

## Regulations and other Acts

Gouvernement du Québec

**O.C. 646-2020**, 17 June 2020

Environment Quality Act  
(chapter Q-2)

### **Compensation for municipal services provided to recover and reclaim residual materials — Amendment**

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under the third paragraph of section 53.31.2 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required to pay a compensatory contribution as compensation to the municipalities;

WHEREAS, under the first paragraph of section 53.31.3 of the Act, the annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services;

WHEREAS, under the second paragraph of section 53.31.3 of the Act, the Société québécoise de récupération et de recyclage shall determine annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities;

WHEREAS, under the first paragraph of section 53.31.4 of the Act, for the purposes of section 53.31.3 of the Act, the Government shall prescribe by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage not later than 30 June each year, and the other conditions under which they must be sent. The regulation must also specify the penalties applicable if those obligations are not met;

WHEREAS, under the first paragraph of section 53.31.5 of the Act, the amount of the annual compensation owed to the municipalities under section 53.31.3 of the Act is divided among the materials or classes of materials subject to compensation, according to the share allotted to each by order of the Government;

WHEREAS, under the second paragraph of section 53.31.5 of the Act, the Government may, however, by regulation and for every material or class of materials it specifies, set the maximum amount of the annual compensation payable and limit the amount of the annual compensation payable to a percentage it sets;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials was published in Part 2 of the *Gazette officielle du Québec* of 26 December 2019, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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 compensation for municipal services provided to recover and reclaim residual materials, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act  
(chapter Q-2, ss. 53.31.2 to 53.31.5)

**1.** The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3 by striking out “Only” in the portion before subparagraph 1 of the first paragraph.

**2.** The following is added after section 3:

“**3.1.** For containers and packaging used in the commercialization or marketing of a product or a service that does not have a brand, a name or a distinguishing guise, and for containers and packaging that are not identified by a brand, a name or a distinguishing guise, the first supplier in Québec of that product or service, or those containers or packaging may be required to pay a contribution pursuant to a schedule of contributions established under section 53.31.14 of the Act, whether or not that supplier is the importer.

Where the first supplier in Québec is the operator of a retail outlet supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the payment may be required from the franchisor, or the owner of the chain, banner or group concerned or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec.

For the purposes of this section, “brand”, “name” and “distinguishing guise” have the meanings assigned to those terms by section 3, with the necessary modifications.”.

**3.** Section 4 is amended by replacing “section 3” in the portion before paragraph 1 by “sections 3 and 3.1”.

**4.** Section 6 is amended by striking out “Only” in the first paragraph.

**5.** The following is added after section 6:

“**6.1.** The first supplier in Québec of a newspaper or printed matter that is not identified by a brand, a name or a distinguishing guise is required to pay a contribution pursuant to a schedule of contributions established under section 53.31.14 of the Act in respect of that material, whether or not that supplier is the importer.

Where the first supplier in Québec is the operator of a retail outlet supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the payment may be required from the franchisor, owner of the chain, banner or group concerned or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, their representative in Québec.

For the purposes of this section, “brand”, “name” and “distinguishing guise” have the meanings assigned to those terms by section 3, with the necessary modifications.”.

**6.** Section 7 is amended

(1) by inserting “that were sorted at source” after “subject to compensation” in the first paragraph;

(2) by replacing “each of the years 2013 and 2014” in the second paragraph by “the year 2019”;

(3) by replacing “7.5%” in the second paragraph by “6.6%”;

(4) by replacing “the year 2015” in the second paragraph by “the year 2020”;

(5) by replacing “6.6%” in the second paragraph by “6.45%”;

(6) by striking out “For the year 2015, that amount is subtracted by the Société québécoise de récupération et de recyclage from the net cost declared by the municipalities pursuant to section 8.6.” at the end of the second paragraph.

**7.** Section 8.4.1 is revoked.

**8.** Section 8.6 is amended by replacing “each of the years 2013 and 2014”, “7.5%”, “the year 2016” and “6.6%” in the second paragraph by “the year 2019”, “6.6%”, “the year 2020” and “6.45%”, respectively.

**9.** Section 8.9.1 is amended

(1) by replacing “each of the years 2013 and 2014” in the portion before subparagraph 1 of the first paragraph by “the year 2019”;

(2) by replacing “69.1%” in subparagraph 1 of the first paragraph by “70.8%”;

(3) by replacing “20.5%” in subparagraph 2 of the first paragraph by “20.9%”;

(4) by replacing “10.4%” in subparagraph 3 of the first paragraph by “8.3%”;

(5) by striking out the second paragraph;

(6) by replacing “2018” in the portion before subparagraph 1 of the third paragraph by “2020”;

(7) by replacing “70.8%” in subparagraph 1 of the third paragraph by “72.8%”;

(8) by replacing “20.9%” in subparagraph 2 of the third paragraph by “20.7%”;

(9) by replacing “8.3%” in subparagraph 3 of the third paragraph by “6.5%”.

**10.** 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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