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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 44  
(2020, chapter 19)

**An Act mainly to ensure effective  
governance of the fight against  
climate change and to promote  
electrification**

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## EXPLANATORY NOTES

*This Act establishes that the Minister of the Environment and the Fight Against Climate Change is, by virtue of office, the Government's adviser regarding the fight against climate change and that he or she is to ensure government-wide integrated governance of the latter. More specifically, the Minister must ensure compliance with the greenhouse gas reduction targets set by the Government, as well as coherence and coordination of government and ministerial measures and measures proposed by certain public bodies that concern the fight against climate change, and must be involved in the preparation of such measures.*

*The Act entrusts the Minister with responsibility for preparing a climate change framework policy and proposing it to the Government, and creates a standing advisory committee to advise the Minister on policy directions, policies, programs and strategies regarding the fight against climate change. The Minister may give other ministers and certain public bodies any opinion he or she considers appropriate to promote the fight against climate change, in particular when a proposed measure does not, in the Minister's opinion, comply with the principles and objectives set out in the framework policy.*

*The Act amends the rules governing the Green Fund, which it renames the "Electrification and Climate Change Fund", in particular*

*(1) by abolishing the Conseil de gestion du Fonds vert and transferring some of its responsibilities to the Minister of the Environment and the Fight Against Climate Change;*

*(2) by dedicating the Fund exclusively to the financing of measures to fight against climate change; and*

*(3) by replacing the existing rule whereby two-thirds of the revenues from the cap-and-trade system for greenhouse gas emission allowances is reserved for measures applicable to transportation by a rule allowing the Government to determine the minimum share of such revenues that may be reserved for that purpose.*

*The Auditor General Act is amended by adding, to the responsibilities of the Sustainable Development Commissioner, the duty to report annually on the Commissioner's findings and recommendations with respect to that fund, to the extent considered appropriate by the Commissioner.*

*The Act amends the rules applicable to the setting of greenhouse gas reduction targets by providing in particular that the advice of the advisory committee must be sought during the target setting process, that the overall reduction target for Québec in relation to 1990 emissions may not be inferior to 37.5%, and that the overall target must be reviewed at least every five years.*

*Certain provisions governing the greenhouse gas cap-and-trade system are amended to allow the revenues from the sale of certain emission units to be reserved for certain emitters, and the regulatory authorizations for projects eligible for the issuance of offset credits are clarified. The Act to increase the number of zero-emission vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions is also amended with a view to facilitating its application, in particular with regard to reconditioned motor vehicles.*

*The Minister of Energy and Natural Resources is given responsibility for ensuring integrated governance regarding energy transition, innovation and efficiency. As a result, Transition énergétique Québec is abolished and the Minister of Energy and Natural Resources is entrusted with the responsibility of preparing an energy transition, innovation and efficiency master plan. To that end, the Minister may establish an advisory committee to advise the Minister.*

*The Act provides for the content of the master plan, the government authorization process and the terms and conditions for the coming into force and implementation of the plan.*

*The current contribution payable by energy distributors to Transition énergétique Québec becomes payable to the Minister of Energy and Natural Resources and is to be calculated by the Régie de l'énergie using the method prescribed by government regulation.*

*The Energy Transition Fund is renamed the "Energy Transition, Innovation and Efficiency Fund" and the fees collected for a petroleum exploration, production or storage licence or for an authorization to produce brine are to be paid into that fund or into the fossil energy management component of the Natural Resources Fund in the proportion determined by the Minister.*

*The Petroleum Products Act is amended in order, among other things, to give the Government the power to determine by regulation standards regarding the quality and impacts of petroleum products and their components as well as a mechanism to promote compliance of such products with the standards and specifications.*

*The Régie de l'énergie retains the power to approve energy distributors' programs and measures provided for in the energy transition, innovation and efficiency master plan but may no longer give its opinion on the master plan's capacity to achieve the targets regarding energy transition, innovation and efficiency.*

*Lastly, the Act contains the consequential amendments and transitional measures necessary for the above restructuring, in particular with respect to the transfer of the rights and obligations of the abolished bodies, the continuation of their affairs, and the transfer of their assets and personnel.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Financial Administration Act (chapter A-6.001);
- Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Hydro-Québec Act (chapter H-5);
- Act respecting Investissement Québec (chapter I-16.0.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Petroleum Products Act (chapter P-30.01);
- Environment Quality Act (chapter Q-2);

- Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);
- Act respecting the Régie de l'énergie (chapter R-6.01);
- Auditor General Act (chapter V-5.01).

**LEGISLATION REPEALED BY THIS ACT:**

- Act respecting Transition énergétique Québec (chapter T-11.02).

**REGULATIONS AMENDED BY THIS ACT:**

- Regulation respecting road vehicle registration (chapter C-24.2, r. 29);
- Petroleum Products Regulation (chapter P-30.01, r. 2);
- Regulation respecting greenhouse gas emissions from motor vehicles (chapter Q-2, r. 17);
- Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1);
- Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1);
- Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1);
- Regulation respecting the Québec sales tax (chapter T-0.1, r. 2).



## Bill 44

### AN ACT MAINLY TO ENSURE EFFECTIVE GOVERNANCE OF THE FIGHT AGAINST CLIMATE CHANGE AND TO PROMOTE ELECTRIFICATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

#### GOVERNANCE OF THE FIGHT AGAINST CLIMATE CHANGE

#### DIVISION I

#### ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

**1.** The Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by inserting the following section after section 10:

**“10.1.** The Minister is by virtue of office the Government's adviser on issues concerning the fight against climate change and shall ensure government-wide integrated governance of the fight against climate change, in particular with a view to State exemplarity in the matter.

The fight against climate change includes all measures to reduce, limit or prevent greenhouse gas emissions, in particular by electrification, to remove greenhouse gases from the atmosphere, to mitigate the environmental, economic and social consequences of such measures and to promote adaptation to the impacts of global warming and climate change, as well as Québec's participation in regional or international partnerships in these areas and the development of such partnerships.

The Minister shall ensure compliance with the greenhouse gas reduction targets set by the Government under section 46.4 of the Environment Quality Act (chapter Q-2). The Minister shall ensure the coherence and coordination of policies, action plans, programs, consultation processes and other measures of the Government, government departments and public bodies that concern the fight against climate change and shall be involved in their preparation. Each minister or public body concerned continues to be responsible for choosing and implementing the means to achieve the results.

