

Gouvernement du Québec

O.C. 1187-2012, 12 December 2012

Environment Quality Act
(chapter Q-2)

Delegation of management of certain parts of a cap-and-trade system for greenhouse gas emission allowances

Regulation respecting the delegation of management of certain parts of a cap-and-trade system for greenhouse gas emission allowances

WHEREAS, under the second paragraph of section 46.13 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, delegate all or part of the cap-and-trade system for greenhouse gas emission allowances or the administration of all or part of a regulation concerning that system to a person or a body;

WHEREAS, by Order in Council 1297-2011 dated 14 December 2011, the Government made the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), which provides that the first compliance period for emitters starts on 1 January 2013;

WHEREAS the system requires in particular the setting up of an electronic system for the registration of emitters and participants and the transaction of emission allowances between them, and provides for the holding of auctions and sales of emission units by mutual agreement;

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

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

WHEREAS, under section 13 and the second paragraph of section 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force on the date of publication in the *Gazette officielle du Québec* of the Regulation attached to this Order in Council:

— the management of certain parts of the cap-and-trade system for greenhouse gas emission allowances must be delegated not later than on 1 January 2013, that is the start of the first period of compliance with the system;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation respecting the delegation of management of certain parts of a cap-and-trade system for greenhouse gas emission allowances, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting the delegation of management of certain parts of a cap-and-trade system for greenhouse gas emission allowances

Environment Quality Act
(chapter Q-2, s. 46.13, 2nd par.)

1. For the purposes of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), the following elements are delegated to the Western Climate Initiative Inc., a non-profit organization established under the laws of the State of Delaware:

(1) the development, housing, management and maintenance of the electronic system;

(2) regarding auctions and sales by mutual agreement of emission units, respectively referred to in Divisions III and IV of Chapter II of Title III of the Regulation,

(a) the reception of registrations for those auctions or sales;

(b) the management of financial guarantees submitted;

(c) the administration of those auctions or sales, their supervision and the determination of their results;

(d) the collection of sums owed to the Minister of Sustainable Development, Environment, Wildlife and Parks, for payment into the Green Fund in accordance with section 46.16 of the Environment Quality Act (chapter Q-2), in payment of emission units sold;

(3) the supervision of transactions of emission allowances and any other system operation.

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

2390

M.O., 2012

An Act respecting the Agence du revenu du Québec (chapter A-7.003)

Agence du revenu du Québec

— Signing of certain deeds, documents and writings

— Amendment

CONCERNING the Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec

THE MINISTER OF FINANCE AND THE ECONOMY,

CONSIDERING the first paragraph of section 40 of the Act respecting the Agence du revenu du Québec (chapter A-7.003), which provides that, with respect to the functions and powers conferred on the Minister of Revenue, a deed, document or writing binds the Minister of Revenue or the Agence du revenu du Québec, or may be attributed to them, only if it is signed by the Minister of Revenue, the president and chief executive officer, a vice-president or another employee of the Agence du revenu du Québec, but in the latter case, only to the extent determined by a regulation of the Minister of Revenue;

CONSIDERING the second paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that the regulation of the Minister may allow that a facsimile of the signature of a person mentioned in the first paragraph of that section be affixed on the documents specified in the regulation and that the facsimile has the same force as the signature itself;

CONSIDERING the third paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that such a regulation comes into force on the date it is made or on any later date specified in the regulation and is published in the *Gazette officielle du Québec*;

CONSIDERING the fourth paragraph of section 40 of the Act respecting the Agence du revenu du Québec, which provides that such a regulation may also apply to a period prior to its publication;

CONSIDERING the making of the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1);

CONSIDERING that it is expedient to amend the Regulation to update the delegations of signature to take into account changes that occurred in certain fiscal laws and in the administrative structure of the Agence du revenu du Québec;

CONSIDERING that, under paragraph 1 of section 3 of the Regulations Act (chapter R-18.1), that Act does not apply to this Regulation;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec, attached hereto, is hereby made.

Québec, 6 December 2012

NICOLAS MARCEAU,
Minister of Finance and the Economy

Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec

An Act respecting the Agence du revenu du Québec (chapter A-7.003, s. 40)

1. (1) Section 12 of the Regulation respecting the signing of certain deeds, documents and writings of the Agence du revenu du Québec (chapter A-7.003, r. 1) is amended by replacing paragraph 1 by the following:

“(1) sections 39 and 58.1 of the Tax Administration Act (chapter A-6.002) and advance rulings or paid advice referred to in section 96.1 of that Act;”.

(2) Subsection 1 has effect from 1 April 2011.

2. (1) The Regulation is amended by inserting the following after section 12: