of the Agent for Service; and

c. a notice detailing a change to any information submitted in this form, other than the name or above address of the Agent for Service, no later than the 20th day after the change.

12. This Submission to Jurisdiction and Appointment of Agent for Service is governed by and construed in accordance with the laws of the local jurisdiction.

Dated: _____

_____
(Signature of the Foreign Firm or authorized signatory)

_____
(Name of signatory)

_____
(Title of signatory)

Acceptance

The undersigned accepts the appointment as Agent for Service of (Insert name of Foreign Firm) under the terms and conditions of the foregoing Submission to Jurisdiction and Appointment of Agent for Service.

Dated: _____

_____
(Signature of the Agent for Service or authorized signatory)

_____
(Name of signatory)

_____
(Title of signatory)

106603

Draft Regulations

Draft Regulation

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

Act respecting the protection of personal information in the private sector (chapter P-39.1)

Anonymization of personal information

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 156 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), that the Regulation respecting the anonymization of personal information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation, for the purposes of section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information and section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), determines the criteria and terms applicable to the anonymization of personal information.

The draft Regulation guarantees that the personal information of citizens will be anonymized according to a rigorous process that will significantly reduce the re-identification risks associated with anonymization, thereby protecting the privacy of citizens.

Since the anonymization of personal information is optional, the draft Regulation will have an impact only on public bodies and on enterprises that choose to use anonymization.

Further information on the draft Regulation may be obtained by contacting François Verreau-Verge, lawyer, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875, Grande Allée Est, bureau 3.501, Québec (Québec) G1R 4Y8; telephone: 418 528-8024, extension 8992; email: francois.verreau-verge@mce.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuël, Director, Direction de l'accès à l'information et de la protection des renseignements personnels, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, 875 Grande Allée Est, bureau 3.265, Québec (Québec) G1R 4Y8; email: daiprp@mce.gouv.qc.ca.

Jean-François Roberge
Minister Responsible for Access to Information and the Protection of Personal Information

Regulation respecting the anonymization of personal information

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, s. 155, 1st par., subpar. 6.3)

Act respecting the protection of personal information in the private sector (chapter P-39.1, s. 90, 1st par., subpar. 3.2)

DIVISION I
SCOPE AND DEFINITIONS

1. This Regulation applies to all public bodies referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), and any person carrying on an enterprise and referred to in the Act respecting the protection of personal information in the private sector (chapter P-39.1).

It also applies to professional orders to the extent provided for in the Professional Code (chapter C-26).

2. In this Regulation,

"correlation criterion" means the inability to connect datasets concerning the same person;

"individualization criterion" means the inability to isolate or distinguish a person within a dataset;

"inference criterion" means the inability to infer personal information from other available information;

"body" means a public body, a person carrying on an enterprise or a professional order to which this Regulation applies.

DIVISION II
CRITERIA AND TERMS APPLICABLE TO THE ANONYMIZATION OF PERSONAL INFORMATION

3. Before beginning a process of anonymization, a body must establish the purposes for which it intends to use the anonymized personal information. The body must ensure that those purposes are consistent with section 73 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) or section 23 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), as the case may be.

If a body wishes to use anonymized information for purposes other than those established before beginning the process of anonymization in accordance with the first paragraph, the body must, before using that anonymized information, ensure that those purposes are consistent with, as the case may be, section 73 or section 23.

4. The process of anonymization must be carried out under the supervision of a person qualified in the field.

5. At the beginning of a process of anonymization, a body must remove from the information it intends to anonymize all personal information that allows the person concerned to be directly identified.

The body must then conduct a preliminary analysis of the re-identification risks considering in particular the individualization criterion, the correlation criterion and the inference criterion, as well as the risks of other information available, in particular in the public space, being used to identify a person directly or indirectly.

6. On the basis of the re-identification risks determined in accordance with the second paragraph of section 5, a body must establish the anonymization techniques to be used, which must be consistent with generally accepted best practices. The body must also establish protection and security measures to reduce re-identification risks.

