(*i*) the time limit recommended for the psychosocial reassessment and the reasons in support thereof;

(*j*) the identification of the person responsible for the psychosocial follow-up of the person of full age indicating his name, profession, place of practice and telephone number;

(*k*) the identification of the assessor indicating his name, professional permit number, professional address, e-mail address and telephone number.

The aforementioned additional reports must be provided on the forms available on the website of the Public Curator and they must be signed and dated by the assessor.

10. This Regulation comes into force on (enter the date of the coming into force of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, c. 11), with the exception of subsection (2) of section 153 of that Act insofar as it enacts subsection (3.4) of section 68 of the Public Curator Act (c. C-81)).

105313

Draft Regulation

Environment Quality Act
(chapter Q-2)

Recovery and reclamation of products by enterprises — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) to determine the obligations regarding the recovery and reclamation of certain new products marketed that should be assumed by an organization referred to in section 4 of that Regulation in the place and stead of certain persons that are members of that organization.

It also makes an enterprise subject to that Regulation, under certain conditions, if it is an enterprise that has no domicile or establishment in Québec or an enterprise that operates a transactional website by means of which another enterprise that has no domicile or establishment in Québec markets, in Québec, a new product covered by that Regulation.

In addition, the draft Regulation adds three new categories of products to the Regulation respecting the recovery and reclamation of products by enterprises: agricultural products, pressurized fuel containers and pharmaceutical products. It adds new subcategories of products. It also restricts to certain types of products the obligation, imposed on an enterprise that markets a product covered by the Regulation one of whose components is also a product covered by the Regulation, to recover and reclaim any product that is original or similar to that component.

The draft Regulation also provides, in particular, for the following:

— Postponement of and changes to the minimum recovery rates applicable to products already covered by the Regulation respecting the recovery and reclamation of products by enterprises;

— Introduction of eco-design and circular economy objectives that, if attained, will reduce the required minimum recovery rate;

— Granting of compensations for purposes of calculating the minimum recovery rate to be attained, based on the quantity of products recovered prior to 1 January 2022;

— Replacement of the obligation to pay a sum to the Fund for the Protection of the Environment and the Waters in the Domain of the State in case of failure to attain the minimum recovery rate by the obligation to implement a remediation program to enhance the recovery and reclamation plan in order to attain that minimum recovery rate in subsequent years;

— Obligation for recovery and reclamation of products covered by the Regulation be carried out under a program developed pursuant to section 5;

— Changes to the minimum requirements concerning drop-off centres and services offered in northern communities covered by section 17;

— Changes aimed at promoting public access to information concerning the recovery program and its performance;

— Relaxing of operating rules for recovery and reclamation programs, auditing of service providers, annual reporting and audit rules.

Finally, the draft Regulation makes the necessary adjustments regarding monetary administrative penalties applicable in case of non-compliance and penal sanctions applicable in case of an offence, as well as certain transitional provisions and certain necessary technical adjustments.

Concerning the impact on small and medium-sized businesses, enterprises that market the products that the draft Regulation introduces into the Regulation respecting the recovery and reclamation of products by enterprises will be obliged to assume additional costs for implementing a recovery and reclamation program. However, as new avenues are opened up for reclamation of the products in question, the process should generate additional revenues for enterprises. Although the costs related to the measures instituted by the draft Regulation are expected to be low or very low depending on the product, these increases could be reflected in the prices charged to consumers.

Further information may be obtained by contacting Nicolas Boisselle, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3950, ext. 7090; email: nicolas.boisselle@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Assistant Director, 3RV-E, Direction des matières résiduelles, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

Benoit Charette
Minister of the Environment and the Fight Against Climate Change

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, 6 and 7, s. 95.1, 1st par., subpars. 6, 11, 12, 13, 20, 21 and 23, ss. 115.27 and 115.34)

1. The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended in section 2

(1) by replacing "by means of a recovery and reclamation program" in the first paragraph by "as a measure under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), by means of a recovery and reclamation program";

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

"Despite the first and second paragraphs, the obligation provided for in the first paragraph falls on the enterprise that acts as the first supplier in Québec of a new product covered by this Regulation, in the following cases:

(1) the enterprise referred to in the first or in the second paragraph has no domicile or establishment in Québec;

(2) the product does not bear any brand, name or distinguishing guise.

Where a new product covered by this Regulation is acquired outside Québec in the course of a sale governed by the laws of Québec, the following rules apply:

(1) if the product is acquired by an enterprise that has its domicile or an establishment in Québec for the purpose of marketing it, the obligation provided for in the first paragraph falls

(*a*) on the enterprise that acquires the product, if the enterprise from which it acquired it has no domicile or establishment in Québec;

(*b*) on the enterprise from which the product was acquired, if that enterprise has its domicile or an establishment in Québec;

(2) if that product is acquired by an enterprise or a natural person that is not carrying on an organized economic activity but has its, his or her domicile or an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1) for that enterprise's, that person's, that municipality's or that public body's own use, the obligation provided for in the first paragraph falls

(*a*) on the enterprise that operates a transactional website, by means of which the product was acquired, enabling an enterprise that has no domicile or establishment in Québec to market a product in Québec;

(*b*) on the enterprise from which the product was acquired, whether or not it has a domicile or establishment in Québec, in other cases.";

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

"This section does not apply to an enterprise that is a "small supplier" within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).".

2. Section 3 is amended

(1) in the first paragraph

(*a*) by replacing "a component of which is a product referred to in this Regulation, other than a product listed in Division 6 of Chapter VI," by "that is not covered by this Regulation, but is mentioned herein, one of the components of which is a product covered by this Regulation";

(*b*) by inserting "by means of a recovery and reclamation program developed in accordance with section 5," after "cause to be recovered and reclaimed,";

(*c*) by striking out "as that marketed by the enterprise, whether or not the main product is covered" at the end;

(2) in the second paragraph

(*a*) by replacing "main product is not" by "product that contains the component is not";

(*b*) by replacing "main product" by "product that contains the component";

(*c*) by inserting "or cause to be recovered and reclaimed" after "is required to recover and reclaim";

(*d*) by replacing "main product marketed by the enterprise" by "product marketed that contains the component".

3. Section 4 is amended

(1) by inserting "in section 4.4," after "subject to the requirements" in the portion before paragraph 1;

(2) by inserting, "or manufactured or caused to be manufactured by it for its own use" after "marketed by it" in the portion before paragraph 1;

(3) by replacing paragraph 1 by the following:

"(1) the goal or one of the goals of which is to develop and implement, as a measure, a recovery and reclamation system for residual materials or to contribute financially toward the development and implementation of such a system and, in either case, in accordance with the provisions of this Regulation and the terms and conditions determined in an agreement entered into under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2); and".

4. The following is added after section 4:

"**4.1.** An organization referred to in section 4 must, in the place and stead of the enterprises that are members of it, recover and reclaim, by means of a recovery and reclamation program developed in accordance with section 5, a product covered by this Regulation that is marketed by an enterprise referred to in section 2 or 3 that is a member of it.

That organization must also, in the place and stead of the enterprises referred to in section 8 that are members of it, provide for the management of the products recovered, in accordance with the conditions provided for in that section, that such an enterprise manufactures or causes to be manufactured for its own use.

The obligations provided for in Chapters V and VI fall on that organization, with the necessary adaptations, in respect of products of the same type as that marketed, or manufactured or caused to be manufactured, by an enterprise referred to in section 2, 3 or 8 that is a member of it.

4.2. An organization referred to in section 4 that ensures the recovery and reclamation of a product in a subcategory for which a recovery rate is prescribed under Chapter VI must recover and reclaim all the types of products in that subcategory.

4.3. An organization referred to in section 4 that recovers a product the recovery and reclamation of which are ensured by another organization referred to in section 4 must provide to it, for each subcategory, the quantity of products recovered, whatever type.

4.4. An enterprise referred to in section 4 must provide to an organization of which it is a member, within 60 days following a request by that organization, the information and documents necessary for preparing the assessments and reports provided for in sections 9, 10 and 11 and determining the recovery rate and the difference referred to in the first paragraph of section 13.".

5. Section 5 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 3 by the following:

"(3) provide for operating rules, criteria and requirements that must be complied with by a service provider, including subcontractors, in the management of recovered products and provide for the implementation of measures to ensure compliance.

Those operating rules, criteria and requirements must deal with applicable laws, regulations and agreements, management and monitoring of recovered products and materials through to their final destination, measures aimed at risk management and operational safety as well as safe treatment of products and materials, accountability measures including auditing obligations in regard to recovered products management, if applicable, as well as any other measures to ensure that the activities of the supplier and the supplier's subcontractors are in compliance with the program and this Regulation.".

(*b*) by replacing subparagraph 4 by the following:

"(4) enable traceability of products and materials from their recovery through to their final destination. The place of final destination is considered to be the place where those products and materials

(*a*) are rendered available for reuse;

(*b*) undergo the final stage of their treatment so that they can be used as substitutes for raw materials, in particular in a product manufacturing process;

(*c*) are used for purposes of energy recovery;

(*d*) are disposed of.";

(*c*) by replacing "residual materials" in subparagraph 5 by "recovered products and materials through to their place of final destination";

(*d*) by inserting "or, in the case of a product covered by Division 9 of Chapter VI, in accordance with section 53.0.33" after "in accordance with Chapter V" in subparagraph 6;

(*e*) by inserting the following after subparagraph 8:

"(8.1) provide for a means of communication to enable the following information to be made public each year and to be accessed for a minimum period of 5 years:

(*a*) the name of the enterprise, group of enterprises or organization referred to in section 4 that is implementing the program;

(*b*) the name of the program;

(*c*) the types of products covered by the program and, in the case of a program implemented by an enterprise or group of enterprises, their brands;

(*d*) the recovery rates attained, by subcategory of products, as compared to the minimum prescribed recovery rates;

(*e*) for each subcategory of products, the proportion of products and materials recovered that have been reused, recycled, used for energy recovery purposes, otherwise reclaimed, stored or disposed of, as well as their place of final destination;

(*f*) the address of each of the drop-off centres and, if applicable, a description of the collection services;

(*g*) a description of the main information, awareness and education activities conducted during the year;

(*h*) if applicable, a description of the remediation plan, the total sums that are allocated to it, the implementation schedule and a list of the measures implemented during the year;

(*i*) in the case of a program implemented by an organization referred to in section 4:

i. the names of the enterprises that are members of that organization;

ii. for each subcategory of products, the quantity of products marketed during the year covered by the annual report and during the reference year determined in Chapter VI;

iii. for each subcategory of products, the quantity of products recovered and the recovery rate attained as compared to the minimum recovery rate prescribed in Chapter VI;

iv. for each category of products, the percentage of each type of materials composing it that have been reused, recycled, otherwise reclaimed, stored or disposed of;

v. an assessment indicating the income related to the collection, from its members, of fees related to the implementation of the recovery and reclamation program, income from the sale of recovered products and materials, as well as costs related to the implementation of the recovery and reclamation program, specifying the costs associated with the activities mentioned in subparagraph 8 of the first paragraph of section 9;";

(*f*) by replacing "for each" in subparagraph 10 by "by";

(*g*) by replacing subparagraph 11 by the following:

"(11) provide for the auditing of recovered products management and of compliance with the operating rules, criteria and requirements referred to in subparagraph 3 by a person who meets one of the following conditions:

(*a*) the person holds the title of certified environmental auditor conferred by an organization accredited by the Standards Council of Canada;

(*b*) the person is a member of a professional order governed by the Professional Code (chapter C-26) and meets one of the following conditions:

i. the person holds a postsecondary school diploma in a field related to environment protection or industrial ecology;

ii. the person holds an undergraduate university diploma and has at least 5 years' experience in a field of activity related to the recovery and reclamation program;

iii. the person holds a diploma of college studies and has at least 10 years' experience in a field of activity related to the recovery and reclamation program.

The audit must be conducted starting from the first complete calendar year of implementation of the program and, thereafter, at the following frequency:

(*a*) in the case of drop-off centre service providers, including subcontractors, each year at least 10% of them, dispersed across more than one region of Québec, must be audited and, within a 5-year period, all of them must be audited;

(*b*) in other cases, the audit must be conducted at least every 3 years;

(12) provide for criteria to determine which recovered products should be reused rather than recycled, otherwise reclaimed, stored or disposed of;

(13) provide for any other measure required for the purpose of any specific provision applicable to that category of products.".

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

"Where the program provides for the management of a product marketed in a territory covered by section 17, the measures contained in the program and referred to in subparagraphs 3, 8 and 9 of the second paragraph must be adapted to meet the needs and particular circumstances of that territory.".

6. Section 6 is amended

(1) in the first paragraph

(*a*) by replacing "in respect of" in the first paragraph by "for";

(*b*) by replacing "2, 3 or 8" by "2 or 3";

(2) in the second paragraph

(*a*) by replacing "and each type of product" in subparagraph 4 by "of products";

(*b*) by replacing "subcategory of product" in subparagraph 5 by "subcategory of products";

(*c*) by replacing "each type of product" in subparagraph 5 by "products";

(*d*) by replacing "or territory referred to in sections 16 and 17 where each type of product" in subparagraph 6 by ", territory or administrative region covered by sections 16, 17 and 53.0.12 where each product of a subcategory";

(*e*) by striking out "or types" in subparagraph 7;

(*f*) by replacing "or type of product" in subparagraph 8 by "of products";

(*g*) by replacing "they must comply with under the program;" at the end of subparagraph 9 by "service suppliers and their subcontractors must comply with under the program;";

(*h*) by replacing subparagraph 10 by the following:

"(10) a description of the proposed measures for verifying compliance by service providers and their subcontractors with the operating rules, criteria and requirements referred to in subparagraph 3 of the first paragraph of section 5 and subparagraph 9 of the second paragraph of this section";

(*i*) by replacing subparagraph 12 by the following:

"(12) the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their disposal method;";

(3) by inserting the following after subparagraph 3 of the third paragraph:

"(4) if applicable, the name and contract information of the person to which it has given the mandate to represent the enterprise for the purposes of section 4.4, as well as a copy of the contract related to that mandate.";

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

"The enterprise must, as soon as possible, notify the Minister of any change in any information provided pursuant to this section.".

7. The following is added after section 6:

"**6.1.** Not later than one month before the date of implementation of a recovery and reclamation program for a product the recovery and reclamation of which is ensured by an organization referred to in section 4, that organization must provide to the Minister the following information and documents:

(1) the name and contact information of its representative and of the person in charge of the program;

(2) each subcategory of products the recovery and reclamation of which are ensured by the program;

(3) according to each subcategory of products, the estimated quantity of products marketed during a year by the enterprises that are members;

(4) the information and documents referred to in subparagraphs 6 to 13 of the second paragraph of section 6;

(5) an estimate of the annual budget for the first 3 years of implementation indicating, in particular, the expenses attributable to

(*a*) the recovery and reclamation of each subcategory of product;

(*b*) information, awareness and education activities;

(*c*) research and development activities;

(*d*) program administration.".

8. Section 7 is amended by replacing the second paragraph by the following:

"Only an enterprise referred to in section 2 or 3 that markets the product may render visible those internalized costs. In such case, the enterprise must

(1) post information concerning the recovery and reclamation program for the product on a website;

(2) disclose the internalized costs as soon as it markets the product, mention that those costs are used to ensure the recovery and reclamation of the product and indicate the address of the website.".

9. Section 8 is amended

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

"An enterprise, including a municipality or a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1), that, for its own use, manufactures, or causes to be manufactured, products covered by this Regulation must recover and reclaim, or cause to be recovered and reclaimed, those products after their use.";

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

"Not later than 3 months before the date provided for in Chapter VI for the implementation of a recovery and reclamation program for a product, that enterprise must inform the Minister of its intention to implement an individual program, join a group of enterprises implementing a common program or become a member of an organization referred to in section 4.

An enterprise electing to implement an individual program or to join a group of enterprises must then provide to the Minister the information and documents referred to in subparagraphs 1 to 5, 8, 9 and 12 of the second paragraph of section 6, with the necessary adaptations.

This section does not apply to an enterprise that is a "small supplier" within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).".

10. The following is added after section 8:

"**8.1.** No one may recover or reclaim a product covered by this Regulation, or entrust to another the recovery and reclamation of such a product, except by means of a recovery and reclamation program developed pursuant to section 5.".

11. Section 9 is amended

(1) in the first paragraph

(*a*) by replacing "30 April" in the portion before subparagraph 1 by "15 May";

(*b*) by inserting "or, if applicable, an organization referred to in section 4" after "section 2 or 3" in the portion before subparagraph 1;

(*c*) by inserting the following before subparagraph 1:

"(0.1) if applicable, in respect of each enterprise that is a member of the organization referred to in section 4,

(*a*) the product or subcategory of products the recovery and reclamation of which are ensured by that organization as well as the brand, name or distinguishing guise owned or used by the enterprise;

(*b*) if applicable, the name and contact information of the person referred to in subparagraph 4 of the third paragraph of section 6 to which it entrusts the mandate to represent the enterprise for the purposes of section 4.4;";

(*c*) by replacing "each type of product" in subparagraph 1 by "products";

(*d*) by replacing "if applicable, according to their brand, name or distinguishing guise" at the end of subparagraph 1 by "in the case of a report submitted by an enterprise, according to their brand, name or distinguishing guise, if applicable";

(*e*) by inserting the following after subparagraph 2:

"(2.1) if applicable, the quantity of products covered by section 4.3 recovered or the recovery of which was carried out by another organization referred to section 4;

(2.2) if applicable, the quantity of products recovered that are sent or received under an agreement aimed at entrusting the reclamation of a recovered product to another enterprise referred to in section 2 or 3 or to an organization referred to in section 4;";

(*f*) by replacing subparagraph 6 by the following:

"(6) for each subcategory of products or materials recovered, the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their method of reclamation or disposal;";

(*g*) by inserting ", the means of communication referred to in subparagraph 8.1 of the first paragraph of section 5" after "education activities" in subparagraph 7;

(*h*) by replacing "or type of product" in subparagraph *a* of subparagraph 8 by "of products";

(*i*) by replacing "and, if applicable, by type of product" in subparagraph 9 by "of products";

(*j*) by replacing subparagraph 10 by the following:

"(10) if applicable, the number and the location of the sites where the audits referred to in subparagraph 11 of the first paragraph of section 5 and in subparagraph 10 of the second paragraph of section 6 were carried out during the year, the name and address of the person who carried out those audits, a copy of the documents showing that the person meets the conditions determined in subparagraph 11 of the first paragraph of section 5, the findings resulting from those audits and, if applicable, the adjustments that will be made to rectify any problems;";

(*k*) by inserting the following after subparagraph 11:

"(12) where the calculation of the recovery rate for a subcategory of products benefits from a reduction in the quantity of products marketed pursuant to the second paragraph of section 13, if applicable,

(*a*) a document issued by a recognized certification organization attesting to the percentage of recycled content in the products in that subcategory;

(*b*) the document indicating the basic guarantee granted free of charge to any consumer for each of the products of the same subcategory;

(*c*) the quantity of products or materials that have been reused or recycled in Québec for each subcategory of products, the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5;

(13) if applicable, where a remediation plan referred to in section 14 has been provided to the Minister,

(*a*) a detailed description of the measures carried out during the year;

(*b*) the expenditures incurred during the year specifically for the implementation of the measures contained in the remediation plan as well as the amount of the sums not yet incurred for that purpose;

(14) any other document or information required in the annual report pursuant to a specific provision applicable to that category of products.";

(2) in the second paragraph

(*a*) by replacing "in the first paragraph must be the subject of an audit engagement, both at the enterprise level" by "in subparagraphs 1, 2, 4, 5, 6, 8, subparagraph *c* of subparagraph 12 and subparagraph 13 of the first paragraph must be audited, at the level of both the enterprise or, if applicable, the organization referred to in section 4,";

(*b*) by striking out "effectuée" in the French version;

(3) by replacing "the audit engagement" in the portion before subparagraph 1 of the third paragraph by "the audit".

12. Section 10 is amended

(1) by inserting "or an organization referred to in section 4" after "section 2 or 3";

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

"The assessment must also indicate, for each subcategory of products during the period covered, the quantity of products actually available for recovery and determined on the basis of a sampling, investigation or survey method that complies with recognized practices.".

13. Section 11 is amended

(1) in the first paragraph

(*a*) by replacing "30 April" in the portion before subparagraph 1 by "15 May";

(*b*) by inserting "or an organization referred to in section 4" after "an enterprise referred to in section 8" in the portion before subparagraph 1;

(*c*) by replacing subparagraph 1 by the following:

"(1) the quantity of products manufactured by it for its own use, by subcategory of product;";

(*d*) by replacing subparagraph 6 by the following:

"(6) the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5;";

(2) by inserting "or an organization referred to in section 4" after "An enterprise referred to in section 8" in the second paragraph.

14. Section 12 is amended in the first paragraph

(1) by replacing "referred" by "or organization referred";

(2) by replacing ", every 3 months," by "each year";

(3) by replacing "type of product" by "subcategory of products".

15. The heading of Chapter IV of the Regulation is amended by inserting "REMEDIAL PLAN AND" before "PAYMENT".

16. Section 13 is amended

(1) in the first paragraph

(*a*) by replacing "product under" in the portion before subparagraph 1 by "products under";

(*b*) by replacing "must, for each subcategory of product to which a product marketed by the enterprise belongs" in the portion before subparagraph 1 by "and an organization referred to in section 4 that is required to recover and reclaim such products must, for each subcategory of products to which a product marketed by the enterprise or required to be recovered and reclaimed by the organization, as the case may be, belongs";

(*c*) by inserting "of the same type as those marketed" after "Quantity of products" in subparagraph 1 in the section pertaining to variable A;

(*d*) by inserting ". The value of variable A is deemed to be 0 where the quantities of products recovered have not been audited pursuant to the second paragraph of section 9" after "during the year" in subparagraph 1 in the section pertaining to variable A;

(*e*) by inserting "of the same type as those marketed and actually" after "products" in subparagraph 1 in the section pertaining to variable E;

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

"For the purposes of the first paragraph, where the products of a subcategory of products meet the conditions regarding percentage of recycled content, basic manufacturer's guarantee or reuse or recycling in Québec, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, as it is determined

by multiplying value B by value C, is reduced by the value prescribed in Chapter VI, up to a maximum reduction of 30%.";

(3) by striking out "before or" in the third paragraph;

(4) by inserting the following after the third paragraph:

"In addition, during each of the 2 full calendar years preceding the calendar year for which a minimum recovery rate is prescribed, up to 50% of the quantity of products recovered in the same subcategory of products may be used to compensate for the negative difference in the same subcategory of products for a year preceding by no more than 5 years the first year for which a rate is prescribed.";

(5) by replacing ", the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the fourth paragraph for compensation purposes" in the fourth paragraph by "or the reduction in the quantity of products recovered necessary to attain the minimum recovery rate pursuant to the second paragraph, the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the third paragraph or in section 59.3 for compensation purposes and the quantity of products recovered used to compensate for a negative difference in the cases provided for in the third paragraph and in section 59.3".

17. Section 14 is amended

(1) by replacing the first, second and third paragraphs by the following:

"An enterprise referred to in section 2 or 3 or, if applicable, an organization referred to in section 4 must determine each year, for each subcategory of products, the recovery and reclamation results for the current year, if applicable, after compensation made under the third or fourth paragraph of section 13 or under section 59.3.

Where the results for that year indicate a negative residual difference, the enterprise or, if applicable, the organization must, not later than 30 July after the deadline determined for providing the annual report, submit to the Minister a remediation plan detailing the measures that will be implemented to increase the recovery rate.

The measures contained in the remediation plan must

(1) make it possible to attain the minimum recovery rate fixed in Chapter VI within 2 years;

(2) provide that the enterprise or, if applicable, the organization will incur expenditures equal to or greater than the applicable values provided for in Chapter VI multiplied by the missing quantity of products recovered to attain the minimum recovery rate for that year, in units, weight or volume;

(3) take into account the measures contained in any remediation plan previously submitted to the Minister; any sums not yet incurred for measures contained in that previous plan must be added to the current plan.

An enterprise or organization that ceases implementing its program must, within 4 months following the date of cessation, determine the recovery and reclamation results for each of the previous years for which no such determination has been made and make a payment into the Fund for the Protection of the Environment and the Waters in the Domain of the State for any negative residual difference. The amount of that payment is calculated by multiplying the applicable values provided for in Chapter VI by the missing quantity of products recovered, in units, weight or volume, to attain the minimum recovery rate for those years, to which are added, if applicable, any sums not yet incurred provided for under a previously submitted remediation plan.";

(2) by striking out ", not later than 30 April following the end of the period concerned or, as the case may be," in the fourth paragraph.

18. Section 16 is amended

(1) by replacing "business" in subparagraph 1 of the first paragraph by "business establishment";

(2) by replacing "operation" in the third paragraph by "service";

(3) by replacing the fourth paragraph by the following:

"For each regional municipality referred to in subparagraph 2 of the first paragraph, there must be at least 1 drop-off centre in service as soon as the program is implemented. Two-thirds of the total number of drop-off centres for all those regional municipalities must be in service as of the first anniversary of the program's implementation and all the drop-off centres must be in service as of its second anniversary.".

19. Section 17 is amended

(1) in the first paragraph

(*a*) by replacing "James Bay Regional Development and Municipal Organization Act (chapter D-8.2)" by "James Bay Region Development Act (chapter D-8.0.1)";

(*b*) by replacing "may, instead of setting up drop-off centres in accordance with subparagraph 1 of the first paragraph of that section," by "must";

(*c*) by replacing "and installed in adequate premises accessible to consumers" by ", installed in sheltered and developed premises suitable for storing recovered products for several months. Those premises must be accessible to consumers or industrial, commercial or institutional clienteles at least 3 days during the year, including at least 2 days during the summer. Periods and conditions of access must be publicized in the territory served and, when those premises are made accessible, a person who has been adequately trained on the identification, handling and storage of the products, adapted to the type of products received, must be present on site to safely receive, sort and store the products received and prepare them to be transported";

(2) in the second paragraph

(*a*) by replacing "at the beginning" by "not later than 1 September"

(*b*) by replacing "in the case of municipalities, cities, towns, urban agglomerations, localities or Native communities of more than 1,000 inhabitants, and not later than the second anniversary of the program in the other cases" by "and, despite the first paragraph, the drop-off centres must be accessible at least 2 days during the year".

20. Section 21 is amended

(1) by replacing "and 17" by ",17, 32.1, 53.0.4, 53.0.12 and 53.0.21";

(2) by replacing "and 20" by ", 20 and 32.1".

21. Section 22 is amended

(1) by replacing "record or save information, images" in the first paragraph by "produce, reproduce, record or save information, images, objects";

(2) by replacing subparagraphs 1 to 10 of the second paragraph by the following:

"(1) desktop or laptop computers as well as electronic pads;

(2) display devices, such as computer screens and television sets;

(3) printers, scanners, fax machines and photocopiers;

(4) telephones of all types, pagers and answering machines;

(5) portable electronic products not covered by the preceding subparagraphs, such as e-book readers, global positioning systems, cameras, walkie-talkies, camcorders, portable digital players, activity trackers, smart glasses, as well as small electronic devices not covered by another subcategory provided for in this section, such as digital photo frames;

(6) non-portable electronic products not covered by another subcategory provided for in this section, such as security systems, projectors, video game consoles, sound, image and wave readers, recorders, burners or storage devices, amplifiers, equalizers, digital receivers and other non-portable electronic products designed to be used with an audiovisual system or marketed as part of a set;

(7) peripherals and accessories designed to be used with a product covered by this Division, such as cables, routers, servers, hard drives whether portable or not, memory cards, USB keys, webcams, earphones, mouses, keyboards, speakers, remote controls and joysticks, as well as spare parts not covered by another subcategory provided for in this section and designed to be used with a product covered by this category.";

(3) by replacing "5" in the third paragraph by "4";

22. Section 23 is amended

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

"For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 22 must be calculated in units or equivalent weight.";

(2) by replacing "and type of product" in the second paragraph by "of products".

23. Section 24 is replaced by the following:

"**24.** An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 22 must implement its recovery and reclamation program not later than (*insert the year that follows the year of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.".

24. Section 25 is amended by striking out "or 3".

25. Section 26 is amended

(1) by striking out "or 3" in the first paragraph;

(2) by striking out the second paragraph;

(3) in the third paragraph

(*a*) by striking out ", 3";

(*b*) by striking out "or 10".

26. Section 27 is amended

(1) in the first paragraph

(*a*) by replacing "2020" in the portion before subparagraph 1 by "(*insert the year that occurs one year after the year of coming into force of this Regulation*)";

(*b*) by striking out "or 3" in the portion before subparagraph 1;

(*c*) by replacing subparagraphs 1 and 2 by the following:

"(1) in the case of products referred to in subparagraphs 1 to 3 and 6, the minimum rate for all products in each subcategory is 40%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(2) in the case of products referred to in subparagraphs 4 and 5, the minimum rate for all products in each subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained.";

(2) in the second paragraph

(*a*) by replacing "3" by "2" in subparagraph 1;

(*b*) by replacing "subparagraphs 5 and 6" in subparagraph 2 by "subparagraph 4";

(3) by striking out the fourth paragraph.

27. The following is added after section 27:

"**27.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products of the same subcategory marketed for a reference year is greater than 10% of the total quantity of those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in a subcategory are protected by a basic manufacturer's guarantee covering a period of 3 years or longer and offering to repair or replace the product free of charge, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 10% per additional year;

(3) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

28. Section 28 is amended

(1) by replacing subparagraphs 1 to 7 by the following:

"(1) in the case of products referred to in subparagraph 1, $3.60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, $15 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, $5 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, $0.50 per unit or kilogram equivalent;

(5) in the case of products referred to in subparagraph 5, $1 per unit or kilogram equivalent;

(6) in the case of products referred to in subparagraph 6, $4 per unit or kilogram equivalent.";

(2) by adding the following paragraphs at the end:

"The values applicable in subparagraphs 1, 2, 3 and 6 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 60% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The values applicable in subparagraphs 4 and 5 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

29. Section 29 is amended

(1) in the first paragraph

(*a*) by replacing "the types of products" in the portion before subparagraph 1 by "the cells, batteries constructed of such cells and battery packs constructed of such cells, of any shape and size, irrespective of the substances of which they are composed";

(*b*) by replacing subparagraphs 1 and 2 by the following:

"(1) rechargeable batteries designed and intended for operating a motor vehicle within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), except lead-acid batteries;

(2) rechargeable batteries, including sealed lead-acid batteries weighing 5 kg or less, except batteries designed and intended for operating a motor vehicle within the meaning of section 4 of the Highway Safety Code, other lead-acid batteries, and batteries exclusively designed and intended for industrial purposes;

(3) single use batteries.";

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

"For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraphs 1 to 3 of the first paragraph are toys, drones, small lighting devices, smoke and carbon monoxide detectors, tools, personal care appliances, e-cigarettes, power-assisted bicycles, small individual means of transportation such as scooters and gyroscopic vehicles, mobility aid vehicles, and motor vehicles within the meaning of section 4 of the Highway Safety Code.".

30. Section 31 is replaced by the following:

"**31.** An enterprise referred to in section 2, 3 or 8 that markets, acquires or manufactures products referred to in section 29 must implement its recovery and reclamation program not later than the following dates:

(1) in the case of products referred to in subparagraph 1 of the first paragraph, (*insert the date that occurs three years after the date of coming into force of this Regulation*) or the date of their marketing, acquisition or manufacture if it is subsequent to that date;

(2) in the case of products referred to in subparagraphs 2 and 3 of the first paragraph, (*insert the year that follows the year of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.".

31. Section 32 is amended

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

"Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for the products referred to in subparagraph 1 of the first paragraph of section 29 and for sealed lead-acid batteries weighing 5 kg or less does not apply until the beginning of the fourth calendar year following implementation of the program.";

(2) by replacing "paragraph 2" in the portion before subparagraph 1 of the first paragraph by "subparagraph 3 of the first paragraph".

32. The following is added after section 32:

"**32.1.** Despite section 16, an enterprise referred to in section 2, 3 or 8 that markets products referred to in subparagraph 1 of the first paragraph of section 29 must set up a drop-off centre in each regional municipality, other than those referred to in section 17, in the territory of which the products of that enterprise are marketed.

In addition, an enterprise referred to in section 2 or 3 must offer, at least once a year, a collection service directly at the place of industrial, commercial or institutional clienteles whose activities include removing products referred to in subparagraph 1 of the first paragraph of section 29 from motor vehicles within the meaning of section 4 of the Highway Safety Code.

32.2. Not later than (*insert the date that occurs one year after the date of coming into force of this Regulation*), an enterprise referred to in section 2, 3 or 8 that marketed, acquired or manufactured products referred to in subparagraph 1 of the first paragraph of section 29 on (*insert the date of coming into force of this Regulation*) must provide to the Minister the information concerning the quantity of those products marketed, acquired or manufactured during the years 2017 to (*insert the year before the year of coming into force of this Regulation*), including any brand, name or distinguishing guise.

Pursuant to the first paragraph, the documents and information used for the purpose of calculating the quantity of products marketed, acquired or manufactured during a year must be kept for 11 years from the year of calculation.

33. Section 33 is replaced by the following:

"**33.** The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 or 3 that markets products referred to in section 29 must be equal to the following percentages as of the periods indicated:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the minimum rate for all products in that subcategory is 35% as of the year determined in the following subparagraphs, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 90% rate is attained;

(*a*) in the case of an individual program implemented by an enterprise, as of the tenth year following the year of the first marketing of the products, if that year is subsequent to 2017;

(*b*) in the case of a common program implemented by a group of enterprises, as of the tenth year following the year of the most recent marketing of a product referred to in subparagraph 1 of the first paragraph of section 29 whose recovery and reclamation are ensured by the program, if that year is subsequent to 2017;

(*c*) in the case of a program implemented by an organization referred to in section 4, as of the tenth year following the year of the first marketing of a product referred to in subparagraph 1 of the first paragraph of section 29 whose recovery and reclamation are ensured by the program, if that year is subsequent to 2017;

(*d*) in other cases, as of 2027;

(2) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the minimum rate for all products in that subcategory, except sealed lead-acid batteries weighing 5 kg or less, is 25% as of (*insert the year that follows the year of coming into force of this Regulation*), which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(3) in the case of sealed lead-acid batteries weighing 5 kg or less referred to in subparagraph 2 of the first paragraph of section 29, the minimum rate for all those products is 25% as of 2025, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained, unless they are recovered and treated without differentiating them from the products referred to in subparagraph 2 of the first paragraph, in which case the minimum rate and the application period are those provided for in subparagraph 2 of this paragraph;

(4) in the case of products referred to in subparagraph 3 of the first paragraph of section 29, the minimum rate for all products in that subcategory is 20% as of (*insert the year that follows the year of coming into force of this Regulation*), which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the year preceding by 10 years the year for which the rate is calculated or, if the information concerning the quantity of those products marketed during that reference year has not been provided to the Minister pursuant to section 32.2, the first year for which the quantity of products marketed was provided to the Minister pursuant to that section;

(2) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the year preceding by 5 years the year for which the rate is calculated, which, in the case of sealed lead-acid batteries weighing less than 5 kg, may not be prior to (*insert the year of coming into force of this Regulation*);

(3) in the case of products referred to in subparagraph 3 of the first paragraph of section 29, the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed for those products in subparagraphs 1 or 3 of the second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraph 2 or 3 of the second paragraph, the reference year is prior to (*insert the year of coming into force of this Regulation*), that year is considered to be the reference year until 5 years have elapsed, in the case of products referred to in subparagraph 2 of the first paragraph of section 29, and until 3 years have elapsed, in the case of products referred to in subparagraph 3 of the first paragraph of section 29.".

34. The following is added after section 33:

"**33.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products of the same subcategory marketed for a reference year is greater than 10% of the total quantity of those products marketed that same year, the quantity

of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products referred to in subparagraph 1 of the first paragraph of section 29 are protected by a basic manufacturer's guarantee covering a period of 8 years or 160,000 km, whichever occurs first, and offering to repair or replace the product free of charge if its charging capacity is below 75% of its original charging capacity, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 5% per additional year or per 20,000 km, whichever occurs first;

(3) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

35. Section 34 is amended

(1) by replacing subparagraphs 1 and 2 by the following:

"(1) in the case of products referred to in subparagraph 1 of the first paragraph, $6 per kilogram;

(2) in the case of products referred to in subparagraph 2 of the first paragraph, $4.80 per kilogram;

(3) in the case of products referred to in subparagraph 3 of the first paragraph, $5.40 per kilogram.";

(2) by adding the following paragraphs at the end:

"The value applicable in subparagraph 1 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 33 is equal to or greater than 80% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The values applicable in subparagraphs 2 and 3 of the first paragraph are reduced by half where the minimum recovery rate prescribed in section 33 is equal to or greater than 60% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

36. Section 36 is replaced by the following:

"**36.** For the purposes of this Regulation, every quantity of products referred to in section 35 must be calculated in kilograms.".

37. Section 37 is replaced by the following:

"**37.** An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 35 must implement its recovery and reclamation program not later than 14 July 2012 or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.".

38. Section 38 is amended

(1) by striking out "or 3" in the first paragraph;

(2) by inserting the following after the first paragraph:

"Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of mercury lamps.".

39. Section 39 is replaced by the following:

"**39.** As of (*insert the year that follows the year of coming into force of this Regulation*), the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2 that markets the products referred to in section 35 is 30% for all products in that category considered cumulatively, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed for those products in the second paragraph, the year of the first marketing is considered to be the reference year for those products until 3 years have elapsed.".

40. The following is added after section 39:

"**39.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products marketed for a reference year is greater than 10% of the total quantity of those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the year the quantity of recovered products that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

41. Section 40 is replaced by the following:

"**40.** For the purposes of calculating the payment owing under Chapter IV, the value applicable to the products referred to in section 35 is $4.42 per kilogram.

The value is reduced by half where the minimum recovery rate prescribed in section 39 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

42. Section 42 is amended

(1) in the first paragraph

(*a*) by replacing "100 mm" by "100 ml";

(*b*) by replacing "50 l" by "25 l";

(*c*) by inserting ", regardless of the use for which they are intended," after "aerosol containers and such containers",;

(2) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

"(1) the following types of paint:

(*a*) latex paint;

(*b*) the other types of paint than those referred to in subparagraph *a* and subparagraph 2;

"(2) aerosol paint and aerosol containers, as well as containers of any sort used for marketing the products referred to in subparagraph 1.".

43. Section 43 is amended

(1) in the first paragraph

(*a*) by replacing "paragraphs 1 and 2" in subparagraph 1 by "subparagraph 1";

(*b*) by replacing "paragraph 3" in subparagraph 2 by "subparagraph 2";

(2) by replacing "and type of product" in the second paragraph by "of products".

44. Section 45 is replaced by the following:

"**45.** For the purposes of section 9, the products listed in subparagraphs *a* and *b* of subparagraph 1 of the second paragraph of section 42 are considered to belong to separate subcategories of products.".

45. Section 46 is amended

(1) in the first paragraph

(*a*) by replacing "2020" by "(*insert the year that follows the year of coming into force of this Regulation*)";

(*b*) by replacing "subparagraphs 1 and 2" in subparagraph 1 by "subparagraph 1 of the second paragraph";

(*c*) by replacing "each subcategory" in subparagraph 1 by "that subcategory";

(*d*) by replacing subparagraph 2 by the following:

"(2) in the case of products referred to in subparagraph 2, the minimum rate for all products in that subcategory is 30% of the quantity of containers marketed, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained;";

(2) by replacing subparagraphs 1 to 3 of the second paragraph by the following:

"(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 42, on the basis of 7.18% of the quantity of paint marketed during the year;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 42, on the basis of the total quantity of containers marketed during the year.".

46. The following is added after section 46:

"**46.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products of the same subcategory marketed during the year is greater than 10% of the total quantity of those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

47. Section 47 is amended

(1) by replacing subparagraphs 1 to 3 by the following:

"(1) in the case of products referred to in subparagraph 1, $0.65 per kilogram or equivalent volume;

(2) in the case of products referred to in subparagraph 2, $0.25 per kilogram or litre of an equivalent capacity.";

(2) by adding the following paragraphs at the end:

"The value applicable in subparagraph 1 is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 46.

The value applicable in subparagraph 2 is reduced by half where the minimum recovery rate prescribed in section 46 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

48. Section 48 is amended

(1) in the first paragraph

(*a*) by replacing subparagraph 2 by the following:

"(2) containers of 50 l or less used

(a) for marketing the products referred to in subparagraph 1, including containers used for marketing oils that are excluded in that subparagraph, as well as aerosol containers used to market brake cleaners;

(*b*) for marketing the products referred to in subparagraph 4;";

(*b*) by striking out subparagraph 5;

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

"For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraphs 1 to 4 of the first paragraph are

(1) transportation and recreational vehicles of all types such as automobiles, motorcycles, ATVs and other recreational vehicles;

(2) machinery such as heavy machinery, farm and forest machinery, lawn tractors and snow blowers;

(3) electrical equipment such as transformers and condensers.".

49. Section 49 is amended

(1) by replacing "paragraphs 2 and 5" in subparagraph 2 of the first paragraph by "paragraph 2";

(2) by replacing "and type of product" in the second paragraph by "of products".

