

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Recovery and reclamation of discarded paint containers and paints

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting the recovery and reclamation of discarded paint containers and paints, the text of which appears below, may be made by the Government upon the expiry of 60 days following the date of this publication.

The purpose of the Regulation is to require any business that markets paints in Québec under a trademark which it owns, or of which it is a user, to provide a service for the recovery of discarded paint containers and paints for the purpose of reclaiming them.

Any business covered by this Regulation may be exempted from this regulatory requirement if it becomes a member of an organization whose purpose is, or includes, the creation or funding of a recovery and reclamation system whose name appears on a list drawn up by the Minister and published in the *Gazette officielle du Québec*.

Information concerning the draft Regulation respecting the recovery and reclamation of discarded paint containers and paints may be obtained by contacting Mr. Jean-Maurice Latulippe, ministère de l'Environnement, 675, boulevard René-Lévesque Est, 8^e étage, Québec (Québec) G1R 5V7, telephone number: (418) 521-3885, extension 4850.

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, Édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
Minister of the Environment

Regulation respecting the recovery and reclamation of discarded paint containers and paints

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. n.2, n.3 and n.4, s. 70, 1st par., subpars. j.2 and k, s. 70.19, 1st par., subpar. 15, s. 109.1)

1. The purpose of this Regulation is to reduce the quantity of waste to be eliminated by promoting the recovery and reclamation of discarded paint containers and paints.

2. This Regulation applies to paints sold in retail outlets, excluding artist's paints.

It also applies to paints sold on the wholesale market for the maintenance, protection or decoration of buildings or structures annexed to them.

For the purposes of this Regulation, "paints" includes stains, primers, varnishes, lacquers, wood or masonry treatment products, and any other similar mixture designed for maintenance, protection or decoration.

3. Every business that markets products under a trademark which it owns, or of which it is the user, is required to recover or to have recovered, by means of a recovery system having collection points that comply with the requirements set out in the Schedule hereto, paint containers of the type it markets that are returned to the collection points, as well as the paint they contain.

Where a business referred to in the first paragraph has neither a domicile nor an establishment in Québec, the requirement prescribed under the first paragraph devolves to the primary supplier of its paints in Québec, whether or not that distributor is the importer.

4. The recovery system prescribed under section 3 must ensure a recovery rate of

— at least 25 %, in weight or volume, of the paint containers marketed annually by the business or supplier starting with the year 2002;

— at least 50 %, in weight or volume, of the paint containers marketed annually by the business or supplier starting with the year 2005; and

— at least 75 %, in weight or volume, of the paint containers marketed annually by the business or supplier starting with the year 2008.

5. The business or supplier subject to the recovery requirement prescribed under section 3 is also required to reclaim or have reclaimed all of the paint containers that it has recovered or has had recovered.

The business or supplier is also required to reclaim or have reclaimed the paint contained in the recovered containers, insofar as it is technically and economically feasible to do so.

6. The paint containers marketed by a business or supplier subject to the recovery requirement under section 3 must clearly display information on the recoverability of the container and the paint and directions to the collection points.

7. Within 90 days following the date on which it becomes subject to the recovery requirement prescribed in section 3, a business or supplier is required to communicate to the Minister of the Environment:

(1) its name, address and, where it is registered in the register of sole proprietorships, partnerships and legal persons, its registration number, as well as the names and addresses of its officers;

(2) the territory where it markets its paints;

(3) a description of the recovery system by which he recovers paint containers or has them recovered, including the number, category and location of the collection points, the name and address of the person in charge of the system if it is a third party, as well as the transportation, storage and treatment procedures for the recovered containers and paints, according to the different types of containers and paints;

(4) a description of the means used to reclaim the recovered containers and paints, including the reclaiming procedures, the name and address of the person in charge of the reclamation if it is a third party, the efforts that have been made to develop reclamation markets or techniques or outlets for the reclaimed products; and

(5) a description of the planned publicity campaigns to promote the recovery of paint containers and paints among consumers and to gain their cooperation.

