

Regulations and other Acts

Gouvernement du Québec

O.C. 933-2022, 1 June 2022

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8)

Recovery and reclamation of products by enterprises — Amendment

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

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

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require any person, in particular any person operating an industrial or commercial establishment, who manufactures, markets or otherwise distributes containers, packaging or packaging materials, printed matter or other products, who markets products in containers or packaging acquired for that purpose or, more generally, whose activities generate residual materials, to develop, implement and contribute financially to, on the terms and conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities, with the goal of extended responsibility of these persons, all while taking into account basic principles of the circular economy and taking into account the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

WHEREAS, under subparagraph *c* of subparagraph 6 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, require those persons to keep registers and furnish to the Minister of the Environment and the Fight Against Climate Change or the Société québécoise de récupération et de recyclage, on the terms and conditions

fixed, reports on the quantity and composition of the containers, packaging, packaging materials, printed matter or other products, on the residual materials generated by their activities, and on the results obtained in terms of reduction, recovery or reclamation;

WHEREAS, under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, exempt from all or any of the requirements prescribed pursuant to subparagraph 6 of the first paragraph of the section any person that is a member of an organization, except the requirements prescribed under both subparagraph *b* of that paragraph and, as the case may be, section 53.30.1 or 53.30.2 of the Environment Quality Act, the purpose or one of the purposes of which is to develop and implement, as a measure, a system to recover or reclaim residual materials, or to contribute financially to the development and implementation of such a system, in both cases in accordance, in particular, with the provisions of the regulation;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

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

WHEREAS, under subparagraphs 20 and 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8),

the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person or municipality carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved, and to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change by any person or municipality carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may, in a regulation made under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation or the Acts concerned, specify that a failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may, in particular, determine the provisions of a regulation made under the Act or the Acts concerned whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

YVES OUELLET
Clerk of the Conseil exécutif

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

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 1, 2, 6 and 7, s. 95.1, 1st par., subpars. 11, 12, 20 and 21; 2022, chapter 8, s. 108)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (s. 30, 1st par. and s. 45, 1st par.))

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, that 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 53.0.31” 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;

(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 respectively been reused, recycled, used for energy recovery purposes, otherwise reclaimed, stored or disposed of, as well as, for each mode of management of recovered products and materials, the proportion of those recovered products and materials broken down according to their place of final destination, that is, Québec, Canada or outside Canada;

(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 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;”;

(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 has no employment relationship with an enterprise referred to in section 2 or 3 or, as the case may be, an organization referred to in section 4, and 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).

The audit must be conducted at the following frequency:

(a) in the case of service providers in locations referred to in section 17 where collection equipment is installed, including their subcontractors, each year at least 10% of them must be audited and, within a 5-year period, all of them must be audited;

(b) in other cases, except drop-off centre service providers not referred to in subparagraph *a*, including their subcontractors, as of the first full calendar year of implementation of the program and thereafter at least once 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 reclamation or disposal method;”;

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

“An enterprise electing to render those internalized costs visible must, when selling a product, indicate to the purchaser the address of a website on which information concerning the recovery and reclamation program for the product is posted.”.

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, otherwise than as part 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 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 in 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, as the case may be, 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 compensation 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 conventional 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) by inserting the following after the first paragraph:

“An organization referred to in section 4 must also, in respect of the enterprises referred to in section 8 that are members of the organization, include in its report the information and documents mentioned in subparagraphs 1, 2 and 7 of the first paragraph of section 11.”;

(3) 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, 2.1, 2.2, 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 text;

(4) 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 replacing subparagraph 1 by the following:

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

(c) 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 subcategory as those marketed” after “Quantity of products” in subparagraph 2 in the definition of 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” at the end of subparagraph 2 in the definition of variable A;

(e) by inserting “of the same subcategory as those marketed and actually” after “products” in subparagraph 2 in the definition of variable E;

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

“Any negative difference calculated in accordance with subparagraph 2 of the first paragraph may be compensated for by a quantity of products equivalent to that determined by multiplying the percentage prescribed in Chapter VI by the value of variable B for the same subcategory of product. The compensation may not be greater than 30% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI.”;

(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:

“The measures contained in the remediation plan must

(1) make it possible to attain the minimum recovery rate prescribed 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 clientele at least 1 day per month and 5 consecutive 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 that first year”.

20. Section 21 is amended by replacing “and 17” by “,17, 53.0.4, 53.0.12 and 53.0.21”.

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 subparagraphs 1 to 4, 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 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 1 January 2023 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 “2023”;

(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 percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 3 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

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. The heading of Division 2 is amended by inserting “CELLS AND” before “BATTERIES”.

30. Section 29 is amended

(1) by replacing “the types of products” in the portion before paragraph 1 by “the cells listed therein, and batteries and battery packs constructed of such cells, of any shape and size, irrespective of the substances of which they are composed”;

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

“(1) 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 (chapter C-24.2), other lead-acid batteries, and batteries exclusively designed and intended for industrial purposes;

(2) single use batteries.”;

(3) 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 subparagraph 1 or 2 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, and mobility aid vehicles.”

