

2. The following is inserted after section 13.01:

**“DIVISION 14.00
TRANSITIONAL**

14.00. As of (*insert the date of publication of the Decree in the Gazette officielle du Québec*), the parity committee ceases to deliver qualification certificates for the trades of electrician, radiator specialist and automatic transmission specialist.

Employees who hold such a certificate retain the wage rate corresponding to their classification of journeyman applicable on that date with any salary increases for as long as they continue to perform the duties related to their certificate.”

3. This Decree comes into force on (*insert the date of its publication in the Gazette officielle du Québec*).

105314

Draft Regulation

Public Curator Act
(chapter C-81)

An 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, chapter 11)

Application of the Public Curator Act — 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 application of the Public Curator Act, appearing below, may be made by the government upon the expiry of 45 days following this publication.

This draft Regulation is consequential upon amendments to the Public Curator Act (Chapter C-81) pursuant to 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, chapter 11).

The purpose of this draft Regulation is to establish the form and content of medical and psychosocial assessment reports necessary for the institution of a tutorship to a person of full age and for the temporary representation of an incapable person of full age, to establish the form and content of the documents necessary for the recognition of an assistant to a person of full age and the manner in

which they are to be transmitted, and to determine the information to be entered in the registers maintained by the Public Curator and the applicable rules for consulting such registers.

This draft Regulation also makes consequential amendments to reflect the amendments regarding medical and psychosocial assessment reports necessary for the institution of a tutorship to a person of full age.

This draft Regulation has no impact on enterprises specifically small or medium-sized enterprises.

Further information on the draft Regulation may be obtained by contacting Me Stéphanie Beaulieu, Direction générale des affaires juridiques, Public Curator of Québec, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9; telephone: 514 873-5535; e-mail: stephanie.beaulieu@curateur.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Me Denis Marsolais, Public Curator, 600, boulevard René-Lévesque Ouest, Montréal (Québec) H3B 4W9; e-mail: denis.marsolais@curateur.gouv.qc.ca. The Public Curator will forward all comments to the Minister of Families.

MATHIEU LACOMBE
Minister of Families

Regulation to amend the Regulation respecting the application of the Public Curator Act

Public Curator Act
(c. C-81, s. 68, subsections (2), (3), (3. 1), (3. 2),
(3. 3) and (6))

An 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, s. 153)

1. The Regulation respecting the application of the Public Curator Act (c. C-81, r. 1) is amended by replacing section 1 with the following:

“**1.** For the application of section 14 of the Public Curator Act (c. C-81), the executive director of a health or social services institution shall forward to the Public Curator the following information and documents concerning a person of full age:

(1) the name of the institution that is treating or providing services to the person of full age;

(2) the medical and psychosocial assessments resulting from the examination of the person of full age, including the information required under sections 1.1 and 1.2;

(3) the opinion of the executive director of a health or social services institution or, where applicable, of the director of professional services of the hospital centre, confirming the incapacity of the person of full age and his need for representation.

“1.1. The medical assessment report necessary for the institution of tutorship to the person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(2) the circumstances giving rise to the application for assessment, the name of the applicant and his relationship to the person of full age;

(3) the date of the examinations conducted by the assessor, the date of the initial meeting with the person of full age, the identification of each person consulted indicating his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(4) the diagnosis respecting the incapacity of the person of full age, the date thereof and the severity of his symptoms;

(5) the relevant medical history of the person of full age, the relevant physical examination, his intellectual and cognitive functions tests, the assessment of his decision-making faculties with respect to self-care and the administration of his property, his relevant paraclinical examination and the risk assessment indicating the impact of the diagnosis respecting his inability to take care of himself or administer his property;

(6) the wishes and preferences of the person of full age regarding the application for the institution of tutorship, if any;

(7) the opinion of the assessor regarding the nature of the incapacity of the person of full age;

(8) the time limit recommended for the medical reassessment and the reasons in support thereof;

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

The aforementioned medical assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor.

