

Gouvernement du Québec

**O.C. 136-2007, 14 February 2007**

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

Approval of the 2005-2006 schedule of contributions prepared by Éco Entreprises Québec for the “Containers and Packaging” and “Printed Matter” Classes

WHEREAS sections 53.31.1 and following of the Environment Quality Act (R.S.Q., c. Q-2) establish a regime intended to compensate municipalities for part of the costs incurred for the services provided for the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Act, Éco Entreprises Québec, as a certified body for the “containers and packaging” and “printed matter” classes, may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the designated materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

WHEREAS, under section 53.31.14 of the Act, the contributions payable shall be established on the basis of a schedule of contributions to be approved by the Government, which may provide for exemptions and exclusions and specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, in accordance with the requirements of that section, Éco Entreprises Québec conducted a special consultation of the persons concerned before determining such a schedule and submitting it to the government for approval;

WHEREAS, under section 53.31.15 of the Act, RECYC-QUÉBEC shall give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC as regards the 2005-2006 schedule of contributions prepared by Éco Entreprises Québec;

WHEREAS the payment of the contributions as compensation in the “Containers and Packaging” and “Printed Matter” classes will facilitate attainment of the objectives and time limits set out in the Politique québécoise de gestion des matières résiduelles 1998-2008;

WHEREAS it is expedient to approve the schedule of contributions prepared by Éco Entreprises Québec entitled “2005 and 2006 Rules Governing the Fee for “Containers and Packaging” and “Printed Matter” Classes”, attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister for Sustainable Development, Environment and Parks:

THAT the schedule of contributions prepared by Éco Entreprises Québec entitled “2005 and 2006 Rules Governing the Fee for “Containers and Packaging” and “Printed Matter” Classes”, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**2005 and 2006 Rules Governing the Fee for “Containers and Packaging” and “Printed Matter” Classes**

October 27, 2006

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## PREAMBLE

The Environment Quality Act, R.S.Q., c. Q-2 provides for provisions with respect to the compensation to municipalities for the services that the latter offer to ensure the recovery and reclaim of residual materials designated in the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, R.S.Q., c. Q-2, r.2.3. This regulation specifies the basic principles and main orientations regarding the contribution of the enterprises to the financing of recycling services.

Pursuant to section 53.31.5 of the act, a body certified by the Société québécoise de récupération et de recyclage is in charge of determining, by way of agreement with the municipal groupings, the total amounts of the net costs of the municipal services subject to compensation. The certified body shall remit to the Société québécoise de récupération et de recyclage the amount of the compensation owed to municipalities. In order to fulfill this obligation, the certified body may collect, from its members and from persons who or which, without being members, carry on similar activities to those carried on by the members in relation to the designated materials or classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

From this approach, the certified body also has the responsibility to prepare and propose a schedule of contributions in conformity with the objectives of the act:

the proposed schedule of contributions must be approved by the Government, and is afterwards published in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was certified, on June 9, 2005, to represent enterprises that market “containers and packaging” and “printed matter” classes of materials, and collect from the latter monetary compensations that will be remitted to municipalities.

The act dictates a number of requirements guiding ÉEQ’s actions in the preparation of the schedule of contributions, of the enterprises, which are:

— The contributions payable must be established on the basis of a schedule of contributions that has been the subject of a special consultation of the “targeted persons”;

— The criteria taken into account to determine the schedule must evolve over the years in order to foster the accountability of the various classes of persons as regards the environmental consequences of the products they manufacture, market, distribute or commercialize or the materials they otherwise generate, having regard to the content of recycled materials, the nature of materials used, the volume of residual materials produced and their potential for recovery, recycling and other forms of reclamation.

As for the regulation, it specifies various aspects of the act: more particularly, it specifies the minimal framework applicable to the schedule of contributions namely by establishing certain exemptions to the benefit of certain persons in respect of certain materials or, conversely, by targeting persons that alone may be required to pay contributions in respect of certain materials.