50. Section 50 is amended by replacing "in paragraphs 4 and 5" in subparagraph 2 of the first paragraph by "in subparagraph *b* of subparagraph 2 and in subparagraph 4 of the first paragraph".

51. Section 51 is revoked.

52. The following is added after section 51:

"**51.1.** For the purposes of section 9, the products identified in subparagraphs *a* and *b* of subparagraph 2 of the first paragraph of section 48 are considered to belong to separate subcategories of products.".

53. Section 52 is amended

(1) in the first paragraph

(*a*) by replacing "The rates" in the portion before subparagraph 1 by "As of (*insert the year that follows the year of coming into force of this Regulation*), the rates";

(*b*) by striking out "from the time indicated" in the portion before subparagraph 1;

(*c*) by striking out "from 2020" in subparagraph 1;

(*d*) by replacing subparagraphs 2 and 3 by the following:

"(2) in the case of products referred to in subparagraph 4 of the first paragraph of section 48, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained.";

(2) in the second paragraph

(*a*) by replacing "48:" in subparagraph 1 by "48, 72.9% of the total quantity of that product marketed during the year;";

(*b*) by striking out subparagraphs *a* to *j* of subparagraph 1;

(*c*) by replacing ", 3 and 5" , in subparagraph 2 by "and 3";

(*d*) by replacing "45%" in subparagraph 3by "39.9%".

54. The following is added after section 52:

"**52.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products of the same subcategory marketed during the year is greater than 10% of the total quantity of those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

55. Section 53 is amended

(1) by replacing subparagraphs 1 to 5 by the following:

"(1) in the case of products referred to subparagraph 1 of the first paragraph, $0.10 per litre or kilogram equivalent;

(2) in the case of products referred to subparagraph 2 of the first paragraph, $0.18 per litre of capacity or kilogram equivalent;

(3) in the case of products referred to subparagraph 3 of the first paragraph, $0.38 per unit or kilogram equivalent;

(4) in the case of products referred to subparagraph 4 of the first paragraph, $0.39 per litre or kilogram equivalent, according to their equivalence to a pure product.";

(2) by adding the following paragraphs at the end:

"The values applicable in subparagraphs 1 to 3 are reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 52.

The value applicable in subparagraph 4 is reduced by half where the minimum recovery rate prescribed in section 52 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

56. Section 53.0.1 is amended

(1) in the first paragraph

(*a*) by inserting ", in particular," after "used";

(*b*) by replacing "the conservation or storage of food or beverages" by "conservation or storage";

(2) in the third paragraph

(*a*) by replacing "the conservation or storage of food or beverages" in subparagraph 1by "conservation or storage";

(*b*) by replacing "the conservation or storage of food or beverages" in subparagraph 2by "conservation or storage".

57. Section 53.0.3 is amended by adding the following paragraph at the end:

"Despite the first paragraph, an enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in the third paragraph of section 53.0.1 that are not used for cooking, the conservation or storage of food or beverages, the washing or drying of dishware, cloth or clothing, or products that control the ventilation, the temperature or the humidity in a room or dwelling, must implement its recovery and reclamation program not later than (*insert the date that occurs one year after the date of*

coming into force of this Regulation) or the date of their marketing, acquisition or manufacture if it is subsequent to that date.".

58. Section 53.0.4 is amended by adding the following paragraph at the end:

"Despite the third paragraph, an enterprise referred to in section 2 is not required to offer an additional collection service directly at the consumer in the territory of a regional municipality or territory referred to in section 17.".

59. Section 53.0.6 is amended in the first paragraph

(1) by replacing "per year" in subparagraph 1 by "every 3 years";

(2) by replacing "per year" in subparagraph 2 by "every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years";

(3) by replacing "per year" in subparagraph 3 by "every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years";

(4) by replacing "per year" in subparagraph 4 by "every 3 years".

60. The following is added after section 53.0.6:

"**53.0.6.1.** For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled plastic in products of the same subcategory marketed for a reference year is greater than 10% of the total quantity of plastic in those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in a subcategory are protected by a basic manufacturer's guarantee covering a period of 5 years or longer and offering to repair or replace the product free of charge, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 10% per additional year;

(3) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 50% of the quantity of products recovered.".

61. Section 53.0.7 is amended

(1) by replacing paragraphs 1 and 2 by the following:

"(1) in the case of products referred to in subparagraph 1, $60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, $60 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, $6 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, $11 per unit or kilogram equivalent.";

(2) by adding the following paragraphs at the end:

"The values applicable in subparagraphs 1 and 4 are reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 80% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 3 is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.".

62. The following is inserted after section 53.0.7:

"**DIVISION 7**
AGRICULTURAL PRODUCTS

53.0.8. The category of agricultural products is composed of the subcategories provided for in the following paragraphs, which include the types of products listed therein:

(1) sheeting, netting and twine, tubing and fittings, bags and canvas used for conserving and baling silage or hay;

(2) other bags designed and intended for agricultural purposes, such as grain bags and grain silo bags, seed bags, feed bags, peat moss bags, growing medium bags, as well as bags that have been used to market a product referred to in paragraph 7;

(3) containers designed and intended for agricultural purposes, such as canisters, tanks and barrels holding seed or sanitary supplies and containers that have been used to market a product referred to in paragraph 7;

(4) plastic mulch, plastic sheeting for tunnel coverings, as well as plastics used in drip irrigation systems;

(5) floating tarpaulins or covers, plastics used to cover greenhouses, anti-insect and anti-bird netting, manure pit covers, watering mats and ground mats;

(6) plastics for maple sugar production, such as tubing, mainline tubes, fittings and spouts;

(7) Class 1 to 3A pesticides according to the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), as well as chemical fertilizers, soil amendments and seed coated with pesticides intended for non-household purposes.

53.0.9. For the purposes of this Regulation, every quantity of products referred to in section 53.0.8 must be calculated,

(1) in the case of products referred to in paragraphs 1, 4, 5 and 6, in kilograms;

(2) in the case of products referred to in paragraphs 2 and 3, in units or equivalent weight;

(3) in the case of products referred to in paragraph 7, in litres or equivalent weight.

The quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units, litres or weight, as the case may be, as well as the methodology used to establish that factor.

53.0.10. An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 53.0.8 must implement its recovery and reclamation program not later than,

(1) in the case of products referred to in paragraphs 1, 2, 3, 6 and 7, (*insert the date that occurs one year after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date;

(2) in the case of products referred to in paragraphs 4 and 5, (*insert the date that occurs three years after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

53.0.11. Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for agricultural products does not apply until the beginning of the fourth calendar year following implementation of the program.

53.0.12. Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2 that markets products referred to in section 53.0.8 must set up drop-off centres whose quantity, kind and location correspond to one of the following options:

(1) for each business establishment or other premises where that enterprise's products are marketed, there must be a permanent drop-off centre at the business establishment or the premises or at any other location less than 5 km from the business establishment or premises by roads usable by motor vehicles year round;

(2) for any administrative region, other than those that include regional municipalities referred to in section 17, in the territory of which the products of that enterprise are marketed,

(*a*) where the agricultural area is equal to or less than 100,000 hectares, there must be at least 1 permanent drop-off centre in that territory;

(*b*) where the agricultural area is between 100,001 and 400,000 hectares, there must be at least 3 permanent drop-off centres in that territory and 1 seasonal drop-off centre;

(*c*) where the agricultural area is between 400,001 and 710,000 hectares, there must be at least 4 permanent drop-off centres in that territory and 1 seasonal drop-off centre;

(*d*) where the agricultural area is equal to or greater than 710,001 hectares, there must be at least 15 permanent drop-off centres in that territory.

Where more than 1 drop-off centre is required in the territory of an administrative region, the drop-off centres must be dispersed across the territories of the various regional municipalities.

The drop-off centres referred to in subparagraph 1 of the first paragraph must be in service as soon as a program is implemented.

One-third of the total number of drop-off centres for all the administrative regions referred to in subparagraph 2 of the first paragraph must be in service as soon as a program is implemented, and that number may not be less than 1 per administrative region. Two-thirds of the total number of drop-off centres for all those administrative regions must be in service as of the first anniversary of the program's implementation and all of the drop-off centres must be in service as of the third anniversary of its implementation.

53.0.13. In addition to the conditions provided for in Chapter V, the location and access times for a drop-off centre must be adapted to meet the needs of users in the territory where it is located, in view of the fact that those needs may vary depending on the type of agricultural activity practised there and the seasons.