“1.2. The psychosocial assessment report necessary for the institution of tutorship to the person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, the name of each parent, his legal status and, if applicable, the name of the Aboriginal community to which he belongs, his civil status and, as the case may be, the name of his spouse;

(2) the circumstances giving rise to the application for assessment, the name of the applicant and his relationship to the person of full age;

(3) the date of the examinations conducted by the assessor, the identification of each person consulted indicating his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(4) a description of the living environment of the person of full age, his needs and his wishes and preferences with regard thereto;

(5) where the person of full age has conferred a protection mandate, the information known in respect thereof, including its form, date, the identification of the notary if any, the identification of the mandataries and replacement mandataries, the intention of the mandataries regarding the homologation of the mandate and, as the case may be, the reasons for not homologating the mandate;

(6) if the protection mandate has been homologated, any known information establishing that it is inadequate or has not been faithfully carried out;

(7) the identification of pending or future legal or administrative proceedings if any, involving the person of full age and all information known in respect thereof;

(8) the psychosocial situation of the person of full age in relation to his incapacity and his need for representation, in particular his environment, the extent of his needs and all other circumstances of his condition, specifically the aspect of his psychosocial history pertaining to his incapacity and

his need for representation, the composition and dynamics of his family and social network, the social roles played by the person of full age, and a description of any abusive or exploitative situations that the person of full age is in or is suspected of being in;

(9) the financial situation of the person of full age, specifically the composition of his patrimony, if known, including his principal sources of income, main recurring expenditures, his assets and liabilities, the name of the administrator of his property and his relationship to the person of full age and the authority pursuant to which he acts;

(10) the assessment of the faculties of person of full age as regards his decision-making abilities, functional autonomy and ability to exercise his civil rights including the right to choose his living environment and the people with whom he associates, the right to enter into contracts to meet his ordinary and usual needs, the right to administer the proceeds of his work, to perform acts related to his employment, craft or profession and to exercise his right to vote;

(11) the names of the persons who wish to be appointed as tutor and as replacement tutor, as the case may be;

(12) the names of the relatives, persons connected by marriage or a civil union or friends of the person of full age who have been consulted and their respective opinions regarding the application for the institution of tutorship, the terms and conditions thereof and the person proposed to act as a tutor or replacement tutor;

(13) the opinion of the person of full age as regards his faculties, the institution of a tutorship, the terms and conditions thereof and the person proposed to act as a tutor or replacement tutor;

(14) the identification of the persons to be called to a meeting of relatives, persons connected by marriage or a civil union or friends indicating each person's name, relationship to the person of full age, address, e-mail address, if any, and telephone number;

(15) the opinion of the assessor as regards the incapacity of the person of full age and his need for representation, the nature of the tutorship, the advisability of modifying or clarifying the rules concerning the capacity of the person of full age in light of his faculties and as regards the persons wishing to be designated as a tutor or a replacement tutor;

(16) the identification of a relative to whom custody of the person of full age could be entrusted if the assessor recommends that the Public Curator should be designated as tutor;

(17) the need to apply for provisional protective measures and the grounds for the application;

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

(19) the identification of the special needs of the person of full age should it be necessary to interview him;

(20) 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;

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

The aforementioned psychosocial assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor. The report must also be accompanied by a copy of the birth certificate of the person of full age or, failing which, a copy of some other proof of identity.

“1.3. The medical assessment report necessary for the release from or the modification of the tutorship to a person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, and the nature of the tutorship;

(2) the circumstances giving rise to the application for assessment, the name of the applicant and his relationship to the person of full age;

(3) the date of each examination conducted by the assessor, the date of the initial meeting with the person of full age, the identification of each person consulted indicating his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(4) the diagnosis regarding the incapacity of the person of full age, the date thereof and the severity of his symptoms;

(5) the relevant medical history of the person of full age, the relevant physical examination, his intellectual and cognitive functions tests, the assessment of his decision-making faculties with respect to self-care and the administration of his property, his relevant paraclinical assessment

and the risk assessment demonstrating the consequences of the diagnosis respecting his inability to take care of himself or administer his property;

(6) the wishes and preferences of the person of full age concerning his reassessment, if any;

(7) the opinion of the assessor regarding the nature of the incapacity of the person of full age, and his recommendation concerning the release from or modification of the tutorship;

(8) the new time limit recommended for a medical reassessment and the reasons in support thereof, where applicable;

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

The aforementioned medical assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor.

