

(2) by striking out “, in force since 1 February 2005 and periodically revised” in the first paragraph;

(3) by replacing “méthode actuarielle” in the second paragraph of the French text by “valeur actuarielle”;

(4) by revoking subparagraphs 5 and 6 of the third paragraph.

2. This Regulation comes into force on the first day of the month occurring four months after the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 972-2022, 8 June 2022

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)

Environment Quality Act (chapter Q-2)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5)

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)

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

Development, implementation and financial support of a deposit-refund system for certain containers — **Amendment**

Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by

regulation, in particular, require any person who markets or otherwise distributes products in containers acquired for that purpose to develop, implement and contribute financially to, on the terms and conditions fixed, measures to reduce, recover or reclaim residual materials generated by the containers;

WHEREAS, under subparagraph 8 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, in particular, prescribe the information or documents that a person, a municipality, a group of municipalities or an Aboriginal community, represented by its band council, must transmit to a person who must, under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of the section, meet the obligations referred to in the regulation as well as the other terms and conditions applicable to the transmission and the time limit for doing so;

WHEREAS, under section 53.30.2 of the Act, a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act that requires, as a measure, certain persons to develop, implement and contribute financially to a deposit system may, in particular,

— under paragraph 1 of the section, determine the products concerned by the system;

— under paragraph 2 of the section, prescribe the time limits and the terms and conditions applicable to the entering into of contracts, if applicable, between the persons, the municipalities, the groups of municipalities and any Aboriginal community, represented by its band council, determined in the regulation and the minimum content of such contracts;

— under paragraph 3 of the section, determine the terms and conditions applicable to the return, transportation, sorting and conditioning of returnable products, including their storage, to recover and reclaim such products;

— under paragraph 4 of the section, determine, in addition to the persons who are required to develop, implement and contribute financially to the system, the other persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

— under paragraph 5 of the section, determine the obligations, rights and responsibilities of the persons, municipalities, groups of municipalities and Aboriginal communities, represented by their band councils, that are concerned by the system;

—under paragraph 6 of the section, determine, in particular with respect to the obligations referred to in paragraph 5, the obligations that certain persons concerned by the system must meet as regards their participation in the organization of the return of returnable products;

—under paragraph 7 of the section, fix a deposit payable on the purchase of any of the products referred to in paragraph 1 that, upon return, is refundable in whole or, as determined under paragraph 8, in part only, or prescribe the parameters to be used by a body designated under a regulation made under section 53.30.3 of the Act to fix such a deposit, which is not payable until it has been approved by the Minister;

—under paragraph 9 of the section, determine the persons who are required to collect and refund, in the cases and on the conditions it prescribes, the deposit fixed under paragraph 7;

—under paragraph 10 of the section, fix the indemnity payable for management costs, or the parameters to be used to fix it by a body designated under a regulation made under section 53.30.3 of the Act, in particular for the handling and storage of products referred to in paragraph 1 following their return, and determine the persons who are entitled to receive such an indemnity, the persons who are required to pay such an indemnity and the terms and conditions applicable to the payment of such an indemnity;

—under paragraph 11 of the section, prescribe a mechanism for resolving disputes that may arise following the entering into or performance of contracts referred to in paragraph 2 or the obligation to prescribe such a mechanism in such contracts;

WHEREAS, under section 53.30.3 of the Environment Quality Act, the Government may, by a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Act, in particular,

—under paragraph 1 of the section, prescribe that the responsibility for developing, implementing and contributing financially to a measure imposed by the regulation on certain persons the regulation determines be conferred, for the period it fixes, on a non-profit body designated by the Minister or the Société québécoise de récupération et de recyclage;

—under paragraph 2 of the section, exempt, in whole or in part, persons who are required, under the regulation, to meet obligations that are the responsibility of a body under paragraph 1 from meeting such obligations;

—under paragraph 3 of the section, prescribe the rules applicable to the designation of the body referred to in paragraph 1;

—under paragraph 4 of the section, prescribe the minimum obligations that the body must meet and the minimum rules that must be provided for in its general by-laws for it to be designated;

—under paragraph 5 of the section, prescribe the obligations, rights and responsibilities of the designated body and its method of financing;

—under paragraph 6 of the section, prescribe the obligations to the designated body that the persons referred to in paragraph 1 have, in particular the obligations to become a member of the body and to provide the body with the documents and information it requests to enable it to meet the responsibilities and obligations conferred on it by the regulation, prescribe the conditions for preserving and transmitting such documents and information, and determine which such documents and information are public;

—under paragraph 7 of the section, prescribe the documents and information that the designated body must provide to the Minister or the Société québécoise de récupération et de recyclage, determine their form and content and the conditions for preserving and transmitting them, and determine which such documents and information are public;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, enacted 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 (2022, chapter 8), 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 failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary in particular 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 determine the provisions of a regulation the Government has made under that 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, under subparagraph 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt any person, municipality or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons, municipalities and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 19 of the first paragraph of section 15.4.40 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, as amended by section 38 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, any other sum provided for by law or a regulation of the Government or a regulation of the Minister is credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State;

WHEREAS, under section 21 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5), despite section 13 of that Act, any permit issued under the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and any agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in force on the date of coming into force of that section remains in force until a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30, as amended by section 3 of that Act, and section 53.30.2, enacted by section 4 of that Act, terminates it;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the development, implementation and financial support of a deposit system for certain containers was published in Part 2 of the *Gazette officielle du Québec* of 26 January 2022 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 respecting the development, implementation and financial support of a deposit-refund system for certain containers, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, s. 15.4.40, 1st par., subpar. 19)

Environment Quality Act (chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, s. 53.30.2, pars. 1 to 7 and 9 to 11, s. 53.30.3, pars. 1 to 7, and s. 95.1, 1st par., subpar. 9)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5, s. 21)

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, s. 38)

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.))

CHAPTER I GENERAL

1. The purpose of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers they have procured for that purpose to develop, implement and contribute financially to a deposit-refund system for the containers to allow them to be recovered and reclaimed.

2. In this Regulation,

“administrative region” means a region described and delimited in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1), except the Nord-du-Québec administrative region and the territory of the regional county municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent; (*régions administratives*)

“alcoholic beverage” means alcohol, spirits, wine, cider and beer, and every liquid containing ethyl alcohol and capable of being consumed by a person, provided that such liquid contains more than 0.5% of ethyl alcohol by volume. Any liquid containing more than one of the five varieties of alcoholic beverages is considered as belonging to that variety which has the higher percentage of alcohol, in the following order: alcohol, spirits, wine, cider and beer; (*boisson alcoolique*)

“carbonated soft drink” means a non-alcoholic beverage that contains water, natural or artificial sweeteners and, in certain cases, aromatic substances and in which carbon dioxide gas is dissolved; (*boisson gazeuse*)

“container” means a recipient, except a bag or a bag-in-box package, used to commercialize, market or otherwise distribute a product in a volume of not less than 100 ml and not more than 2 litres, of a type defined in section 3; (*contenant*)

“designated management body” means any body designated pursuant to Division I of Chapter III; (*organisme de gestion désigné*)

“establishment offering on-site consumption” means an establishment that is not mobile that offers meals, snacks and drinks for sale or otherwise for immediate consumption in or outside the premises; (*établissement de consommation sur place*)

“isolated or remote territory” means the territory governed by the Kativik Regional Government as described in paragraph v of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1), and the territory of the regional county municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent; (*territoires isolés ou éloignés*)

“major contributor” means a person who uses more than 350 million redeemable containers per year to commercialize, market or otherwise distribute its products; (*grand contributeur*)

“medium contributor” means a person who uses between 100 and 350 million redeemable containers per year to commercialize, market or otherwise distribute its products; (*moyen contributeur*)

“milk” means the lacteal secretion obtained from the mammary gland of a domestic animal such as a cow, goat or sheep and intended for human consumption; (*lait*)

“milk permeate” means the product obtained by removing milk proteins and milkfat from milk, partly skimmed milk, or skimmed milk by ultrafiltration; (*perméat de lait*)

“minor contributor” means a person who uses fewer than 100 million redeemable containers per year to commercialize, market or otherwise distribute its products; (*petit contributeur*)

“multi-layer container” means a container mainly made from fibre, as well as thin layers of plastic and, in some cases, a thin layer of aluminum; (*contenant multicouches*)

“product” means any liquid intended for human consumption which is sold in a sealed container and which, at the time of purchase, is ready to be drunk, except a concentrate, stock, soup, cream, milk formula, syrup and yogourt drink, and any product of the same type containing over 50% milk permeate; (*produit*)

“redeemable container” means any container on which a deposit is paid; (*contenant consigné*)