31. 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 1 January 2023 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.”

32. Section 32 is amended 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 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.”

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, except sealed lead-acid batteries weighing 5 kg or less, is 25% as of 2023, 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 sealed lead-acid batteries weighing 5 kg or less referred to in subparagraph 1 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 other products referred to in subparagraph 1 of the first paragraph, in which case the minimum rate and the application period are those provided for in subparagraph 1 of this paragraph;

(3) 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 is 20% as of 2023, 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 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 2022;

(2) in the case of products referred to in subparagraph 2 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 subparagraph 1 or 2 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 1 or 2 of the second paragraph, the reference year is prior to 2022, that year is considered to be the reference year until 5 years have elapsed, in the case of products referred to in subparagraph 1 of the first paragraph of section 29, and until 3 years have elapsed, in the case of products referred to in subparagraph 2 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 percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

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, \$4.80 per kilogram;

(2) in the case of products referred to in subparagraph 2 of the first paragraph, \$5.40 per kilogram.”;

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

“The values applicable 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 2023, 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 rate is 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 percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

- (1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;
- (2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater

than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

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 inserting “with a volume” after “are paint marketed in containers”;
 - (b) by replacing “100 mm” by “100 ml”;
 - (c) by replacing “50 l” by “25 l”;
 - (d) 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 struck out.

45. Section 46 is amended

(1) in the first paragraph

(a) by replacing “2020” in the portion before subparagraph 1 by “2023”;

(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 percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the second paragraph of section 42 marketed during the reference year is greater than 1% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 1%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 of the second paragraph of section 42 marketed during the reference year is greater than 10% of the total weight of

those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”.

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) by replacing paragraph 2 by the following:

“(2) containers of 50 l or less used

(a) for marketing the products referred to in paragraph 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 paragraph 4;”;

(2) by striking out paragraph 5;

(3) 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 struck out.

52. Section 52 is amended

(1) in the first paragraph

(a) by replacing “The rates” in the portion before subparagraph 1 by “As of 2023, the rates”;

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

(c) by replacing “paragraphs 1 to 3” in subparagraph 1 by “subparagraphs 1 to 3 of the first paragraph”;

(d) by striking out “from 2020” in subparagraph 1;

(e) 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 “in paragraph 1 of section 48:” in subparagraph 1 by “in subparagraph 1 of the first paragraph of section 48, 69.8% 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 “in paragraphs 2, 3 and 5” in subparagraph 2 by “in subparagraphs 2 and 3 of the first paragraph”;

(d) by replacing “in paragraph 4 of section 48, on the basis of 45%” in subparagraph 3 by “in subparagraph 4 of the first paragraph of section 48, on the basis of 39.9%”.

53. The following is added after section 52:

“**52.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the first paragraph of section 48 marketed during the reference year is greater than 7% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 7%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 or 3 of the first paragraph of section 48 marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where the proportion of recycled material content in the products referred to in subparagraph 4 of the first paragraph of section 48 marketed during the reference year is greater than 4% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 4%;

(4) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 1 or 4 of the first paragraph of section 48 is greater than 25% of the volume of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion;

(5) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 2 or 3 of the first paragraph of section 48 is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”

54. Section 53 is replaced by the following:

“**53.** For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the first paragraph of section 48 are 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.

The values applicable in subparagraphs 1 to 3 of the first paragraph 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 of the first paragraph 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.”.

55. 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 1 by “conservation or storage”;

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

56. 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, conservation or storage, 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 30 June 2023 or the date of their marketing, acquisition or manufacture if it is subsequent to that date.”.

57. 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.”.

58. 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”.

59. The following is added after section 53.0.6:

“**53.0.6.1.** For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 5 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered

necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.”.

60. 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 of the first paragraph 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 of the first paragraph 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 of the first paragraph 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.”.

61. 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 following subcategories, 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, wood-chip bags known as “shavings”, supplement bags, mineral bags, fertilizer or soil amendment 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, fertilizer or soil amendment containers, 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) 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, 30 June 2023, 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, 30 June 2025, 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, except manure pit covers, Class 1 to 3A pesticides and seed coated with pesticides, must set up drop-off centres whose quantity 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 in the territory of which the products of that enterprise are marketed,

(a) in the case of the administrative regions of Laval and Montréal, there must be at least 1 drop-off centre per administrative region;

(b) in the case of the administrative region of Gaspésie–Îles-de-la-Madeleine, there must be at least 1 drop-off centre in the territory of Îles-de-la-Madeleine and 1 drop-off centre in the territory of Gaspésie;

(c) in the case of the administrative regions of Capitale-Nationale, Lanaudière, Laurentides, Mauricie, Outaouais and Saguenay–Lac-Saint-Jean, there must be at least 4 drop-off centres per administrative region;

(d) in the case of the administrative regions of Abitibi-Témiscamingue, Bas-Saint-Laurent, Centre-du-Québec and Estrie, there must be at least 5 drop-off centres per administrative region;

(e) in the case of the administrative regions of Chaudière-Appalaches and Montérégie, there must be at least 15 drop-off centres per administrative region;

(f) in the case of the administrative regions of Côte-Nord and Nord-du-Québec, the conditions set out in section 17 concerning the quantity and location of drop-off centres apply, with the necessary adaptations.

