

## Regulations and other acts

Gouvernement du Québec

**O.C. 199-2009**, 12 March 2009

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

Approval of Éco Entreprises Québec's 2007 schedule of contributions 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 are to be established on the basis of a schedule of contributions to be approved by the Government, which may provide for exemptions or 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 is to 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 2007 schedule of contributions established by Éco Entreprises Québec;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, the Regulations Act (R.S.Q., c. R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

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

THAT the schedule of contributions established by Éco Entreprises Québec, entitled 2007 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### 2007 Schedule of contribution for "Containers and Packaging" and "Printed Matter" Classes

#### RULES GOVERNING THE FEES AND CONTRIBUTIONS TABLE

December 12, 2008

#### TABLE OF CONTENTS

##### Preamble

##### 1. Definitions

###### 1.1 Definitions

##### 2. Designation of persons subject to paying a contribution

###### 2.1 Targeted persons

###### 2.2 Exemptions

###### 2.3 Voluntary contributor

###### 2.4 Publication of the names of targeted persons

##### 3. Designation of classes of materials requiring a contribution and exclusions

###### 3.1 "containers and packaging": general definition

###### 3.2 "containers and packaging" included in the payable contribution

###### 3.3 "containers and packaging" excluded from the payable contribution

###### 3.4 "printed matter": general definition

###### 3.5 "printed matter" included in the payable contribution

###### 3.6 "printed matter" excluded from the contribution

4. Determination of contribution amounts
  - 4.1 Payable contribution, obligation year and reference year for the calculation of the contribution
  - 4.2 Option of lump sum payment
  - 4.3 Date, place and mode of payment of the contribution
  - 4.4 Interest, recovery rate and penalties
5. Registration and reporting by targeted persons
  - 5.1 Registration and reporting by targeted persons
  - 5.2 Billing
  - 5.3 Audit of the materials report and records retention
6. Dispute resolution
  - 6.1 Procedure
7. Adjustments
  - 7.1 Adjustment procedures
8. Effective date and duration
  - 8.1 Effective date
  - 8.2 Duration

Appendix A: 2007 Contribution table

Appendix B: Targeted person registration form

Appendix C: Materials report in kilograms

## 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 compen-

sation 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 contribution in conformity with the objectives of the act: the proposed rules of contributions must be approved by the Government, and are 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 contribution incorporating governing rules and a contribution table that has been the subject of a special consultation of the “targeted persons”;

— The criteria taken into account to determine the schedule of contribution 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 contribution 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 contribution 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 2007 schedule of contribution for “Containers and Packaging” and “Printed Matter” Classes proposed by ÉEQ for approval by the government.

## 1. DEFINITIONS

### 1.1 Definitions

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

*a)* “Classes of Materials”: two (2) of the three (3) 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 Schedule of contribution;

*b)* “Materials”: types of containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, 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 Schedule of contribution;

*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 Schedule of contribution or a Product whose container or packaging is also described in the Schedule of contribution ;

*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);

*i)* “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);

*j)* “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;

*k)* “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;

*l)* “Written Media”: one of the three (3) classes of material also stipulated in the Regulation, but not targeted by the Schedule of contribution, 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 6 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 Schedule of contribution:

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.

2.2.2 Are also exempt from paying a contribution in regard to containers and packaging and printed matter:

1° The Targeted Persons whose gross sales, receipts, revenues or other inflows in Québec were less than or equal to \$1,000,000 or generated a total weight of less than or equal to 1 metric ton of one or more Material or group of Materials;

2° The Targeted Persons who operate only one retail outlet and which location is not 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.

## 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 Schedule of contribution, 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 Schedule of contribution;

— 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 Schedule of contribution.

## 2.4 Publication of the names of targeted persons

2.4.1 Éco Entreprises Québec shall make available a list including the names of any person who registered pursuant to division 5.1.