Section 53.31.14 of the act states that the schedule of contributions may provide for exemptions and exclusions and may specify the terms according to which the contributions are to be paid to ÉEQ.

The schedule of contributions prepared and proposed by ÉEQ has been drafted in such a way as to include all the elements enabling a person to determine its liability, to understand the scope of his obligations, to determine the amount of the payable contribution. In order to reach all those clarity and conciseness goals in a sole document, ÉEQ has reproduced certain provisions of the act and the regulation, and also proposes a section inherent to the definitions of the wording used.

In the same concern for clarity, ÉEQ proposes explanatory guidelines to targeted persons that are available on its website at [www.ecoentreprises.ca](http://www.ecoentreprises.ca)

ÉEQ favours alternative modes of dispute settlement that is mediation and arbitration, with respect to the quantity or determination of materials that must be taken into account in the report to be submitted.

During the time where ÉEQ is in possession of information that has been transmitted in the scope of the compensation regime, ÉEQ shall see that all agreed upon means are put in place to ensure the safety and confidentiality, and ensure the respect of all other obligations provided for by the act pertaining to the retention of this information.

The document hereunder constitutes the schedule of contributions proposed by ÉEQ for approval by the government.

## 1. DEFINITIONS

### 1.1 Definitions

In the Fee Schedule, unless the context indicates otherwise, the following words and expressions mean or refer to:

(a) “Classes of Materials”: classes of materials targeted by the Compensation Regime, i.e. “containers and packaging” and “printed matter” that are marketed and distributed in Québec and for which, for the purposes of the contribution, exclusions are prescribed under chapter 3 of the Fee Schedule;

(b) “Materials”: types of containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, table 1, column 3;

(c) “Act”: the Environment Quality Act, R.S.Q., c. Q-2, as amended from time to time;

(d) “Targeted Person”: a person obligated by the Compensation Regime and subject, for the purposes of the contribution, to exemptions and other terms prescribed under chapter 2 of the Fee Schedule;

(e) “First Supplier”: means a person who has a domicile or establishment in Québec and is the first to take title, or possession, or control, in Québec, of printed matter described in the Fee Schedule or a Product whose container or packaging is also described in the Fee Schedule;

(f) “Product”: good or service intended for consumers, whether sold or provided otherwise;

(g) “Compensation Regime”: the compensation regime prescribed by Chapter 1, Division VII, subdivision 4.1 of the Act and by the Regulation, as amended from time to time;

(h) “Regulation”: Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, R.S.Q., c. Q-2, r.2.3, as amended from time to time;

(i) “Fee Schedule”: the present fee schedule, as amended from time to time, including its appendixes;

(j) “Brand”: means a mark that is used by a person for the purpose of distinguishing or so as to distinguish Products or services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the Trade-marks Act, R.S.C., 1985, c. T-13;

(k) “Distinguishing Guise”: means the shaping of containers or packaging, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish Products manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others;

(l) “Name”: means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual.

(m) “Written Media”: class of material defined in the Regulation, not targeted by the Fee Schedule, and represented by RecycleMédias.

## 2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

### 2.1 Targeted Persons

2.1.1 The persons referred to in sections 3 and 4 of the Regulation, that is the owners of a Brand, a Name or a Distinguishing Guise are the only ones who may be required to pay a contribution for:

1° Containers and packaging used for commercializing or marketing in Québec a Product or service under that Brand, Name or Distinguishing Guise;

2° Containers and packaging identified by that Brand, Name or Distinguishing Guise;

3° Materials included in the printed matter class identified by that Brand, Name or Distinguishing Guise.

2.1.2 However, if the owner has no domicile or establishment in Québec, the First Supplier in Québec of the Products, or the containers and packaging, or of the printed matter, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer.

