Regulations and other Acts

Gouvernement du Québec

O.C. 597-2011, 15 June 2011

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

Recovery and reclamation of products by enterprises

Regulation respecting the recovery and reclamation of products by enterprises

WHEREAS, under subparagraph *e*.1 of the first paragraph of section 31, subparagraphs 1, 2, 6 and 7 of the first paragraph of section 53.30, subparagraphs 14 and 15 of the first paragraph of section 70.19 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting the recovery and reclamation of products by enterprises was published in Part 2 of the *Gazette officielle du Québec* of 25 November 2009, with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation respecting the recovery and reclamation of products by enterprises, with amendments that take into account the comments received following publication in the *Gazette officielle du Québec*;

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

THAT the Regulation respecting the recovery and reclamation of products by enterprises, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. *e*.1, s. 53.30, 1st par., subpars. 1, 2, 6 and 7, s. 70.19, 1st par., subpars. 14 and 15, and s. 109.1)

CHAPTER I
PURPOSE

1. The purpose of this Regulation is to reduce the quantities of residual materials to be disposed of by assigning responsibility to enterprises for the recovery and reclamation of the products referred to in Chapter VI and marketed by them and by promoting the design of products more respectful of the environment.

CHAPTER II
RECOVERY AND RECLAMATION PROGRAM

2. Every enterprise that markets a new product referred to in this Regulation under a brand, a name or a distinguishing guise owned or used by the enterprise must recover and reclaim, or cause to be recovered and reclaimed, by means of a recovery and reclamation program developed in accordance with section 5, any product of the same type as the product marketed by the enterprise and that is deposited at one of its drop-off centers or for which the enterprise offers, if applicable, a collection service.

If a product is marketed under more than one brand, name or distinguishing guise, the obligation provided for in the first paragraph falls on the enterprise responsible for the product's design.

Despite the first and second paragraphs, that obligation falls on the enterprise that acts as the first supplier of that product in Québec, whether or not the enterprise is the importer, in the following cases:

(1) the enterprise referred to in the first or second paragraph has no domicile or establishment in Québec;

(2) the enterprise that markets the product acquires the product outside Québec, regardless of whether the enterprise owning or using the brand, name or distinguishing guise has a domicile or establishment in Québec; or

(3) a product does not bear any brand, name or distinguishing guise.

Where enterprises referred to in this section are part of the same chain, franchise or banner, they may form a group to develop, in accordance with section 5, a common recovery and reclamation program pertaining to the products referred to in this Regulation and marketed by them under the same brand, name or distinguishing guise, or for which they act as first supplier. The group is then considered as an enterprise for the purposes of this Regulation.

3. An enterprise that markets a product a component of which is a product referred to in this Regulation must recover and reclaim, or cause to be recovered and reclaimed, any original component or replacement component of the same type as that marketed by the enterprise, whether or not the main product is covered.

However, if the main product is not designed to allow the easy removal or replacement of the component by the consumer, in such a way as it is normally discarded with the main product, the enterprise is required to recover and reclaim only the components contained in products of the same type as the main product marketed by the enterprise.

The provisions of this Regulation apply, with the necessary modifications, to an enterprise referred to in the first and second paragraphs.

This section does not apply to an enterprise that is a small supplier within the meaning of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1).

4. An enterprise referred to in section 2, 3 or 8 is exempt from the requirements of this Regulation, subject to the requirements in the third paragraph of section 6 and sections 7 and 12, if the enterprise, to ensure the recovery and reclamation of a product referred to in this Regulation and marketed by it, is a member of an organization

(1) the function or one of the functions of which is to implement or to contribute financially towards the implementation of a recovery and reclamation system for such product, in accordance with the conditions determined in an agreement entered into under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (R.S.Q., c. Q-2); and

(2) the name of which appears on a list published in the *Gazette officielle du Québec* in accordance with subparagraph *b* of subparagraph 7 of the first paragraph of section 53.30 of the Act.

5. A recovery and reclamation program must

(1) provide for the management of recovered products to ensure their reclamation, by focusing, in declining order of priority, on reuse, recycling, including biological reclamation, any other reclamation operation whereby residual materials are processed to be used as substitutes for raw materials and energy recovery, or ultimately their disposal, in that order, subject to the following cases:

(a) a life cycle analysis, complying with the applicable ISO standards and taking into account the perenniality of resources and the externalities of various management methods for recovered materials, shows that a method is more advantageous than another in environmental terms;

(b) the existing technology or the applicable laws and regulations does not allow for the use of a management method in the prescribed order;

(2) ensure that the management of recovered products, including the recovery, transportation, storage, sorting, consolidation, conditioning and any other treatment of the recovered products, is carried out by the enterprise, service providers and subcontractors in accordance with the best practices and accepted standards;

(3) provide for operating rules, criteria and requirements to be complied with by a service provider selected, including subcontractors, for the management of recovered products and provide for measures to ensure compliance;

Those operating rules, criteria and requirements must address the following topics, in particular:

(a) the applicable rules, regulations and conventions;

(b) the management of recovered products and materials, including the methods, procedures and equipment to be favoured according to the best practices and taking into account documentation, transportation, handling, treatment, reclamation, storage and disposal of the products and materials, as well as the traceability of products and materials forwarded to a third person;

(c) an environmental management system pertaining to

i. environmental performance monitoring;

ii. the management of risks and operation safety, as well as the safe treatment of products and materials;

iii. the training and information of employees;

iv. the improvement of practices and procedures;

(d) the reporting and the verification of information;

(e) all measures for the maintenance of services for the management of products and materials should the service provider no longer be able to perform the services, and for the repair of any damage possibly done to the environment, such as guarantees and insurances;

(f) any other element that ensures compliance of the service provider's activities with the program and this Regulation;

(4) ensure the monitoring of the products and materials, from their recovery to their final destination where they will be reclaimed or disposed of;

(5) favour the local or regional management of residual materials;

(6) provide for drop-off centers and, if applicable, collection services in accordance with Chapter V;

(7) provide for the management of containers and other packages not covered by this Regulation and used to bring the products to the drop-off centers and those used to transport them to the treatment centres, by focusing, in declining order of priority, on reuse, recycling, including biological reclamation, any other reclamation operation whereby residual materials are processed to be used as substitutes for raw materials and energy recovery, or ultimately their disposal;