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

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

3.1.1 As provided for in section 2 of the Regulation, the “containers and packaging” Class of materials 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” included in the payable contribution

3.2.1 The following containers and packaging must notably be included in the establishment of the payable contribution:

- a) Paperboard
  - Corrugated carton
  - Boxboard and other paper packaging
  - Paper laminants
  - Gable-top containers
  - Aseptic containers

- b) Plastics

- PET bottles
- HDPE bottles
- Plastic Laminants
- Plastic HDPE and LDPE film
- Polystyrene
- Other rigid plastics, polymers and polyurethane

- c) Steel

- Aerosol containers
- Other steel containers

- d) Aluminium

- Aluminium food and beverages containers
- Other aluminium packaging

- e) Glass

- Clear glass
- Coloured glass

f) Containers and packaging given out free of charge as Products

### 3.3 “Containers and packaging” excluded from the payable contribution

3.3.1 The following containers and packaging are excluded from the establishment of the payable contribution:

a) Containers and packaging whose ultimate user is an industrial, commercial or institutional establishment;

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 remain covered and must consequently be included in the establishment of the payable contribution;

c) Containers and packaging sold as Products subject to those, covered by section 3.2.1. paragraph f;

*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, but not those accompanying drive-thru and take-out orders.

### 3.4 “Printed matter”: General Definition

3.3.1 As provided for in section 2 of the Regulation, the “printed matter” Class of Materials includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images.

### 3.5 “Printed matter” included in the payable contribution

3.5.1 The following types of printed matter must notably be included in the establishment of the payable contribution:

- a)* Inserts and circulars printed on newsprint paper;
- b)* Catalogues, guides, directories, brochures, calendars of events and other publications which principal object aims at promoting or selling a product or service including publications not included in the “Written Media”;
- c)* Telephone book;
- d)* Paper for general use such as blank printer paper, lined, cross-sectioned and blank paper, whether white or coloured, as well as notepads of all sizes;
- e)* Other printed matter such as invoices, envelopes, news letters, annual reports, circulars printed on glossy paper, prospectuses and reports on investments;
- f)* Papers and other cellulosic fibers given out free of charge as a Product such as calendars or greeting cards.

3.5.2 Without limitation, the following criteria may be referred to assist in the determination of what constitutes “publications not included in the “Written Media” “ as per section 3.5.1*b*. The presence of one or several of the following criteria will determine the nature of the writing. A writing will therefore be covered by

the category of printed matter included in the payable contribution if one or several of the following criteria are applicable to it:

*a)* The main object of the writing is the promotion, the sale, the programming or the raising of awareness of a product, service or event;

*b)* The objective of the writing is:

*i.* Promoting products, services or events or supplying any other type of information related to their promotion or marketing or

*ii.* Proposing an item that complements the offered product, service or event or

*iii.* Providing a progress report or an update on an issue;

*c)* The content of the writing is:

*i.* Prepared by or for an entity which function or principal activity is not information or

*ii.* Discretionary;

*d)* Distribution of the writing is:

*i.* limited to members, individually or in association, free or for a fee or

*ii.* limited to clients, shareholders, citizens or through other forms of affiliation to a business, a commercial establishment, an institution, an association or a governmental organization;

*e)* The authorship of the writing is directed by employees or members of a business, a commercial establishment, an institution, an association or a governmental organization;

*f)* The financing of the writing is supported in whole or in part by a business, a commercial establishment, an institution, an association or a governmental organization

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

3.6.1 The following printed matter are excluded from the payable contribution:

*a)* Printed matter whose ultimate user is an industrial, commercial or institutional establishment;

*b)* Books as well as materials included in the Written Media;

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 those included in section 3.5.1, paragraphs *d* and *f*;

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.

#### 4. DETERMINATION OF CONTRIBUTION AMOUNTS

##### 4.1 Payable contribution, obligation year and reference year for the calculation of the contribution

4.1.1 A Targeted Person that marketed Classes of Materials in the course of the year 2006 must contribute for the year 2007, which year constitutes the obligation year.

4.1.2 For the purpose of calculating the payable contribution for 2007, the Materials that must be considered are those marketed in Québec from January 1st, 2007, to December 31st, 2007, which year constitutes the reference year.

4.1.3 The contribution amount due for the 2007 obligation year 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 table of contributions presented in Appendix A and then by adding all these amounts.