The Minister must be consulted when measures that could have a significant impact in the fight against climate change are developed. The Minister shall give the other ministers and the public bodies any opinion he considers appropriate to promote the fight against climate change and reduce climate risks, and shall recommend to them any adjustments necessary for those purposes, in particular when a proposed measure, in his opinion,

(1) does not comply with the principles and objectives set out in the climate change framework policy provided for in section 46.3 of the Environment Quality Act;

(2) does not comply with the greenhouse gas reduction or limitation targets set under section 46.4 of that Act; or

(3) does not allow sufficient adaptation to climate change.

For the purposes of this Act, “public body” means a budget-funded body or a body other than a budget-funded body listed in Schedule 1 or 2 to the Financial Administration Act (chapter A-6.001).

The Minister shall exercise the responsibilities conferred on him by this section regarding the development of and participation in international partnerships with due regard for the powers and duties of the Minister of International Relations.”

**2.** Section 11 of the Act is amended by replacing “shall be responsible for the implementation and coordination of these policies” in the second paragraph by “is responsible for ensuring the implementation of the policies and coordinating their application”.

**3.** Section 12 of the Act is amended by striking out “public” in paragraph 4.

**4.** The Act is amended by inserting the following sections after section 12:

**“12.1.** In the exercise of his functions under section 10.1, the Minister must give directives to the departments and public bodies concerning the methods they must apply in order, in particular, to calculate the quantity of greenhouse gas emitted, reduced, prevented or limited or the quantity removed from the atmosphere, to quantify other elements or factors that contribute to global warming and assess their effects as well as the effects of greenhouse gases on global warming, or to assess the risks related to the impacts of global warming and of climate change and integrate them into adaptation to those impacts, if such methods are not otherwise prescribed by law.

The Minister must also give them directives concerning the methods to be applied for the reporting associated with the implementation of the climate change framework policy.

Such directives are binding on the departments and public bodies concerned and must be made public.



**“12.2.** Without excluding the more specific powers granted for that purpose by other Acts under the Minister’s responsibility, the Minister may, by agreement approved by the Government, delegate the management of a program the Minister has prepared under this Act or another Act under the Minister’s responsibility to a municipality, another legal person, an Aboriginal community or any other body.

The management delegation agreement must include

- (1) the powers delegated and the delegatee’s obligations;
- (2) the objectives and targets to be achieved, including effectiveness and efficiency objectives and targets, and the information to be provided;
- (3) the rules relating to the contracts the delegatee may award;
- (4) the reports required on the achievement of the objectives and targets set;
- (5) the manner in which the Minister is to oversee the delegatee’s management and intervene if the objectives and targets are not achieved or seem likely not to be achieved;
- (6) the penalties applicable for failing to meet the obligations stipulated in the agreement; and
- (7) if the delegatee is a regional county municipality, the delegated powers that may be subdelegated to a local municipality whose territory is included in that of the regional county municipality, as well as the terms governing the subdelegation.

The exercise of powers by a delegatee or a subdelegatee under such an agreement is not binding on the State.

The Minister shall make the agreement public.”

**5.** The Act is amended by inserting the following division after section 15:

**“DIVISION II.0.1**

**“ADVISORY COMMITTEE ON CLIMATE CHANGE**

**“15.0.1.** An advisory committee on climate change, composed of not fewer than 9 nor more than 13 members, is established. The members must be independent, that is, they must have no relationships or interests that could interfere with the pursuit of the committee’s mission.

The committee acts with full independence in accordance with this division.

**“15.0.2.** The Government appoints the committee chair after consulting the chief scientist appointed under section 26 of the Act respecting the Ministère de l’Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1).

The Minister then appoints the other committee members he chooses from among the persons appearing on a list jointly established by the committee chair and the chief scientist.

The members must collectively have significant and multidisciplinary expertise and experience regarding the fight against climate change and the majority must be from the scientific community.

The Deputy Minister, or the latter’s delegate, attends the meetings of the committee as an observer.

**“15.0.3.** The mission of the committee is to advise the Minister, at the latter’s request or on its own initiative, on the policy directions, programs, policies and strategies regarding the fight against climate change, taking into consideration advances in science and technology as well as scientific consensus in this area.

The Minister may request a department or body to provide him, within the time he specifies, with any information or document necessary for the pursuit of the committee’s mission. The Minister then sends the information or document obtained to the committee.

**“15.0.4.** The committee makes its advice to the Minister public 30 days after sending it to the Minister.

**“15.0.5.** The committee members are appointed for a term of up to three years.

At the expiry of their term, they remain in office until reappointed or replaced.

**“15.0.6.** A vacancy on the committee is filled in accordance with the rules of appointment to the committee.

Loss of the status required or an unexplained absence from the number of consecutive meetings stipulated in the committee’s by-laws, in the cases and circumstances set out in the by-laws, constitutes a vacancy.

**“15.0.7.** The committee members receive no remuneration except in the cases, on the conditions and to the extent the Government may determine.

They are, however, entitled to be reimbursed for any expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

**“15.0.8.** The committee may make any by-law concerning the exercise of its functions and its internal management.

**“15.0.9.** The quorum at committee meetings is a majority of the voting members.

The committee’s advice and by-laws are adopted by a majority of the members present.

**“15.0.10.** The secretary and the other personnel members of the committee are appointed in accordance with the Public Service Act (chapter F-3.1.1).

**“15.0.11.** The resources the Minister considers necessary for the accomplishment of the committee’s mission, to ensure administrative support and the organization of its work, are made available to it.”

**6.** The Act is amended by replacing “GREEN” in the heading of Division II.1 before section 15.1 by “ELECTRIFICATION AND CLIMATE CHANGE”.

**7.** Sections 15.1 and 15.2 of the Act are replaced by the following sections:

**“15.1.** The Electrification and Climate Change Fund is established.

The Fund is dedicated to the financing, in compliance with the principles, policy directions and objectives established in the climate change framework policy, of any measure to fight climate change, in particular by means of electrification, and of the Minister’s activities in this area. Controlling greenhouse gas emissions produced throughout Québec is one of its priorities.

The Fund is to be used, in particular, to finance activities, projects and programs aimed at stimulating technological and social innovation, research and development, knowledge acquisition, performance improvement, and public mobilization, awareness and education regarding the fight against climate change.

The sums credited to the Fund may also be used to administer and pay any financial assistance provided for by a program prepared by the Government or by the Minister, or by any other minister or public body who or that is a party to an agreement entered into under section 15.4.3 or has been entrusted with a mandate under that section.

**“15.2.** The Minister is responsible for the management of the Fund, which he ensures with a view to sustainable development, efficiency and transparency.

To that end, the Minister gives priority to management centred on achieving the best results to ensure compliance with government principles, policy directions and objectives, in particular those set out in the climate change framework policy.