“regional municipality” means a regional county municipality, the agglomerations of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque and Les Îles-de-la-Madeleine and the municipalities of Gatineau, Laval, Lévis, Mirabel, Rouyn-Noranda, Saguenay, Shawinigan, Sherbrooke and Trois-Rivières; (*municipalité régionale*)

“retailer” means a person who operates a retail establishment in which a product is offered for sale in a redeemable container, except a retail establishment in which a product is offered for sale only by means of one or more vending machines, a retail establishment in which a product is offered for sale only by means of a single commercial refrigerator measuring no more than 76.2 cm wide x 82.28 cm deep x 200.66 cm high and an establishment offering on-site consumption; (*détaillant*)

“reusable container” means a container that may be used more than once to commercialize, market or otherwise distribute a product; (*contenant à remplissage multiple*)

“single-use container” means a container that may be used only once to commercialize, market or otherwise distribute a product; (*contenant à remplissage unique*)

“unorganized territory” means a territory referred to in Chapter II of Title I of the Act respecting municipal territorial organization (chapter O-9). (*territoires non organisés*)

In the definition of “alcoholic beverage”, the words “alcohol”, “beer”, “cider”, “light cider”, “spirits” and “wine” have, unless the context indicates a different meaning, the meaning assigned by the Act respecting offences relating to alcoholic beverages (chapter I-8.1).

3. The types of redeemable containers are as follows:

- (1) single-use metal containers;
- (2) single-use plastic containers;
- (3) single-use glass containers and containers made of other breakable material;
- (4) single-use fibre containers, including multi-layer containers;
- (5) single-use biobased containers;
- (6) reusable glass containers and containers made of other breakable material;
- (7) reusable containers made of a material other than glass or other breakable material.

Containers made of a mixture of materials, the main material of which, by weight, is any of the materials referred to in subparagraphs 1 to 4 of the first paragraph or the materials contained in a biobased container, belong to the type of containers that, in the first paragraph, is associated with that material or that type of biobased container.

4. Every redeemable container must be marked with a bar code that, when scanned, shows its type, weight and volume and a description of the product commercialized, marketed or otherwise distributed in the container, as well as the amount of the deposit.

5. Every person that is the owner or user of a name or trademark and has a domicile or establishment in Québec is required to develop, implement and contribute financially to a deposit-refund system for containers in which a product is commercialized, marketed or otherwise distributed in Québec under that name or trademark.

The obligations specified in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier of the product in Québec, other than the manufacturer, if

(1) the owner or user of the name or trademark has no domicile or establishment in Québec;

(2) the owner or user of the name or trademark has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product outside Québec, and if the first supplier then commercializes, markets or otherwise distributes the product in Québec; or

(3) the product is commercialized, marketed or otherwise distributed in Québec without a name or trademark.

6. Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligations specified in the first paragraph of section 5 apply to

(1) the person operating the transactional website used to acquire the product and which allows a person having no domicile or establishment in Québec to commercialize, market or otherwise distribute the product in Québec; and

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

7. Where persons referred to in section 5 or 6 do business under a single banner, whether under a franchise contract or another form of affiliation, the obligations specified in the first paragraph of section 5 apply to the owner of the banner if that owner has a domicile or establishment in Québec.

8. Every person to whom section 5, 6 or 7 applies, herein referred to as a “producer”, must fulfill the obligations specified in those sections collaboratively with the other persons concerned, and those persons may only develop, implement and contribute financially to a single deposit-refund system.

9. Every producer who commercializes, markets or otherwise distributes a product in a reusable container may add to the return sites provided for in Chapter II the supplementary return sites the producer chooses and for which the producer is not required to comply with sections 25 to 40. The producer must however provide, for the redeemable containers returned to those sites, so that they may be considered in calculating the recovery,

reclamation, local reclamation and recycling rates for redeemable containers prescribed by this Regulation, the information and documents that a designated management body requests, within the time limit it sets to do so, to allow that body to fulfill its responsibilities and obligations under this Regulation. The costs associated with adding sites fall entirely on the producer who adds sites.

10. The documents and information required by or pursuant to this Regulation must be sent electronically.

CHAPTER II DEVELOPMENT, IMPLEMENTATION AND FINANCING OF THE DEPOSIT-REFUND SYSTEM

DIVISION I PARAMETERS

11. Every producer must, to fulfill its obligation to develop, implement and finance a deposit-refund system and in connection with the charging and refunding of deposits, the return and management of redeemable containers, and the cost of developing, implementing and operating the system,

(1) determine a mechanism for charging and refunding deposits, covering the aspects not provided for in this Regulation;

(2) ensure the presence of return sites for redeemable containers throughout Québec, in accordance with the rules set out in sections 25 to 43, if applicable;

(3) determine the places where the redeemable containers that are recovered may be sorted, conditioned and reclaimed;

(4) take steps to allow the reclamation, preferably in Québec, of the redeemable containers that are recovered with the choice of reclamation process respecting, in order, reuse, conditioning to obtain a material for use as a substitute for raw materials of a similar nature, conditioning to obtain such a material for use as a substitute for raw materials of a different nature, conditioning to obtain a material for use for energy recovery, or another reclamation use of a redeemable container or such a material, unless

(a) a life-cycle analysis, consistent with the applicable ISO standards and taking into account, in particular, resource sustainability and the externalities of various forms of reclamation for the redeemable containers that are recovered or the material obtained following their conditioning, shows that one form has an environmental advantage over another; or

(b) the existing technology or applicable laws and regulations do not allow a form of reclamation to be used in the prescribed order;

(5) take steps so that the disposal of a redeemable container or a material obtained following the conditioning of such a container is the last option chosen;

(6) determine the costs involved in the development, implementation and operation of the deposit-refund system;

(7) distribute the costs by type of redeemable container, taking into account, for each type, the cost of recovery, transportation, storage, sorting, conditioning and reclamation;

(8) determine the financial contribution to be paid by producers for the cost of developing, implementing and operating the system;

(9) ensure the collection of redeemable containers at return sites and in establishments offering on-site consumption, and determine the terms and conditions applicable to the transportation, sorting and conditioning of those containers and, as the case may be, of the material obtained following their conditioning as far as their final destination;

(10) ensure the traceability of the redeemable containers recovered and, as the case may be, of the material obtained following their conditioning;

(11) determine the requirements that all service providers, including managers of return sites and subcontractors, must observe in managing the redeemable containers that are recovered;

(12) ensure the presence of a research and development component on recovery, sorting, conditioning and reclamation techniques for the redeemable containers and, in the latter case, for the material obtained following their conditioning, and ensure the presence of such a component on the development of market outlets for those containers and material; and

(13) take steps to ensure that the system is used only for redeemable containers in Québec.

The final destination of a redeemable container or of the material obtained following its conditioning is the place where it is

(1) reused;

(2) used as a substitute for raw materials of a similar or different nature;

(3) used for energy recovery;

(4) reclaimed otherwise than as provided for in subparagraphs 1 to 3; or

(5) disposed of.

12. The traceability of redeemable containers involves using quantitative data to monitor such containers from each return site in Québec where redeemable containers are returned to the site of their final destination and, where they are conditioned, to monitor the material obtained following conditioning to its final destination.

13. Every producer must also, for the same purposes as those set out in section 11 and with respect to activities to inform consumers with respect to the communication of certain information,

(1) provide for information, awareness and education activities to inform consumers about the environmental advantages of recovering and reclaiming of various types of redeemable containers, about the types and formats of redeemable containers, their deposit, the return sites available and the deposit refunding modes, in order to promote their participation in the system; and

(2) use a means of communication to make public, each year, the information listed in section 134 and ensure that the information remains accessible for a minimum period of five years.

14. Every producer must, in addition, for the same purposes as those set out in section 11 and with respect to the auditing of certain activities,

(1) see to the verification, by a person who is not employed by a producer or by a designated management body and who meets one of the following conditions, of the management of the containers recovered and of compliance with the requirements set out in subparagraph 11 of the first paragraph of section 11:

(a) the person holds certification as an environmental auditor issued by a body accredited by the Standards Council of Canada;

(b) the person is a member of a professional order governed by the Professional Code (chapter C-26); and

(2) ensure that the verification referred to in paragraph 1 is performed at the following frequency:

(a) in the case of the managers of return sites, including subcontractors, at least 10%, in more than one administrative region, must be verified each year and all must be verified over a five-year period;

(b) in other cases, the verification must take place during the first full calendar year during which the deposit-refund system is implemented, and at least every three years thereafter.

15. Every producer must, for the same purposes as those set out in section 11, plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) and measures to contribute to the fight against climate change.