53.0.14. The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2 that markets products referred to in section 53.0.8 must be equal to the following percentages from the time indicated:

(1) in the case of products referred to in paragraphs 1 and 2 of section 53.0.8, the minimum rate for all products in each subcategory is 45% as of 2025, which is increased to 50% in 2027, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in paragraphs 3 and 6 of section 53.0.8, the minimum rate for all products in each subcategory is 50% as of 2025, which is increased by 5% every 3 years until an 80% rate is attained;

(3) in the case of products referred to in paragraphs 4 and 5 of section 53.0.8, the minimum rate for all products in each subcategory is 25% as of 2027, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in paragraphs 1 to 4 of section 53.0.8, the year for which the rate is calculated;

(2) in the case of products referred to in paragraph 5 of section 53.0.8, the year preceding by 7 years the year for which the rate is calculated;

(3) in the case of products referred to in paragraph 6 of section 53.0.8, the year preceding by 10 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed in subparagraphs 2 and 3 of the second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraphs 2 and 3 of the second paragraph, the reference year is prior to (*insert the year of coming into force of this Regulation*), the latter is considered to be the reference year until 7 years have elapsed, in the case of products referred to in paragraph 2 of section 53.0.8, and until 10 years have elapsed, in the case of products referred to in paragraph 3 of section 53.0.8.

53.0.15. For the purposes of the second paragraph of section 13, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by the following values:

(1) where the percentage of recycled content in products of the same subcategory marketed for a reference year is greater than 10% of the total quantity of those products marketed that same year, the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI is reduced by 1% per percentage point of recycled content greater than 10%;

(2) where during the year the quantity of recovered products of the same subcategory that was reused or recycled in Québec is equal to or greater than 50% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the quantity of products recovered necessary to attain that rate is reduced by 1% per percentage point of content reused or recycled in Québec greater than 25% of the quantity of products recovered.

53.0.16. For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.8 are the following:

(1) in the case of products referred to in paragraph 1, $0.45 per kilogram;

(2) in the case of products referred to in paragraph 2, $1.20 per unit or kilogram equivalent;

(3) in the case of products referred to in paragraph 3, $0.55 per unit or kilogram equivalent;

(4) in the case of products referred to in paragraphs 4 to 6, $0.35 per kilogram.

The values applicable in paragraphs 1, 2 and 4 are reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in paragraph 3 is reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

DIVISION 8
PRESSURIZED FUEL CONTAINERS

53.0.17. The products covered by this category are containers used to hold liquids or gases under pressure that are to be used as fuel, such as propane, butane, isobutane or propylene, except lighters and fire starters.

The category of pressurized fuel containers is composed of the subcategories provided for in the following subparagraphs, which include the types of products listed therein:

(1) non-refillable containers;

(2) refillable containers marketed in a territory referred to in section 17.

53.0.18. For the purposes of this Regulation, every quantity of products referred to in section 53.0.17 must be calculated in units or equivalent weight on the basis of empty containers.

The quantity must also be accompanied by the conversion factor in units or weight, as the case may be, as well as the methodology used to establish that factor.

53.0.19. An enterprise referred to in section 2 or 8 that markets, acquires or manufactures products referred to in section 53.0.17 must implement its recovery and reclamation program not later than (*insert the date that occurs two years after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

53.0.20. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2 or 8 that markets, acquires or manufactures products covered by this Division must provide for measures, if applicable, aimed at recovering and treating liquids and gases contained in recovered containers, in accordance with any applicable environmental standard.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for pressurized fuel containers does not apply until the beginning of the fourth calendar year following implementation of the program.

53.0.21. In addition to the drop-off centres referred to in section 16, an enterprise referred to in section 2 that markets products referred to in section 53.0.17 must set up drop-off centres at the entrance to national parks, outfitting operations, controlled zones, campgrounds and other outdoor recreation areas where such products are used, except municipal parks.

53.0.22. As of 2027, the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2 that markets products referred to in section 53.0.17 must be equal to the following percentages:

(1) in the case of products referred to in subparagraph 1 of the second paragraph, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in subparagraph 2 of the second paragraph, the minimum rate for all products in that subcategory is 75%, which is increased to 80% in 2030.

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

53.0.23. For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.17 are the following:

(1) in the case of products referred to in subparagraph 1 of the second paragraph, $2 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2 of the second paragraph, $0.90 per kilogram.

The value applicable in subparagraph 1 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.22 is less than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 53.0.22.

DIVISION 9
PHARMACEUTICAL PRODUCTS

53.0.24. The category of pharmaceutical products is composed of the subcategories provided for in the following paragraphs, which include the types of products listed therein:

(1) any substance or mixture of substances marketed or otherwise distributed in a community pharmacy or veterinary clinic that can be used

(*a*) to diagnose, treat, mitigate or prevent a disease, disorder, abnormal physical or mental state or their symptoms in human beings or domestic animals; or

(*b*) to restore, correct or modify organic functions in human beings or domestic animals;

(2) natural health products within the meaning of the Natural Health Products Regulations (SOR/2003-196) and food supplements marketed or otherwise distributed in a community pharmacy or veterinary clinic;

(3) instruments, apparatus, contrivances or articles as well as pointed, cutting or sharp objects used for medical purposes to administer a product referred to in subparagraph 1 or 2.

Despite the first paragraph, the following are not covered by this Division:

(1) products used in the course of supplying care by a professional within the meaning of section 1 of the Professional Code (chapter C-26) or for remuneration, particularly in a health and social services institution referred to in the Act respecting health services and social services (chapter S-4.2) or in the Act respecting health services and social services for Cree Native persons (chapter S-5), a private health facility within the meaning of those Acts, a veterinary clinic, a pet shop, a zoo, a park or a zoological garden;

(2) foods that serve a special dietary purpose within the meaning of section 2 of the Food and Drugs Act (R.S.C. 1985, c. F-27);

(3) contact lens disinfectants;

(4) anti-dandruff products including shampoos, and antiperspirants and sun screens;

(5) mouthwashes and fluoridated toothpastes;

(6) lozenges for cough, sore throat or halitosis;

(7) topical substances that do not contain antibiotics, anti-fungal agents or anti-inflammatories;

(8) radiopharmaceuticals.

53.0.25. For the purposes of this Regulation, every quantity of products referred to in section 53.0.24 must be calculated by subcategory of products and in units or equivalent weight.

The quantity must also be accompanied, for each subcategory of products and each type of product, by the conversion factor in units or weight, as the case may be, as well as the methodology used to establish that factor.

53.0.26. An enterprise referred to section 2 that markets, acquires or manufactures products referred to in section 53.0.24 must implement its recovery and reclamation program not later than (*insert the date that occurs two years after the date of coming into force of this Regulation*) or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

53.0.27. For the purposes of developing the recovery and reclamation program for products referred to in section 53.0.24, subparagraphs 9 and 12 of the first paragraph of section 5 do not apply and the obligations provided for in subparagraphs 1, 7, 8, 10 and the first paragraph of subparagraph 11 of the first paragraph of section 5 are replaced by the following:

(1) provide for the management of recovered products so as to ensure that they are disposed of or destroyed safely;

(2) provide for measures aimed at promoting the recovery, reuse and recycling, as the case may be, of containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, including containers specially designed for the safe handling of pointed, cutting or sharp objects in which consumers take such objects to collection points, except containers that have been in contact with products referred to in subparagraph 1 of the first paragraph of section 53.0.24 in liquid form;

(3) provide for information, awareness and education activities adapted to community pharmacies and veterinary clinics so as to promote the recovery of such products;

(4) provide for the determination of the costs related to the recovery of each subcategory of product;

(5) provide for the auditing of recovered products management and of compliance by a member of the Ordre des pharmaciens du Québec with the operating rules, criteria and requirements referred to in subparagraph 3 of the first paragraph of section 5.

53.0.28. In addition to the elements mentioned in the first paragraph of section 5, the recovery and reclamation program of an enterprise referred to in section 2 must

(1) provide for the obligation to transfer the products to premises authorized to receive them in order to safely dispose of or destroy them;

(2) provide for a study to be conducted, starting from the fourth full civil year of the implementation of the program and thereafter every 3 years, to determine the level of consumer awareness of and participation in the recovery program for products referred to in section 53.0.24;

(3) provide for a study to be conducted, starting from the sixth full civil year of the implementation of the program and thereafter every 5 years, to determine the quantity of products referred to in section 53.0.24 that are held by a consumer and have not yet been used or have expired.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of pharmaceutical products.