2.1.3 The following special rules apply in respect of containers or packaging added at retail outlets, whether or not the containers or packaging are subject to section 2.1.1, paragraphs 1 and 2, and section 2.1.2 of the Fee Schedule:

1° The payment of a contribution may not be required from the manufacturer of those containers and packaging or of a person having added containers or packaging at a retail outlet, subject to paragraph 2; and

2° Where a retail outlet is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the retail outlet is payable by the franchisor, owner of the chain, banner or group, as the case may be, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.

## 2.2 Exemptions

2.2.1 As provided for in section 5 of the Regulation, the following are exempt from paying a contribution in respect of the containers and packaging in relation to which they are already required to take recovery or reclamation measures:

1° Persons who are already required under a regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim containers or packaging;

2° Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-refillable containers;

3° Persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing on November 24th, 2004.

## 2.3 Voluntary Contributor

2.3.1 Éco Entreprises Québec may accept that a third party whose domicile or establishment is outside Québec and who is the owner of a Brand, a Name or a Distinguishing Guise becomes a voluntary contributor, notably if that third party satisfies the conditions set out in the following sections.

2.3.2 Voluntary contributors may only act to fulfill obligations that, according to the Fee Schedule, with regard to their Products, containers and packaging or printed matter, would be the responsibility of the First Supplier, and therefore may not act to fulfill the obligations of Targeted Persons pursuant to section 2.1.1.

2.3.3 A third party may be recognized as a voluntary contributor after having concluded an agreement with Éco Entreprises Québec that will namely include the following conditions:

— Undertake to pay the contribution pursuant to the Fee Schedule;

— Enter into this agreement freely;

— Undertake to file reports pursuant to the terms described in chapter 5;

— Undertake to shoulder the previously described responsibilities for all First Suppliers in Québec;

— Undertake to abide by the Québec laws and agree that lawsuits be instituted in the Province of Québec, according to the Québec laws.

Such a third party who is recognized as a voluntary contributor thus becomes a Targeted Person with regard to the contribution.

2.3.4 Éco Entreprises Québec may decide to conclude the agreement provided under section 2.3.3 with a third party, whose domicile or establishment is in Canada, but outside Québec, and, without being owner of a Brand, a Name or a Distinguishing Guise, is its main distributor in Québec. Section 2.3.2 also applies to this third party.

2.3.5 The First Supplier and the voluntary contributor are jointly responsible for the obligations which they are subject to pursuant to the Fee Schedule.

## 2.4 Publication of the names of targeted persons

2.4.1 Éco Entreprises Québec shall make available to its members a list including the names of any person registered with Éco Entreprises Québec pursuant to section 5.1.1.

### 3. DESIGNATION OF CLASSES OF MATERIALS REQUIRING A CONTRIBUTION

#### 3.1 “Containers and Packaging”: General Definition

3.1.1 As provided for in section 2 of the Regulation, the “containers and packaging” class includes all types of flexible or rigid materials, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a product or a set of products at any stage in the movement of the Product or set of Products from the producer to the ultimate user or consumer, especially for their presentation.

#### 3.2 “Containers and packaging” excluded from the contribution

3.2.1 The following containers and packaging are excluded from the contribution:

(a) Containers and packaging whose ultimate user is an industrial, commercial or institutional establishment and that are managed as residual materials by these establishments.

(b) As provided for in section 2 of the Regulation, tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or grouped packaging, such as wood pallets and transport containers, in order to prevent physical handling and transport damage. However, containers and packaging likely to be used not only for such transportation but also for delivery of Products directly to ultimate consumers or recipients of the Products, including paper, carton, polystyrene protection or plastic film shall be included in this class.

(c) Containers and packaging sold as Products; for the purpose of this paragraph, the Products otherwise provided remain included.

(d) Long-life containers or packaging: are considered as such containers and packaging designed to accompany, protect or store a Product throughout its life when the Product is designed to last for five (5) years or more. Examples of long-life containers and packaging include, but are not limited to, compact disc cases, tool boxes, etc.

(e) Containers and packaging accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such containers or packaging are taken into charge on that same site. As an example, but not limited to, such

excluded containers and packaging would be those accompanying food in a restaurant, except those accompanying drive-thru and take-out orders.

#### 3.3 “Printed matter”: General Definition

3.3.1 The “printed matter” class includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images.

#### 3.4 “Printed matter” excluded from the contribution

3.4.1 The following printed matter are excluded from the contribution:

(a) Printed matter whose ultimate user is an industrial, commercial or institutional establishment and that are managed as residual materials by these establishments;

(b) Books as well as Materials included in the Written Media class;

(c) Printed matter already included in the containers and packaging class;

(d) Papers and other cellulosic fibres sold as a Product, to the exception of publications not included in the Written Media class, blank printer paper, lined, cross-sectioned and blank paper, whether white or coloured, as well as notepads of all sizes that are however included. For the purpose of this paragraph, the Products provided free of charge remain included;

(e) Printed matter accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such printed matter is taken into charge on that same site. As an example, but not limited to, such excluded printed matter would be that accompanying food in a restaurant, except that accompanying drive-thru orders or that destined for take out.

### 4. DETERMINATION OF CONTRIBUTION AMOUNTS

#### 4.1 Payable contribution

4.1.1 A Targeted Person that marketed Classes of Materials in the course of year 2004 must contribute for year 2005, if the latter is still in operation on December 31, 2005.

4.1.2 A Targeted Person that marketed Classes of Materials in the course of year 2005 must contribute for year 2006.

4.1.3 The contribution amount due for years 2005 and 2006 is determined for each Class of Materials. That amount is calculated by multiplying the quantity, in kilograms, of each Material in a Class of Materials by the rate applicable to that Material as indicated in the schedule of contributions presented in Appendix A, section 1 for the year 2005, and in Appendix A, section 2 for the year 2006, and then by adding all these amounts.

4.1.4 Subject to section 4.1.5, any Targeted Person who has marketed from January 1st to December 31st, 2004, a total weight of less than 10 tonnes of one or more Material or group of Materials, or whose gross sales, receipts, revenue or other inflows in Québec for the same period were less than \$1,500,000, may, at the Targeted Person's option, pay the contribution required under section 5.1.3 of the Fee Schedule or a lump sum established at \$280.

4.1.5 Any Targeted Person who has marketed, from January 1st to December 31st, 2004, a total weight of more than 10 tonnes of one or more Material or group of Materials and who wishes to avail himself of the lump sum payment option set at \$280 cannot avail himself of the provisions set out at section 5.1.8

#### **4.2 Reference year for the calculation of the contribution**

4.2.1 For the purpose of calculating the payable contribution for 2005, Materials that must be considered are those marketed in Québec from January 1st, 2004, to December 31st, 2004;

4.2.2 For the purpose of calculating the contribution due for 2006, Materials that must be considered are those marketed in Québec from January 1st, 2004, to December 31st, 2004; in the event that the Targeted Person did not conduct its activities for the entire 12 months of year 2004, Materials that must be considered are those marketed in Québec from January 1st, 2005, to December 31st, 2005.

#### **4.3 Date, place and mode of payment of the contribution**

4.3.1 The payable contribution for years 2005 and 2006 shall be paid to Éco Entreprises Québec by the Targeted Person within a period of 120 days following the effective date of the Fee Schedule. It shall be made in a single payment.

#### **4.4 Penalties and interest**

4.4.1 Pursuant to section 53.31.16 of the Act, any contribution owed to Éco Entreprises Québec that has not been paid by a Targeted Person by the deadline shall be subject to interest at the rate indicated in section 28 of the Act respecting the Ministère du Revenu, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, as of the date on which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section.

4.4.2 In addition to interest applicable under section 4.4.1, any Targeted Person who has not paid the contribution within 210 days following the effective date of the Fee Schedule shall be subject to fees equal to a penalty of 10% of the contributions owed, this amount corresponding to costs incurred when Éco Entreprises Québec pursues a remedy to claim a sum it is owed.