More specifically, the Minister

(1) sees to it that the sums credited to the Fund are allocated to the purposes for which they are intended in accordance with section 15.1;

(2) sees to it that the commitments made by the ministers and public bodies under the agreements referred to in section 15.4.3 and the mandates entrusted to them under that section are met;

(3) prepares on a yearly basis, in collaboration with the Minister of Finance, a plan for the measures financed by the Fund, including in particular any transfers made under section 15.4.1, and an expenditures plan in that regard, in compliance with the government objectives established for that purpose;

(4) makes any adjustments required to improve the Fund's performance with respect to the uses to which it is specifically allocated; and

(5) determines and makes public the performance indicators used to measure achievement of the results of the measures financed by the Fund.”

**8.** Section 15.4 of the Act is amended

(1) by replacing “for a matter covered by the Fund” in paragraph 3.2 by “for the fight against climate change”;

(2) by inserting the following paragraphs after paragraph 5:

“(5.0.1) the monetary administrative penalties imposed under the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), the Regulation respecting greenhouse gas emissions from motor vehicles or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;

“(5.0.2) the fines paid by offenders for an offence against the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, the Regulation respecting greenhouse gas emissions from motor vehicles or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances;”;

(3) by striking out paragraphs 6 and 7;

(4) by inserting “or by a government regulation” at the end of paragraph 8.1;

(5) by replacing “for a matter covered by the Fund” in paragraph 11 by “for the fight against climate change”.

**9.** Sections 15.4.1 to 15.4.1.2 of the Act are replaced by the following sections:

**“15.4.1.** The Government may, on the recommendation of the Minister of Finance and the minister responsible for the administration of this Act, determine a minimum share of the proceeds of the sale of the emission allowances referred to in the second paragraph of section 46.6 of the Environment Quality Act (chapter Q-2) to be reserved for the financing of measures applicable to transportation and more specifically to shared transportation and sustainable mobility.

The Government may also, on the recommendation of those ministers, determine the sums credited to the Fund that are to be allocated to public transit measures and to financial assistance programs that promote the development and use of public transit or the development and use of modes of passenger transportation other than passenger vehicles occupied by the driver only. The sums thus allocated are transferred by the Minister to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

The sums referred to in the second paragraph of section 46.8.1 of the Environment Quality Act are excluded from the application of this section.

**“15.4.1.1.** Despite the second paragraph of section 54 of the Financial Administration Act (chapter A-6.001), the Minister of Finance may not advance the sums referred to in the second paragraph of section 46.8.1 of the Environment Quality Act (chapter Q-2) to the general fund.”

**10.** Section 15.4.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“A minister or a public body who or that is a party to an agreement entered into with the minister responsible for the administration of this Act under section 15.4.3 or has been entrusted with a mandate by the latter under the same section may, if applicable, debit the sums provided for in the agreement or the mandate from the Fund.”;

(2) by replacing “Energy Transition Québec” in the second paragraph by “public body”.

**11.** Section 15.4.3 of the Act is replaced by the following section:

**“15.4.3.** When the activities of a department or public body allow the implementation of measures that may be financed by the Fund in accordance with section 15.1, the minister responsible for the administration of this Act may enter into an agreement with the minister responsible for that department or with that public body to allow it to debit the sums required for those measures from the Fund.

The minister responsible for the administration of this Act may also entrust a minister or a public body with a mandate to implement, as specified in the mandate, measures to fight climate change in an area under the latter minister's or the public body's responsibility. The minister may also, within the framework of such a mandate, allow the other minister or the public body to debit the sums required for such measures from the Fund.

Every agreement and mandate must be made public and specify the amount that may be debited from the Fund for the fiscal years during which it will be applicable. An agreement must also specify the measures that may be financed using those sums as well as how the sums are to be distributed among the measures, or leave it up to the Minister or the public body who or that is a party to the agreement to distribute the financing among those measures in the manner that is the most efficient and is consistent with the climate change framework policy. The administrative costs that may be debited from the Fund under such an agreement or mandate must be approved by the minister responsible for the administration of this Act.

The minister or public body concerned is responsible for implementing the measures for which he or it debits sums from the Fund as well as for achieving the objectives set regarding the fight against climate change.”

**12.** Division II.2 of the Act is replaced by the following sections:

**“15.4.4.** The Fund's financial data and a list of the measures financed by it must appear under a separate heading in the department's annual management report.

The financial data under the heading must include

- (1) the expenditures and investments debited from the Fund;
- (2) the sums debited from the Fund by each minister or public body who or that is a party to an agreement referred to in section 15.4.3 or has been entrusted with a mandate under that section; and
- (3) the nature and evolution of revenues.

**“15.4.5.** The Fund's financial statements are audited each year by the Auditor General.”

**13.** Section 15.4.38 of the Act is amended

(1) by adding the following subparagraphs at the end of the second paragraph:

“(7) residual materials management, to ensure safe and sustainable management of residual materials by preventing or reducing their production, promoting their recovery and reclamation, and reducing the quantities to be eliminated; and

“(8) water governance that complies with the governance scheme established by the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2).”;

(2) in the third paragraph,

(a) by inserting “and social” after “technical”;

(b) by replacing “, and public” by “and public mobilization.”.

**14.** Section 15.4.40 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraphs after subparagraph 11:

“(11.1) the revenue derived from charges prescribed by the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43);

“(11.2) the revenue derived from charges prescribed by the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1).”;

(2) by replacing “Green” in subparagraph 12 by “Electrification and Climate Change”;

(3) by inserting “, except those imposed for a failure to comply with a provision of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), the Regulation respecting greenhouse gas emissions from motor vehicles (chapter Q-2, r. 17) or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1)” at the end of subparagraph 14;

(4) by inserting “, except those imposed for a failure to comply with a provision of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, the Regulation respecting greenhouse gas emissions from motor vehicles or the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances” at the end of subparagraph 15.

**15.** The Act is amended by inserting the following sections after section 15.4.41.1:

“**15.4.41.2.** The sums referred to in subparagraph 11.1 of the first paragraph of section 15.4.40 are allocated to the financing of any measure related to residual materials management.

“**15.4.41.3.** The sums referred to in subparagraph 11.2 of the first paragraph of section 15.4.40 are allocated to the financing of any measure related to water governance.”

**DIVISION II****ENVIRONMENT QUALITY ACT**

**16.** The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by replacing the first paragraph by the following paragraphs:

“The purpose of this Act is to protect the environment and the living species inhabiting it, to the extent provided for by law. The Act makes it possible to take into consideration issues related to the protection of human health and safety as well as the realities of the territories and the communities living in them.

In order to respond to climate urgency and with a view to ensuring a fair transition for all that takes into account, among other things, the environmental, economic and social consequences, this Act promotes the reduction of greenhouse gases as well as adaptation to climate change and makes it possible to take into consideration the evolution of knowledge and technologies as well as the issues related to climate change.”

**17.** The heading of the subdivision before section 46.1 of the Act is amended by replacing “*action plan*” by “*framework policy*”.

**18.** Section 46.3 of the Act is replaced by the following section:

“**46.3.** The Minister shall prepare a climate change framework policy and submit it to the Government.

During preparation of the policy, the Minister shall consult the population. The Minister shall also ensure, where circumstances so require, that specific consultation procedures are defined for Aboriginal communities in a spirit of cooperation with those communities.

The Minister is responsible for ensuring the implementation of the framework policy and coordinating its application.”

**19.** Section 46.4 of the Act is amended

(1) by inserting “, which may not be inferior to 37.5%,” after “for Québec” in the first paragraph;

(2) by adding the following sentence at the end of the second paragraph: “Before such targets are set, the Minister must seek the advice of the advisory committee on climate change regarding the targets to be set.”;

(3) in the third paragraph,

(a) by inserting “as well as scientific consensus regarding climate change” at the end of subparagraph 2;



(b) by replacing “any Canadian intergovernmental agreement or international agreement made for that purpose” in subparagraph 4 by “any international commitment made or Canadian intergovernmental agreement entered into in accordance with the applicable legislative provisions for that purpose”;

(4) in the fourth paragraph,

(a) by replacing “Target-setting under this section” by “The setting of the target referred to in the first paragraph”;

(b) by adding the following sentence at the end: “No such consultations may be held until the advisory committee on climate change has made public its advice regarding the target to be set.”;

(5) by adding the following paragraph at the end:

“The target referred to in the first paragraph must be reviewed at least every five years according to the same rules as those used to set it.”

**20.** Section 46.8 of the Act is amended

(1) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) offset credits to any person or municipality having carried out, in whole or in part, in accordance with the regulation made under section 46.8.2, a project eligible for such credits that has resulted in a reduction of greenhouse gas emissions or in the removal of such gases from the atmosphere, which removal may result from their sequestration.”;

(2) by striking out the second paragraph;

(3) by adding the following sentence at the end of the third paragraph: “The Government may, by regulation, prescribe any other information the Minister must publish concerning emission units allocated without charge and those sold at auction under section 46.8.1.”

**21.** The Act is amended by inserting the following sections after section 46.8:

“**46.8.1.** The Government may, by regulation and on the conditions it determines, prescribe that part of the emission units allocated to an emitter without charge under subparagraph 1 of the first paragraph of section 46.8 is intended for sale at auction.

The sums collected at an auction shall be paid to the emitter by the Minister, after an agreement for that purpose has been entered into between them.

The emitter may use those sums only to carry out projects aimed at reducing greenhouse gas emissions or at research and development in this area, on the terms and conditions prescribed in the regulation concerning the payment and use of the sums as well as the carrying out of the projects.

The sums paid to the emitter must be used during the period determined by regulation of the Government. At the end of that period, the emitter is required to surrender to the Minister the sums not used or those used for purposes other than those provided for in the third paragraph. The same applies where, before the end of the period, the emitter ceases to carry on or operate the emitter's business, facility or establishment.

Despite the fifth paragraph of section 115.48, the Government may prescribe, by regulation, from among the sums to be surrendered to the Minister under the fourth paragraph, those that bear interest, the interest rate applicable, and the date as of which interest is payable.

**“46.8.2.** The Minister may, by regulation,

- (1) determine the projects that are eligible for offset credits;
- (2) determine the conditions and methods applicable to those projects; and
- (3) determine the information or documents relating to a project referred to in paragraph 1 or to a project whose eligibility for such credits must be determined
  - (a) that must be kept or provided to the Minister by the person or municipality responsible for carrying out the project; and
  - (b) that may be published by the Minister on his department's website or by any other means he considers appropriate.”

**22.** Section 95.3 of the Act is amended by replacing “under section 31.0.6” in subparagraph 2 of the first paragraph by “under section 31.0.6 or 31.68.1”.

### **DIVISION III**

#### **AMENDING PROVISIONS**

#### **ACT TO INCREASE THE NUMBER OF ZERO-EMISSION VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS**

**23.** Section 8 of the Act to increase the number of zero-emission vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02) is amended by inserting the following paragraph after the first paragraph:

“The credits accumulated by a motor vehicle manufacturer through the sale or lease of a motor vehicle referred to in paragraph 2 of section 6 are considered, for the purposes of this section, to have been accumulated for the model year, among those referred to in the first paragraph, that corresponds to the calendar year during which it was sold or leased for the first time in Québec.”

**24.** The Act is amended by inserting the following section after section 62:

“**62.1.** The Minister may delegate, in writing, to any member of the personnel of the Ministère du Développement durable, de l’Environnement et des Parcs designated by the Minister the exercise of the powers provided for in sections 12 and 14.”

#### FINANCIAL ADMINISTRATION ACT

**25.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Conseil de gestion du Fonds vert”.

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**26.** Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by striking out “subparagraph 1 of” in subparagraph g of paragraph 1.

#### AUDITOR GENERAL ACT

**27.** Section 43.1 of the Auditor General Act (chapter V-5.01) is amended by adding the following subparagraph at the end of the first paragraph:

“(4) the Commissioner’s findings and recommendations respecting the Electrification and Climate Change Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001).”

#### REGULATION RESPECTING THE QUÉBEC SALES TAX

**28.** Schedule III to the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by striking out “Conseil de gestion du Fonds vert”.

#### GENERAL AMENDING PROVISIONS

**29.** The following provisions are amended in the following manner:

(1) “Green Fund under section 15.4” in subparagraph 3 of the first paragraph of section 3 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is replaced by “Fund for the Protection of the Environment and the Waters in the Domain of the State under section 15.4.40”;

(2) “Green Fund” in the heading of Chapter IV, the second paragraph of section 13 and the second, third and seventh paragraphs of section 14 of the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is replaced by “Fund for the Protection of the Environment and the Waters in the Domain of the State”;

(3) “Fonds vert” in section 11 of the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is replaced by “Fund for the Protection of the Environment and the Waters in the Domain of the State”.

