

Regulations and other Acts

Gouvernement du Québec

O.C. 1074-2019, 30 October 2019

Environment Quality Act
(chapter Q-2)

Recovery and reclamation of products by enterprises — Amendment

Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

WHEREAS, under subparagraphs 1 and 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, classify recoverable and reclaimable residual materials and prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require any class of persons, in particular those operating industrial and commercial establishments, which manufacture, market or otherwise distribute containers, packaging or packaging materials, printed matter or other products, which market products in containers or packaging acquired for that purpose, or, more generally, whose activities generate residual materials to develop, implement and contribute financially to, on the conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities;

WHEREAS, under subparagraph *c* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require those classes of persons to furnish to the Minister of the Environment and the Fight Against Climate Change, on the conditions fixed, reports on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their activities, and on the results obtained in terms of reduction, recovery or reclamation;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish measures providing for

the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 of the section and that pertains, in particular, to the determination of persons or municipalities required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, provide in particular that a failure to comply with a regulatory provision of the Act may give rise to a monetary administrative penalty and set forth the amount of such penalty;

WHEREAS, under section 115.34 of the Act, the Government may determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, as it read before 23 March 2018, a draft Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises was published in Part 2 of the *Gazette officielle du Québec* of 12 July 2017 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 with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 1, 2 and 6, s. 95.1, 1st par., subpars. 11 and 12, s. 115.27 and s. 115.34, 1st par.)

- 1.** The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended in section 3 by inserting “, other than a product listed in Division 6 of Chapter VI,” after “Regulation” in the first paragraph.
- 2.** Section 13 is amended by striking out the fourth paragraph.
- 3.** Section 27 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.
- 4.** Section 33 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.
- 5.** Section 39 is amended by replacing “2015” in the portion before subparagraph 1 of the first paragraph by “2020”.
- 6.** Section 46 is amended
 - (1) by replacing “the first full calendar year of implementation of a recovery and reclamation program” in the portion before subparagraph 1 of the first paragraph by “2020”;
 - (2) by replacing “2017” in subparagraph 1 of the first paragraph by “2024”.
- 7.** Section 52 is amended
 - (1) by replacing “the first full calendar year of implementation of the program, which is increased to 80% as of 2017” in subparagraph 1 of the first paragraph by “2020, which is increased to 80% as of 2024”;
 - (2) by replacing “2015” in subparagraph 2 of the first paragraph by “2020”.

8. The following is inserted after Division 5 of Chapter VI:

“DIVISION 6 HOUSEHOLD APPLIANCES AND AIR CONDITIONERS

53.0.1. The products covered by this category are electric or gas appliances designed and intended for domestic, commercial or institutional purposes, used for cooking, the conservation or storage of food or beverages, the washing or drying of dishware, cloth or clothing, and those controlling ventilation, the temperature or the humidity in a room or dwelling. The appliances are designated under the name of household appliances and air conditioners.

Household appliances and air conditioners whose weight is greater than 300 kilograms and appliances and air conditioners that form an integral part of an immovable to ensure its usefulness or facilitate its use within the meaning of article 901 of the Civil Code, such as ice rink refrigeration systems and central air conditioning systems in buildings, are excluded from the category. Refrigerators and freezers whose effective volume is less than 2.5 cubic feet and coolers are also excluded.

The category of household appliances and air conditioners is composed of the subcategories provided for in the following subparagraphs, which include the types of products listed therein:

- (1) refrigerating and freezing appliances, designed and intended for domestic use, for the conservation or storage of food or beverages, in particular, refrigerators, freezers, refrigerating wine cellars, wine coolers and water dispensers;
- (2) refrigerating and freezing appliances, designed and intended for commercial or institutional use, for the conservation or storage of food or beverages, in particular, refrigerators, freezers, cooling units, refrigerating wine cellars, wine coolers, refrigerated displays, ice machines, refrigerated automatic food or beverage vending machines and beverage centres;
- (3) air conditioners, heat pumps and dehumidifiers;
- (4) ranges, built-in ovens, built-in cooking surfaces, dishwashers, washing machines and dryers, which are designed and intended for domestic use.

Where an appliance has more than one function including that of refrigerating or freezing food or beverages, the appliance is classified, as the case may be, in the subcategory referred to in subparagraph 1 or 2 of the third paragraph. If the appliance has, among others, the

function of conditioning a room or dwelling, the appliance is classified in the subcategory referred to in subparagraph 3 of that paragraph. In other cases, the appliance is classified in the subcategory referred to in subparagraph 4 of that paragraph if it is designed to be used in particular for the same purpose as one of the types of products listed therein.

53.0.2. For the purposes of this Regulation, every quantity of the products referred to in the third paragraph of section 53.0.1 must be calculated in units or equivalent weight.

The quantity must also be accompanied, for each subcategory or type of products, with the conversion factor in units or weight, as the case may be, and the methodology used for establishing the factor.

53.0.3. Every enterprise referred to in section 2 or 8 that markets, acquires or manufactures the products referred to in the third paragraph of section 53.0.1 must implement its recovery and reclamation program,

(1) in the case of the products referred to in subparagraphs 1, 3 and 4, not later than 5 December 2020 or the date of the marketing, acquisition or manufacturing of the product if it is subsequent to that date; and

(2) in the case of the products referred to in subparagraph 2, not later than 5 December 2021 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

53.0.4. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2 or 8 must provide, where applicable, measures respecting the recovery and treatment of halocarbons, their isomers and any other alternative substance, which are contained in particular in insulating foams or are used as refrigerant in refrigeration, freezing or air conditioning systems of the products covered by this Division, and any hazardous material in accordance with every applicable environmental standard.