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.

Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2 that markets manure pit covers, Class 1 to 3A pesticides or seed coated with pesticides in the territory of an administrative region must set up at least 1 drop-off centre therein.

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

One-third of drop-off centres in each administrative region 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. Two-thirds of drop-off centres in 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 2022, the latter is considered to be the reference year until 7 years have elapsed, in the case of products referred to in paragraph 5 of section 53.0.8, and until 10 years have elapsed, in the case of products referred to in paragraph 6 of section 53.0.8.

53.0.15. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

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 subparagraphs 1, 2 and 4 of the first paragraph 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 subparagraph 3 of the first paragraph 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 following subcategories, 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 30 June 2024 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 the first paragraph of 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 of section 53.0.17, 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 of section 53.0.17, 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 of section 53.0.17, \$2 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 53.0.17, \$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 following subcategories, which include the types of products listed therein:

(1) any substance, whether mixed with other substances or not, 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 companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1); or

(b) to restore, correct or modify organic functions in human beings or companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1);

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

(3) 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 an 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) contact lens disinfectants;

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

- (4) mouthwashes and fluoridated toothpastes;
- (5) lozenges for cough, sore throat or halitosis;
- (6) topical substances that do not contain antibiotics, anti-fungal agents or anti-inflammatories;
- (7) 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 prescription units, 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 prescription units, 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 30 June 2024 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, subparagraph 12 of the first paragraph of section 5 does not apply.

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 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;

(2) 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 report referred to in section 9, the information referred to in subparagraph 9 of the first paragraph of section 9 does not have to be included in the report.

In addition to the elements referred to in section 9, the report must include, 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.

In addition, 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.

53.0.30. 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.

53.0.31. 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 any territory referred to in sections 16 and 17 where the products of that enterprise are marketed, a permanent drop-off centre must be set up in at least 40% of veterinary clinics and at least 80% of the other 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 centre 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.”

62. 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 striking out paragraph 11;

(5) by replacing “second” in paragraph 12 by “third”;

(6) by striking out paragraph 13.

63. Section 53.2 is amended

(1) by inserting in the French text “alinéa” after “deuxième” in paragraph 1;

(2) 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.”.

64. 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 inserting “or the second paragraph of section 53.0.31” at the end of paragraph 7;

(4) 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”.

65. 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, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or the first paragraph of section 53.0.31”.

66. Section 54 is replaced by the following:

“**54.** Every person who 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 the first or third paragraph of section 38, commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.”.

67. 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, 53.0.26 or the second paragraph of 53.0.31”.

68. 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, 53.0.4, 53.0.12, 53.0.13, 53.0.21 or the first paragraph of section 53.0.31”.

69. Section 59.1 is amended by replacing “30 April” in the third paragraph by “15 May”.

70. The following is added after section 59.1:

“**59.2.** Sections 24 and 31 of this Regulation, as they read on 29 June 2022, continue to apply in respect of the subcategories of products referred to in sections 22 and 29 as they read at that date, until 30 June 2023.

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 2027.”.

FINAL

71. This Regulation comes into force on 30 June 2022, 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 30 December 2022;

(2) section 10, which comes into force on 30 September 2022.

105769

Gouvernement du Québec

O.C. 968-2022, 8 June 2022

Education Act
(chapter I-13.3)

Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year
—Amendment

Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year

WHEREAS, under the first paragraph of section 447 of the Education Act (chapter I-13.3) the Government may make regulations to be known as the “basic school regulation”;

WHEREAS, by Order in Council 1213-2021 dated 8 September 2021, the Government made the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year;

WHEREAS the amended basic school regulation was amended by Order in Council 31-2022 dated 12 January 2022 and Order in Council 716-2022 dated 27 April 2022;

WHEREAS, under subparagraph 1 of the second paragraph of section 447 of the Act the basic school regulation relates in particular to the general organizational framework of educational services;

WHEREAS, under subparagraph 2 of the third paragraph of section 447 of the Act the basic school regulation may establish rules respecting the school calendar;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Amended Basic school regulation for preschool, elementary and secondary education for the 2021-2022 school year was published in Part 2 of the *Gazette officielle du Québec* of 6 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 458 of the Act, a draft copy of the Regulation has been submitted to the Conseil supérieur de l'éducation for preliminary examination;

WHEREAS it is expedient to make the Regulation without amendments;