

## Regulations and other acts

Gouvernement du Québec

### **O.C. 763-2004, 10 August 2004**

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

#### **Suspension of certain regulatory provisions**

Regulation to suspend certain regulatory provisions enacted under the Act respecting the Société des alcools du Québec

WHEREAS, under paragraph 1 of section 37 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13), amended by section 136 of chapter 29 of the Statutes of 2003, the Government, on the recommendation of the Minister of Finance and the Minister of Public Security, may make regulations determining the conditions or modalities of purchase, making, bottling, keeping, handling, storing, sale or shipping of alcoholic beverages;

WHEREAS, under paragraph 7 of section 37 of the Act, the Government may make regulations determining which wines and alcoholic beverages made or bottled by the Société or a brewer's, cider maker's or wine maker's permit holder, other than alcohol and spirits, may be sold by grocery permit holders;

WHEREAS, under paragraph 8 of section 37 of the Act, the Government may make regulations determining, for grocery permit holders, the conditions and modalities of supplying, marketing and fixing the retail price of alcoholic beverages referred to in paragraph 7 of that section;

WHEREAS, under paragraph 10 of section 37 of the Act, the Government may make regulations prescribing any other useful measure for the administration of the Act;

WHEREAS, in accordance with Order in Council 223-2004 dated 23 March 2004, the Minister of Economic and Regional Development and Research exercises the functions of the Minister of Finance provided for in Divisions III and IV of the Act respecting the Société des alcools du Québec;

WHEREAS the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit was made by Order in Council 2165-83 dated 19 October 1983 and the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit was made by Order in Council 2166-83 dated 19 October 1983;

WHEREAS those regulations determine the modalities whereby the holder of a wine maker's permit may market a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec and the modalities relating to the inscriptions on the main label of the containers of those wines;

WHEREAS the regulatory provisions concerning the marketing of proprietary brands in association with the brand name of a person authorized to sell alcoholic beverages are not currently being used and it is expedient, to ensure the quality of the products marketed and the financial soundness of this economic sector, to study the impacts of a possible revocation of the provisions;

WHEREAS it is expedient to suspend the application of those modalities for a period of three months to allow the Minister of Economic and Regional Development and Research to carry out the necessary consultations with the interested persons and to enable the Government to objectively evaluate their relevance;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as required under section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of such publication and such coming into force must be published with the regulation;

WHEREAS, the Government is of the opinion that the following circumstances justify the absence of such publication and such coming into force:

— being of the opinion that the industrial sector of Québec wine makers could be seriously weakened if the regulatory provisions are maintained, Québec wine makers recently requested the Government to revoke the regulatory provisions identified in the regulation attached to this Order in Council;

— the issuance of permits allowing the marketing in grocery stores of proprietary brands of wine in association with the brand name of an authorized distributor would render redundant the evaluation of the claims that the provisions have a negative impact on the industry requesting they be revoked;

— the Government must be able to objectively evaluate the serious allegations of risk made by the industry in Québec, and to do so requires a minimum consultation and evaluation period in order to ensure the rights of all the parties concerned are respected and thus ensure the harmonious development of the industry before the wines are marketed in grocery stores;

WHEREAS it is expedient to make this Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Economic and Regional Development and Research and the Minister of Public Security:

THAT the Regulation to suspend certain regulatory provisions enacted under the Act respecting the Société des alcools du Québec, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation to suspend certain regulatory provisions enacted under the Act respecting the Société des alcools du Québec**

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, pars. 1, 7, 8 and 10)

### **Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit\***

**1.** The application of the following provisions of the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit is suspended for a period of three months beginning on the date of coming into force of this Regulation:

- (1) the third paragraph of section 3;
- (2) the second paragraph of section 4;

(3) the following words in the third paragraph of section 4: “provided that those brands and brand names of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of Act respecting the Société des alcools du Québec”.

### **Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit\*\***

**2.** The application of the second paragraph of section 6 of the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit is suspended for a period of three months beginning on the date of coming into force of this Regulation.

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

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\* The Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, made by Order in Council 2165-83 dated 19 October 1983 (1983, *G.O.* 2, 3668), was last amended by the regulation made by Order in Council 457-2001 dated 25 April 2001 (2001, *G.O.* 2, 2167). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

\*\* The Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit, made by Order in Council 2166-83 dated 19 October 1983 (1983, *G.O.* 2, 3671), was last amended by the regulation made by Order in Council 458-2001 dated 25 April 2001 (2001, *G.O.* 2, 2168). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.