4.4.3 Pursuant to section 53.31.16 of the Act, where Éco Entreprises Québec pursues a remedy to claim a sum it is owed, a penalty equal to 20% of the contribution is applicable.

#### **4.5 Mode of payment**

4.5.1 All contributions paid according to the Fee Schedule must be in Canadian legal currency.

#### **4.6 Deadline for payments**

4.6.1 Éco Entreprises Québec shall publish on its website all deadlines for the payment of contributions.

### **5. REGISTRATION AND REPORTING BY TARGETED PERSONS**

#### **5.1 Registration and reporting by targeted persons**

5.1.1 All Targeted Persons shall register with Éco Entreprises Québec by submitting the information required in Appendix B of the Fee Schedule.

5.1.2 Subject to section 5.1.8, for purposes of establishing the amount of the contribution according to chapter 4, all Targeted Persons shall also submit a Materials report by transmitting to Éco Entreprises Québec the information required in Appendix C of the Fee Schedule, notably:

(a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report;

(b) A description of excluded Materials that was not included in the Targeted Person's Materials report;

(c) A description of deducted Materials from the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials;

(d) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report;

(e) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.

5.1.3 Targeted Persons shall register and submit a Materials report for years 2005 and 2006.

5.1.4 A Targeted Person shall register no later than the 90th day following the effective date of the Fee Schedule.

5.1.5 A Targeted Person shall submit a Materials report no later than the 90th day following the effective date of the Fee Schedule.

5.1.6 Targeted Persons shall notify Éco Entreprises Québec of any change to information contained in the registration or the Materials report in the form of a notice of amendment within thirty (30) days of such change.

5.1.7 The registration, Materials report and notice of amendment shall be transmitted to Éco Entreprises Québec electronically, using the forms provided to this effect in Appendix B and available on Éco Entreprises Québec's website, and according to the submission procedures described on the site.

5.1.8 Targeted Persons who opted for lump sum payments established pursuant to section 4.1.4 can, aside from the procedure set out in section 5.1.7, choose to transmit the registration on paper. The registration shall, in this case, be personally signed by the person designated, by resolution, by the Targeted Person, and shall be submitted in one of the following manners: delivered in person to Éco Entreprises, by fax or by mail. This document shall be prepared using the form available on the Éco Entreprises Québec website at [www.ecoentreprises.ca](http://www.ecoentreprises.ca), or from the head office.

## 5.2 Billing

5.2.1 For each year of contribution, Éco Entreprises Québec sends Targeted Persons an invoice setting out the contribution. The invoice is sent by e-mail upon receipt of the submitted Materials report and on the basis of the information contained in it, before such Materials report has been reviewed and, in some cases, verified by Éco Entreprises Québec according to the procedure described in subdivision 5.3.

5.2.2 Any failure of registration, submission of Materials report or submission of incomplete, late or fraudulent Materials report gives rise to Éco Entreprises Québec of the possibility to compute the amount of the contribution payable by means of an estimate based on all elements in its possession, notably on the installation or activities of the Targeted Person, or by a recognized fixed-price estimate method, and without prejudice to any possible lawsuit.

## 5.3 Audit of the Materials report and Records retention

5.3.1 Notwithstanding the information and documents that the Targeted Person has to produce pursuant to Appendix C, Éco Entreprises Québec reserves the right to request the Targeted Person to provide complementary information such as data tables, audit reports, list of Brands reported, and list of Brands excluded from the Materials report and the allocation of percentages that were used by the Targeted Person to prepare its report.

5.3.2 Éco Entreprises Québec may review the Materials report submitted by a Targeted Person and require that the necessary corrections be later made by the Targeted Person. Éco Entreprises Québec may also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice determining the adjustment to the payable contribution will then be sent to the Targeted Person.