53.0.29. For the purposes of the notification to be supplied to the Minister as provided for in section 6, the second paragraph of subparagraph 8 and subparagraph 13 of the second paragraph of section 6 do not apply.

53.0.30. For the purposes of the report referred to in section 9, subparagraphs 3, 5 and 9 of the first paragraph of section 9 do not apply and the information and documents required in subparagraphs 2, 6, 7, 8 and 10 of that same paragraph are replaced by the following:

(1) for each subcategory of products, the quantity of products recovered and the quantity of products transferred to premises to be safely disposed of or destroyed;

(2) for each subcategory of products recovered and for containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5;

(3) a description of the information, awareness and education activities that took place in the year and those planned for the following year;

(4) the costs related to the implementation of the program, specifying the costs associated with

(*a*) the recovery and disposal of products referred to in section 53.0.24 and, if applicable, their storage;

(*b*) the information, awareness and education of customers;

(*c*) program management;

(5) if applicable, the number and the location of the sites where the audits referred to in paragraph 5 of section 53.0.27 and subparagraph 10 of the second paragraph of section 6 were carried out during the year, the name and address of the person who carried out those audits, a copy of the documents showing that the person is a member of the Ordre des pharmaciens du Québec, the findings resulting from those audits and, if applicable, the adjustments that will be made to rectify any problems.

Despite the second paragraph of section 9, only the information referred to in subparagraph 1 of the first paragraph of section 9 and in subparagraphs 1, 2 and 4 of the first paragraph of this section is required to be audited.

53.0.31. In addition to the elements mentioned in section 9, the report must describe the efforts made to ensure the separation and recycling of containers and packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, as well as the quantity of those containers transferred for recycling if that activity is carried out elsewhere than at the various drop-off centres.

Where a management method may not be used in the order provided for in subparagraph 1 of the first paragraph of section 5 in respect of containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the report must contain the information and documents mentioned in subparagraph *a* or *b*, as the case may be, of subparagraph 3 of the first paragraph of section 9.

53.0.32. Section 10 does not apply to an enterprise referred to in section 2 that implements a recovery and reclamation program for a product referred to in section 53.0.24.

53.0.33. An enterprise referred to in section 2 that markets a product referred to in section 53.0.24 must, as soon as the program is implemented, set up drop-off centres whose quantity, kind and characteristics meet the following conditions:

(1) for any regional municipality or territory referred to in sections 16 and 17 where the products of that enterprise are marketed, a permanent drop-off centre within the meaning of the second paragraph of section 15 must be set up in at least 80% of the business establishments in the territory of that regional municipality or in the territory where the products of that enterprise are marketed;

(2) the drop-off center must be designed to ensure safe storage and handling conditions for the products recovered.

Access to and deposit of products at drop-off centres must be free of charge.".

63. Section 53.1 is amended

(1) by inserting the following before paragraph 1:

"(0.1) to provide to the organization referred to in section 4 the information prescribed by 4.3;

(0.2) to provide to the organization referred to section 4, within the period prescribed in section 4.4, the information and documents prescribed by that section;

(0.3) to provide to the Minister, within the period prescribed in section 6.1, the information and documents prescribed by that section;";

(2) by replacing paragraph 5 by the following:

"(5) to inform the Minister, within the period prescribed by the third paragraph of section 8, of its intention to implement an individual program, join a group of enterprises implementing a common program or become a member of an organization referred to in section 4, or to provide to the Minister for that purpose the information and documents prescribed by the fourth paragraph of section 8;";

(3) in paragraph 10

(*a*) by striking out ", to provide the information in the manner provided for in the second paragraph of that section";

(*b*) by replacing "third" by "second";

(4) by replacing paragraph 11 by the following:

"(11) to provide the Minister the information referred to in the first paragraph of section 32.2;";

(5) by replacing "second" in paragraph 12 by "third";

(6) by striking out paragraph 13.

64. Section 53.2 is amended by adding the following at the end:

"(3) to include in the recovery and reclamation program measures aimed at recovering and treating halocarbons, their isomers and any other alternative substance, as well as any hazardous material, as prescribed by section 53.0.4.".

65. Section 53.3 is amended

(1) by inserting the following after paragraph 1:

"(1.1) to provide to the Minister a remediation plan, at the frequency and on the conditions provided for by the second paragraph of section 14, or to include in the remediation plan one of the measures prescribed by the third paragraph of that section;";

(2) in paragraph 2

(*a*) by striking out " second paragraph of section 13 or the second or";

(*b*) by replacing "third" by "fourth";

(*c*) by replacing "fourth" by "fifth";

(3) by replacing "or 58 or to continue to implement a recovery system as prescribed by the first paragraph of section 59" in paragraph 8 by ", 53.0.10, 53.0.19 or 53.0.26".

66. Section 53.4 is amended

(1) by inserting the following after paragraph 2:

"(2.1) to recover and reclaim a product or component by means of a recovery and reclamation program, according to the conditions prescribed by sections 4.1 and 4.2;";

(2) by replacing "11" in paragraph 3 by "13";

(3) by inserting the following after paragraph 3:

"(3.1) to comply with the prohibition provided for in section 8.1 related to agreements concerning the treatment of products covered by this Regulation;";

(4) by replacing "or 17" in paragraph 4 by ", 17, 32.1, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or 53.0.33".

67. Section 54 is amended

(1) by replacing paragraph 1 by the following:

"(1) contravenes section 4.3, 4.4, 6, 6.1 or 7, the second, third or fourth paragraph of section 8, section 10, 11 or 12, the fifth paragraph of section 13, section 26 or 32, the first paragraph of section 32.2 or the first or third paragraph of section 38;";

(2) by striking out paragraph 2.

68. Section 56 is amended in paragraph 1

(1) by striking out "the second paragraph of section 13,";

(2) by replacing "or fourth" by ", fourth or fifth";

(3) by replacing "or 53.0.3" by ", 53.0.3, 53.0.10, 53.0.19 or 53.0.26".

69. Section 56.1 is amended:

(1) by replacing "3 or 5" in paragraph 1 by "3, 4.1, 4.2, 5 or 8.1";

(2) by replacing "or 17" in paragraph 2 by ", 17, 32.1, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or 53.0.33".

70. Section 59.1 is amended by replacing "30 April" in the third paragraph by "15 May".

71. The following is added after section 59.1:

"**59.2.** Sections 24 and 29 of this Regulation, as they read on (*insert the date that occurs one day before the date of coming into force of this Regulation*), continue to apply in respect of the subcategories of products referred to in sections 22 and 31 as they read at that date, until (*insert the date that occurs one year after the date of coming into force of this Regulation*).

59.3. Any positive difference calculated under subparagraph 2 of the first paragraph of section 13 and in sections 27, 33, 39, 46 and 52, as they read before 19 September 2019, may be used, in whole or in part and for the same subcategory of products, to compensate for a negative difference calculated for a year prior to (*insert the year that occurs five years after the year of coming into force of this Regulation*).".

TRANSITIONAL AND FINAL

72. This Regulation comes into force on (*insert the date of coming into force of this Regulation*), except:

(1) section 1, paragraph 1 of section 3, sections 4 and 8 and subparagraph *c* of paragraph 1 of section 19, which come into force on (*insert the date that occurs six months after the date of coming into force of this Regulation*);

(2) section 10, which comes into force on (*insert the date that occurs three months after the date of coming into force of this Regulation*).

105312

Draft Minister's Order

Act respecting the exercise of certain municipal powers in certain urban agglomerations
(chapter E-20.001)

Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Order concerning the Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures, appearing below, may be made on the expiry of 45 days following this publication.

The draft Order renews the rules of the Minister's Order dated 16 December 2020 in order to establish the fiscal potential, which are closer to the definition of fiscal potential set out in section 261.5 of the Act respecting municipal taxation (chapter F-2.1).

Further information may be obtained by contacting Erika Desjardins Dufresne, 10, rue Pierre-Olivier-Chauveau, 5e étage, La Tour, Québec (Québec), G1R 4J3; telephone 418 691 2015, extension 83807; fax: 418 643-2206; email: erika.desjardins-dufresne@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Order is requested to submit written comments within the 45-day period to Erika Desjardins-Dufresne at the above mentioned contact information.

Andrée Laforest
Minister of Municipal Affairs and Housing