**30.** The expression “Green Fund” is replaced by “Electrification and Climate Change Fund” in the following provisions:

(1) section 59 of the Act to increase the number of zero-emission vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02);

(2) subparagraph *e* of subparagraph 5 of the first paragraph of section 115.43 and section 115.44 of the Environment Quality Act (chapter Q-2);

(3) the fourth and sixth paragraphs of section 114 of the Act respecting the Régie de l'énergie (chapter R-6.01);

(4) the fourth paragraph of section 19 of the Regulation respecting greenhouse gas emissions from motor vehicles (chapter Q-2, r. 17);

(5) the last paragraph of sections 53 and 62 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1).

## **DIVISION IV**

### **TRANSITIONAL PROVISIONS**

**31.** The Plan d'action 2013-2020 sur les changements climatiques, approved by Order in Council 518-2012 (2012, G.O. 2, 3114, French only) and amended by Orders in Council 434-2013 (2013, G.O. 2, 1984, French only), 756-2013 (2013, G.O. 2, 3229, French only), 90-2014 (2014, G.O. 2, 746, French only), 91-2014 (2014, G.O. 2, 752, French only), 128-2014 (2014, G.O. 2, 1018, French only), 93-2015 (2015, G.O. 2, 512, French only), 1019-2015 (2015, G.O. 2, 4883, French only), 952-2016 (2016, G.O. 2, 6170, French only), 135-2018 (2018, G.O. 2, 1660, French only), 419-2018 (2018, G.O. 2, 2761, French only), 331-2019 (2019, G.O. 2, 1194, French only), 732-2019 (2019, G.O. 2, 3097, French only), 469-2020 (2020, G.O. 2, 2394, French only) and 687-2020 (2020, G.O. 2, 3063, French only), is continued until 31 December 2020.

**32.** The Conseil de gestion du Fonds vert is dissolved without further formality than those provided for in this Act.

**33.** The Minister of the Environment and the Fight Against Climate Change replaces the Conseil de gestion du Fonds vert; the Minister acquires its rights and assumes its obligations.

**34.** The agreements entered into between a minister or Energy Transition Québec and the Conseil de gestion du Fonds vert in accordance with section 15.4.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) are deemed to be agreements entered into between a minister and the Minister of the Environment and the Fight Against Climate Change for the purposes of section 15.4.2 of that Act, as amended by section 10.

**35.** The assets and liabilities of the Conseil de gestion du Fonds vert are transferred to the Minister of the Environment and the Fight Against Climate Change and are included in the Electrification and Climate Change Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs.

**36.** The term of the members of the board of directors of the Conseil de gestion du Fonds vert ends on 1 November 2020.

The term of the president and chief executive officer ends without any compensation other than the severance allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

**37.** The employees of the Conseil de gestion du Fonds vert become, without further formality, employees of the Ministère de l'Environnement et de la Lutte contre les changements climatiques.

**38.** The records, archives and other documents of the Conseil de gestion du Fonds vert become those of the Minister of the Environment and the Fight Against Climate Change.

**39.** The Attorney General of Québec becomes, without continuance of suit, a party to any proceeding instituted by or against the Conseil de gestion du Fonds vert.

**40.** In any document other than an Act or a government regulation, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Conseil de gestion du Fonds vert or its president and chief executive officer is a reference to the Minister of the Environment and the Fight Against Climate Change;

(2) a reference to the Green Fund or the Fund for the Protection of the Environment and the Waters in the Domain of the State is a reference to the Electrification and Climate Change Fund or the Fund for the Protection of the Environment and the Waters in the Domain of the State, according to the subject matter concerned by the document in which the reference is found.

**41.** The assets and liabilities of the Fund for the Protection of the Environment and the Waters in the Domain of the State relating to the sums referred to in paragraphs 5.0.1 and 5.0.2 of section 15.4 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, enacted by section 8, are transferred to the Electrification and Climate Change Fund.

**42.** The assets and liabilities of the Electrification and Climate Change Fund relating to the matters referred to in paragraphs 7 and 8 of section 15.4.38 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, enacted by section 13, are transferred to the Fund for the Protection of the Environment and the Waters in the Domain of the State.

**43.** Until the date of coming into force of the first order under the first paragraph of section 15.4.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, as replaced by section 9, that section 15.4.1 is to be read as follows:

**“15.4.1.** Two-thirds of the sums that correspond to the proceeds of the sale by the Minister of emission allowances within the meaning of the second paragraph of section 46.6 of the Environment Quality Act (chapter Q-2) is reserved for the financing of measures applicable to transportation.

From the sums so reserved, the Minister shall transfer to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) a sum, equal to the average of the sums transferred to that fund by the Minister in the preceding five fiscal years, allocated to public transit measures and to financial assistance programs that promote the development and use of modes of passenger transportation other than passenger vehicles occupied by the driver only.

The sums referred to in the second paragraph of section 46.8.1 of the Environment Quality Act are excluded from the application of this section.”

**44.** A fee of \$295 is payable by any person or municipality who or that, in accordance with subdivision 6 of Division IV of Chapter IV of Title I of the Environment Quality Act, files a declaration of compliance with the Minister.

This section ceases to have effect on the date of coming into force of a regulation amending the Ministerial Order respecting the fees payable under the Environment Quality Act (chapter Q-2, r. 28) and prescribing the fees payable for such a declaration of compliance.

**45.** The Government must, not later than 31 December 2025, carry out the first review of the overall greenhouse gas reduction target for Québec under section 46.4 of the Environment Quality Act (chapter Q-2), as amended by section 19.

## **CHAPTER II**

### **GOVERNANCE OF THE ENERGY TRANSITION**

#### **DIVISION I**

##### **ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE**

**46.** Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following paragraphs after paragraph 14.1:

“(14.2) supporting, stimulating and promoting energy transition, innovation and efficiency and ensuring their integrated governance;

“(14.3) preparing and implementing programs and measures regarding energy transition, innovation and efficiency;

“(14.4) contributing to the financing of programs and measures regarding energy transition, innovation and efficiency;

“(14.5) ensuring the coordination of all programs and measures regarding energy transition, innovation and efficiency;

“(14.6) supporting research and development in the energy sector;

“(14.7) administering certification programs;

“(14.8) preparing reports and benchmarking studies on energy-related matters and advising the Government on standards and other elements that may influence energy consumption, and proposing appropriate changes;”.

**47.** The Act is amended by inserting the following after section 17.1:

#### **“DIVISION II.0.1**

##### **“ENERGY TRANSITION, INNOVATION AND EFFICIENCY MASTER PLAN**

**“17.1.1.** In this division,

“energy distributor” means

(1) an identified energy distributor;

(2) a fuel distributor; or

(3) a municipal electric power system governed by the Act respecting municipal and private electric power systems (chapter S-41) or the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21);

“identified energy distributor” means

(1) Hydro-Québec when carrying on electric power distribution activities; or

(2) a natural gas distributor as defined in section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01);

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distils fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale.