##### 4.2 Option of lump sum payment

4.2.1 Any Targeted Person whose gross sales, receipts, revenues or other inflows in Quebec, from January 1st to December 31st, 2007, were more than \$1,000,000 or who has marketed, for the same period, a total weight of more than 1 metric ton but less than or equal to 5 metric tons of one or more Material or group of Materials may either pay the contribution established under section 4.1.3 of the Schedule of contribution or opt to pay the lump sum payment set as follows:

a) When the total weight of Materials or group of Materials is less than or equal to 2.5 metric tons, the lump sum payable contribution is established at \$150;

b) When the total weight of Materials or group of Materials is more than 2.5 metric tons but less than or equal to 5 metric tons, the lump sum payable contribution is established at \$300.

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

4.3.1 The payable contribution for the 2007 obligation year shall be paid to Éco Entreprises Québec by the Targeted Person within a period of 120 days following the effective date of the Schedule of contribution. It shall be made in a single payment.

Éco Entreprises Québec shall publish on its website the deadline for the payment of the payable contribution.

4.3.2 All contributions paid according to the Schedule of contribution must be in Canadian legal currency.

4.3.3 The payment of the contribution according to the Schedule of contribution may be effected by various means such as by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is effected by wire transfer or through a centralized payment service, a written notice to that effect should be submitted to Éco Entreprises Québec. In the event such notice is not forwarded, Éco Entreprises Québec may not be held liable if the amount of the contribution is not applied.

##### 4.4 Interest, recovery rate and penalties

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.

The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice.

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 Schedule of contribution shall be subject to fees equal to a recovery rate 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.

## 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 Schedule of contribution.

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 Schedule of contribution, 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 year 2007.

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

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

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 4.2.1 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.eccentreprises.ca](http://www.eccentreprises.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 division 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.

This imposed invoice, which will include accumulated interest and the cost of recovery to date, is payable within a delay of 30 days from its date. In the event payment is received within the prescribed delay, the accumulated daily interest between the date of the invoice and the date of payment will be waived.

5.2.3 A Targeted Person to whom an imposed invoice is transmitted may, within 90 days from the date of this invoice, attempt to negotiate a settlement with Éco Entreprises Québec regarding the amount of the payable contribution. This attempt does not however exempt the Targeted Person from the obligation to pay the contribution in accordance with section 5.2.2 paragraph 2. Where the agreement reached on the payable contribution results in an over payment, the procedure dealing with the credit of contribution found at paragraph *b* of section 5.3.3 will apply.

5.2.4 Éco Entreprises Québec reserves its rights to request any document and information it deems essential to calculate the payable contribution in accordance with section 5.2.1.



### 5.3 Audit of the Materials report and Records retention

5.3.1 Notwithstanding the information and documents that the Targeted Person must produce pursuant to Appendix C, Éco Entreprises Québec reserves the right to request the Targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the Schedule of contribution, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report, 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:

a) Any Targeted Person who availed itself of the lump sum payment option and was eventually found to be erroneously subject to the present Schedule of contribution, will be reimbursed upon its request for modification being approved by Éco Entreprises Québec.

b) Any Targeted Person who submitted an amended Materials report resulting in a credit to the contribution will benefit by the value of this credit being applied to the contribution payable for the ensuing year. Any surplus will be reimbursed.

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. The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice.

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 recovery 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. The rules set out in the Code of Civil Procedure are applicable if this mode of dispute resolution is chosen.

## 7. ADJUSTMENTS

### 7.1 Adjustment procedures

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 Materials of each sub-class of Materials 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 Materials of each sub-class of Materials 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 Schedule of contribution shall be effective on the fifteenth day following its publication in the *Gazette officielle du Québec*, on 9 April 2009.

### 8.2 Duration

8.2.1 The Schedule of contribution shall be valid for the 2007 obligation year.

## APPENDIX A

### 2007 CONTRIBUTION TABLE

**Table 1**

Contribution for the period from

January 1st, 2007, through December 31st, 2007<sup>1</sup>

Classes of materials	Sub-classes of materials	Materials	Annualized contributions ¢/kg
<b>Printed matter</b>		• Inserts and circulars printed on newsprint paper	5,776
		• Catalogues and publications	14,584
		• Telephone Books	14,584
		• Paper for general use	14,584
		• Other printed matter	14,584
<b>Containers and Packaging</b>	Paperboard	• Corrugated carton	6,671
		• Boxboard and other paper packaging	6,671
		• Gable-top containers	8,964
		• Paper laminants	8,964
		• Aseptic containers	8,964

