

When an enterprise is operated or represented through an employee, an agent or a mandatary who is established at a particular place and has general authority to contract for his employer or mandator, or who possesses an inventory of merchandise belonging to the employer or mandator that is used to regularly fill orders that such employee, agent or mandatary receives, the enterprise is deemed to have an establishment at this place, even if the orders could be placed with a distribution center that is situated outside of Québec.

g) Commission agent, broker, independent agent or subsidiary:

An enterprise is not deemed to have an establishment by the sole fact that it has a business relationship with someone else through a commission agent, a broker or another independent agent, or by the fact that it maintains an office or a warehouse for the sole purpose of purchasing merchandise; it will also not be deemed to have an establishment in a place for the sole reason that it controls a subsidiary that itself carries on business in the province.

Attention: A person acting as an “attorney for service” for a legal person that is registered at the Registraire des entreprises du Québec does not constitute an element that would be considered sufficient to determine that the legal person has an establishment in Québec.

103034

Gouvernement du Québec

O.C. 662-2017, 28 June 2017

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

**Aquaculture and the sale of fish
— Amendment**

Regulation to amend the Regulation respecting aquaculture and the sale of fish

WHEREAS, under the first paragraph of section 70 of the Act respecting the conservation and development of wildlife (chapter C-61.1), no person may sell or purchase fish the sale of which is prohibited by regulation;

WHEREAS, under the second paragraph of section 70 of the Act, the Government may, by regulation, authorize the sale of any class of fish of a species contemplated in the first paragraph according to such norms and conditions as it may determine;

WHEREAS, under paragraph 1 of section 73 of the Act, the Government may, by regulation, determine the fish or classes of live fish that may be produced, used for stocking purposes, kept in captivity, propagated or transported in an aquaculture area;

WHEREAS, under paragraph 2 of section 73 of the Act, the Government may, by regulation, determine the fish or classes of live fish that may be kept in captivity, produced or propagated in a breeding pond or a fish-tank for baitfish and the norms and obligations relating to such activities;

WHEREAS the Government made the Regulation respecting aquaculture and the sale of fish (chapter C-61.1, r. 7);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting aquaculture and the sale of fish was published in Part 2 of the *Gazette officielle du Québec* of 4 May 2016 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting aquaculture and the sale of fish, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting aquaculture and the sale of fish

An Act respecting the conservation and development of wildlife
(chapter C-61.1, ss. 70, 73 and 162)

1. The Regulation respecting aquaculture and the sale of fish (chapter C-61.1, r. 7) is amended in section 4

(1) by inserting “live” before “fish” in the first paragraph;

(2) by replacing “Rainbow trout” in the second paragraph by “Live rainbow trout”;

(3) by inserting “common” before “carp” in the third paragraph;

(4) by replacing “Aquarium fish-keeping” in the sixth paragraph by “Despite the preceding paragraphs, aquarium fish-keeping”.

2. The first paragraph of section 30 is amended

(1) by inserting “or their hybrids” after “species” in the portion preceding subparagraph 1 of the first paragraph;

(2) by inserting “common” before “carp” in subparagraph 13 of the first paragraph;

(3) by striking out subparagraph 32 of the first paragraph.

3. Section 34 is amended by inserting “during the periods in which their use for sport fishing is authorized and within 10 days preceding the earliest of those periods following 31 March of each year. The sale is authorized at all times where the baitfish are sold to another holder of one of those licences” after “or a holder of a licence to operate a fish-tank for baitfish” in the second paragraph.

4. Schedule I is amended

(1) by striking out “, 21” in column II of paragraph 2 of section 3;

(2) by adding “commune” after “carpe” in column I of section 8 in the French text;

(3) by replacing “All freshwater mollusks, except zebra mussels and quagga mussels” in column I of section 11 by “All native freshwater mollusks”;

(4) by inserting “native” before “freshwater” in column I of section 12;

(5) by replacing the word “hybrids” wherever it appears in section 17 by “hybrids except splake trout and splake 2 trout”;

(6) by replacing “Ombre” in column I of section 23 in the French text by “Omble”;

(7) by inserting “même” before “zone aquacole” in paragraph 5 of section 23, in column IV, in the French text.

5. Schedule IV is replaced by the following:

“LIVE FISH WHOSE AQUARIUM FISH-KEEPING, PRODUCTION, KEEPING IN CAPTIVITY, BREEDING, STOCKING, TRANSPORT, SALE AND PURCHASE ARE PROHIBITED

Scientific name	English name	French name
<i>Acipenseridae</i> (family) non indigenous	non indigenous sturgeons	esturgeons non indigènes
<i>Alosa aestivalis</i>	blueback herring	alose d'été
<i>Anguillidae</i> (family) non indigenous	non indigenous eels	anguilles non indigènes
<i>Channidae</i> (family) snakeheads	têtes-de-serpent	têtes-de-serpent
<i>Cherax destructor</i>	yabby	écrevisse de Murray
<i>Ctenopharyngodon idella</i>	grass carp	carpe de roseau
<i>Eriocheir sinensis</i>	chinese mitten crab	crabe chinois à mitaine
<i>Gymnocephalus cernuus</i>	ruffe	grémille
<i>Hypophthalmichthys harmandi</i>	largescale silver carp	carpe argentée à grandes écailles
<i>Hypophthalmichthys molitrix</i>	silver carp	carpe argentée
<i>Hypophthalmichthys nobilis</i>	bighead carp	carpe à grosse tête
<i>Mylopharyngodon piceus</i>	black carp	carpe noire
<i>Neogobius melanostomus</i>	round goby	gobie à taches noires
<i>Orconectes rusticus</i>	rusty crayfish	écrevisse à taches rouges
<i>Perca fluviatilis</i>	eurasian perch	perche commune
<i>Proterorhinus marmoratus</i>	tubenose goby	gobie à nez tubulaire
<i>Pseudorasbora parva</i>	Stone moroko	faux gardon
<i>Sander lucioperca</i>	zander	sandre
<i>Scardinius erythrophthalmus</i>	rudd	gardon rouge
<i>Silurus glanis</i>	sheatfish	silure glane
<i>Tinca tinca</i>	tench	tanche

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6. Schedule V is amended

(1) by replacing “Longitude” and “Latitude” in the heading of the columns in the French text by “Latitude (N.)” and “Longitude (O.)”, respectively;

(2) by replacing “72°59'04”” by “72°58'55”” in the Latitude column for lake Mudge.

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