16. When, as part of the implementation of a deposit-refund system, the measures provided for in sections 11 to 15 are to be applied in an isolated or remote territory, they must be adapted to reflect the needs and particularities of the territory concerned.

DIVISION II AMOUNT OF THE deposit

17. Beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), the amount of the deposit for each redeemable container is

(1) \$0.25 for glass containers of not less than 500 ml and not more than 2 litres that are used to commercialize, market or otherwise distribute a product; and

(2) \$0.10 for glass containers less than 500 ml and for other types of containers.

Despite the first paragraph, the amount of the deposit for a fibre container, including a multi-layer container, is applicable as of the date occurring two years after the date specified in the first paragraph.

18. From the expiry of a five-year period beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), a designated management body may modify the amount of the deposit for a container on the following conditions:

(1) the body may not specify more than two deposit amounts for all containers;

(2) the amount of a deposit may not be less than \$0.10 nor more than \$1.00.

The designated management body must, when modifying the amount of a deposit, take into account the anticipated impact of the modification on the recovery rate for the containers concerned. It may also take into account the format and volume of the containers.

A deposit amount that is different from the amounts in force can only be specified if

(1) the recovery rate achieved for the type of container associated with the deposit amount the body intends to modify is more than 10% below the minimum recovery rate prescribed by section 99, for the two consecutive years preceding the year for which the modification is planned; and

(2) the body submitted a plan and implemented it as provided for if, for one of the years preceding the year for which the modification is planned, the body was required to submit a remediation plan pursuant to section 113.

If the modification of a deposit amount increases the deposit amount for a type of container for which the prescribed recovery rate has been achieved, the increase may not exceed 50% of the amount in force.

19. Despite sections 17 and 18, any designated management body may, beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), specify a deposit amount for reusable containers that is different from the deposit amount for other types of containers. It may also modify the deposit amount at any time it determines.

The designated management body must take into account, when specifying or modifying a deposit amount, the anticipated impact on the recovery rates for the containers concerned. It may also take into account the format and volume of the containers.

The amount specified or modified pursuant to the first paragraph must be higher than any other deposit amount in force.

The designated management body must, before specifying or modifying an amount referred to in the first paragraph, consult all the producers that use reusable containers to commercialize, market or other distribute a product.

20. Any modification of a deposit amount pursuant to section 18 and any deposit amount specified or modified pursuant to section 19 must be approved by the Minister before it can be charged, after the Minister has requested the opinion of the Société québécoise de récupération et de recyclage, herein referred to as the “Société”.

The designated management body must submit, with its request for approval, an assessment of the impact of modifying or specifying the deposit amount on the recovery rates for the containers concerned, on the income

generated from unclaimed deposits, and on the amounts producers are required to pay as contributions. It must also submit the results of the consultation referred to in the fourth paragraph of section 19.

The Société must submit its opinion to the Minister within 30 days of receiving a request for an opinion. If the Société submits a negative opinion, it must give the reasons for its decision.

If the Société fails to submit its opinion within the time specified in the third paragraph, it is deemed to agree with the modification or specification of a deposit amount for which an approval is requested.

21. A designated management body must post the deposit amounts for containers on its website, not later than the thirtieth day preceding the date of their coming into force.

It must also publish in the *Gazette officielle du Québec*, within the time limit specified in the first paragraph, any new deposit amount and the date of its coming into force.

22. The deposit amount for a container under an agreement entered into pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and the Beer and Soft Drinks Distributors’ Permits Regulation (chapter V-5.001, r. 1) or under a private deposit-refund system for reusable containers is the amount specified in section 17 beginning in the sixteenth month following the date of coming into force of that section, or, if an amount is specified pursuant to section 19, the amount if it comes into force as of the same month. The amount of such a deposit is thereafter the amount modified pursuant to section 18 or, if an amount is specified or modified pursuant to section 19, that amount if it comes into force after the sixteenth month.

23. A person who purchases a product in a redeemable container is required to pay the amount of the deposit for the container to the person selling the product, and the deposit for the container then belongs to the person to whom it is paid.

24. When a redeemable container is returned to a return site, the deposit amount must be refunded in full.

A producer must refund the deposit to the manager of the return site where the amount was refunded, at the frequency agreed on by contract or, when no contract has been entered into, within 30 days after the manager sends a claim to that effect, which must be accompanied by documents that prove the claim.

DIVISION III RETURN OF REDEEMABLE CONTAINERS AND REFUNDING

§1. Return sites for redeemable containers and refunding

25. Every place where a person may return a redeemable container and obtain a refund for the amount of the deposit on the container, referred to as a “return site”, must comply with the following requirements:

- (1) all redeemable containers must be accepted;
- (2) reusable containers must be handled in a manner that allows their reuse;
- (3) the site must be clean, safe and well lighted;
- (4) the site must be situated inside a building or in a closed shelter, including a stand but excluding a tent or other type of shelter made of textile material;
- (5) a recovery bin, other than a garbage container, for the disposal of containers rejected when they are returned and also for the disposal of boxes or other recipients used to transport redeemable containers, must be situated in the client area and be clearly marked for that purpose;
- (6) the redeemable containers that have been returned to a return site must be stored in an entirely enclosed space, separate from the client area and not visible or accessible from the client area;
- (7) the site must be readily identifiable, clearly marked as being part of the deposit-refund system and, when associated with more than one retail establishment, clearly marked as being associated with each such establishment;
- (8) a sign bearing the name or logo of the system must be installed in a prominent position on the façade of the return site or near the site;
- (9) the site must be accessible to persons with reduced mobility;
- (10) except in isolated or remote territories, the site must have year-round road access;
- (11) the site must be situated within a radius of not more than 1 km from a retail establishment operated by a retailer, except in the case of a group referred to in section 49.

If a retailer provides a service for the return of redeemable containers and refunding the deposit only at checkout counters in a retail establishment, those counters are considered, for all of them, to be one return point and they must meet the requirements for that type of return site, in addition to the requirements of this subdivision. If a retailer provides a service for the return of redeemable containers and refunding the deposit both at checkout counters in a retail establishment and using one or more devices situated in the establishment, the checkout counters or the device or devices are considered to form a single return point.

26. Only the following personal information may be required from a person to whom a deposit is refunded electronically:

- (1) name;
- (2) address;
- (3) telephone number;
- (4) email address.

27. When a return site is situated inside an establishment, it must be open at the same times as the establishment.

When a return site is installed by a single retailer outside an establishment, operated by the retailer, to which the site is associated, the site must be open during the same business hours as that of the establishment.

When a return site is installed by a group of retailers outside the establishments they operate and the business hours of each of those establishments are shorter than the period referred to in the fourth paragraph, the site must be open during the business hours of the establishment that is open the longest.

In other cases, and except in isolated or remote territories, a return site must be open every day, for at least 10 hours on Mondays to Saturdays and for at least six hours on Sundays, except on 1 and 2 January, 24 June and 24, 25, 26 and 31 December.

28. The business days and hours of a return site must be posted at a place at the site that is clearly visible from outside.

29. Various types of return sites may be installed at the same location. In such a case they are counted as one return site for the purposes of sections 41 and 42.

30. Except where the requirements of this Division apply, the organization of a return site, including its location, its form and the equipment therein, is a responsibility of the producer or, as the case may be, of the retailer referred to in section 45 if the retailer and the producer have not entered into a contract pursuant to section 47.

31. Return sites are of three types:

- (1) return points;
- (2) return centres;
- (3) bulk return points.

§§1. Return points

32. A return point is designed to accept up small quantities of redeemable containers.

33. In addition to the requirements of sections 25 to 29, a return point must meet the following requirements:

- (1) it offers refunding on site, in cash, of the deposit for a redeemable container;
- (2) it has enough space for two persons at a time;
- (3) it is at a moderate temperature.

34. The manager of a return point may limit the number of redeemable containers that a person may return on each visit. However, that number may not be less than 50.

When the producer contracts with a person for the management of a return point, the possibility of imposing a limit pursuant to the first paragraph and the conditions for doing so must be set out in the contract.

§§2. Return centres

35. A return centre is designed to accept both small and large quantities of redeemable containers at each visit. It may also, in certain cases, be used as a site where the operations for containers from other return sites are centralized.

36. In addition to the requirements of sections 25 to 29, a return centre must meet the following requirements:

- (1) refunding of the deposit by a secure electronic process, within two consecutive business days of the transaction at the centre is offered on site;
- (2) it is at a moderate temperature;

(3) the manager of the centre ensures that personnel members are present during business hours to provide assistance to the clients.

37. The manager of a return centre may not limit the number of redeemable containers that may be returned on each visit.

§§3. Bulk return points

38. A bulk return point is a site where redeemable containers are returned using a recipient whose dimensions, material, colour and all other elements are determined by the producer that designed and implemented the deposit-refund system of which it forms a part.