Despite paragraph 10 of section 5, the requirement to provide in the program the modulation of costs for each household appliance or air conditioner applies only as of the fourth calendar year of implementation of the program.

For enterprises referred to in section 2, the recovery and reclamation program of an enterprise must provide, in addition to the drop-off centres provided for in Chapter V, an additional collection service directly at the consumer.

53.0.5. In addition to the information that must be contained in the mass balance required by subparagraph 5 of the first paragraph of section 9, the mass balance must

indicate the quantity of recovered halocarbons, their isomers and any alternative substance that have been reused, recycled, otherwise reclaimed, stored or disposed of, by type of halocarbons, their isomers or alternative substances and by type of use.

53.0.6. As of the year indicated, the minimum rates of recovery that must be attained annually by an enterprise referred to in section 2 that markets the products referred to in the third paragraph of section 53.0.1 must be equivalent to the following percentages:

(1) in the case of the products referred to in subparagraph 1, the minimum rate for all the products of that subcategory is 70% as of 2024, which is increased by 5% per year until the rate reaches 90%;

(2) in the case of the products referred to in subparagraph 2, the minimum rate for all the products of that subcategory is 35% as of 2026, which is increased by 5% per year until the rate reaches 80%;

(3) in the case of the products referred to in subparagraph 3, the minimum rate for all the products of that subcategory is 25% as of 2024, which is increased by 5% per year until the rate reaches 70%;

(4) in the case of the products referred to in subparagraph 4, the minimum rate for all the products of that subcategory is 70% as of 2026, which is increased by 5% per year until the rate reaches 90%.

The rates are calculated on the basis of the quantity of products marketed during the year preceding by 12 years the year for which the rate is calculated.

In the case where the duration elapsed since the date of the first marketing of such products by an enterprise is less than 12 years, the year of that marketing is considered to be the reference year for those products until 12 years have elapsed.

Where, for the purposes of the second paragraph, the reference year is prior to 2019, that year is considered to be the reference year until 12 years have elapsed.

53.0.7. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the third paragraph of section 53.0.1 are the following:

(1) in the case of the products referred to in subparagraphs 1, 2 and 3, \$60 per unit or equivalent weight;

(2) in the case of the products referred to in subparagraph 4, \$10 per unit or equivalent weight.”

9. Section 53.1 is amended by adding “or 53.0.5” at the end of paragraph 11.

10. Section 53.3 is amended by inserting “, 53.0.3” after “50” in paragraph 8.

11. Section 54 is amended by replacing “or 51” in paragraph 1 by “, 51 or 53.0.5”.

12. Section 56 is amended by replacing “or 50” in paragraph 1 by “, 50 or 53.0.3”.

13. Section 59 is amended by striking out the third paragraph.

14. The following is inserted after section 59:

“**59.1.** Where an enterprise referred to in section 2 or 8 must implement a recovery and reclamation program before 1 January 2021 for the products referred to in subparagraphs 1, 3 and 4 of the third paragraph of section 53.0.1, the enterprise may implement its program without the elements provided for in paragraphs 3, 9, 10 and 11 of section 5, but only for the first two calendar years of implementation of the program.

Despite the period provided for in the first paragraph of section 6, that enterprise must notify the Minister of its intent to implement its program not later than 1 month before the date provided for in Chapter VI for its implementation. The enterprise may send in a second notice to the Minister the information referred to in subparagraph 9 of the second paragraph of that section concerning the operating rules, criteria and requirements to comply with under the program, the information referred to in subparagraph 13 of the second paragraph concerning the description and schedule of the research and development activities and the information referred to in subparagraph 10 of the second paragraph, before the end of the first full calendar year of implementation of the program.

Regarding the first report required, as the case may be, under section 9 or 11, it must be submitted not later than 30 April of the year following the first full calendar year of implementation of the program and must cover the period since the beginning of the program.

That enterprise must ensure at all times that the service providers and subcontractors participating in the implementation of its program comply with every applicable environmental standard.”

15. This Regulation comes into force on 5 December 2019.

Gouvernement du Québec

O.C. 1092-2019, 30 October 2019

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Annual premium health insurance and hospital insurance program for foreign representatives residing in Québec in the service of a foreign government and the persons accompanying them

CONCERNING the Annual premium health insurance and hospital insurance program for foreign representatives residing in Québec in the service of a foreign government and the persons accompanying them

WHEREAS the Québec government shall establish and maintain relations with international organizations and foreign governments;

WHEREAS, under section 3 of the Act respecting the Ministère des Relations internationales et de la Francophonie (chapter M-25.1.1), the Deputy Minister of International Relations and La Francophonie shall perform any duties assigned to her by the Government or the Minister of International Relations and La Francophonie, in addition to administering the department;

WHEREAS, under the second paragraph of section 14 of that Act, the Minister of International Relations and La Francophonie shall favour the establishment of international organizations and representatives of foreign governments on Québec soil;

WHEREAS, under the first paragraph of section 2 of the de Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Régie de l'assurance maladie du Québec (the Board) shall be in particular to administer and implement any program entrusted to it by law or by the Government;

WHEREAS, under paragraph (h) of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister of Health and Social Services shall in particular promote the development and implementation of programs and services according to the needs of individuals, families and other groups;

WHEREAS, under order in council 2547-82 dated 10 November 1982 and order in council 608-83 dated 30 March 1983, the Board shall administer the program allowing foreign citizens working in Québec in the service of a government other than that of Canada or Québec or in the service of an agency coming under a government other