“1.4. The psychosocial assessment report necessary for the release from or the modification of the tutorship to a person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, his address, e-mail address, if any, telephone number, civil status and, as the case may be, the name of his spouse;

(2) the nature and terms and conditions of the tutorship and the identification of each tutor;

(3) the circumstances giving rise to the application for reassessment, the name of the applicant and his relationship to the person of full age;

(4) the date of the examinations conducted by the assessor, the identification of each person consulted indicating his name, relationship to the person of full age, telephone number and date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(5) the psychosocial situation of the person of full age that explains the changes relating to his incapacity and his need for representation, including his environment, the extent of his needs and the other circumstances of his condition and the social roles played by the person of full age;

(6) a summary description of the financial situation of the person of full age;

(7) the assessment of the faculties of the person of full age as regards his decision-making abilities, functional autonomy and ability to exercise his civil rights including the right to choose his living environment and the people with whom he associates, the right to enter into contracts to meet his ordinary and usual needs, the right to administer proceeds of his work, to perform acts related to his employment, craft or profession and to exercise his right to vote;

(8) the opinion of the person of full age concerning his faculties and the release from or the modification of the tutorship;

(9) the opinion of the tutor concerning the release from or the modification of the tutorship;

(10) the names of the relatives, persons connected by marriage or a civil union or friends of the person of full age who have been consulted and their respective opinions concerning the release from or the modification of the tutorship;

(11) the identification of the persons to be called to a meeting of relatives, persons connected by marriage or a civil union or friends indicating each person's name, relationship to the person of full age, address, e-mail address, if any, and telephone number;

(12) the opinion of the assessor as regards the incapacity of the person of full age and his need for representation, the release from or the modification of the tutorship and, where applicable, the modifications recommended in light of the nature of the tutorship and the terms and conditions thereof in light of the faculties of the person of full age;

(13) the new time limit recommended for the psychosocial reassessment and the reasons in support thereof, if any;

(14) the identification of the special needs of the person of full age in the event that it is necessary to interview him;

(15) 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;

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

The aforementioned psychosocial assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor.

“1.5. Where the medical or psychosocial assessor considers that only the time limit for reassessment of the person of full age should be modified, he must attest to that fact in a report indicating the time limit he considers appropriate and the reasons in support of the modification.

The aforementioned report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

“1.6. The medical assessment report necessary for the temporary representation of the incapable person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(2) the circumstances giving rise to the application for assessment, the name of the applicant and his relationship to the person of full age;

(3) a description of the act for which the person of full age needs to be temporarily represented;

(4) the date of each examination conducted by the assessor and the date of the initial meeting with the person of full age, the identification of each person consulted, including his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(5) the diagnosis regarding the incapacity of the person of full age, the date thereof and the severity of his symptoms;

(6) the relevant medical history of the person of full age, the relevant physical examination, his intellectual and cognitive functions tests, the assessment of his decision-making faculties with respect to the specified act and his relevant paraclinical assessment demonstrating the impact of the diagnosis concerning his inability to perform the specific act;

(7) the wishes and preferences of the person of full age concerning the application for temporary representation, if any;

(8) the opinion of the assessor regarding the incapacity of the person of full age to perform the specific act;

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

The aforementioned medical assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor.

“1.7. The psychosocial assessment report necessary for temporary representation of the incapable person of full age must contain the following information:

(1) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, the names of his parents, his legal status and, if applicable, the name of the Aboriginal community to which he belongs, his civil status and, as the case may be, the name of his spouse;

(2) the circumstances giving rise to the application for assessment, the name of the applicant and his relationship to the person of full age;

(3) a description of the act for which the person of full age needs temporary representation and the relevant information pertaining to the act;

(4) the date of each examination conducted by the assessor, the identification of each person consulted, including his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(5) a summary description of the psychosocial situation of the person of full age;

(6) a description of the need for temporary representation of the person of full age and the impact of the incapacity of the person of full age on accomplishment of the specified act;

(7) the name of the person who wishes to be designated as the temporary representative and his relationship to the person of full age;

(8) the opinion of the person of full age concerning the application for temporary representation, the person proposed to act as the temporary representative, as well as the wishes and preferences of the person of full age concerning the act to be performed;

(9) the names of the relatives, persons connected by marriage or a civil union, or friends of the person of full age who have been consulted and their respective opinions respecting the application for temporary representation and the person proposed to act as temporary representative;

(10) the opinion of the assessor regarding the incapacity of the person of full age, the temporary and circumscribed nature of his need for representation and the person proposed to act as temporary representative;

(11) the identification of the special needs of the person of full age in the event that it is necessary to interview him;

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

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

The aforementioned psychosocial assessment report must be made on the form provided on the website of the Public Curator and must be signed and dated by the assessor. The report must also be accompanied by a copy of the birth certificate of the person of full age or, failing which, a copy of some other proof of identity.”