39. In addition to the requirements of sections 25 to 29, a bulk return point must meet the following requirements:

- (1) it offers refunding of the deposit by any means considered appropriate by the manager of the site;
- (2) the refunding of the deposit by an electronic process is secure and completed within a maximum of seven days of the return of the containers at the site;
- (3) the use of reusable transportation recipients is encouraged.

40. The manager of a bulk return point may not limit the number of redeemable containers that may be returned at each visit.

§2. Distribution of return sites

41. Beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*), every producer must ensure that a minimum of 1,500 return sites, excluding bulk return sites, are functional across the administrative regions, with the exception of unorganized territories situated in those regions.

The producer must also ensure that the return sites are functional in isolated or remote territories, respecting the number of sites provided for in those territories in a contract entered into under section 57 or, if there is no contract, the number of sites provided for in section 59.

Each administrative region must have a minimum number of return points per number of inhabitants, as follows:

- (1) Montréal and Laval, one return point for every 15,000 inhabitants;

(2) Montérégie, Estrie, Outaouais, Laurentides, Lanaudière and Capitale-Nationale, one return point for every 8,000 inhabitants;

(3) Saguenay-Lac-Saint-Jean, Chaudière-Appalaches, Mauricie and Centre-du-Québec, one return point for every 6,000 inhabitants;

(4) Abitibi-Témiscamingue, Bas-Saint-Laurent, Gaspésie-Îles-de-la-Madeleine, and Côte-Nord, with the exception of the territories of the regional county municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent, one return point for every 4,000 inhabitants.

When, in a given administrative region, the number of inhabitants is not an exact multiple of the number indicated in the second paragraph, the last group may have fewer members.

42. In addition to the requirements of section 41, every producer must ensure that there are, in each regional municipality, at least two return sites at which it is possible to return an unlimited number of containers at each visit.

The producer must also ensure that the return sites in each regional municipality are able, globally, to accept at least 80% of the redeemable containers in which a product is commercialized, marketed or otherwise distributed in that regional municipality.

The total number of redeemable containers specified in the second paragraph for a regional municipality is obtained by dividing the number of redeemable containers in which a product is commercialized, marketed or otherwise distributed in the whole of Québec during the year preceding the year of the calculation by the number representing the population of Québec, established by an order made under section 29 of the Act respecting municipal territorial organization (chapter O-9), to which the number representing the population of the Aboriginal communities present in Québec, and by multiplying the result obtained by the number of inhabitants in the regional municipality.

The population of the Aboriginal communities referred to in the third paragraph is counted in the section of the website of the Ministère des Affaires municipales et de l'Habitation on municipal organization and that is not counted in the order referred to in the third paragraph.

The number of inhabitants in a regional municipality is calculated by adding the number of inhabitants of each local municipality within it, that number being established by the order referred to in the

third paragraph to which is added the number of inhabitants that are part of any Aboriginal community present in the regional municipality.

43. Every producer must, not later than the date that occurs three years after the date of coming into force of this Regulation, submit to the Société and to the Minister a plan containing all the measures it intends to implement for the return of redeemable containers in which products are consumed in a public space, including

(1) the spaces targeted;

(2) the types of devices, recipients and other equipment that will be installed;

(3) the person by whom and manner in which the operation of the devices and the maintenance and replacement of the devices, recipients and other pieces of equipment will be assured;

(4) the terms and conditions applicable to the recovery of redeemable containers; and

(5) a timeframe for the implementation of the measures, for two thirds of the public places targeted, within two years following the time limit set, and within three years for all the public places targeted.

Where the requirement provided for in the first paragraph is, pursuant to section 91, imposed on a designated management body, the plan must be sent not later than the date that occurs three years after the date of its designation.

Any part of a building, land, public road or other place that is accessible to the public on a continuous, periodic or occasional basis, except an establishment operated by a retailer or an establishment offering on-site consumption, is a public space.

44. Every producer must, not later than the fifteenth day following (insert the date of the last day of the sixteenth month following the date of coming into force of this Regulation), draw up a list of all return sites operating throughout Québec and map them. The producer must update the list and map and make them accessible to the public via a website.

The list must show, for each return site, its type, the mode of refund if offers and, if applicable, the maximum number of redeemable containers that may be returned per visit.

§3. Retailers

45. Every retailer must, for each establishment the retailer operates in which products are offered for sale in a redeemable container, accept the redeemable containers that are returned to the retailer and refund the deposit amount, except if the area of the part of the establishment reserved for sales is equal to or less than 375 square metres.

46. Redeemable containers must be accepted by a retailer and the deposit must be refunded at a return site in accordance with sections 25 to 40.

Every producer must ensure that a return site is installed for each establishment referred to in section 45.

47. From the fourth month following (*insert the date of coming into force of this Regulation*), every producer must take steps to enter into a contract with every retailer which, once signed, must specify

(1) the location, number, type and layout of the return sites that will be installed;

(2) whether it is the producer or the retailer who is responsible for installing and managing the return sites;

(3) the terms and conditions applicable to the access to the return sites and the parking spaces available close to the sites;

(4) the types of devices and other equipment that will be installed for the return of redeemable containers and the person responsible for their purchase or leasing and their maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices and other pieces of equipment installed;

(6) if applicable, the number of redeemable containers that it will be possible to return at each visit;

(7) if the installation of a bulk return point is planned, the types of recipients that may be used to return redeemable containers;

(8) the terms and conditions applicable to the storing the containers returned;

(9) the mode or modes for refunding deposits that will be offered;

(10) the terms and conditions applicable to client service for the return sites;

(11) the terms and conditions applicable to the refunding to the manager of a return site the deposit that the manager has refunded for the return of redeemable containers;

(12) the management process for the redeemable containers rejected by a device;

(13) the management process for containers that are non-returnable and for the recipients used to transport containers that are abandoned in a return site, until a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(14) the terms and conditions applicable for collecting redeemable containers and containers that are non-refundable and recipients referred to in subparagraph 13 from the return sites, including the frequency of collection, until, in the case of the containers and recipients referred to in subparagraph 13, a system harmonization agreement is entered into pursuant to section 142 or an arbitration award is rendered pursuant to Division II of Chapter IV;

(15) the costs relating to

(a) the installation and operational and financial management of the return sites;

(b) modifications to an existing establishment to allow the installation of a return site;

(c) the purchase or leasing of the devices that will be installed in a return site;

(d) the maintenance and replacement of the devices; and

(e) training for the personnel members responsible for client services and the handling of containers, on deposit or not, as well as recipients used to transport those containers for their collection from a return site;

(16) the sharing of responsibilities with respect to the costs referred to in subparagraph 15;

(17) if a single return site is installed for more than one establishment, the responsibilities of each retailer operating one or more establishments with respect to the elements in subparagraphs 1 to 16;

(18) the information and documents that must be submitted to the producer, and the frequency and mode of submission;

(19) a schedule for the implementation of the obligations set out in the contract;

(20) the duration of the contract;

(21) the terms and conditions applicable for modifying, cancelling and renewing the contract; and

(22) the dispute resolution method.

In the cases referred to in subparagraphs 13 and 14 of the first paragraph, the producer and the retailer must attempt to agree, within three months from the date of the signing of a system harmonization agreement or an arbitration award, on the terms and conditions applicable to the elements listed in those subparagraphs, if the elements are covered by the agreement or the arbitration award and the producer and the retailer do not comply with what is provided for in their respect in the agreement or award. If they agree on the terms and conditions, they must sign an agreement, which becomes an integral part of the contract entered into pursuant to the first paragraph as of the date on which the contract is signed.

If the producer and the retailer do not agree on the elements listed in subparagraphs 13 and 14 of the first paragraph at the end of the three-month period provided for in the second paragraph, section 50 applies, with the necessary modifications.

At the end of the three-month period following the mediation provided for in section 50, if the parties still do not agree, the Société determines, within 30 days after that time limit, the obligations of the producer and the retailer with respect to the elements listed in subparagraphs 13 and 14 of the first paragraph.

48. Several retailers may group together to fulfill their obligations under this subdivision, on condition that the group has obtained prior approval from any producer that has developed and implemented the deposit-refund system, but remain individually responsible for compliance.

49. If, in a local municipality, retailers group together to install a single return site, the site must be situated within a maximum radius of 1 km from one of the associated establishments and, according to the number of inhabitants of the municipality,

(1) within a maximum radius of 5 km from the other associated establishments for a local municipality of fewer than 3,000 inhabitants;

(2) within a maximum radius of 3 km from the other associated establishments for a local municipality of 3,000 to 25,000 inhabitants;

(3) within a maximum radius of 2 km from the other associated establishments for a local municipality of 25,001 to 100,000 inhabitants; and

(4) within a maximum radius of 1 km from the other associated establishments for a local municipality of more than 100,000 inhabitants.