(8) provide for information, awareness and education activities to inform consumers of the environmental benefits of the recovery and reclamation of products, and of the available drop-off centers and services so as to favour their participation;

(9) include a research and development constituent pertaining to the recovery and reclamation techniques for the recovered products and materials and the development of markets for those products and materials;

(10) determine the actual costs related to the recovery and reclamation of each product subcategory or type and, starting not later than 1 January 2016, modulate those costs for each product on the basis of characteristics such as toxicity, recyclability, recycled material content, lifespan or impact on the environment and on the reclamation process;

(11) provide for the environmental audit, by an independent third person certified for that purpose by a body accredited by the Standards Council of Canada, of the management of recovered products and compliance by all service providers, including subcontractors, with the operating rules, criteria and requirements referred to in paragraph 3; such audit must be carried out as of the first full calendar year of implementation of the program and thereafter at least once every 3 years.

6. Not later than 3 months before the date provided for in Chapter VI for the implementation of a recovery and reclamation program in respect of a product, an enterprise referred to in section 2, 3 or 8 must inform the Minister of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4.

An enterprise electing to implement an individual program or to participate in the common program of a group of enterprises must then submit the following information and documents to the Minister:

(1) in the case of an enterprise implementing an individual recovery and reclamation program:

(a) its name and address, telephone and fax numbers and email address;

(b) the business number assigned under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1); and

(c) in the case of a legal person, partnership, association or organization, the name and contact information of its representative;

(2) in the case of an enterprise participating in the common recovery and reclamation program of a group of enterprises:

(a) the information referred to in subparagraph 1 concerning the group and each enterprise in the group; and

(b) a resolution attesting to its participation in the group;

(3) the name and contact information of the person in charge of the program;

(4) each subcategory and each type of product marketed by the enterprise and the brand, name or distinguishing guise owned or used by the enterprise or, as the case may be, that information concerning a product for which the enterprise acts as first supplier;

(5) according to each subcategory of product, the estimated quantity of each type of product marketed during a year;

(6) the regional municipality or territory referred to in sections 16 and 17 where each type of product is marketed and the method of marketing used, such as wholesale, retail sale, distance selling or house-to-house selling;

(7) a list of the drop-off centers, including their quantity, kind, address and business days and hours, the subcategories or types of products accepted and, if applicable, their maximum threshold, according to weight, quantity or size, for a deposit by industrial, commercial and institutional clients, and a description of the other collection services offered and for whom they are intended;

(8) a description of the residual material management methods used for each subcategory or type of product, including in particular the conditions of the transportation, storage, sorting, consolidation and any other treatment of recovered products and, if reuse is the management method used, a description of the methods and criteria used to sort out, identify and forward the products for that purpose.

Where a management method may not be used in the order provided for in paragraph 1 of section 5 because the existing technology or applicable laws and regulations do not allow for such use, proof must be provided to the Minister. Where the situation is warranted because a method has an advantage over another in environmental terms, a life cycle analysis confirming the situation must be provided to the Minister with the annual report for the year in which the situation occurs;

(9) the names and contact information of the providers whose services have been retained or are about to be retained for the management of residual materials, as well as the operating rules, criteria and requirements they must comply with under the program;

(10) a description of the measures proposed for the environmental audit of the management of recovered products and of compliance by service providers and their subcontractors with the operating rules, criteria and requirements referred to in subparagraph 9;

(11) a description of the means proposed for the management of containers and other packages not covered by this Regulation and that were used to bring products to drop-off centers and to transport them to treatment centres;

(12) the planned final destination for the recovered products and materials, including the names and addresses of the addressees and, if a type of product or material is to be disposed of, the disposal method and site for each type of product or material and the name and contact information of the person in charge of that site; and

(13) a description and a schedule of the proposed information, awareness and education activities and research and development activities.

An enterprise who elects to become a member of an organization referred to in section 4 must provide the Minister with the following information:

(1) the information referred to in subparagraph 1 of the second paragraph concerning the enterprise;

(2) the name of the organization of which the enterprise becomes a member;

(3) the information referred to in subparagraph 4 of the second paragraph concerning the product marketed by the enterprise.

7. The costs related to the recovery and reclamation of a product, as determined under paragraph 10 of section 5, may be attributed only to that product and must be internalized in the price asked for the product as soon as it is put on the market.

Those internalized costs may be rendered visible only on the initiative of the enterprise referred to in section 2 or 3 that markets the product; in such case that information must be disclosed as soon as it puts the product on the market.

8. An enterprise, including a municipality, that, for its own use, acquires from outside Québec products covered by this Regulation or manufactures such products must recover and reclaim, or cause to be recovered and reclaimed, those products after use

That enterprise must provide for the management of recovered products in accordance with paragraphs 1, 2 and 4 of section 5 and obtain from each of its service providers and subcontractors all information enabling to verify the practices used for the management of the products entrusted to them.

Where a management method referred to in paragraph 1 of section 5 may not be used for one of the reasons provided for in subparagraphs *a* and *b* of that paragraph, one of the documents referred to in the second paragraph of subparagraph 8 of the second paragraph of section 6 must be provided to the Minister.

CHAPTER III
ANNUAL REPORT, ASSESSMENT AND REGISTER

9. Not later than 30 April of each year or, if applicable, within 4 months of the termination of a program, an enterprise referred to in section 2 or 3 must submit to

the Minister a report assessing the performance of its recovery and reclamation program for the preceding calendar year and including the following information and documents:

(1) for each product subcategory, the quantity of each type of product marketed during the year covered by the annual report and during the reference year determined in Chapter VI and, if applicable, according to their brand, name or distinguishing guise;

(2) for each product subcategory, the quantity of products recovered, the recovery rate in percentage and the difference in units or in weight calculated in accordance with Chapter IV, the detail of those calculations and any use of a positive difference for compensation purposes, as well as the quantity and proportions of those products that have been reused, recycled, otherwise reclaimed or disposed of in accordance with the program;

(3) where a management method may not be used in the order provided for in paragraph 1 of section 5