2. The heading of Division II of the Regulation is amended by replacing “ANNUAL REPORT” by “ANNUAL ACCOUNT OF MANAGEMENT”.

3. Section 5 of the Regulation is replaced by the following:

“**5.** The annual account of management that a tutor is required to provide under section 20 of the Act must contain the following information:

(1) the identification of the tutor indicating his name, address, telephone number and his e-mail address, as the case may be;

(2) the identification of the person of full age by his Public Curator file number, his name, address, civil status, date of birth and telephone number;

(3) the twelve-month reference period covered by the annual account of management;

(4) a complete and accurate listing of all income, all expenses, all assets and all liabilities that the tutor is responsible for administering or that comprise the patrimony being administered, including the following:

(a) in the case of bank accounts or certificates of deposit, the relevant account or certificate number and the name and address of the issuing financial institution;

(b) in the case of liabilities, the name and address of the lender or creditor and, where applicable, the credit account number;

(5) the date that the tutor submitted the annual account of his management to the tutorship council.

The aforementioned account of management must be submitted on the form provided on the website of the Public Curator, signed and dated by the tutor, and sufficiently detailed to allow the Public Curator to verify the accuracy thereof.”

4. The titles of Divisions II.1 to II.3 of the Regulation are repealed.

5. The Regulation is amended by inserting the following Division after section 6:

**“DIVISION II.1
“RECOGNITION OF ASSISTANTS TO PERSONS
OF FULL AGE**

“**6.1.** An application for the recognition of an assistant to a person of full age submitted to the Public Curator must include the following information and documents:

(1) the identification of the person of full age indicating his name, gender, date of birth, civil status, address, telephone number and, as the case may be, his e-mail address;

(2) the identification of the proposed assistant indicating his name, gender, date of birth, civil status, address, e-mail address, if any, telephone number and relationship to the person of full age;

(3) a description of the difficulties experienced by the person of full age;

(4) as the case may be, the wish of the person of full age that where two assistants are proposed, they should be required to act jointly;

(5) the name and address of the spouse of the person of full age and the addresses of his father, mother and children of full age or, failing that, of at least two persons who show a special interest in him, to the exclusion of any proposed assistant. In the latter case, the relationship of the person of full age to such persons must be indicated;

(6) as the case may be, the reasons for being unable to provide the contact details of at least two persons who are either from the family of the person of full age, or who show a special interest in him, excluding any proposed assistant;

(7) a summary description of the patrimony of the person of full age indicating his income, assets and liabilities;

(8) as the case may be, a conflict of interest declaration by the proposed assistant disclosing any situation that poses a potential, perceived or real conflict between the personal interests of the proposed assistant and those of the person of full age;

(9) an undertaking by the proposed assistant to respect the privacy of person of full age and his personal information;

(10) a statement by the person of full age to the effect that he understands the scope of the application;

(11) for the purpose of verifying if the proposed assistant has a criminal record:

(a) his date of birth;

(b) his residential address at the time of the application and for the past five years;

(c) his consent to a criminal records check;

(12) the consent of the proposed assistant to disclosure of the month and day of his date of birth to a third person for identification purposes if the proposed assistant acts as an intermediary between the third person and the person of full age;

(13) a copy of two identity documents of the person of full age, one of which must contain his photo and have been issued by a government department;

(14) a copy of two identity documents of the proposed assistant, one of which must contain his photo and have been issued by a government department;

(15) where applicable, proof that the proposed assistant is fully emancipated.

The application must be set out in the form provided on the website of the Public Curator, must be signed and dated, as the case may be, by the person of full age or the proposed assistant or both.