50. If, at the end of the ninth month following (*insert the date of coming into force of this Regulation*), a producer and a retailer have not succeeded in entering into a contract pursuant to section 47 or have not succeeded in agreeing on all the elements to be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the retailer pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer in writing, within the same 14-day time limit, of the elements of the dispute preventing the entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the retailer discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

51. Not later than the twelfth month following (*insert the date of coming into force of this Regulation*), if a producer and a retailer have still not succeeded in entering into a contract pursuant to section 47, the retailer is required to install, within three months of that date, a return point or return centre for each establishment it operates and in which it sells a product in a redeemable container. Sections 25 to 40 apply to the retailer.

The producer must, in such a case,

(1) reimburse to the retailer, within 30 days of the filing of a claim by the retailer, the amounts spent to meet the obligation imposed on the retailer by the first paragraph, and the amounts that the retailer incurs to cover the elements listed in subparagraph 14 of the first paragraph of section 47; the claim must detail the costs claimed and include the documents that show those costs; and

(2) ensure that the redeemable containers stored at the site are collected at least twice per week.

The retailer must provide the producer, within the time set by the producer, with all the information and documents requested by the producer concerning the elements listed in subparagraphs 1, 3, 6 to 10 and 12 of the first paragraph of section 47.

52. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, inside the establishment at the place where the product is offered for sale, the amount of the deposit for the container.

The amount of the deposit must also appear on the invoice for the person who purchases the product, on a line just below the line indicating the amount of the sale.

53. Every retailer is required, for each establishment operated in which the retailer sells a product in a redeemable container, to post clearly, in or at the entrance to the establishment, the address of the return site for that establishment, if its area is greater than 375 square metres, or the address of the return site nearest to the establishment, if its area is equal to or less than 375 square metres.

54. Despite section 51, a contract between a producer and a retailer may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the obligations provided for in that section.

55. Every producer must, within eighteen months following (insert the date of coming into force of this Regulation), submit to the Société and to the Minister a list of all the retailers subject to the obligations of this subdivision, detailing how they have fulfilled their obligations.

56. This subdivision does not apply in isolated or territories and unorganized territories, or to establishments offering on-site consumption.

§4. Isolated or remote territories and establishments offering on-site consumption

§§1. Isolated or remote territories

57. Every producer must offer the authorities responsible for the administration of isolated or remote territories to install, in those territories, return sites for redeemable containers in which products are sold.

For that purpose, the producer must, from the fourth month following (*insert the date of coming into force of this Regulation*), begin a process with each authority to enter into a contract which, once signed, must specify at least

(1) the location, number, type and layout of the return sites that will be installed;

(2) the person responsible for installing the return site or sites and the person responsible for managing the return site or sites;

(3) the terms and conditions applicable to the access to the return sites and their business hours;

(4) the type of devices that may be installed at a return site and the person responsible for their purchase or leasing, maintenance and replacement;

(5) the terms and conditions applicable to the maintenance and replacement of the devices installed;

(6) the number of redeemable containers that it will be possible to return at each visit;

(7) if the installation of a bulk return point is planned, the types of recipients that may be used to return redeemable containers;

(8) the management mode for the return sites;

(9) the terms and conditions applicable to the storing of the containers returned and the special arrangements that will be needed to prevent the inconveniences caused by odours, vermin and wildlife;

(10) the mode or modes for refunding deposits that will be offered;

(11) the terms and conditions applicable to client service at the return sites;

(12) the terms and conditions applicable to the refunding by the producer to the manager of a return site the deposits that the manager has refunded for the return of redeemable containers;

(13) the management process for the containers that are non-returnable or rejected by a device, and for the recipients used to transport containers that are abandoned at a return site;

(14) the terms and conditions applicable for collecting redeemable containers and containers and recipients referred to in paragraph 13 from the return sites, including the frequency of collection;

(15) the information, awareness and education measures that will be implemented for the inhabitants of the territory concerned, including the information that will be posted concerning return sites and the language used for that purpose;

(16) the information and documents that must be submitted to the producer, and the frequency and mode of submission;

(17) a schedule for the implementation of the obligations set out in the contract;

(18) the duration of the contract;

(19) the terms and conditions applicable for modifying, cancelling and renewing the contract; and

(20) the dispute resolution method.

58. If, at the end of the ninth month following (*insert the date of coming into force of this Regulation*), a producer and an authority referred to in the first paragraph of section 57 have not succeeded in entering into a contract pursuant to section 57 or have not succeeded in agreeing on all the elements to be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the authority pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer in writing, within the same 14-day time limit, of the elements of the dispute preventing the entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the authority concerned discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

59. Not later than by the end of the twelfth month following (*insert the date of coming into force of this Regulation*), if a producer and an authority referred to in the first paragraph of section 57 have still not succeeded in entering into a contract pursuant to section 57, the

producer is required, within three months of that date, to install and finance return sites in the territory for which the authority is responsible, refund the deposits for redeemable containers, collect containers from the return sites, and transport, condition and, in the case of redeemable containers, reclaim them, in accordance with the following distribution:

(1) for each locality with fewer than 3,000 inhabitants situated in a territory: at least one return point, accessible at least 24 hours per week over a minimum period of four days;

(2) for each locality of 3,000 inhabitants or more situated in a territory: at least two return sites, including a return point, accessible at least 30 hours per week over a minimum period of five days.

The producer must, for each return site put in place and financed pursuant to the first paragraph, provide an enclosed space at the return site, sufficiently large to store all the redeemable containers returned until they are collected, and laid out in a way that prevents the harm caused by odours, vermin and wildlife.

The producer must also, for each return site put in place in a locality situated in a territory accessible year-round by road or rail, collect redeemable containers at the following minimum frequency:

(1) once per month for localities with fewer than 3,000 inhabitants;

(2) twice per month for localities with 3,000 or more inhabitants.

For a return site put in place in a locality that is not accessible year-round by road or rail, the producer must collect redeemable containers at least twice per year.

60. Despite section 59, a contract between a producer and an authority referred to in the first paragraph of section 57 may be entered into at any time after the expiry of the time specified in section 59. In such a case, the clauses of the contract are substituted for the obligations provided for in that section.

61. The producer is responsible for the installation and the operational and financial management of a return site referred to in this sub-subdivision.

§§2. Establishments offering on-site consumption

62. The operator of an establishment offering on-site consumption must participate in the deposit-refund system developed and implemented pursuant to this Regulation.

The operator must, for that purpose, in addition to the requirements of sections 63 and 65, take the other necessary steps to do so within the establishment.

63. Beginning in the fourth month following (*insert the date of coming into force of this Regulation*), a producer must take steps to enter into a contract with any group of persons authorized to do so and that acts on behalf of a group of establishments offering on-site consumption or with any establishment offering on-site consumption individually if no group of persons acts on its behalf, which, once signed, must specify

(1) the types of establishments offering on-site consumption to which a collection service for redeemable containers in which they sell or otherwise make available a product will be offered;

(2) an undertaking, by any party to the contract, to draw up a list showing the number of participating establishments offering on-site consumption, their name and address, their type, the particularities to be taken into account concerning access to the establishment, and the terms and conditions applicable for updating the list;

(3) a list of the equipment and accessories needed to facilitate the collection of redeemable containers, including compactors, bins, crates or other types of recipients, the person responsible for the supply of the equipment and accessories, the terms and conditions for the emptying of redeemable containers and the on-site sorting of containers, if possible, and the financial terms and conditions applicable for purchasing and maintaining the equipment and those accessories;

(4) the frequency and modes of collection of redeemable containers in such establishments;

(5) the types of vehicles that may be used for the collection of redeemable containers in each establishment;

(6) the minimum and maximum quantities of redeemable containers that may be returned at each collection, and the mode of communication for requesting or cancelling a collection if needed;

(7) the mode or modes for refunding the deposit for redeemable containers collected and the terms and conditions applicable to refunds;

(8) the information, awareness and education measures to be implemented for personnel members at such establishments to ensure a proper management of redeemable containers in which they sell or otherwise offer a product; and

(9) an implementation schedule for collection services, which must begin not later than the sixteenth month and a half following (*insert the date of coming into force of this Regulation*).