(a) because a method has an advantage over another in environmental terms, a life cycle analysis confirming that situation must be provided, as required under the second paragraph of subparagraph 8 of the second paragraph of section 6 or in the case of any change of management method made during the year for that reason, such analysis must be updated every 5 years;

(b) because the existing technology or laws and regulations do not allow for the use of a method, proof of that situation must be provided in the case of any change of management method made during the year for that reason, or updated proof if 5 years have elapsed since the proof provided under this subparagraph or the second paragraph of subparagraph 8 of the second paragraph of section 6;

(4) if applicable, for each subcategory of products, the total quantity of recovered products or materials that have been stored, the name and address of the storage site and, where the quantity stored is 10% or more greater than the quantity stored in the previous year, the reasons for that situation and the measures proposed to reduce that quantity;

(5) all products considered, a mass balance stating the quantity and nature of materials that were recovered, according to whether they were reused, recycled, otherwise reclaimed, stored or disposed of, and identifying the matters forming more than 3% of those materials and a description of the methodology used to carry out the mass balance;

(6) for each subcategory and, if applicable, by type of product, or for each material, the final reclamation destination of the recovered products and materials, including the names and addresses of the addressees and, if products or materials are to be disposed of, the disposal site and the name and contact information of the person in charge of that site;

(7) a description of the information, awareness and education activities and research and development activities that took place during the year and those planned for the following year;

(8) the costs related to the implementation of the recovery and reclamation program, specifying the costs associated with

(a) the recovery, reuse, recycling, any other reclamation or the disposal of the products covered by a program or, as the case may be, the storage, as well as the costs broken down into each subcategory or type of product;

(b) the information, awareness and education of customers;

(c) research and development; and

(d) program management;

(9) for each subcategory and, if applicable, by type of product, as of 2016 at the latest, the criteria for modulating the costs associated with the recovery or reclamation and the factors for the application of that modulation in accordance with paragraph 10 of section 5;

(10) if applicable, a description of the environmental audit activities carried out during the year including the name and address of the independent third person whose services were retained and proof that such person is certified in environmental audit, as well as the findings resulting from the audit and, if applicable, the adjustments to be made to rectify the elements causing problems; and

(11) any amendment to components of the recovery and reclamation program referred to in section 5 and to the information referred to in section 6.

The information referred to in the first paragraph must be the subject of an audit engagement, both at the enterprise level and at the level of its service providers and subcontractors, by an expert third person holding a permit to practise public accountancy issued by a professional order, who gives his or her opinion on the information's reliability.

In addition, the audit engagement concerning the information referred to in subparagraphs 1 and 2 of the first paragraph and related to a common recovery and reclamation program may be carried out only for a portion of the enterprises, service providers and subcontractors involved in the program, on an alternate basis, on the following conditions:

(1) for each subcategory of products, the quantity of products marketed during the year by those enterprises represents at least 20% of the products marketed by all the enterprises in the program, and the quantity of products recovered or reclaimed during the year by those enterprises and their service providers and subcontractors represents 20% of the products recovered or reclaimed by all the enterprises in the program;

(2) the information subject to the audit engagement allows the expert third person to give his or her opinion for the wholse of the the enterprises and service providers and subcontractors; and

(3) each enterprise in the program and each service provider and subcontractor are the subject of an audit engagement at least once every 5 years.

10. An enterprise referred to in section 2 or 3 implementing a recovery and reclamation program must also, every 5 years and on the basis of the information referred to in section 9, attach to the annual report an assessment of the implementation and effectiveness of the recovery and reclamation program for the 5 previous years that also specifies the orientations and priorities for the 5 following years.

The assessment must also indicate, for each subcategory and, if applicable, by type of product, the average age of the products recovered during the period covered, on the basis of sampling methods that satisfy recognized practices.

11. Not later than 30 April of each year or, as the case may be, in the 4 months following termination of a program, an enterprise referred to in section 8 must send the Minister a report containing the following information and documents for the preceding calendar year:

(1) the quantity of products acquired outside Québec or manufactured by the enterprise for its own use, by subcategory and type of product;

(2) the management methods used in accordance with section 8 for the management of recovered products and materials and, if applicable, the names and addresses of the service providers retained;

(3) if applicable, the documents provided for in subparagraph 3 of the first paragraph of section 9;

(4) the quantity of products recovered and the quantity of those products that have been reused, recycled, otherwise reclaimed, disposed of or, as the case may be, stored, by subcategory and type of product;

(5) if applicable, the total quantity of stored products or materials, the duration of the storage and, where the stored quantity is 10% or more greater than the quantity stored in the previous year, the reasons for that situation and the measures proposed to reduce those quantities;

(6) the final destination of the recovered products or materials;

(7) any change in its recovery and reclamation program and in the information referred to in the second paragraph of section 8.

An enterprise referred to in section 8 must also, every 5 years and on the basis of the information referred to in the first paragraph, attach an assessment complying with section 10 to the annual report.

12. An enterprise referred to in section 2, 3, 4 or 8 and an enterprise forming part of a group must, every 3 months, record in a register the quantities of each type of product covered by this Regulation that are marketed, acquired or manufactured, and a copy must be provided to the Minister on request.

Any information recorded in the register must be kept for 10 years from the date of entry.

CHAPTER IV
PAYMENT TO THE GREEN FUND

13. From the year in which a recovery rate is prescribed for a subcategory of product under Chapter VI, an enterprise referred to in section 2 or 3 that markets such products must, for each subcategory of product to which a product marketed by the enterprise belongs, determine yearly:

(1) its recovery rate according to the following formula:

T = A / B

(2) the difference in units, weight or volume, according to the prescriptions of Chapter VI, between the quantity of recovered products and the quantity necessary for attaining the minimum recovery rate prescribed in Chapter VI for the subcategory of product, according to the following formula:

E = A – (C x B)

in which:

A = Quantity of products actually recovered during the year, that is, the quantity of products returned to drop-off centers or recovered through a collection service provided for in the recovery and reclamation program and that were forwarded to a treatment or storage center during the year;

B = (1) Quantity of products marketed during the reference year for that subcategory of products; or

(2) quantity of products considered available for recovery during the year under Chapter VI for that subcategory of products; if the quantities of products considered available for recovery vary according to the sizes used to market them or the specific features of the products in a single subcategory or type, the value used for that subcategory of products must be calculated on the basis of the proportions of quantity considered available for recovery provided for in Chapter VI;

C = Minimum recovery rate provided for in Chapter VI according to the subcategory of products, in percentage;

E = Difference between the quantity of products recovered and that necessary to attain the minimum recovery rate;

T = Annual recovery rate of the enterprise, in percentage.