For the purposes of the definition of “fuel distributor” in the first paragraph, “fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes, or renewable fuel content.

For the purposes of the second paragraph,

“diesel fuel” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and intended to supply diesel engines;

“gasoline” means a liquid mixture of hydrocarbons obtained from the refining of petroleum mainly for use as spark ignition engine fuel;

“heating oil” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and used for domestic, commercial, institutional or industrial heating;



“propane” means a liquid mixture of hydrocarbons obtained from the refining of petroleum or the processing of natural gas and used either as spark ignition engine fuel or for such purposes as cooking and domestic, commercial, institutional and industrial heating.

**“17.1.2.** Every five years, the Minister shall set the policy directions and general objectives as well as the targets to be achieved regarding energy transition, innovation and efficiency in compliance with the principles and objectives set out in the climate change framework policy provided for in section 46.3 of the Environment Quality Act (chapter Q-2).

The policy directions, general objectives and targets shall be submitted to the Government for approval.

**“17.1.3.** The departments, bodies and identified energy distributors must submit to the Minister, within the time specified by the Minister, the programs and measures they propose to make available to their clients for a five-year period to make it possible to achieve the targets.

The programs and measures submitted must contain a description of the actions to be carried out, and the budgetary estimates, method of financing and time frame for carrying them out.

The Minister may, in order to ensure consistency among the programs and measures or if he considers that they will not make it possible to meet the policy directions, general objectives and targets, request that a department, body or identified energy distributor make the necessary changes to the programs or measures for which it is responsible, except those approved under section 85.41 of the Act respecting the Régie de l'énergie (chapter R-6.01).

**“17.1.4.** In keeping with the principle of sustainable development, the Minister shall prepare and submit to the Government a five-year energy transition, innovation and efficiency master plan.

For that purpose, the Minister shall establish, on the conditions the Minister determines, an advisory committee to advise him in preparing the master plan.

The master plan must include, in particular,

(1) the policy directions, general objectives and targets regarding energy transition, innovation and efficiency;

(2) a summary of the programs and measures that will be put in place by the departments, bodies and identified energy distributors to achieve the targets established in accordance with section 17.1.2, including the objectives pursued by the programs and measures, the target clientele, and their impact on greenhouse gas emissions;

(3) the departments', bodies' and identified energy distributors' budgetary estimates and time frames for carrying out the programs and measures;

(4) the energy distributors' financial investment toward preparing, carrying out, coordinating and updating the master plan, by form of energy;

(5) the designation of the person responsible for implementing each program and measure;

(6) a report on the energy situation in Québec and on progress made regarding energy transition, innovation and efficiency with respect to the targets established in the previous master plan; and

(7) a list of priority research subjects regarding energy transition, innovation and efficiency.

The departments' and bodies' budgetary estimates determined in accordance with subparagraph 3 of the first paragraph must be consistent with the expenditure and investment estimates approved in accordance with section 48 of the Financial Administration Act (chapter A-6.001).

**“17.1.5.** The Government shall authorize the implementation of the master plan if it is consistent with the policy directions, general objectives and targets regarding energy transition, innovation and efficiency.

Except for the programs and measures subject to the approval of the Régie de l'énergie under section 85.41 of the Act respecting the Régie de l'énergie (chapter R-6.01), the master plan comes into force, following the authorization of the Government, on 1 April following the end of the period covered by the previous master plan or on the date set by the Government.

The Minister shall make the master plan public before it comes into force.

**“17.1.6.** The Minister shall amend the master plan during the five-year period if the Minister considers, in particular, that the energy context, a review of the programs and measures contained in the plan, or the decision of the Régie de l'énergie under the first paragraph of section 85.41 of the Act respecting the Régie de l'énergie (chapter R-6.01) so requires.

Except for the programs and measures subject to the approval of the Régie de l'énergie under section 85.41 of the Act respecting the Régie de l'énergie, if an amendment could compromise the policy directions, general objectives or targets set regarding energy transition, innovation and efficiency, the Minister shall submit the amended master plan to the Government for authorization.

As applicable, the amended master plan comes into force following the authorization of the Government or on the date set by the Minister.

The Minister shall make the amended master plan public before it comes into force.

**“17.1.7.** Departments, bodies and identified energy distributors must carry out the programs and measures for which they are responsible under the master plan.

If an identified energy distributor is unable to carry out such a program or measure within the time and in the manner specified in the master plan, it must notify the Minister as soon as possible. The Minister may, at the distributor's expense, implement the program or measure the distributor has failed to carry out after giving the distributor 30 days' written notice to that effect.

**“17.1.8.** The Minister shall determine and make public the performance indicators used to measure achievement of results under the master plan.

**“17.1.9.** The departments, bodies and identified energy distributors must, each year, on the date set by the Minister, send the latter a status report on the actions undertaken under the master plan, as well as the results obtained, including those based on the performance indicators provided for in section 17.1.8.

**“17.1.10.** Not later than 30 September of each year, the Minister shall make public a report on the actions undertaken under the master plan as well as the results obtained, including those based on the performance indicators provided for in section 17.1.8.

**“17.1.11.** Every energy distributor must pay to the Minister its annual contribution determined by the Régie de l'énergie in accordance with the due dates, rate and calculation method prescribed by regulation of the Government. The regulation may also prescribe the terms of payment, the rate of interest on sums due and the penalties payable for failure to pay.

The rate, calculation method and terms of payment referred to in the first paragraph may, among other things, vary from one distributor or class of distributors to another. The regulation may also exempt a distributor or class of distributors.

The amount of the penalty that may be determined by the Government under the first paragraph may not exceed 15% of the sums due.

**“17.1.12.** For the purposes of this division, the Minister may request that a department, body or energy distributor provide to the Minister, within the time the Minister specifies, any information or document the Minister considers necessary.”

**48.** Section 17.12.12 of the Act is amended by striking out “, as well as geoscience knowledge acquisition and dissemination, and research and development in petroleum, natural gas, underground reservoirs and brine” in subparagraph 5 of the first paragraph.

**49.** Section 17.12.19 of the Act is amended by replacing “fees collected for an exploration, production or storage licence or an authorization to produce brine” in subparagraph 1 of the first paragraph by “a part, determined by the Minister, of the fees collected for an exploration, production or storage licence or an authorization to produce brine”.