64. If, at the end of the eleventh month following (*insert the date of coming into force of this Regulation*), a producer and a group of persons acting on behalf of a group of establishments offering on-site consumption or, as the case may be, an establishment offering on-site consumption acting individually, have not succeeded in entering into a contract pursuant to section 63, or have not succeeded in agreeing on the elements that must be included in such a contract, they must, within 14 days after the time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is located in Québec. The producer and the group of persons or, as the case may be, the establishment offering on-site consumption acting individually, pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

The Minister and the Société must be notified by the producer and by the group of persons or, as the case may be, the establishment offering on-site consumption concerned, within the same 14-day time limit, of the elements of the dispute preventing them from entering into a contract and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the group of persons or, as the case may be, the establishment offering on-site consumption concerned discontinued their application. They are also notified in writing, if the mediation was partially successful, of the elements on which the parties still disagree.

65. If, not later than the end of the fourteenth month following (*insert the date of coming into force of this Regulation*), a producer and a group of persons or an establishment offering on-site consumption referred to in section 63 have still not succeeded in entering into a contract, the producer must offer each establishment offering on-site consumption on whose behalf the group acts or the establishment offering on-site consumption concerned, not later than the end of the sixth week following the expiry of the time prescribed, a collection service for redeemable containers, on the following conditions:

(1) for every establishment with a capacity of 50 or more persons at a time: one collection at least once per week;

(2) for every establishment with a capacity of fewer than 50 persons at a time: one collection at least twice per month;

(3) every collection must allow the establishment to return all the redeemable containers it has stored;

(4) the producer must provide the equipment and accessories needed to facilitate the collection of redeemable containers, including compactors, bins, crates or other types of recipients, and take the necessary steps to ensure that redeemable containers are emptied and sorted on site, if possible;

(5) the producer must refund the deposit for redeemable containers collected to the establishment concerned within a maximum of seven consecutive business days following collection;

(6) if the refunding mode requires a digital application, the producer must assign an identification code to the establishment and provide it with a sufficient quantity of precoded labels or a device to allow the establishment to print its own labels;

(7) the producer must provide the establishment with a document showing the operation of the collection service, the redeemable containers targeted and the rules that must be observed in order to receive the service.

66. Despite section 65, a contract with a representative may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the provisions of that section.

DIVISION IV TRANSPORTATION, SORTING, CONDITIONING AND RECLAMATION OF REDEEMABLE CONTAINERS

§1. Obligations of producers

67. Every producer must ensure that redeemable containers are transported, sorted, conditioned and reclaimed. For that purpose, the producer may enter into a contract with any service provider, taking into account the requirements of section 68.

68. In selecting a service provider, the producer must take into account

(1) the ability of the service provider to meet the requirements determined by the producer for the transportation, sorting, conditioning or reclaiming of redeemable containers; and

(2) the service provider's business model and the impact of that model on the community;

(3) the ability of the service provider, depending on the nature of the contract,

(a) to sort and condition, locally, the redeemable containers that are recovered;

(b) to contribute to the fight against climate change, considering for example the effort made by the service provider to reduce greenhouse gas emissions by selecting a conditioning process or a form of recovery that generates such a reduction or by selecting routes and modes of transportation to collect redeemable containers; and

(c) to use the materials sent to it as a substitute for raw materials of a similar or different nature, except where the materials are used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre, or for energy recovery.

The producer must, in selecting a service provider, facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1).

§2. Contracts

69. A contract entered into pursuant to section 67 must specify

(1) the type and quantity of redeemable containers covered by the contract;

(2) the places where services will be provided;

(3) the type of equipment used to deliver services and the terms and conditions applicable to the maintenance and replacement;

(4) the conditions for the storage of redeemable containers or materials obtained following their conditioning, at each stage of transportation, sorting, conditioning and reclamation, if applicable;

(5) the management of contamination in redeemable containers;

(6) the traceability of redeemable containers or materials obtained following their conditioning, for the part covered by the delivery of the service;

(7) the requirements concerning the quality of the redeemable containers following transportation or sorting and the quality of the material obtained following the conditioning of those containers;

(8) the terms and conditions applicable to the quality control procedure referred to in paragraph 7, including the methods used to characterize redeemable containers, site visits and the use of audits or an external auditor;

(9) the requirements that all service providers, including subcontractors, must observe in managing the recovered containers and the measures that must be implemented to assure those requirements;

(10) the financial parameters, including the price of the services provided and the terms and conditions applicable to payment;

(11) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(12) the dispute resolution mechanism;

(13) the conditions ensuring the health and safety of workers at the site where materials are transported, sorted, conditioned or reclaimed; and

(14) a list of the information and documents that the service provider must submit to the producer to allow it to meet its obligations under this Regulation, and the frequency of submission.

CHAPTER III MANAGEMENT BODY

DIVISION I DESIGNATION

70. During the third month following the coming into force of this Regulation, the Société designates a body that meets the requirements of sections 73 and 74, for which the requirements of sections 71 and 72 have been met, and for which an application to be designated as the management body for the deposit-refund system has been sent to the Société, to assume, in place of producers, the obligation to develop, implement and contribute financially to a deposit-refund system. The Société must, without delay, send confirmation of the designation to the body and to the Minister.

The designation provided for in the first paragraph is effective as of the date on which the confirmation provided for in the first paragraph is sent by the Société.

The Société must post on its website, on the date provided for in the second paragraph, the name of the body designated as the management body for the deposit-refund system and the date on which the designation takes effect.

71. Every application for the initial designation of a body must be filed with the Société within two months after the coming into force of this Regulation or, for a subsequent designation pursuant to section 84, not later than the eighth week preceding the expiry of the current designation. It must contain the following information and documents:

(1) the body's name, address, telephone number and email address;

(2) the Québec business number assigned if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name of its representative;

(4) a list of the directors of its board of directors and the information for identifying them;

(5) a list of its members;

(6) in the case of an initial designation, a plan for the development and implementation of the deposit-refund system whose contents meet the requirements of section 72;

(7) a copy of any other document showing that the body meets the requirements of sections 73 and 74;

(8) a list of the producers who support the body's designation, signed by each producer.

A person who files an application pursuant to the first paragraph must send a copy to the Minister on the date on which the application is filed with the Société.

72. A development and implementation plan for a deposit-refund system must contain

(1) a general description of the activities of the producers that, if the body is designated by the Société, will be required to be members;

(2) the terms and conditions applicable to membership of the body;

(3) a summary description of the planned system, covering the operational and financial components for the first five years of implementation;

(4) with respect to the returning of redeemable containers, a template for the contracts that may be entered into with the following persons must take into account the various geographical and operational realities of each person:

(a) retailers;

(b) groups of persons acting on behalf of a group of establishments offering on-site consumption or an establishment offering on-site consumption individually;

(c) representatives in isolated or remote territories;

(5) a list of the measures that the body plans to implement to promote the development of markets throughout Québec for the material obtained following the conditioning of the redeemable containers, and the ecodesign criteria it intends to require producers to consider;

(6) a list of the information, awareness and education measures the body plans to implement to encourage consumer participation in the deposit-refund system;

(7) a draft timeframe for the development and implementation of the deposit-refund system and the implementation of the measures referred to in subparagraph 6; and

(8) a proposal for harmonizing the deposit-refund system with any selective collection system for certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, hereinafter referred to as the “selective collection system”, which must provide for, without limiting the possibility of adding other elements, the elements provided for in section 143.

The operational component referred to in subparagraph 3 of the first paragraph includes all stages in the implementation of the deposit-refund system, and more specifically the stages involving the return of redeemable containers and their management to their final destination or, as the case may be, to the site of the material obtained following conditioning.

73. Any body that meets the following requirements may be designated pursuant to section 70:

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec and it pursues most of its activities in Québec;

(3) each of the following categories of producers classified based on the types of products they commercialize, market or otherwise distribute, is represented by a producer on its board of directors:

(a) producers of beer and other malt-based alcoholic beverages;

(b) producers of alcoholic beverages other than those referred to in subparagraph *a*;

(c) producers of carbonated soft drinks other than sparkling water;

(d) producers of water, including sparkling water;

(e) producers of milk and milk substitutes;

(f) producers of all other beverages that do not contain alcohol;

(4) each category of producers, based on the types of containers they use among those listed in subparagraphs 1 to 4, 6 and 7 of the first paragraph of section 3, mainly to commercialize, market or otherwise distribute their products, is represented by a producer on the board of directors; producers who mainly use one of the types of containers referred to in subparagraphs 6 and 7 of the first paragraph of section 3 form a single category for the purposes of this subparagraph;

(5) most of the body’s activities are connected to the recovery and reclamation of residual materials;

(6) the body is able to take financial responsibility for the development of the deposit-refund system to which this Regulation applies.

A single member of the body’s board of directors may fulfill a requirement specified in both subparagraph 3 and subparagraph 4 of the first paragraph.

