

(3) not less than 350 hours and not more than 450 hours of on-the-job training preparing the person to practise the semi-skilled trade.

22. The Minister shall award a Diploma of Vocational Studies that specifies the trade or occupation and includes a statement of competencies to a person who has met all the admission requirements for the vocational training program and has earned all of the credits in that program.

23. The Minister shall award an Attestation of Vocational Specialization that specifies the specialization and includes a statement of competencies to a person who has earned all of the credits in a vocational training program.

24. Training centres shall give 15 hours of instructional services for each credit in a vocational training program unless fewer hours are required to achieve the compulsory objectives and cover the compulsory content of the program.

25. A person referred to in section 1 of the Education Act who takes concurrent courses in general education is subject, with respect to those courses, to the rules governing certification of studies prescribed under the Basic school regulation for preschool, elementary and secondary education. In all other cases, the person is subject to the rules under the Basic Adult General Education Regulation.

CHAPTER IV FREE EDUCATIONAL SERVICES

26. To be entitled to free educational services, a resident of Québec within the meaning of the Education Act who has reached 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1), must be enrolled, for the duration of the studies, in courses for a minimum of 15 hours a week unless the courses remaining to complete the studies require fewer hours.

This section does not apply to a person who takes part in activities referred to in section 255 of the Education Act.

27. A resident of Québec within the meaning of the Education Act who has reached 18 years of age, or 21 years of age in the case of a handicapped person within the meaning of the Act to secure the handicapped in the exercise of their rights, and who has not achieved the objectives of a vocational training program leading

to a Diploma of Vocational Studies or to an Attestation of Vocational Specialization within the time allotted for the duration of the vocational training program, plus 20 per cent, shall no longer be entitled to free educational services.

CHAPTER V QUALITY OF LANGUAGE

28. Vocational training centres shall take the necessary measures to ensure that all teachers and all staff members pay special attention to the quality of written and spoken language in learning and in all the centre's activities.

CHAPTER VI FINAL PROVISIONS

29. This Regulation replaces the Basic school regulation respecting educational services for adults in vocational education made by Order in Council 733-94 dated 18 May 1994.

30. This Regulation comes into force on 1 July 2000.

3666

Gouvernement du Québec

O.C. 655-2000, 1 June 2000

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

Recovery and reclamation of discarded paint containers and paints

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

WHEREAS paragraph 4 of section 53.28, section 53.30, subparagraph 15 of the first paragraph of section 70.19 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2), amended by Chapters 40 and 75 of the Statutes of 1999, allows the Government to regulate the matters set forth therein;

WHEREAS 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, a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 6 October 1999, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to take into account the comments received following its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation respecting the recovery and reclamation of discarded paint containers and paints, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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

Environment Quality Act
(R.S.Q., c. Q-2, s. 53.28, par. 4, ss. 53.30, 70.19, 1st par., subpar. 15 and s. 109.1; 1999, c. 40, s. 239; 1999, c. 75, s. 13)

1. The purpose of this Regulation is to reduce the quantity of residual materials to be eliminated by encouraging 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 in containers of less than 170 litres capacity 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. Any business that markets paints under a trademark which it owns or uses is required, through a recovery system that includes the minimum specifications described in the Schedule, to recover or to see to the recovery of the paint containers that are returned to the collection points provided for by that system and that are of the same type it markets. That business is also required to recover or to see to the recovery of any paint found in the containers insofar as that paint is of the same type it markets.

Where a business referred to in the first paragraph does not have a domicile or an establishment in Québec,

the recovery obligation prescribed by that paragraph shall be the responsibility of the leading supplier of those paints in Québec, whether or not it is the importer.

4. A business or supplier subject to the recovery obligation prescribed by section 3 must take the appropriate measures to inform consumers of the existence and operation of the recovery system outlined in that section, particularly the accessibility of the collection points, as well as the environmental advantages resulting from the recovery and reclamation of discarded paint containers and paints. Those measures may include, in addition to holding information campaigns, providing consumers with information booklets.

5. The recovery system prescribed by section 3 must ensure a minimum rate of recovery of paint containers that equals, in weight or volume, the following percentages, calculated on the basis of the paint containers marketed annually by the business or supplier:

— 25 %, as of 2002;

— 50 %, as of 2005;

— 75 %, as of 2008.

6. A business or supplier subject to the recovery obligation prescribed by section 3 is also required to reclaim or to see to the reclamation of any paint containers that it has recovered or has had recovered.

The business or supplier is also required to reclaim or to see to the reclamation of the recovered paints, insofar as their reclamation is technically possible and the costs associated with the reclamation do not put its competitiveness at risk.

7. The paint containers marketed by a business or supplier subject to the recovery obligation prescribed by section 3 must clearly display information on the recoverability of the discarded containers and paints.