7. After implementing the anonymization techniques established for the process of anonymization and the protection and security measures in accordance with section 6, a body must conduct an analysis of the re-identification risks.

The results of the analysis must show that it is, at all times, reasonably foreseeable in the circumstances that the information produced further to a process of anonymization irreversibly no longer allows the person to be identified directly or indirectly.

For the purposes of the second paragraph, it is not necessary to demonstrate that zero risk exists. However, taking into account the following elements, the results of the analysis must show that the residual risk of re-identification is very low:

(1) the circumstances related to the anonymization of personal information, in particular the purposes for which the body intends to use the anonymized information;

(2) the nature of the information;

(3) the individualization criterion, the correlation criterion and the inference criterion;

(4) the risks of other information available, in particular in the public space, being used to identify a person directly or indirectly; and

(5) the measures required to re-identify the persons, taking into account the efforts, resources and expertise required to implement those measures.

8. A body must regularly assess the information it has anonymized to ensure that it remains anonymized. For that purpose, the body must update the analysis of the re-identification risks it conducted under section 7. The update must consider, in particular, technological advancements that may contribute to the re-identification of a person.

The results of the analysis must be consistent with the second paragraph of section 7. If they are not, the information is no longer considered anonymized.

9. A body that anonymizes personal information must record the following information in a register:

(1) a description of the anonymized personal information;

(2) the purposes for which the body intends to use anonymized personal information;

(3) the anonymization techniques used and the protection and security measures established in accordance with section 6;

(4) a summary of the results of the re-identification risk analysis conducted in accordance with section 7 or, as the case may be, section 8; and

(5) the date on which the re-identification risk analysis conducted in accordance with section 7 was completed and, as the case may be, the date on which the update of the analysis conducted in accordance with section 8 was completed.

DIVISION III
FINAL

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

106606

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Road vehicle registration
— 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 road vehicle registration, appearing below, may be made by the Government on the expiry of 45 days following this publication.

This draft Regulation requires the first owner of a military-type road vehicle applying for the registration and the right to operate the vehicle on any public highway to provide a certificate by an engineer stating that the vehicle is safe to operate. The Regulation also provides that military-type road vehicles can be registered as road vehicles with limited area of operation.

In addition, the draft Regulation provides for the possibility to obtain a temporary registration certificate for a vehicle that, in order to be operated, must undergo technical appraisal for the purpose of dynamic recalibration of the vehicle's advanced driver assistance systems.

Lastly, the draft Regulation updates the definition of all-terrain vehicle and makes amendments that are consequential to the coming into force of the Act respecting off-highway vehicles (chapter V-1.3) as regards the contribution to be paid by the owners of off-highway vehicles for registering a snowmobile.

This draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting François Fortin, Director, 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. Comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

Geneviève Guilbault
Minister of Transport and Sustainable Mobility

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(chapter C-24.2, s. 618, pars. 2, 4.1, 7, 10, 11.0.1 and 12)

1. The Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended in section 2 by replacing the definition of all-terrain vehicle in the first paragraph by the following:

"'all-terrain vehicle" means a quad bike, a recreational off-road vehicle, a trail bike, such as a motocross motorcycle, and any other motorized vehicle, except snowmobiles, adapted or designed mainly for operation on uneven surfaces or on land that is unpaved or difficult to access, in particular on surfaces consisting of snow, ice, earth, sand or gravel, as well as in wooded areas and other natural settings;".

2. The following is inserted after section 43:

"**43.1.** Where a road vehicle must undergo technical appraisal provided for in Title IX.1 of the Highway Safety Code (chapter C-24.2), a temporary registration certificate may be issued to the owner to allow for the vehicle to be put back into operation only for the dynamic recalibration of the advanced driver assistance systems. The certificate is valid for 12 hours and may be renewed only once.

Despite the first paragraph, the Société may issue additional temporary registration certificates, each valid for 12 hours, provided the owner proves, prior to issue, that the dynamic recalibration of the advanced driver assistance systems could not be successfully conducted.

The owner is exempt from payment of the registration fees otherwise payable for the temporary registration of a road vehicle and for the right to operate the vehicle temporarily.