74. In addition to the requirements of section 73, a body must, to be designated, have adopted general by-laws that are in effect when the application for designation is filed and provide for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee referred to in sub-subdivision 8 of subdivision 1 of Division II of this Chapter on the agenda at the next ensuing meeting of the board of directors, at the member's request, and an invitation to the member to present it; and

(5) the possibility for producers to become members.

75. The Société may, if it notes that the development and implementation plan filed with an application for designation does not meet all the requirements of section 72, ask the applicant to make changes before selecting the body that will be designated pursuant to section 70.

76. If, among the applications filed, more than one body meets the requirements of sections 73 and 74, the requirements of sections 71 and 72 are met by each body and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers in each of the categories listed in subparagraph 3 of the first paragraph of section 73.

77. On the expiry of the time limit set in section 71, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of sections 73 and 74, or if the requirements of sections 71 and 72 have not been met for a body, the Société designates, within 30 days following the expiry of the time limit, a body which, in its opinion, is able to assume the obligations referred to in subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

The designation provided for in the first paragraph is effective as of the date on which the notice informing the body of the designation is received by the body.

78. If the Société has not designated a body within the time limit set in section 70 or the first paragraph of section 77, the obligation set out therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

79. A body's designation is valid for a period of five years.

On expiry, it is automatically renewed for the same period, provided that

(1) the body has filed with the Société and the Minister, not later than six months prior to expiry, a report on the implementation and effectiveness of the deposit-refund system during the designation in progress, which must also include consultations and discussions with environmental groups and consumers, the dates of the consultations and discussions, the topics discussed, the recommendations made and any follow-up action taken;

(2) the report sets out the body's strategic aims and priorities for the deposit-refund system for the new five-year period; and

(3) the Société declares to the designated management body that it is satisfied with the report, not later than four months before the expiry of designation.

80. Not later than four months before the expiry of a designation, the Société must send to the Minister the results of its analysis of the report sent by the body and, if applicable, make recommendations.

81. The Société may, before the expiry of the four-month time limit set in subparagraph 3 of the second paragraph of section 79, suggest that the designated management body make changes to a report filed with the Société pursuant to subparagraph 1 of the second paragraph of section 79.

82. If the Société has not ruled on a five-year report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry, with no further notice or time limit.

83. When a designation is not renewed because of non-compliance with a condition in the second paragraph of section 79, the Société must, at least four months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

84. When a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the four months prior to expiry, to designate, to ensure the operation and financing of the deposit-refund system, a body that meets the requirements of sections 73 and 74, for which the requirements of sections 71 and 72 have been met and for which an application for designation as a management body for the deposit-refund system has been sent. It sends confirmation of the designation to the body and to the Minister without delay.

85. At the end of the time limit provided for in the first paragraph of section 84, if no application for designation has been sent or if no body for which an application has been sent meets the requirements provided for in section 73 and 74 or for which the requirements of sections 71 and 72 have not been met, section 77 applies, with the necessary modifications.

86. If the Société has not designated a body within the time limit set to do so in section 84 or 85, the obligation provided therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

87. The Société may terminate a current designation if

(1) the designated management body fails to comply with one of its obligations under this Regulation or an obligation in its general by-laws;

(2) the designated management body ceases operations for any reason, including bankruptcy, liquidation or the assignment of its property;

(3) the designated management body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated management body request termination.

To terminate a current designation, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If the reason is the reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If the reason is a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société publishes as soon as possible, on its website, a notice informing producers that the designation of a management body is terminated.

88. Where the Société sends a notice referred to in the second paragraph of section 87, it must take steps, within 6 months of sending the notice, to designate a body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which the body receives a notice sent as soon as possible by the Société.

If the Société has not designated a body within the time limit set in the first paragraph, the obligation is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

89. Despite section 88, an application for designation as a management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 87.

Sections 70 to 74, with the necessary modifications, apply to any application filed pursuant to the first paragraph.

90. If the designation of a management body terminates prior to expiry or is not renewed, the body must continue to meet its obligations until a new management body has been designated.

A management body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The two bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the management body designated pursuant to this Regulation.

DIVISION II OBLIGATIONS, RIGHTS AND RESPONSIBILITIES

§1. Of the designated management body

91. A designated management body must assume, in place of the producers, the obligations of those producers under Chapters I and II.

§§1. Governance

92. The management body designated by the Société must, within three months following its designation, ensure

(1) that its board of directors has at least 10 directors and that at least two thirds of its directors are representatives of producers that have a domicile or establishment in Québec;

(2) that a producer is entitled to only one seat on the board of directors;

(3) that the number of directors on its board of directors ensures a fair representation of all the categories of producers referred to in subparagraphs 3 and 4 of the first paragraph of section 73. Their representation must be proportionate to the quantity and type of containers commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers;

(4) that each director on the board of directors who is not a producer has experience in the field of deposits; and

(5) that at least three directors on the board of directors are minor contributors while at least four are medium contributors.

The designated management body must also implement measures, within the time limit set out in the first paragraph, to ensure that data gathered for the development, implementation and operation of the system of selective collection are used in accordance with the applicable laws and regulations and that the measures ensure protection for the personal and confidential information of its members.

93. The following items must be entered on the agenda for each annual general meeting of the members of the designated management body:

(1) a presentation of the body's activities during the preceding calendar year;

(2) a presentation of the activities that the body plans to implement during the current calendar year;

(3) changes in the implementation of the system of selective collection and the costs incurred;

(4) the possibility for members to give their opinion on such topics.

§§2. Financing of the system

94. The designated management body may use, to meet its obligation to finance the deposit-refund system pursuant to section 70, any deposit amount paid by a producer pursuant to the first paragraph of section 97.

It may also use any other form of income generated by the operation of the system.

If the amounts referred to in the first and second paragraphs are not sufficient for the financing of the system in a given year, the designated management body may require producers to pay, as contributions, the sums

necessary to cover the difference. The producers are bound to pay the amounts required by the designated management body within the time limit it sets.

95. The contributions a producer is required to pay pursuant to the third paragraph of section 94 are calculated by multiplying the quantity of redeemable containers used by the producer during the year for which the contribution is required to commercialize, market or otherwise distribute a product by a per-container amount set by the designated management body on the basis of, but not limited to, the elements and factors set out in the second paragraph.

In setting the amount referred to in the first paragraph, the designated management body must take into account the type of redeemable containers used by the producer during the year concerned to commercialize, market or otherwise distribute a product, the capacity of the deposit-refund system to take them in charge until their reclamation, and the factors connected to the impact of the containers on the environment, including

(1) the materials of which the containers are made;

(2) their actual recyclability;

(3) the existence of markets for all the materials of which a redeemable container is made;

(4) the existence of markets in Québec for all the materials used in a redeemable container;

(5) the inclusion of post-consumer recycled materials in those containers;

(6) the effort made to reduce, at source, the materials used to manufacture the redeemable containers; and

(7) the possibility that the containers will be used more than once to commercialize, market or otherwise distribute a product.

96. The designated management body must post and update the amount referred to in the first paragraph of section 94 on its website, without restricting access, for each type of container and based on the volume of the product commercialized, marketed or otherwise distributed in each type of container.

97. Every producer must pay to the designated management body, at the time it determines, the deposit for each container in which it commercializes, markets or otherwise distributes a product.

98. The per-container amount set pursuant to the first paragraph of section 95 may be allocated only to that container and, if it is partly or entirely included in the sale price for the product, must be internalized in the sale price as soon as the product is commercialized, marketed or otherwise distributed.

The internalized cost may only be made visible on the initiative of the producer who commercializes, markets or otherwise distributes the product, and in such a case the information must be disclosed as soon as the product is commercialized, marketed or otherwise distributed. The information must include a mention that the amount is used to ensure the recovery and reclamation of the redeemable container and the internet address where more information may be obtained.

§§3. Recovery rate

99. The designated management body is required to achieve the following annual recovery rates for redeemable containers:

(1) for the years 2026 and 2027:

Type of container	Annual recovery rate
Single-use metal containers	75%
Single-use plastic containers	70%
Single-use containers made of glass or any other breakable material	65%
Single-use biobased containers	70%
Reusable containers made of glass or any other breakable material	85%
Reusable containers made of any material other than glass or other breakable material	70%
All containers	70%

(2) for the years 2028 and 2029:

Type of container	Annual recovery rate
Single-use metal containers	80%
Single-use plastic containers	75%
Single-use containers made of glass or any other breakable material	75%
Single-use fibre containers, including multi-layer containers	65%

Type of container	Annual recovery rate
Single-use biobased containers	75%
Reusable containers made of glass or any other breakable material	90%
Reusable containers made of any material other than glass or other breakable material	75%
All containers	80%

Starting in 2030, and every two years thereafter, the recovery rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

100. The recovery rates prescribed by section 99 are calculated by dividing, for a given year, for each type of containers, the quantity of redeemable containers that are recovered at all return sites by the quantity of redeemable containers in which a product has been commercialized, marketed or otherwise distributed by a producer, and by multiplying the result obtained by 100.