8. Within 90 days of the date on which it becomes subject to the recovery obligation prescribed by section 3, a business or supplier is required to transmit to the Minister of the Environment the following information:

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

(2) the territory where it markets its paints;

(3) identification of the products marketed according to the types of containers or paints;

(4) a description of the recovery system by which it recovers or sees to the recovery of the products in question, including the number, category and location of the collection points, the name and address of the person in charge of the system if that person is a third party, and the terms and conditions of transport, storage and processing of the recovered products, according to the different types of containers and paints;

(5) a description of the information campaigns and other measures planned to promote the recovery of the products in question to consumers and to obtain their cooperation;

(6) a description of the means used to reclaim the recovered products, including the reclamation methods, the name and address of the person in charge of the reclamation if that person is a third party, the efforts planned to develop the markets or techniques of reclamation or outlets for reclaimed products;

(7) a description of the elimination methods planned for recovered paints that are not reclaimed, if any, indicating the name and address of the person in charge of the elimination if that person is a third party.

9. No later than on 31 March of each year, a business or supplier subject to the recovery obligation prescribed by section 3 must transmit to the Minister the following information for the preceding calendar year:

(1) the quantities, in weight or volume, of each type of marketed container and paint that was recovered and then reclaimed or, if any, the quantities of paint eliminated due to the lack of reclamation alternatives, indicating the reclamation or elimination methods used;

(2) the measures taken to promote the development of techniques for the reclamation of recovered paint containers and paints, particularly for the purposes of reuse and recycling, and the results of the research that was carried out;

(3) a description of the information campaigns carried out and the other measures taken to promote the recovery and reclamation of discarded paint containers and paints;

(4) the costs generated by the implementation of the recovery system and the reclamation methods, as well as those resulting from the carrying out of the information campaigns and other measures taken to promote the recovery and reclamation of the products in question;

(5) an update, if applicable, of the information transmitted to the Minister pursuant to section 8.

The information referred to in subparagraphs 1, 2 and 4 of the first paragraph must be verified by a third party expert who shall certify that it is accurate. This certification must accompany the information transmitted to the Minister.

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

10. A business or supplier is exempt from the obligations prescribed in sections 3 to 9 if that business or supplier is a member of an organization

(1) whose function or one of its functions is either to implement a recovery or a reclamation system for discarded paint containers or paints or to financially contribute to the implementation of such a system in accordance with the conditions determined in an agreement entered into by that organization and the Minister; and

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

11. Any offence against the provisions of sections 3 to 7 makes the offender liable

(1) in the case of a natural person, to a fine from \$2000 to \$25 000;

(2) in the case of a legal person, to a fine from \$5000 to \$250 000.

12. Every person who fails to communicate to the Minister any of the information prescribed by section 8 or 9, or who communicates false or inaccurate information, is liable

(1) in the case of a natural person, to a fine from \$1000 to \$10 000;

(2) in the case of a legal person, to a fine from \$2000 to \$50 000.

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

14. This Regulation comes into force on 1 January 2001, except for section 7 which comes into force on 1 January 2002.

SCHEDULE

(s. 3)

The recovery system referred to in section 3 must be established in a way that offers a recovery service to the residents of each urban community or regional county municipality located south of the 51st parallel, excluding unorganized territories, in which the business or supplier markets paints.

The recovery system must include collection points where paint containers of the same type as those marketed by the business or supplier subject to this Regulation may be returned free of charge as well as any paint they may contain.

The minimum number of collection points that must be included in the recovery system as well as their category and their location shall be determined according to the option chosen by the business or supplier in question.

The categories of collection points that may be prescribed for a recovery system are the following:

Category A: each collection point shall have a permanent depot, accessible year round during business hours and for a period of at least 24 hours per week in which at least 6 of those hours are during the weekend.

Category B: each collection point shall have a permanent depot or a mobile unit, 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.

OPTIONS AVAILABLE TO A BUSINESS OR SUPPLIER

(number, category and location of collection points)

Option 1

For each sales point in a local municipality that sells paints under a trademark which is owned or used by a business or supplier in question, there must be at least one collection point located on the territory of that municipality. The category and the location of those collection points shall be determined according to the number of residents in the local municipality in question, in accordance with the requirements set out in the following table.

Local municipalities (population)	Category and location of collection points
< 15 000	One category A or B collection point located at each of the sales points or less than 20 km, by a road opened year-round, from each of the sales points.
≥ 15 000	One category A collection point located at each of the sales points or less than 10 km, by a road opened year-round, from each of the sales points.

Option 2

For each local municipality belonging to an urban community or a regional county municipality for which a recovery system must be established, the number and category of collection points shall be determined according to the number of residents in the local municipality in question, in accordance with the requirements set out in the following table.

The collection points must be located on the territory of the local municipality except for those whose population is less than 5 000 residents; in such a case, the collection point may or may not be located on the territory of the local municipality, provided that it is located less than 50 km, by a road opened year-round, from the town hall of that municipality.

Local municipalities (population)	Minimum number and categories of collection points
≥ 100 and < 5000	One Category A or B collection point
≥ 5000 and < 15 000	One Category B collection point
≥ 15 000 and < 30 000	One Category A collection point
≥ 30 000 and < 60 000	One Category A collection point and one Category B collection point
≥ 60 000	Two Category A collection points and: – one Category A collection point for every additional 40 000 residents or part thereof, up to a total of 20 collection points; or – one Category B collection point for every additional 20 000 residents or part thereof, up to a total of 30 collection points