Classes of materials	Sub-classes of materials	Materials	Annualized contributions ¢/kg
	Plastics	<ul style="list-style-type: none"> <li>• PET bottles</li> <li>• HDPE bottles</li> <li>• Plastic laminants</li> <li>• Plastic HDPE and LDPE film</li> <li>• Polystyrene</li> <li>• Other rigid plastics, polymers and polyurethane</li> </ul>	10,922 8,310 15,808 15,808 17,293 12,878
	Aluminium	<ul style="list-style-type: none"> <li>• Aluminium containers for food and beverages</li> <li>• Other aluminium packaging</li> </ul>	6,203
	Steel	<ul style="list-style-type: none"> <li>• Aerosol containers</li> <li>• Other steel containers</li> </ul>	8,158
	Glass	<ul style="list-style-type: none"> <li>• Clear glass</li> <li>• Coloured glass</li> </ul>	3,732 3,717

<sup>1</sup> For the calculation of the contribution for the 2007 obligation year, the Targeted Persons must, for the purpose of the application of chapters 4 and 5, declare the materials that were marketed in Québec for the 12 months comprised between January 1st, 2007 and December 31st, 2007, that is for the reference period prescribed in section 4.1.2.

## APPENDIX B TARGETED PERSON REGISTRATION FORM

### Registration

#### Company Information:

ÉEQ Company Number  
 Name of the company  
 Address  
 Municipality  
 Province / State / Country  
 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**

**Submission qualification question**

Obligation year <sup>1</sup>	Civil years <sup>2</sup>	Designated materials ultimately intended to consumers? <sup>3</sup>		Gross sales, receipts, revenue less than or equal \$1 million? <sup>3</sup>		Quantity generated less than or equal 5 metric tons? <sup>3</sup>	
		Yes	No	Yes	No	Yes	No
2007	2006						

**Gross sales, receipts, revenues or other inflows of less than or equal \$1,000,000?**

Yes       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated of less than or equal 1 metric ton?**

Yes       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated more than 1 ton and less than or equal 2.5 metric tons?**

Yes       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$150. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, please proceed to the next question.

**Quantity generated more than 2.5 tons and less than or equal 5 metric tons?**

Yes       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$300. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, the Targeted Person must file the “standard or formal” declaration and may do so by utilising the suggested model calculators which are available on demand.

<sup>1</sup> Year of the Schedule of contribution

<sup>2</sup> Year to consider to establish the obligation to contribute for the obligation year as determined in section 4.1.1

<sup>3</sup> For the reference year, from January 1st 2007 to December 31st, 2007, as determined by section 4.1.2

**APPENDIX C**  
**MATERIALS REPORT IN KILOGRAMS**

<b>Category of Materials</b>	<b>Sub-category of materials</b>	<b>Materials</b>	<b>Qty of material marketed in Qc-Kg</b>
<b>Printed matter</b>		<ul style="list-style-type: none"> <li>• Inserts and circulars printed on newsprint paper</li> <li>• Catalogues and publications</li> <li>• Telephone Books</li> <li>• Paper for general use</li> <li>• Other printed matter</li> </ul>	
<b>Containers and Packaging</b>	Paperboard	<ul style="list-style-type: none"> <li>• Corrugated carton</li> <li>• Boxboard and other paper packaging</li> <li>• Gable-top containers</li> <li>• Paper laminants</li> <li>• Aseptic containers</li> </ul>	
	Plastics	<ul style="list-style-type: none"> <li>• PET bottles</li> <li>• HDPE bottles</li> <li>• Plastic laminants</li> <li>• Plastic HDPE and LDPE film</li> <li>• Polystyrene</li> <li>• Other rigid plastics, polymers and polyurethane</li> </ul>	
	Aluminium	<ul style="list-style-type: none"> <li>• Aluminium containers for food and beverages</li> <li>• Other aluminium packaging</li> </ul>	
	Steel	<ul style="list-style-type: none"> <li>• Aerosol containers</li> <li>• Other steel containers</li> </ul>	
	Glass	<ul style="list-style-type: none"> <li>• Clear glass</li> <li>• Coloured glass</li> </ul>	

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 and as determined by section 5.3.1., Éco Entreprises Québec reserves the right to request from the targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the Schedule of contribution, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report as well as the 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.