Where, for a year, the difference calculated under subparagraph 2 of the first paragraph is negative, the value of the difference must be paid into the Green Fund in accordance with section 14 if that difference is not compensated for in the following 5 years by a positive difference referred to in the third paragraph.

Any positive difference calculated under subparagraph 2 of the first paragraph may be used, in whole or in part and for a single subcategory of products to compensate for a negative difference of a year occurring 5 years before or after the year of calculation of the positive difference.

The quantity of products recovered for a subcategory during each of the 2 full calendar years preceding the year in which a minimum recovery rate is prescribed may be used at a rate of 50%, in whole or in part, to compensate for the negative difference of a single subcategory of products calculated for a year occurring no more than 5 years after the first year for which a rate is prescribed.

Any information used to calculate the recovery rate and the difference referred to in the first paragraph, the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the fourth paragraph for compensation purposes must be recorded annually in a register and that information must be kept for at least 10 years and provided to the Minister on request.

14. From the fifth year following the year for which a recovery rate is prescribed for a subcategory of products under Chapter VI, the enterprise referred to in section 2 or 3 must determine each year, for each subcategory of products, the recovery and reclamation results of the year preceding by 5 years the current year, after compensation made under the third or fourth paragraph of section 13, if applicable.

Where the results for that year indicate a negative residual difference, the enterprise must make a payment into the Green Fund. The amount of that payment is calculated by multiplying the applicable values in Chapter VI by the missing quantity of products, in units, weight or volume, in order to attain the minimum recovery rate.

An enterprise that terminates the operation of its program must, within 4 months of the termination, determine the recovery and reclamation results for each of the previous years for which such determination was not done and make a payment into the Green Fund for any negative residual difference.

Payment of the amount must be made, to the order of the Minister of Finance, not later than 30 April following the end of the period concerned or, as the case may be, within 4 months after termination of a program, and must be attached to the annual report referred to in section 9.

Amounts not paid within the time allowed bear interest from the date of default at the rate determined in accordance with the first paragraph of section 28 of the Tax Administration Act (R.S.Q., c. A-6.002).

If the delay exceeds 60 days, 15% of the unpaid amount is added to any amount due, in addition to interest.

The amounts thus obtained are paid into the Green Fund in accordance with paragraph 5 of section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (R.S.Q., c. M-30.001).

CHAPTER V
DROP-OFF CENTERS AND COLLECTION SERVICES

15. A drop-off center is permanent or seasonal.

A permanent drop-off center is fixed and accessible all year long at least 4 days per week, including at least a weekend day per month.

A seasonal drop-off center is fixed or mobile and accessible during each season for at least one week day and one weekend day at a same place.

16. Subject to sections 17, 19 and 20, an enterprise referred to in section 2 or 3 must set up drop-off centers whose quantity, kind and location correspond to one of the following options:

(1) for each business or other place where that enterprise's products are marketed, there must be a permanent drop-off center at the business or place or at any other location less than 5 kilometres from the business or place by roads usable by motor vehicles year round;

(2) for any regional municipality, other than those referred to in section 17, in the territory of which the products of that enterprise are marketed:

(a) where the population is less than 15,000 inhabitants, at least 1 seasonal drop-off center must be provided, unless the territory of the regional municipality is more than 3,000 km^2, in which case there must be at least 2 seasonal drop-off centers;

(b) where the population is at least 15,000 inhabitants but less than 25,000 inhabitants, at least 1 permanent drop-off center and 1 seasonal drop-off center must be provided; if the territory of the regional municipality is more than 3,000 km^2, there must be an additional permanent or seasonal drop-off center;

(c) where the population is at least 25,000 inhabitants but less than 100,000 inhabitants, at least 1 permanent drop-off center for each of the first 2 full groups of 25,000 inhabitants and 1 seasonal drop-off center for each additional group of not more than 15,000 inhabitants must be provided;

(d) where the population is 100,000 inhabitants or more, at least 3 permanent drop-off centers for the first group of 100,000 inhabitants and 1 permanent drop-off center for each additional group of not more than 50,000 inhabitants must be provided.

Where more than 1 drop-off center is required in the territory of a regional municipality, the drop-off centers must be spread over the territories of different local municipalities.

The drop-off centers referred to in subparagraph 1 of the first paragraph must be in operation as soon as a program is implemented.

For each regional municipality referred to in subparagraph 2 of the first paragraph, there must be at least 1 drop-off center in operation as soon as the program is implemented. Two-thirds of all the drop-off centers must be in operation as of the first anniversary of the program's implementation and all drop-off centers as of the second anniversary.

For the purposes of this Chapter, "regional municipality" means a regional county municipality, a metropolitan community, an urban agglomeration or a city or town of more than 25,000 inhabitants. Where one of those territories is entirely comprised within another, the provisions of subparagraph 2 of the first paragraph apply to the largest territory.

17. An enterprise referred to in section 2 or 3 that markets products in the territories of the regional municipalities of La Minganie, Caniapiscau and Golfe-du-Saint-Laurent, the territory of the James Bay region, as described in the schedule to the James Bay Regional Development and Municipal Organization Act (R.S.Q., D-8.2), the territory governed by the Kativik Regional Government, as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., c. V-6.1), as well as any territory not referred to in subparagraph 2 of the first paragraph of section 16 may, instead of setting up drop-off centers in accordance with subparagraph 1 of the first paragraph of that section, set up, for each municipality, city, town, urban agglomeration, locality or Native community in those territories, collection equipment appropriate for those territories, in sufficient quantities to recover the products marketed there and installed in adequate premises accessible to consumers. The products thus recovered must be transported at least once a year to a treatment location indicated in the recovery and reclamation program.