**50.** The heading of subdivision 4 before section 17.12.21 of the Act is amended by replacing “*Transition*” by “*Transition, Innovation and Efficiency*”.

**51.** Section 17.12.21 of the Act is replaced by the following section:

**“17.12.21.** The Energy Transition, Innovation and Efficiency Fund is established.

The Fund is dedicated to the financing of activities related to energy transition, innovation and efficiency.

The Government may, on the conditions it determines and on the recommendation of the Minister, order that a part, which it fixes, of any sum that would otherwise be credited to the general fund be credited to the Fund.

An order under the third paragraph may take effect as of the start date of the fiscal year in which it is made.”

**52.** Section 17.12.22 of the Act is amended

(1) by inserting the following paragraph before paragraph 1:

“(0.1) the annual contribution collected from energy distributors under section 17.1.11;”;

(2) by inserting “that are not credited to the fossil energy management component of the Natural Resources Fund” at the end of paragraph 1.

**53.** Section 17.12.23 of the Act is repealed.

**54.** Section 17.22 of the Act is amended by inserting “, 14.3” after “paragraph 3” in the second paragraph.

## DIVISION II

### OTHER AMENDMENTS

#### FINANCIAL ADMINISTRATION ACT

**55.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Transition énergétique Québec”.

## ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

**56.** Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by striking out “Transition énergétique Québec”.

## HYDRO-QUÉBEC ACT

**57.** Section 16 of the Hydro-Québec Act (chapter H-5) is amended by inserting “and the contribution provided for in section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)” after “(chapter R-13)” in the first paragraph.

**58.** Section 22.1 of the Act is amended by replacing “Act respecting Transition énergétique Québec (chapter T-11.02)” in the second paragraph by “Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)”.

## ACT RESPECTING INVESTISSEMENT QUÉBEC

**59.** Section 21 of the Act respecting Investissement Québec (chapter I-16.0.1) is amended

- (1) by striking out subparagraph 2 of the second paragraph;
- (2) by striking out the third paragraph.

## PETROLEUM PRODUCTS ACT

**60.** Section 1 of the Petroleum Products Act (chapter P-30.01) is amended by inserting “and reduce the negative impacts on persons, property and the environment of manufacturing, distributing and using such products” at the end of paragraph 2.

**61.** The heading of Chapter II of the Act is amended by replacing “QUALITY STANDARDS” by “STANDARDS REGARDING QUALITY AND IMPACTS”.

**62.** Section 4 of the Act is amended by replacing “composed” and “danger to” by “manufactured and distributed” and “negative impacts on”, respectively.

**63.** Section 5 of the Act is amended

- (1) in the first paragraph,
  - (a) by inserting “and its components” after “any petroleum product”;
  - (b) by replacing “quality standards and” by “standards regarding their quality and impacts as well as”;

(c) by adding the following sentences at the end: “The Government may also prescribe, subject to the conditions and procedure it determines, the setting up of a mechanism for the purchase and sale of credits to promote compliance with the standards and specifications determined by regulation. The Minister may determine the measurement methods and tools for the application of the standards and specifications.”;

(2) by replacing the second paragraph by the following paragraph:

“A person who manufactures, distributes or sells a petroleum product must comply with the standards or specifications prescribed by regulation.”;

(3) by replacing “for the integration” in the third paragraph by “regarding environmental impacts and the integration”.

**64.** Sections 72 and 94 of the Act are amended by replacing all occurrences of “declaration” and “declarations” by “statement” and “statements”, respectively.

**65.** Section 96 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 4 by the following subparagraph:

“(4) determine, among the provisions of a regulation, those whose violation constitutes an offence;”;

(2) by adding the following subparagraph after subparagraph 5:

“(6) prescribe the transmission to the Minister or any other person or body, at the intervals and on the conditions the Minister determines, any information, statement or other document by a person governed by this Act or the regulations and prescribe the keeping of a register by such a person in the form and on the conditions the Minister determines.”

**66.** Section 97 of the Act is amended

(1) by inserting “, specifications” after “standards”;

(2) by replacing “types of petroleum products” and “how, where and by whom they are used” by “petroleum product or its components” and “how, in which territories and by which class of persons they are used”, respectively.

**67.** Section 98 of the Act is repealed.

**68.** Section 99 of the Act is replaced by the following section:

**“99.** Anyone who contravenes any of the provisions of section 15 commits an offence and is liable to a fine in the amount of \$5,000 to \$125,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases or in an amount corresponding to the cost to rebuild the petroleum product manufacturing plant, if the latter amount is higher.”

**69.** Section 103 of the Act is replaced by the following section:

**“103.** Anyone who

(1) contravenes a provision of the second paragraph of section 5 or of one of sections 71, 72, 73, 74, 75, 76 or 94,

(2) in carrying out this Act and the regulations, enters false or misleading data in a register or makes a false or misleading statement to the Minister, or who participates in or consents to such entries or statements, or

(3) contravenes a regulatory provision whose violation constitutes an offence commits an offence and is liable to a fine of \$5,000 to \$125,000 in the case of a natural person and \$10,000 to \$250,000 in all other cases.”

**70.** Section 106 of the Act is replaced by the following section:

**“106.** Despite section 103, the Government may set the minimum and maximum fines to which a person who contravenes a regulatory provision whose violation constitutes an offence is liable.

The maximum penalties under the first paragraph may not exceed those prescribed in section 103.”

**71.** Section 110 of the Act is amended by striking out “98,”.

**72.** Section 114 of the Act is replaced by the following section:

**“114.** The Minister may, by order, generally or specially and on the conditions he determines, delegate to any person or body the exercise of the powers and functions conferred on him by this Act and the regulations. The delegation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order.”

#### ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

**73.** Section 25 of the Act respecting the Régie de l'énergie (chapter R-6.01) is amended by striking out “or when examining the energy transition, innovation and efficiency master plan in accordance with section 85.41” in the second paragraph.

**74.** Section 85.40 of the Act is replaced by the following section:

**“85.40.** The terms and expressions defined in section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) apply to this chapter.”

**75.** Section 85.41 of the Act is replaced by the following section:

**“85.41.** The programs and measures of the identified energy distributors contained in the energy transition, innovation and efficiency master plan provided for in section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) as well as the financial investment necessary, by form of energy, for carrying out the programs and measures shall be submitted to the Régie, except the programs and measures and the financial investment of the electric power distributor. The Régie may approve them with or without amendment. The same holds for any amendment to the programs and measures.

Any amendment to a program or measure of an identified energy distributor and to the financial investment must be approved by the Régie before the expiry of the master plan.