Where an application is submitted to the Public Curator by a certified advocate or notary, it must include the minutes of his operations and conclusions and all supporting documents and must be forwarded to the Public Curator on the information technology tool provided for that purpose on the website of the Public Curator. Despite

the first paragraph, the application need not be accompanied by a copy of the documents mentioned in subparagraphs 13 and 14 of this paragraph.”.

6. Section 7 of the Regulation is amended

(1) by inserting “; protection mandate” after “statement” in paragraph (c) of subsection (1).

(2) by inserting the following paragraph after paragraph (b) of subsection (2):

“(b.1) the nature of the tutorship;”;

(3) by adding the following at the end of subsection (2):

“(g) if applicable, a mention to the effect that the court has modified or clarified the rules concerning the capacity of the person of full age under tutorship;

(4) by inserting, “or mandataries” after “mandatory” in paragraph (c) of subsection (4);

(5) by striking out “and its scope” in paragraph *e* of subsection (4);

(6) by inserting “or the judgment replacing one or more mandataries or the date of acceptance of office by the replacement mandatory” after “mandate” in paragraph (h) of subsection (4);

(7) by adding the following after paragraph (4):

“(5) for the register of authorizations for the temporary representation of an incapable person of full age:

(a) the Public Curator file number;

(b) the name of the person of full age;

(c) the name of the temporary representative or representatives;

(d) the date and number of the judgment authorizing the temporary representation;

(e) the date, if known, of termination of the temporary representation;

“(6) for the register of assistants to persons of full age:

(a) the Public Curator file number;

(b) the name of the sole assistant or of the two assistants, as the case may be;

(c) the beginning and end dates of the recognition of the assistant or assistants; and

(d) where two assistants are recognized, whether the exercise of their office is joint or otherwise.”

7. The Regulation is amended by inserting the following after section 7:

“7.1. The register of tutorships to minors, the register of tutorships to persons of full age, the register of homologated protection mandates and the register of authorizations for the temporary representation of a person full age may be consulted remotely, by telephone or by any technological means made available by the Public Curator.

The registers may be consulted on the following cumulative search criteria:

- (1) the name of the minor or person of full age;
- (2) the date of birth of the minor or person of full age.

“7.2. The register of assistants to persons of full age may be consulted remotely, by telephone or by any technological means made available by the Public Curator.

The register may be consulted on the following cumulative search criteria:

- (1) the name of the assistant or assistants;
- (2) the Public Curator file number.

A third person who consults the register may access a secure interface containing the name of the person of full age and the day and month of the date of birth of the assistant by correctly answering a security question provided by the assistant.

8. Schedule I of the Regulation is repealed.

9. To ensure conformity with the requirements of sections 1.1 and 1.2, enacted by section 1 of this Regulation, the medical and psychosocial assessment reports submitted in support of an application for the institution of protective supervision pending on the date of the coming into force of section 46 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), must be accompanied by the following additional reports:

(1) an additional medical assessment report containing the following information:

(a) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(b) the time limit recommended for the medical reassessment and the reasons in support thereof;

(c) the identification of the assessor indicating his name, professional permit number, professional address, e-mail address and telephone number;

(2) an additional psychosocial assessment report containing the following information:

(a) the identification of the person of full age indicating his name as well as the name, if any, he is commonly using, his date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(b) the date of each examination conducted by the assessor, the identification of each person consulted indicating his name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in his report;

(c) the assessment of the person of full age concerning his ability to exercise his civil rights, including the right to choose his living environment and the people with whom he associates, the right to enter into contracts to meet his ordinary and usual needs, the right to administer the proceeds of his work, to perform acts related to his employment, craft or profession and to exercise his right to vote;

(d) as the case may be, the names of the persons who wish to be designated as replacement tutors;

(e) any opinion that the person of full age may have concerning the terms and conditions of the tutorship and the person proposed to act as replacement tutor;

(f) the opinion of the assessor concerning the terms and conditions of the tutorship in light of the faculties of the person of full age and concerning the persons who wish to be designated as replacement tutor;

(g) the opinion of the person of full age and that of the assessor concerning the appointment, as the case may be, of both parents of the person of full age as his tutor;

(h) the identification of a relative to whom custody of the person of full age could be entrusted if the assessor recommends that the Public Curator be designated as tutor;

(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.