5.3.3 The amount of the adjustment to the payable contribution indicated in the revised invoice shall be paid to Éco Entreprises Québec by the Targeted Person within thirty (30) days of the issuance of the invoice. It shall be made in a single payment. In the case of a credit, Éco Entreprises Québec undertakes to apply the amount to the next invoice to be sent.

5.3.4 With regard to such revised invoice, any owed or unpaid contribution, at the deadline, by a Targeted Person to Éco Entreprises Québec, may be subject to interest pursuant to terms in section 53.31.16 of the Act, at the rate indicated in section 28 of the Act respecting the Ministère du Revenu, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, starting from the date at which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section.

5.3.5 In addition to interest applicable according to section 5.3.4, a Targeted Person who does not pay the contribution indicated in the revised invoice within one hundred and twenty (120) days of receipt of the invoice shall be subject to fees equal to 10% of payable contributions, this amount corresponding to costs incurred by Éco Entreprises Québec for the claim of the sum it is owed.

5.3.6 Any Targeted person shall keep a record of all documents and other medium used to prepare the Materials Report for a period of at least five (5) years from the date of submission of the Materials report. Any Targeted person shall make those informations available for consulting and copying by Éco Entreprises Québec, during the normal business hours, and following a previous notice from Éco Entreprises Québec to that effect.

## 6. DISPUTE RESOLUTION

### 6.1 Procedure

6.1.1 In case of a dispute between the Targeted Person and Éco Entreprises Québec regarding the quantity or the qualification of Materials to be taken into account in the Materials report, Éco Entreprises Québec and the Targeted Person shall endeavour to resolve the dispute either through discussion among their respective representatives within thirty (30) days following the submission of a written notice of dispute, or by mutual agreement, which will be entered in writing.

6.1.2 Éco Entreprises Québec favours alternative modes of dispute settlement, that is mediation and arbitration, and with regard to the quantity or category of Materials that must be taken into account in the Targeted person's Materials report.

## 7. ADJUSTMENTS

### 7.1 Adjustment clauses

7.1.1 In cases where, for a particular Class of Materials, Éco Entreprises Québec accumulates over one year an amount that exceeds by five (5) % that necessary to pay the amount of the compensation required pursuant to the Compensation Regime and the amount to cover its management costs and other expenses, Éco Entreprises Québec shall grant the Targeted Person a credit on the payable contribution for the year following the finding of this surplus. This credit shall be distributed on a prorated basis according to amounts paid by Targeted Persons for the Class of Materials in question, and that for the year during which this surplus will have been accumulated.

7.1.2 In cases where, for a particular Class of Materials, Éco Entreprises Québec does not collect over one year the sufficient sum to pay the amount of the compensation required pursuant to the Compensation Regime as well as to cover its management costs and other expenses related to the Compensation Regime, Éco Entreprises Québec shall apply to the Targeted Persons an adjustment to the payable contribution the year following such a monetary shortfall. This adjustment shall be distributed on a prorated basis according to amounts paid by Targeted Persons for the Class of Materials in question and that for the year during which this deficit will have been accumulated.

## 8. EFFECTIVE DATE AND DURATION

### 8.1 Effective Date

8.1.1 The Fee Schedule shall be effective on the 15th day following its publication in the *Gazette officielle du Québec*, that is on March 15, 2007.