When it approves a program or measure of an energy distributor and the latter’s financial investment, the Régie may make the amendments it considers necessary. The same applies when it approves a modification to these.

An approved or amended program, measure or financial investment comes into force on the date they are approved or on the date set by the Régie.

For the purposes of this section, the Régie shall consider, in particular, the policy directions, general objectives and targets regarding energy transition, innovation and efficiency and such economic, social and environmental concerns as have been identified by order of the Government.

The Régie shall determine and calculate the annual contribution payable by an energy distributor to the Minister in accordance with the regulation made under the first paragraph of section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune.”

**76.** Sections 85.42 and 85.43 of the Act are repealed.

**77.** Section 85.44 of the Act is amended by replacing “subparagraph *a* of subparagraph 3 of the first paragraph of section 7 of the Act respecting Transition énergétique Québec (chapter T-11.02)” in paragraph 3 by “paragraph 1 of the definition of “fuel distributor” in the first paragraph of section 17.1.1 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)”.



**78.** Section 114 of the Act is amended

- (1) by striking out subparagraph 11 of the first paragraph;
- (2) by striking out the third paragraph.

**79.** Schedule II to the Act is amended by replacing paragraph 15 by the following paragraph:

“**15.** List of and update on interventions and costs related to energy transition, innovation and efficiency;”.

## REGULATION RESPECTING ROAD VEHICLE REGISTRATION

**80.** Section 96.1 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) is amended

(1) by replacing “a road vehicle” in the first paragraph by “an electric-powered road vehicle equipped with a battery rechargeable by connecting to the electric network and”;

(2) by striking out “and qualified under the Drive Electric component of the Roulez vert program administered by Transition énergétique Québec under section 5 of the Act respecting Transition énergétique Québec (chapter T-11.02)” in the first paragraph;

(3) by striking out the second paragraph.

**81.** Section 142.1 of the Regulation is amended

(1) by replacing “a road vehicle” in the second paragraph by “an electric-powered road vehicle equipped with a battery rechargeable by connecting to the electric network”;

(2) by striking out “and qualified under the Drive Electric component of the Roulez vert program administered by Transition énergétique Québec under section 5 of the Act respecting Transition énergétique Québec (chapter T-11.02)” in the second paragraph;

(3) by striking out the third paragraph.

## PETROLEUM PRODUCTS REGULATION

**82.** Section 24 of the Petroleum Products Regulation (chapter P-30.01, r. 2) is amended by striking out “and is liable to a fine provided for in paragraph 2 of section 106 of the Petroleum Products Act (chapter P-30.01)”.

**83.** Section 25 of the Regulation is amended by striking out “and is liable to a fine provided for in paragraph 1 of section 106 of the Petroleum Products Act”.

#### REGULATION RESPECTING THE QUÉBEC SALES TAX

**84.** Schedule III to the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2) is amended by striking out “Transition énergétique Québec”.

#### DIVISION III

##### TRANSITIONAL PROVISIONS

**85.** The Act respecting Transition énergétique Québec (chapter T-11.02) is repealed.

**86.** Transition énergétique Québec is dissolved without further formality than those provided for in this Act.

**87.** The Minister of Energy and Natural Resources replaces Transition énergétique Québec; the Minister acquires its rights and assumes its obligations.

**88.** Transition énergétique Québec programs and measures in force on 1 November 2020 continue to apply until they are replaced or abolished by the Minister of Energy and Natural Resources, with the approval of the Conseil du trésor if they concern a financial contribution.

**89.** The Attorney General of Québec becomes, without continuance of suit, a party to any proceeding instituted by or against Transition énergétique Québec.

**90.** The policy directions, general objectives and targets to be achieved regarding energy transition, innovation and efficiency established by Order in Council 537-2017 (2017, G.O. 2, 2884, French only) are maintained until 31 March 2026, with the necessary modifications. The Minister of Energy and Natural Resources establishes the policy directions, general objectives and targets in accordance with section 17.1.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) that are applicable from 1 April 2026.

**91.** For the purposes of section 17.1.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the 2018–2023 energy transition, innovation and efficiency master plan prepared by Transition énergétique Québec is maintained until 31 March 2026, with the necessary modifications. The Minister of Energy and Natural Resources must prepare a new energy transition, innovation and efficiency master plan for a five-year period beginning 1 April 2026.

The energy distributors' financial investment toward carrying out the 2018–2023 master plan is increased in proportion to the additional years during which the master plan is maintained. The contribution of the energy distributors for the additional fiscal years is calculated in accordance with the Regulation respecting the annual contribution payable to Energy Transition Québec (chapter R-6.01, r. 5.1), with the necessary modifications.

**92.** The assets and liabilities of Transition énergétique Québec are transferred to the Minister of Energy and Natural Resources and are included in the Energy Transition, Innovation and Efficiency Fund established under section 17.12.21 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

**93.** The Regulation respecting the annual contribution payable to Energy Transition Québec (chapter R-6.01, r. 5.1) continues to apply with the following modifications:

(1) a reference to the Act respecting Transition énergétique Québec (chapter T-11.02) is a reference to the Act respecting the Ministère des Ressources naturelles et de la Faune;

(2) a reference to the annual contribution payable to Transition énergétique Québec is a reference to the annual contribution payable to the Minister of Energy and Natural Resources under section 17.1.11 of the Act respecting the Ministère des Ressources naturelles et de la Faune;

(3) a reference to the fiscal year of Transition énergétique Québec is a reference to the fiscal year of the Energy Transition, Innovation and Efficiency Fund.

**94.** The term of the members of the board of directors of Transition énergétique Québec ends on 1 November 2020.

The term of the president and chief executive officer ends without compensation.

**95.** The employees of Transition énergétique Québec become, without further formality, employees of the Ministère de l'Énergie et des Ressources naturelles, except those belonging to the class of positions of advocate and notary, who become employees of the Ministère de la Justice.

**96.** The records, archives and other documents of Transition énergétique Québec become those of the Ministère de l'Énergie et des Ressources naturelles.

**97.** In any document other than an Act or a government regulation, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to Transition énergétique Québec is a reference to the Minister of Natural Resources and Wildlife or the Ministère des Ressources naturelles et de la Faune as well as to the Minister of Energy and Natural Resources or the Ministère de l'Énergie et des Ressources naturelles;

(2) a reference to the Energy Transition Fund is a reference to the Energy Transition, Innovation and Efficiency Fund.

### **CHAPTER III**

#### **FINAL PROVISION**

**98.** This Act comes into force on the first day of the month that follows its assent. However, if the Act is assented to on the first day of a month, it comes into force on the day it is assented to.