8. No later than 31 March each year, a business or supplier subject to the recovery requirement prescribed under section 3 shall communicate to the Minister of the Environment:

(1) for each type of marketed container and paint, the quantity, by weight or volume, that was recovered and reclaimed the preceding year, in addition to the quantity of any paints eliminated due to the lack of a reclamation alternative, indicating the elimination process used;

(2) the means used during the preceding year to promote the reclamation of recovered containers and paints, in order to determine, among other things, whether reclamation is possible or if it can be generated and the results of the research that was made;

(3) a description of the preceding year's publicity campaigns to promote the recovery and reclamation of paint containers and paints;

(4) the costs incurred during the preceding year to set up the recovery system, publicity campaigns and reclamation measures; and

(5) any changes that occurred during the preceding year in the information sent to the Minister for the purposes of section 7.

The information referred to in subparagraphs 1, 2 and 4 of the first paragraph must be audited by an independent expert who shall certify that it is accurate. This certification must accompany the information sent to the Minister.

In addition, the business' or supplier's yearly data on the quantity of marketed containers and paints according to the different types of containers and paints must be kept available to the Minister of the Environment.

9. A business or supplier that is a member of an organization,

(1) whose function is, or includes, the creation or funding of a recovery and reclamation system for discarded paint containers or paints; and

(2) whose name appears on a list drawn up by the Minister of the Environment and published in the *Gazette officielle du Québec*

shall be exempt from the requirements prescribed under sections 3 and 8.

10. Any offence against the provisions of sections 3, 4, 5 and 6 shall render the offender liable

(1) to a fine of \$2 000 to \$25 000, where the offender is a natural person; or

(2) to a fine of \$5 000 to \$250 000, where the offender is a legal person.

11. Every person who fails to communicate to the Minister of the Environment any of the information prescribed under section 7 or 8, or who communicates false or inaccurate information, is liable

(1) to a fine of \$1 000 to \$10 000, where the offender is a natural person; or

(2) to a fine of \$2 000 to \$50 000, where the offender is a legal person.

12. For any subsequent offence, the fines prescribed under sections 10 and 11 shall be doubled.

13. This Regulation comes into force at the expiry of the sixth month following its publication in the *Gazette officielle du Québec*.

SCHEDULE

(s. 3)

The recovery system referred to in section 3 must include, for each regional county municipality or urban community where the business or supplier markets paints, collection points where paint containers of the type marketed by that business or supplier, as well as the paint they contain, may be returned without charge. The number and characteristics of the collection points must comply with the requirements set out in the following table.

Municipalities ¹ (population)	Minimum number and categories ² of collection points
≥ 100 and < 5000	One Category A or B collection point, located at a distance of less than 50 km by an all-weather road
≥ 5000 and < 10 000	One Category B collection point
≥ 10 000 and < 20 000	One Category A collection point
≥ 20 000 and < 40 000	One Category A collection point and one Category B collection point
≥ 40 000 and < 60 000	Two Category A collection points

Municipalities ¹ (population)	Minimum number and categories ² of collection points
≥ 60 000	Two Category A collection points and: one Category A collection point for every additional 40 000 or part thereof, up to a total of 20 collection points; or one Category B collection point for every additional 20 000 or part thereof, up to a total of 30 collection points

¹ Only municipalities located south of the 51st parallel are covered.

² The collection point categories are

- Category A
Collection points in this category must be stationary permanent depositories, accessible year-round during business hours and for a minimum of 24 hours a week, including at least 6 hours during the weekend; and

- Category B
Collection points in this category may be stationary depositories or mobile units, accessible at least 10 days a year for at least 8 hours a day, including at least one day each season, and at least half of those days must be a Saturday or a Sunday.

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Draft Regulation

Code of Penal Procedure
(R.S.Q., c. C-25.1)

Tariff of court costs in penal matters — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of court costs in penal matters, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to amend the indexing clause provided for in section 16 of the Tariff so as to allow for the indexing of the costs and fees added by Order in Council 1210-96 dated 25 September 1996.

Subparagraph 2 of the first paragraph of that section provides that fees and costs of less than \$35 shall be increased by applying to the amount of the costs and fees exigible on a certain date in 1993 the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the