### 8.2 Duration

8.2.1 The Fee Schedule shall be valid for the 2005 and 2006 contribution years.



**APPENDIX A**  
CONTRIBUTION TABLES

**Section 1**

Contribution Table – 2005

**Table 1**

Fee

For the period from March 1st, 2005, through December 31st, 2005<sup>1</sup>

| Classes of materials            | Sub-classes of materials | Materials  | Annualized contributions<br>€/kg |
|---------------------------------|--------------------------|--|----------------------------------|
| <b>Printed matter</b>           |                          | • Inserts and circulars printed on newsprint paper | 2.844                            |
|                                 |                          | • Catalogues and publications                      | 7.796                            |
|                                 |                          | • Directories                                      | 7.796                            |
|                                 |                          | • Paper for general use                            | 7.796                            |
|                                 |                          | • Other printed matter                             | 7.796                            |
| <b>Containers and packaging</b> | Paperboard               | • Corrugated carton                                | 5.562                            |
|                                 |                          | • Boxboard and other paper packaging               | 5.562                            |
|                                 |                          | • Gable-top containers                             | 7.024                            |
|                                 |                          | • Laminated of paper                               | 7.024                            |
|                                 |                          | • Aseptic containers                               | 7.024                            |
|                                 | Plastics                 | • PET bottles                                      | 8.604                            |
|                                 |                          | • HDPE bottles                                     | 6.922                            |
|                                 |                          | • Laminates  | 11.912                           |
|                                 |                          | • Plastic HDPE and LDPE film                       | 11.912                           |
|                                 |                          | • Polystyrene                                      | 11.912                           |
|                                 |                          | • Other rigid plastics                             | 11.912                           |
|                                 | Aluminium                | • Aluminium containers for food and beverages      | 1.121                            |
|                                 |                          | • Other aluminium packaging                        |                                  |
|                                 | Steel                    | • Aerosol containers                               | 3.531                            |
|                                 |                          | • Other steel containers                           |                                  |
|                                 | Glass                    | • Clear glass                                      | 2.557                            |
|                                 |                          | • Coloured glass                                   | 2.682                            |

<sup>1</sup> 2004 being the year of reference for the calculation of the contribution for years 2005 and 2006, the Targeted Persons are in the obligation, for the purpose of the application of divisions 4 and 5, and subject to section 4.2.2 in fine, of declaring the materials that were marketed in Québec for the 12 months comprised between January 1st, 2004 and December 31st, 2004. However, for year 2005, since the contribution is due as of March 1st, 2005 an annuity factor of 10/12 (0.833) is applied by Éco Entreprises Québec in order for this adjustment to be taken into account in the determination of the payable contribution for this year 2005.

**Section 2**

Contribution Table – 2006

**Table 2**

Fee

For the period from January 1st, 2006 through December 31st, 2006

| <b>Classes of materials</b>     | <b>Sub-classes of materials</b> | <b>Materials</b>                                   | <b>Annualized contributions<br/>¢/kg</b> |
|---------------------------------|---------------------------------|--|--|
| <b>Printed matter</b>           |                                 | • Inserts and circulars printed on newsprint paper | 2.891                                    |
|                                 |                                 | • Catalogues and publications                      | 7.925                                    |
|                                 |                                 | • Directories                                      | 7.925                                    |
|                                 |                                 | • Paper for general use                            | 7.925                                    |
|                                 |                                 | • Other printed matter                             | 7.925                                    |
| <b>Containers and packaging</b> | Paperboard                      | • Corrugated carton                                | 5.654                                    |
|                                 |                                 | • Boxboard and other paper packaging               | 5.654                                    |
|                                 |                                 | • Gable-top containers                             | 7.141                                    |
|                                 |                                 | • Laminated of paper                               | 7.141                                    |
|                                 |                                 | • Aseptic containers                               | 7.141                                    |
|                                 | Plastics                        | • PET bottles                                      | 8.748                                    |
|                                 |                                 | • HDPE bottles                                     | 7.037                                    |
|                                 |                                 | • Laminates  | 12.110                                   |
|                                 |                                 | • Plastic HDPE and LDPE film                       | 12.110                                   |
|                                 |                                 | • Polystyrene                                      | 12.110                                   |
|                                 |                                 | • Other rigid plastics                             | 12.110                                   |
|                                 | Aluminium                       | • Aluminium containers for food and beverages      | 1.145                                    |
|                                 |                                 | • Other aluminium packaging                        |  |
|                                 | Steel                           | • Aerosol containers                               | 3.590                                    |
|                                 |                                 | • Other steel containers                           |  |
| Glass                           | • Clear glass                   | 2.600  |  |
|                                 | • Coloured glass                | 2.727  |  |

**APPENDIX B**  
**TARGETED PERSON REGISTRATION FORM**

**Company Information:**

Name of the company  
 Address  
 Municipality  
 Province / State  
 Postal Code  
 Company website  
 Telephone  
 Number  
 Fax number

**Primary Contact for the Company:**

The company's primary contact is the person authorized to represent the company with regard to its compensation regime obligations.