Such equipment must be installed at the beginning of the first full calendar year of implementation of the program in the case of municipalities, cities, towns, urban agglomerations, localities or Native communities of more than 1,000 inhabitants, and not later than the second anniversary of the program in the other cases.

18. A fixed drop-off center must be so located as to limit as much as possible the distance to travel to reach it for most inhabitants of the territory covered by the recovery and reclamation program. Where there is more than one fixed drop-off center in a territory, they must be so located as to serve as many inhabitants as possible.

In addition, the business days and hours of such a drop-off center must be posted at an appropriate place on the site of the drop-off center in a way that makes them visible from the outside.

19. An enterprise may fix a maximum threshold, according to quantity, weight or size, for the deposit of products at a drop-off center by an industrial, commercial or institutional clientele. In such case, the clientele must have access to at least one drop-off center in the same territory as that served by the drop-off center for which a maximum threshold is fixed, or the enterprise may offer that clientele a complementary collection service for the recovery of products.

Where an enterprise markets a product by distance selling and elects the option referred to in subparagraph 1 of the first paragraph of section 16 as to its drop-off centers, it must offer to consumers residing in the territory of a regional municipality or in another territory where it has no drop-off center, a complementary collection service to recover that product in that territory.

20. Sections 16 and 17 do not apply to an enterprise referred to in section 2 or 3 that markets a product exclusively for industrial, commercial or institutional clienteles, for their own consumption, if the enterprise offers for that product a collection service directly at the place of those clienteles.

They do not apply either to an enterprise that offers to any person a collection service on request, at least once a month, directly at the place of that person, or a collection service by return mail.

21. Access to and the deposit of products at the drop-off centers referred to in sections 16 and 17 and the collection services referred to in sections 19 and 20 must be free of charge.

CHAPTER VI
CATEGORIES OF PRODUCTS COVERED

DIVISION 1
ELECTRONIC PRODUCTS

22. The products covered by this Division are electronic appliances used to send, receive, display, store, record or save information, images, sounds or waves, and their accessories, except cases, decorative or transportation accessories and products designed and intended to be used exclusively in an industrial, commercial or institutional environment.

The category of electronic products is composed of the subcategories provided for in the following subparagraphs, which include the types of products listed therein:

(1) desktop computers;

(2) laptop computers, electronic pads and e-book readers;

(3) computer screens and television sets;

(4) printers, scanners, fax machines and photocopiers;

(5) cellular and satellite telephones;

(6) wireless and conventional telephones, pagers and answering machines;

(7) keyboards, mouses, cables, connectors, chargers and remote controls designed to be used with a product covered by this Division;

(8) video game consoles and their peripherals, projectors designed to be used with electronic equipment, readers, recorders, burners or sound, image and wave storage devices, amplifiers, equalizers, digital receivers and speakers designed to be used with an audio video system; the types of products referred to in this subcategory include those marketed as part of a set such as home theatre systems;

(9) portable digital players, radio receivers, docking stations for portable digital players and other portable devices, walkie-talkies, digital cameras, digital photo frames, camcorders and global positioning systems;

(10) routers, servers, hard drives, memory cards, USB keys, speakers, webcams, earphones, wireless devices and other accessories and spare parts not covered by an other subcategory provided for in this section and designed to be used with a product covered by this category.

For the purposes of this Division, a desktop computer that is integrated into a screen is considered as a product in the subcategory referred to in subparagraph 1 of the second paragraph and a multi-purpose pocket electronic device that includes a telephone function is considered as a product in the subcategory referred to in subparagraph 5 of that paragraph.

23. For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 22 must be calculated,

(1) in the case of products referred to in subparagraphs 1 and 3, in units;

(2) in the case of the other products, in units or equivalent weight.

That quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units or in weight, as the case may be, and by the methodology used to establish that factor.

24. An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in the second paragraph of section 22 must implement its recovery and reclamation program not later than,

(1) in the case of products referred to in subparagraphs 1 to 7, 14 July 2012;

(2) in the case of products referred to in subparagraphs 8 to 10, 14 July 2013;

(3) in the case of such a product marketed subsequently to the date referred to in subparagraph 1 or 2 of this paragraph, the date on which the product is marketed, acquired or manufactured.

An enterprise referred to in section 3 that markets a product one component of which is a product referred to in the second paragraph of section 22 must implement its recovery and reclamation program not later than 14 July 2013 or, if the date of marketing of the product is subsequent to that date, the date of marketing of the product.

25. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2 or 3 that markets products covered by this Division must include measures aimed at destroying personal and confidential information that may be contained in recovered and reclaimed electronic products.

26. An enterprise referred to in section 2 or 3 that markets products referred to in this Division must describe in its annual report the measures referred to in section 25 that have been applied during the year.

In the case of an enterprise that markets products referred to in subparagraph 3 of the second paragraph of section 22, the information to be included in the annual report and referred to in subparagraphs 1 and 2 and in subparagraph *a* of subparagraph 8 of the first paragraph of section 9 must be provided per product type, according to their particularities and size.

In the case of an enterprise referred to in section 2, 3 or 8 that markets, acquires or manufactures products referred to in subparagraph 7 or 10 of the second paragraph of section 22, the information referred to in subparagraph 5 of the second paragraph of section 6 is not required to be provided to the Minister for those subcategories. Likewise, the information referred to in subparagraph 1 of the first paragraph of section 9 and in subparagraph 1 of the first paragraph of section 11 is not required to be included in the annual report for those subcategories of products. That information must however be included in the assessment provided for in section 10 or in the second paragraph of section 11 for the period covered by the assessment.

27. As of 2015, the minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 or 3 that markets products referred to in the second paragraph of section 22 must be equal to the following percentages:

(1) in the case of products referred to in subparagraphs 1 to 4 and 8, the minimum rate for all the products in each subcategory is 40%, which is increased by 5% per year until a 65% rate is attained;

(2) in the case of products referred to in subparagraphs 5, 6 and 9, the minimum rate for all the products in each subcategory is 25%, which is increased by 5% per year until a 65% rate is attained.