The road vehicle covered by the certificate may be operated, during the validity period of the certificate, only for the purpose of the dynamic recalibration of the advanced driver assistance systems.".

3. The following is inserted after section 52:

"**53.** If the owner of a military-type road vehicle is the first owner other than the government of Québec or a municipality to apply for the vehicle's registration and the right to operate the vehicle on any public highway, the owner must provide the Société with a certificate by an engineer stating that the vehicle is safe to operate on any public highway. The certificate, provided following a verification of the vehicle's components and assembly and taking into account the year of manufacture, must include

(1) the date of the verification and the certificate;

(2) a description of the vehicle, including its identification number, make, model and year of manufacture;

(3) the number of engine cylinders, engine displacement and type of fuel or, as the case may be, the rated output of the engine;

(4) the vehicle's net weight and gross vehicle weight rating;

(5) the engineer's declaration stating that the vehicle is safe to operate on any public highway;

(6) the engineer's name, address, signature and member number.

The certificate must be prepared using the form available on the website of the Société.

For the purposes of this section, an engineer is a person who is a member of the Ordre des ingénieurs du Québec.

53.1. The certificate referred to in section 53 is not required for a military-type road vehicle that was registered before 22 August 2019 or stocked by a road vehicle dealer for sale prior to that date.".

4. Section 61 is amended by striking out "with a net mass of 450 kg or less" in the last paragraph.

5. Section 137 is amended by adding the following subparagraph at the end of the first paragraph:

"(6) a military-type road vehicle.".

6. Section 174 is amended by striking out "with a net mass of 450 kg or less" in the last paragraph.

7. Section 176.1 is amended by striking out "with a net mass of 450 kg or less" in the last paragraph.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 2, which comes into force on 1 January 2025 and sections 3 and 5, which come into force on 7 August 2024.

106614

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Safety standards for road vehicles
— 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 safety standards for road vehicles, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation requires military-type road vehicles to undergo mechanical inspection and establishes a number of specific safety standards that those vehicles must meet in order to be authorized to travel on the road. The Regulation also updates certain provisions outlining safety standards that road vehicles must comply with in order to be authorized to travel, as well as provisions pertaining to mechanical inspection that identify the major defects that can affect a road vehicle. Lastly, the Regulation provides that the record of rebuilding of damaged vehicles must contain an advanced driver assistance systems recalibration report and the recalibration receipt.

As regards the impact on enterprises, in particular on small and medium-sized businesses, the requirement pertaining to the record of rebuilding of damaged vehicles could have an annual impact of approximately $275,000 on vehicle rebuilding businesses.

Further information on the draft Regulation may be obtained by contacting François Fortin, Director, 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. Comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

Geneviève Guilbault
Minister of Transport and Sustainable Mobility

Regulation to amend the Regulation respecting safety standards for road vehicles

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpars. 6, 7, 8.2, 11, 25, 28, 29, 30 and 31.2)

1. The Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32) is amended in section 2.1 by striking out "or any other person legally authorized to practise the profession in Québec" in the last paragraph.

2. Section 3 is amended

(1) by inserting "and those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société under section 543.2 of the Code" at the end of subparagraph *c* of paragraph 2;

(2) by inserting "excluding those covered by a preventive maintenance program in place of mandatory mechanical inspection recognized by the Société under section 543.2 of the Code and those acquired by a person holding a dealer's licence for resale purposes" at the end of subparagraph *d* of paragraph 2;

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

"(5) military-type road vehicles.".

3. Section 12 is amended by adding the following paragraph at the end:

"(7) military-type road vehicles.".

4. Section 13.1 is amended by inserting ", except that of a military-type road vehicle," after "imported into Canada".

5. The following is inserted after section 13.1:

"**13.2.** Military-type road vehicles must have the same configuration as that of a road vehicle intended to be operated on a public highway.

Without prejudice to the other provisions of Title VI of the Code and the provisions of this Regulation, military-type road vehicles are exempt from the provisions of section 212 of the Code insofar as the latter pertain to the requirement for road vehicles to be equipped with any accessory and equipment required to be installed by the manufacturer under an Act or a regulation in force in Québec.".