Last name  
 First name  
 Title  
 Telephone number at work  
 E-mail

**DISCLOSURE OF THE TARGETED PERSON:**

**Classification of your company with regard to the reference year**

**Submission qualification question**

| Obligation year | Civil year | Designated materials ultimately intended to consumers? |    | Gross sales, receipts, revenue less than \$1,5 million? |    | Quantity generated less than 10 tons? |    |
|-----------------|------------|--|----|---|----|---------------------------------------|----|
|                 |            | Yes  | No | Yes   | No | Yes                                   | No |
| 2005            | 2004       |  |    |   |    |                                       |    |
| 2006            | 2005       |  |    |   |    |                                       |    |

**APPENDIX C****MATERIALS REPORT (In kilograms)**

| Category of materials           | Sub-category of materials | Materials  | Qty of materials marketed in Qc- kg | Annuity factor 2005 (10/12=.833) | Annuity factor 2006 (1) |
|---------------------------------|---------------------------|--|-------------------------------------|----------------------------------|-------------------------|
| <b>Printed matter</b>           |                           |  |                                     |                                  |                         |
|                                 |                           | • Inserts and circulars printed on newsprint paper |                                     | .833                             | 1                       |
|                                 |                           | • Catalogues and publications                      |                                     | .833                             | 1                       |
|                                 |                           | • Directories                                      |                                     | .833                             | 1                       |
|                                 |                           | • Paper for general use                            |                                     | .833                             | 1                       |
|                                 |                           | • Other printed matter                             |                                     | .833                             |                         |
| <b>Containers and packaging</b> |                           |  |                                     |                                  |                         |
|                                 | Paperboard                | • Corrugated carton                                |                                     | .833                             | 1                       |
|                                 |                           | • Boxboard and other paper packaging               |                                     | .833                             | 1                       |
|                                 |                           | • Gable-top containers                             |                                     | .833                             | 1                       |
|                                 |                           | • Laminated of paper                               |                                     | .833                             | 1                       |
|                                 |                           | • Aseptic containers                               |                                     | .833                             | 1                       |
|                                 | Plastics                  | • PET bottles                                      |                                     | .833                             | 1                       |
|                                 |                           | • HDPE bottles                                     |                                     | .833                             | 1                       |
|                                 |                           | • Laminates  |                                     | .833                             | 1                       |
|                                 |                           | • Plastic HDPE and LDPE film                       |                                     | .833                             | 1                       |
|                                 |                           | • Polystyrene                                      |                                     | .833                             | 1                       |
|                                 |                           | • Other rigid plastics                             |                                     | .833                             | 1                       |
|                                 | Aluminium                 | • Aluminium containers for food and beverages      |                                     | .833                             | 1                       |
|                                 |                           | • Other aluminium packaging                        |                                     |                                  |                         |
|                                 | Steel                     | • Aerosol containers                               |                                     | .833                             | 1                       |
|                                 |                           | • Other steel containers                           |                                     |                                  |                         |
|                                 | Glass                     | • Clear glass                                      |                                     | .833                             | 1                       |
|                                 |                           | • Coloured glass                                   |                                     | .833                             | 1                       |

Along with the registration form and Materials report, the Targeted Person shall provide:

(a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report.

(b) A description of excluded Materials that were not included in the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials.

(c) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report.

(d) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.

Notwithstanding the above, Éco Entreprises Québec reserves the right to request from the Targeted Person complementary information (for example, data tables, audit reports, list of Brands reported and list of Brands excluded from the Materials report and the allocation of percentages) that were used by the Targeted Person to prepare its report.

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