The rates are calculated on the basis of the quantity of products marketed in the following reference year:

(1) in the case of products referred to in subparagraph 3, the year preceding by 10 years the year for which the rate is calculated;

(2) in the case of products referred to in subparagraphs 5 and 6, the year preceding by 3 years the year for which the rate is calculated;

(3) in the case of the other products, the year preceding by 5 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed by subparagraphs 1 to 3 of the second paragraph, the year of the first marketing is considered to be the reference year for those products until the time prescribed by those subparagraphs has elapsed.

Where, pursuant to subparagraphs 1 to 3 of the second paragraph, the reference year is prior to the year 2011, that year is considered to be the reference year until the time prescribed by those subparagraphs has elapsed.

28. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the second paragraph of section 22 are the following:

(1) in the case of products referred to in subparagraph 1, $10 per unit;

(2) in the case of products referred to in subparagraph 2, $2 per unit or equivalent weight;

(3) in the case of products referred to in subparagraph 3, $15 per unit;

(4) in the case of products referred to in subparagraph 4, $5 per unit or equivalent weight;

(5) in the case of products referred to in subparagraphs 5 and 6, $0.50 per unit or equivalent weight;

(6) in the case of products referred to in subparagraph 8, $4 per unit or equivalent weight;

(7) in the case of products referred to in subparagraph 9, $1 per unit or equivalent weight.

DIVISION 2
BATTERIES

29. The battery category is composed of the subcategories provided for in the paragraphs below, and comprising the types of products listed therein:

(1) rechargeable batteries of any shape and batteries composed of such batteries, except lead-acid batteries, batteries designed to be used in motor vehicles and batteries exclusively designed and intended for industrial purposes;

(2) single use button cells, batteries composed of such cells, other single use batteries and batteries composed of such batteries.

30. For the purposes of this Regulation, every quantity of products referred to in section 29 must be calculated by subcategory in units or equivalent weight.

That quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units or in weight, as the case may be, and by the methodology used to establish that factor.

31. An enterprise that markets, acquires or manufactures products referred to in section 29 must implement its recovery and reclamation program not later than,

(1) in the case of an enterprise referred to in section 2 or 8, 14 July 2012 or the date of marketing, acquisition or manufacture of such a product if it is subsequent to that date;

(2) in the case of an enterprise referred to in section 3, 14 July 2013 or the date of marketing of such a product if it is subsequent to that date.

32. In addition to the information in section 9, an enterprise referred to in section 2 or 3 that markets products referred to in paragraph 2 of section 29 must indicate in its annual report

(1) the quantity of single use button cells recovered during the year, on the basis of sampling methods satisfying recognized practices;

(2) the various batteries containing mercury marketed during the year and their quantity, the average mercury content of each battery and the total quantity of mercury that is so marketed.

In addition, the mass balance required by subparagraph 5 of the first paragraph of section 9 must specify any quantity of recovered mercury and the quantity of mercury that was reused, recycled, otherwise reclaimed, stored or disposed of.

33. As of 2015, the minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 or 3 that markets products referred to in section 29 must be equal to the following percentages:

(1) in the case of products referred to in paragraph 1, the minimum rate for all the products in that subcategory is 25%, which is increased by 5% per year until a 65% rate is attained;

(2) in the case of products referred to in paragraph 2, the minimum rate for all the products in that subcategory is 20%, which is increased by 5% per year until a 65% rate is attained.

The rates are calculated, for each subcategory, on the basis of the quantity of products marketed in the year preceding by 5 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than 5 years, the year of the first marketing is considered to be the reference year for those products until 5 years have elapsed.

Where, pursuant to the second paragraph, the reference year is prior to the year 2011, that year is considered to be the reference year until 5 years have elapsed.

34. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 29 are the following:

(1) in the case of products referred to in paragraph 1, $0.40 per unit or equivalent weight;

(2) in the case of products referred to in paragraph 2, $0.04 per unit or equivalent weight.

DIVISION 3
MERCURY LAMPS

35. The mercury lamp category is composed of the subcategories provided for in the paragraphs below, and comprising the types of products listed therein:

(1) fluorescent tubes;

(2) compact fluorescent lamps;

(3) any other type of lamp that contains mercury.

36. For the purposes of this Regulation, every quantity of products referred to in section 35 must be calculated,

(1) in the case of products referred to in paragraph 1, in linear feet or equivalent weight;

(2) in the case of products referred to in paragraph 2, in units or equivalent weight;

(3) in the case of products referred to in paragraph 3, in kilograms.

That quantity must also be accompanied, for each subcategory of products, by the conversion factor in linear feet, units or in weight, as the case may be, and by the methodology used to establish that factor.

37. An enterprise that markets, acquires or manufactures products referred to in section 35 must implement its recovery and reclamation program not later than,

(1) in the case of an enterprise referred to in section 2 or 8, 14 July 2012 or the date of marketing, acquisition or manufacture of such a product if the date of marketing is subsequent to that date;

(2) in the case of an enterprise referred to in section 3, 14 July 2013 or the date of marketing of such a product if the date of marketing is subsequent to that date.

38. The information, awareness and education activities referred to in paragraph 8 of section 5 and provided for in the recovery and reclamation program of an enterprise referred to in section 2 or 3 that markets mercury lamps must include specific activities adapted to various uses and clienteles, such as tanning salons, and showing them, in particular, the manner to clean up and manage mercury debris and releases in case of lamp breakage.

In addition to the information in section 9, the annual report of the enterprise must also specify

(1) any quantity of mercury marketed and the quantity of mercury that was reused, recycled, otherwise reclaimed, stored or disposed of;

(2) the details of the information, awareness and education activities referred to in the first paragraph.

39. As of 2015, the minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 or 3 that markets products referred to in section 35 must be equal to the following percentages:

(1) in the case of products referred to in paragraphs 1 and 3, the minimum rate for all the products in each subcategory is 40%, which is increased by 5% per year until an 80% rate is attained;

(2) in the case of products referred to in paragraph 2, the minimum rate for all the products in that subcategory is 30%, which is increased by 5% per year until an 80% rate is attained.

The rates are calculated on the basis of the quantity of products marketed in the following reference year:

(1) in the case of products referred to in paragraphs 1 and 3 of section 35, the year preceding by 3 years the year for which the rate is calculated;

(2) in the case of products referred to in paragraph 2 of section 35, the year preceding by 6 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed for those products in subparagraphs 1 and 2 of the second paragraph, the year of the first marketing is considered to be the reference year for those products until the time prescribed by those subparagraphs has elapsed.