6. Section 15 is amended by inserting the following after the first paragraph:

"Despite the first paragraph, the headlights, lights and reflectors of a military-type road vehicle are not required to comply with the manufacturer's standards. However, they must comply with the Canadian safety standards for motor vehicles provided for in the Motor Vehicle Safety Act (S.C. 1993, c. 16) that apply on the date of the vehicle's manufacture or with SAE International's Standard J759. In the latter case, headlights and lights must light up with the intensity intended by their manufacturer.".

7. The following is inserted after section 19:

"**19.1.** Military-type road vehicles manufactured after 1 December 1989 must be equipped with daytime running lights. For the purposes of section 19, daytime running lights are deemed to have been provided by the manufacturer.".

8. Section 20 is amended by adding the following at the end: "In the case of a military-type road vehicle, headlight alignment must comply with the Canadian safety standards for motor vehicles provided for in the Motor Vehicle Safety Act (S.C. 1993, c. 16).".

9. The following is inserted after section 22:

"**22.1.** Military-type road vehicles must be equipped with a lighting device in the dashboard that provides sufficient light for the speedometer."

10. The following is inserted after section 24:

"**25.** Military-type road vehicles must be equipped with a turn-signal light indicator lamp.

25.1. Military-type road vehicles must be equipped with a parking brake warning light. They must also be equipped with a visual or warning light or a warning buzzer to indicate a brake system anomaly.".

11. Section 58 is amended by adding the following paragraph at the end:

"Despite the foregoing, the windows of military-type road vehicles are not required to bear the mark prescribed under this Regulation."

12. The following is inserted after section 68:

"**68.1.** Military-type road vehicles must be equipped with a sun visor on the driver's side.".

13. The following is inserted after section 71:

"**71.1.** Military-type road vehicles must be equipped with a heating and defrosting system. Despite paragraph 2 of section 71, that system does not have to blow air onto a specific place on the windshield.".

14. The following is inserted after section 80:

"**80.1.** Military-type road vehicles must be equipped with seatbelts similar to those of road vehicles of the same type within the meaning of the Motor Vehicle Safety Regulations (C.R.C., c. 1038), and of the same date of manufacture.

The replacement of a seatbelt for the purpose of making the military-type road vehicle compliant with the first paragraph does not constitute an alteration within the meaning of the first paragraph of section 80.

80.2. The seatbelt and seat anchorages of military-type road vehicles must comply with the manufacturer's standards.

In the absence of manufacturer's standards, the seatbelt and seat anchorages must comply with SAE International's Standard J800 and seat anchorages must comply with section 5.2.3.8 of that standard.".

15. Section 124 is amended by inserting "or red" after "yellow" in the definition of "lamp".

16. Section 127 is amended by replacing "The saddle, mudguards and chain guard" by "The chain guard or belt guard as well as the saddle and the mudguards".

17. Section 130 is amended

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

"No flammable material shall leak on a component of the exhaust system.";

(2) by inserting "except if it was originally installed by the manufacturer on a military-type road vehicle" at the end of subparagraph 4 of the last paragraph.

18. Section 136 is amended by adding the following paragraph at the end:

"Despite the first paragraph, the headlights, lights and reflectors of a military-type road vehicle are not required to comply with the manufacturer's standards. However, they must comply with the Canadian safety standards for motor vehicles provided for in the Motor Vehicle Safety Act (S.C. 1993, c. 16) that apply on the date of the vehicle's manufacture or with SAE International's Standard J759. In the latter case, headlights and lights must light up with the intensity intended by their manufacturer.".

19. The following is inserted after section 143:

"**143.1.** Military-type road vehicles manufactured after 1 January 1975 must be equipped with a daytime running light, a license plate light and a taillight that come on when the ignition key is in the "on" position.

143.2. Military-type road vehicles must be equipped with a lighting device that provides sufficient light for the speedometer.

143.3. Military-type road vehicles must be equipped with a turn-signal light indicator lamp.".

20. Section 164 is amended by replacing "a component of the braking system" in paragraph 1 by "one or more components of the braking system".

21. Section 170 is amended by replacing paragraph 8 by the following:

"(8) the oil of the wheel bearing is absent or, where there is a sight glass, there is no oil showing.".

22. The following is inserted after section 189:

"**189.1.** The record of rebuilding must contain, in addition to the prescriptions of section 546.4 of the Code, the report of the diagnostic tool showing that the advanced driver assistance systems of a rebuilt vehicle have been successfully recalibrated, as well as the recalibration receipt.

The report must contain the following information: the date and time of recalibration, the year, make and model of the recalibrated vehicle, its serial number, the mileage, the list of systems with which the vehicle is equipped, the systems that have been recalibrated and the results of the recalibration.

The recalibration receipt accompanying the report must indicate the name and address of the business that carried out the recalibration, the year, make and model of the vehicle on which repair work has been done, its serial number, the nature of the repair work that was done, and it must be dated and signed by the technician who carried out the recalibration.”.

23. This Regulation comes into force on 7 August 2024, except section 1, paragraphs 1 and 2 of section 2, sections 15 and 16, paragraph 1 of section 17, and sections 20 and 21, which come into force on the fifteenth day following the date of publication of this Regulation in the *Gazette officielle du Québec*, and section 22, which comes into force on 1 January 2025.

106613

Treasury Board

Gouvernement du Québec

T.B. 229368, 5 December 2023

Act respecting the Government and Public Employees Retirement Plan
(chapter R-10)

Act respecting the Pension Plan of Management Personnel
(chapter R-12.1)

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 3 of section 2 of the Act respecting the Government and Public Employees Retirement Plan, the retirement plan applies to an employee who is released without pay by their employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.1.1 and II.2, and where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedules I or II.1 of the Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan, and any such order may have effect 12 months or less before it is made;

WHEREAS, under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the consultation has taken place;

WHEREAS the Centre d'hébergement et de soins de longue durée Côté-Jardin inc. and the Jardins du Haut Saint-Laurent (1992) inc. satisfy the conditions prescribed by section 51 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and Schedule II to the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Association des procureurs aux poursuites criminelles et pénales satisfies the conditions prescribed by section 53 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and Schedule II to the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Syndicat des infirmières, inhalothérapeutes et infirmières auxiliaires de Laval (CSQ) satisfies the conditions prescribed by section 53.1 of the Regulation in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

Le greffier du Conseil du trésor,
LOUIS TREMBLAY

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

Act respecting the Government and Public Employees Retirement Plan
(chapter R-10, s. 220)

Act respecting the Pension Plan of Management Personnel
(chapter R-12.1, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended in paragraph 1

(1) by inserting "Association des procureurs aux poursuites criminelles et pénales" in alphabetical order;

(2) by inserting "Centre d'hébergement et de soins de longue durée Côté-Jardin inc." in alphabetical order;

(3) by inserting "Jardins du Haut Saint-Laurent (1992) inc." in alphabetical order;

(4) by striking out "Jardins du Haut Saint-Laurent (1992) inc.".

2. Schedule II.1 is amended in paragraph 1 by inserting "Syndicat des infirmières, inhalothérapeutes et infirmières auxiliaires de Laval (CSQ)" in alphabetical order.

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended in paragraph 1

(1) by inserting "Association des procureurs aux poursuites criminelles et pénales" in alphabetical order;

(2) by inserting "Centre d'hébergement et de soins de longue durée Côté-Jardin inc." in alphabetical order;

(3) by inserting "Jardins du Haut Saint-Laurent (1992) inc." in alphabetical order;

(4) by striking out "Jardins du Haut Saint-Laurent (1992) inc.".

4. These amendments have effect since the following dates:

(1) those of section 2 have effect since 3 January 2023;

(2) those of paragraphs 2 and 3 of section 1 and those of paragraphs 2 and 3 of section 3 have effect since 26 March 2023;

(3) those of paragraphs 1 and 4 of section 1 and those of paragraphs 1 and 4 of section 3 have effect since 1 April 2023.

106604