Where, pursuant to subparagraph 2 of the second paragraph, the reference year is prior to 2011, that year is considered to be the reference year until 5 years have elapsed.

40. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 35 are the following:

(1) in the case of products referred to in paragraph 1, $0.20 per linear foot or equivalent weight;

(2) in the case of products referred to in paragraph 2, $0.30 per unit or equivalent weight;

(3) in the case of products referred to in paragraph 3, $2.00 per kilogram.

DIVISION 4
PAINT AND PAINT CONTAINERS

41. For the purposes of this Division, stains, primers, varnishes, lacquers, metal, wood or masonry treatment or protection products and any preparation of the same nature intended for maintenance, protection or decoration are considered to be paint.

42. The products covered by this Division are paint marketed in containers of not less than 100 millilitres and not more than 50 litres and such paint containers, except paint designed and intended to be used exclusively for industrial or artistic purposes. Paints marketed in aerosol containers and such containers are also covered.

The paint and paint container category is composed of the subcategories provided for in the subparagraphs below and comprising the products listed therein:

(1) latex paint;

(2) alkyd or enamel paint, metal and rust paint, the other types of paint other than those in paragraphs 1 and 3, stains, primers, varnishes, lacquers, metal, wood or masonry treatment or protection products and any preparation of the same nature intended for maintenance, protection or decoration;

(3) aerosol paint and aerosol containers, as well as all types of containers used for marketing the products referred to in subparagraphs 1 and 2.

43. For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 42 must be calculated,

(1) in the case of products referred to in paragraphs 1 and 2, in kilograms or equivalent volume;

(2) in the case of products referred to in paragraph 3, in kilograms based on empty containers or litres of an equivalent capacity.

That quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in weight, equivalent volume or litres of an equivalent capacity, as the case may be, and by the methodology used to establish that factor.

44. Every enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in the second paragraph of section 42 must implement its recovery and reclamation program as soon as such a product is marketed, acquired or manufactured.

45. Every enterprise referred to in section 2 that markets products referred to in subparagraphs 1 and 2 of the second paragraph of section 42 must attach to the assessment required by section 10 a study assessing the quantities of residual paint available for recovery or an update of such study.

46. As of the first full calendar year of implementation of a recovery and reclamation program, the minimum recovery rates that must be attained annually by an enterprise referred to in section 2 that markets products referred to in the second paragraph of section 42 must be equal to the following percentages:

(1) in the case of products referred to in subparagraphs 1 and 2, the minimum rate for all the products in each subcategory is 75%, which is increased to 80% as of 2017;

(2) in the case of products referred to in subparagraph 3, the minimum rate for all the products in this subcategory is 40% of the quantity of containers marketed, which is increased by 5% per year until a 70% rate is attained.

The rates are calculated on the basis of the quantity considered available for recovery, namely:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 42,

(*a*) in the case of paint marketed in containers of 1 litre or less, on the basis of 14.8% of the quantity of paint marketed in the year;

(*b*) in the case of paint marketed in containers of more than 1 litre but less than 8 litres, on the basis of 6.25% of the quantity of paint marketed in the year;

(*c*) in the case of paint marketed in containers of at least 8 litres but not more than 50 litres, on the basis of 4.55% of the quantity of paint marketed in the year;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 42, on the basis of 9.57% of the quantity of paint marketed in the year;

(3) in the case of products referred to in subparagraph 3 of the second paragraph of section 42, on the basis of the total quantity of containers marketed in the year.

47. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the second paragraph of section 42 are the following:

(1) in the case of products referred to in subparagraph 1, $0.60 per kilogram or equivalent volume;

(2) in the case of products referred to in subparagraph 2, $0.90 per kilogram or equivalent volume;

(3) in the case of products referred to in subparagraph 3, $0.25 per kilogram or litre of an equivalent capacity.

DIVISION 5
OILS, COOLANTS, ANTIFREEZE, THEIR FILTERS AND CONTAINERS AND OTHER SIMILAR PRODUCTS

48. The category of oils, coolants, antifreeze, their filters and containers and other similar products is composed of the subcategories provided for in the paragraphs below and comprising the types of products listed therein:

(1) mineral, synthetic or vegetable oils intended for lubrication, insulation or heat transfer in motorized vehicles or equipment, or in the operation of hydraulic or transmission systems, as well as brake fluids, except oils that combust when used such as oils intended to be blended with combustion engine fuel, machine tool slideway lubricants, chainsaw chain oils, drawing, stamping, shaping or form oils, drilling oils, conveyor lubricating oils, dust control oils, penetrating oils and rustproof oils;

(2) containers of 50 litres or less used for marketing the products referred to in paragraph 1, including containers used for marketing oils that are excluded in that paragraph, as well as aerosol containers used to market brake cleaners;

(3) oil filters intended for internal combustion engines, hydraulic systems and transmissions, filters for heating systems using light heating oil and for oil storage tanks, coolant and antifreeze filters and diesel filters that are considered to be oil filters for the purposes of this Regulation;

(4) coolants and antifreeze intended for use in vehicles, machinery or motorized equipment, except vegetal coolants and antifreeze, as well as coolants and antifreeze used for aircraft de-icing;

(5) containers of 50 litres or less used for marketing the products referred to in paragraph 4.

49. For the purposes of this Regulation, every quantity of products referred to in section 48 must be calculated,

(1) in the case of products referred to in paragraph 1, in litres or equivalent weight;

(2) in the case of products referred to in paragraphs 2 and 5, in litres of capacity or equivalent weight based on empty containers;

(3) in the case of products referred to in paragraph 3, in units or equivalent weight;

(4) in the case of products referred to in paragraph 4, in litres according to their equivalence to a pure product, or in equivalent weight.

That quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in litres, equivalent weight, litres of capacity or units according to their equivalence to a pure product in the case of products referred to in subparagraph 4 of the first paragraph, as well as by the methodology used to establish that factor.

50. Every enterprise referred to in section 2, 3 or 8 that markets, acquires or manufactures products referred to in section 48 must implement its recovery and reclamation program,

(1) in the case of products referred to in paragraphs 1 to 3, as soon as they are marketed, acquired or manufactured;

(2) in the case of products referred to in paragraphs 4 and 5, not later than 14 July 2012 or the date of their marketing, acquisition or manufacture if it subsequent to that date.

Despite subparagraph 1 of the first paragraph, where an enterprise markets, acquires or manufactures only brake cleaners in aerosol containers, it may implement its recovery and reclamation program not later than 14 July 2012 or the date of their marketing, acquisition or manufacture if it is subsequent to that date.

51. Every enterprise referred to in section 2 or 3 that markets products referred to in paragraphs 1 and 4 of section 48 must attach to the assessment required by section 10 a study assessing the quantities of residual oils, coolants and antifreeze available for recovery, or an update of such study.

52. The minimum recovery rates that must be attained annually by an enterprise referred to in section 2 or 3 that markets products referred to in this Division must be equal to the following percentages from the time indicated:

(1) in the case of products referred to in paragraphs 1 to 3 of section 48, the minimum rate for all the products in each subcategory is 75% from the first full calendar year of implementation of the program, which is increased to 80% as of 2017;

(2) in the case of products referred to in paragraph 4 of section 48, the minimum rate for all the products in that subcategory is 25% as of 2015, which is increased by 5% per year until an 80% rate is attained;

(3) in the case of products referred to in paragraph 5 of section 48 and aerosol containers used to market brake cleaners referred to in paragraph 2 of that section, the minimum rate and the application period are those provided for in the above subparagraph 1, unless those products are dealt with separately from those referred to in paragraph 2 of section 48, in which case the minimum rate and the application period are those provided for in the above subparagraph 2.

The rates are calculated on the basis of the quantity considered available for recovery, namely:

(1) in the case of products referred to in paragraph 1 of section 48:

(a) designed to be used in the internal combustion engines of light motor vehicles, on the basis of 84.6% of the quantity of that type of oil marketed in the year;

(b) designed to be used in the internal combustion engines of heavy vehicles and equipment, on the basis of 66.4% of the quantity of that type of oil marketed in the year;

(c) designed for the operation of hydraulic systems, other than those referred to in subparagraph *d*, on the basis of 56% of the quantity of that type of oil marketed in the year;

(d) designed for the operation of tractor hydraulic systems, on the basis of 79.6% of the quantity of that type of oil marketed in the year;

(e) designed for the operation of automatic transmission systems, on the basis of 73.6% of the quantity of that type of oil marketed in the year;

(f) designed to be used in railroad engines, on the basis of 36.7% of the quantity of that type of oil marketed in the year;

(g) designed to be used in marine engines, on the basis of 40% of the quantity of that type of oil marketed in the year;

(h) designed for the operation of differentials, on the basis of 74.8% of the quantity of that type of oil marketed in the year;

(i) designed for the operation of industrial gears, on the basis of 90% of the quantity of that type of oil marketed in the year;

(j) designed for any other use that those in subparagraphs *a* to *i*, on the basis of 86.8% of the quantity of that type of oil marketed in the year;

(2) in the case of products referred to in paragraphs 2, 3 and 5 of section 48, on the basis of the total quantity of products marketed in the year;

(3) in the case of products referred to in paragraph 4 of section 48, on the basis of 45% of the total quantity of products being equivalent to a pure product marketed in the year.

53. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 48 are the following:

(1) in the case of products referred to in paragraph 1, $0.05 per litre or equivalent weight;

(2) in the case of products referred to in paragraph 2, $0.10 per litre of capacity or equivalent weight;

(3) in the case of products referred to in paragraph 3, $0.50 per unit or equivalent weight;

(4) in the case of products referred to in paragraph 4, $0.25 per litre or equivalent weigh, according to their equivalence to a pure product;

(5) in the case of products referred to in paragraph 5, $0.10 per litre of capacity or equivalent weight.

CHAPTER VII
OFFENCES

54. Every person who contravenes any of the provisions of sections 2 to 5, section 7, the first and second paragraphs of section 8, sections 13 to 21, 23 to 28, 31, 33, 34 and 37, the first paragraph of section 38 and sections 40, 44, 46, 47, 50, 52, 53, 58 and 59 commits an offence and is liable,

(1) in the case of a natural person, to a fine of $2,000 to $25,000;

(2) in the case of a legal person, to a fine of $5,000 to $250,000.

55. Every person who fails to communicate to the Minister information whose communication is prescribed by section 6, the third paragraph of section 8, sections 9 to 12, sections 23, 26, 30, 32, 36, the second paragraph of section 38 and sections 43, 45, 49 and 51 or communicates false or inaccurate information is liable,

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

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

56. In the case of a subsequent offence, the fines prescribed by sections 54 and 55 are doubled.

CHAPTER VIII
TRANSITIONAL AND MISCELLANEOUS

57. The Regulation respecting the recovery and reclamation of discarded paint containers and paints (R.R.Q., c. Q-2, r. 41) and the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters (R.R.Q., c. Q-2, r. 42) are revoked.

Despite the foregoing, the provisions of those Regulations continue to apply to enterprises that implement recovery programs under those Regulations until they develop recovery and reclamation programs in accordance with this Regulation.

58. An enterprise that, on 14 July 2011, implements a recovery system under the Regulation respecting the recovery and reclamation of discarded paint containers and paints or the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters must, not later than from 2013, implement a recovery and reclamation program in accordance with this Regulation, and provide the Minister, not later than 3 months before the date scheduled for the implementation of that program, with the notice of intention and the information and documents provided for in section 6.

59. An enterprise must continue to implement its recovery system under the Regulation respecting the recovery and reclamation of discarded paint containers and paints and the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters until that program is replaced in accordance with section 58.

For the purposes of paragraph 10 of section 5, the modulation of costs related to the recovery and reclamation of each subcategory or type of product covered by either of the regulations referred to in the first paragraph must be implemented as of 2013.

For the purposes of the fourth paragraph of section 13, an enterprise that implements a system referred to in the first paragraph may compensate for a negative difference occurring in the first 5 years of the program implemented in accordance with this Regulation by using all or part of 50% of the quantity of products recovered during the last year of implementation of that system.

60. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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