101. Only redeemable containers that have been traced may be considered in the calculation of the recovery rates achieved by the designated management body, which must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order concerned to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

102. Redeemable containers that are recovered via a selective collection system are eligible for the calculation of recovery rates if

(1) they are not accounted for in the calculation of recovery and reclamation rates for the selective collection system for certain residual materials;

(2) they are covered by an agreement entered into, pursuant to section 142, between the designated management body and a management body designated pursuant to the regulation respecting the selective collection system for certain residual materials, or are covered by an arbitration award that determines the elements not covered by such an agreement that enable the harmonization of the deposit and selective collection systems;

(3) they represent at most 5% of the redeemable containers in which a product is commercialized, marketed or otherwise distributed under the deposit-refund system;

(4) the quantity of redeemable containers that are eligible is limited to 10% of the total quantity of redeemable containers that are recovered that are counted for the achievement of those rates; and

(5) they meet all the requirements applicable to redeemable containers of the same type accounted for under the deposit-refund system.

§§4. Reclamation rates

103. The designated management body is required to achieve the following annual reclamation rates for the material obtained following the conditioning of the redeemable containers:

(1) for the years 2026 and 2027:

Type of container	Annual reclamation rate
Single-use metal containers	75%
Single-use plastic containers	68%
Single-use containers made of glass or any other breakable material	63%
Single-use biobased containers	68%
Reusable containers made of glass or any other breakable material	90%
Reusable containers of any material other than glass or other breakable material	80%
All containers	65%

(2) for the years 2028 and 2029:

Type of container	Annual reclamation rate
Single-use metal containers	80%
Single-use plastic containers	73%
Single-use containers made of glass or any other breakable material	73%
Single-use fibre containers, including multi-layer containers	60%
Single-use biobased containers	73%
Reusable containers made of glass or any other breakable material	90%

Type of container	Annual reclamation rate
Reusable containers of any material other than glass or other breakable material	85%
All containers	75%

Starting in 2030, and every two years thereafter, the reclamation rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

104. Only materials obtained following the conditioning of redeemable containers that are sent to a site to be reclaimed as a substitute for raw materials of a similar or different nature, except when that material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment or for energy recovery, are eligible for the calculation of reclamation rates.

For a material obtained following the conditioning of reusable redeemable containers to be eligible in the calculation of the rates prescribed by section 103, the designated management body must demonstrate that the containers have, on average, been reused at least 10 times before being conditioned, each time for the same purposes as those for which they were used for the first time to commercialize, market or otherwise distribute a product.

105. For each type of single-use containers referred to in section 103, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, by the weight of all redeemable containers of the same type used to commercialize, market or otherwise distribute a product, and by multiplying the result obtained by 100.

106. For each type of reusable containers referred to in section 103, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, by the weight of all redeemable containers that are recovered of the same type, that may no longer be reused and before they are conditioned, and by multiplying the result obtained by 100.

107. The recovered redeemable containers referred to in section 102 are eligible for the calculation of reclamation rates if the requirements of that section are met.

§§5. Local reclamation rates

108. The designated management body is required to achieve the following annual local reclamation rates for the material obtained following the conditioning of the redeemable containers to which this Regulation applies:

Type of container	Annual local reclamation rate
Single-use metal containers	80% starting in 2026
Single-use plastic containers	80% starting in 2026
Single-use containers made of glass or other breakable material	90% starting in 2026
Single-use fibre containers, including multi-layer containers	80% starting in 2028
Single-use biobased containers	80% starting in 2028
Reusable containers made of glass or any other breakable material	90% starting in 2026
Reusable containers of any material other than glass or other breakable material	80% starting in 2026

Local reclamation is the reclamation, in Québec, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador or the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York and Pennsylvania, of a material obtained following the conditioning of a redeemable container.

109. For each type of containers referred to in section 108, the local reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following conditioning of containers of that type and that has been sent to a site to be reclaimed locally in the same manner as that referred to in the first paragraph of section 104, by the quantity, also by weight, of the material obtained following the conditioning of the redeemable containers of that type and that has been sent to a site to be reclaimed in the same manner as that referred to in the first paragraph of section 104, and by multiplying the result obtained by 100.

110. Where the material obtained following the conditioning of redeemable containers has been sent to a site to be reclaimed locally, but elsewhere than in Québec, in the same manner as that referred to in the first paragraph of section 104, the proportion, by weight, of what has been reclaimed and that may be included in calculating the local reclamation rate is at most 30% of the total weight of what has been sent to a site to be reclaimed locally in the same manner as that referred to in the first paragraph of section 104.

The quantities of material corresponding to the percentage referred to in the first paragraph may, as the body chooses, be accounted for entirely by a single type of container or shared between different types of container. However, the quantity of material obtained for a type of container as a result cannot exceed the actual quantity of material that has been sent to a site to be reclaimed locally, but elsewhere than in Québec, for that type of container.

§§6. Recycling rate

111. The designated management body must ensure, that for each type of redeemable containers, the material obtained following conditioning of the containers that are recovered are sent, in the following percentages and for the following purposes, to a site where it is transformed to be reintegrated in new products:

(1) as of 2026, at least 50% of the material obtained following the conditioning of metal containers, in order to manufacture new containers and packaging;

(2) as of 2026, at least 50% of the material obtained following the conditioning of plastic containers, in order to manufacture new containers and packaging;

(3) as of 2026, at least 50% of the material obtained following the conditioning of glass containers, in order to manufacture new containers;

(4) as of 2028, at least 50% of the material obtained following the conditioning of fibre containers, including multi-layer containers, in order to manufacture new containers, packaging or paper intended for the printing field.

112. The rates prescribed by section 111 are calculated by dividing the quantity, by weight and by material listed in paragraphs 1 to 4 of that section, the material obtained following the conditioning of redeemable containers that has been sent to a site referred to in that section by quantity, by weight, of material obtained following the conditioning of the redeemable containers referred to in the first paragraph of section 103, and by multiplying the result obtained by 100.

§§7. Remediation plan

113. The designated management body must determine each year, for each type of container referred to in section 3, if the recovery, reclamation, local reclamation and recycling rates prescribed have been achieved.

When one or more prescribed rates have not been achieved, the designated management body must, within three months from the date set for submitting the annual report referred to in sub-subdivision 9 of this subdivision, send to the Société and the Minister, for information purposes, a remediation plan covering all the rates and detailing, for each rate, the measures that will be implemented to achieve the rate.

114. The measures contained in a remediation plan must

(1) allow the prescribed rates to be achieved within two years; and

(2) take into account the measures contained in a remediation plan previously submitted to the Société and the Minister.

The measures in a remediation plan for local reclamation rates and recycling rates must

(1) if a local reclamation rate is not achieved, stimulate the development, in Québec, of markets for the material obtained following the conditioning of redeemable containers; and

(2) if a recycling rate is not achieved, stimulate the development of markets for the material obtained following the conditioning of redeemable containers to promote its re-use in new containers, packaging or paper intended for the printing field.

115. The measures in a remediation plan are financed by the designated management body and the plan must contain the amount associated with that financing.

The amount associated with the financing provided for in the first paragraph is calculated as follows:

(1) Recovery rate – for the prescribed recovery rate, using the equation

$$MFr = Q_{cm} \times MC$$

where:

MFr = the amount of the financing for the measures for the year concerned;

Q_{cm} = the quantity, by type and in units, of redeemable containers needed to achieve the prescribed recovery rates for the year concerned;

MC = an amount equivalent to the amount of the deposit for a container needed to achieve the prescribed rates;

(2) Reclamation rate, local reclamation rate and recycling rate – for the reclamation rates, the local reclamation rates and the prescribed recycling rates, by multiplying the quantity of materials, the weight of which is converted into the number of containers, which, for a given type of redeemable containers, is needed to achieve the prescribed reclamation rate, local reclamation rate or recycling rate by an amount equal to the amount set by container, by the designated management body, in accordance with the second paragraph of section 95.

The quantity needed referred to in subparagraph 2 of the second paragraph is, in the cases below, calculated as follows:

(1) where, for a given year, no contribution is required from the producers for a type of redeemable containers, the quantity of material that is needed is multiplied by \$0.02;

(2) where, for a type of redeemable container, two rates prescribed for a given year are not achieved, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.75;

(3) where, for a type of contained on deposit, three or more of the rates prescribed for a given year are not achieved, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

116. If, for a given type of redeemable containers or, as the case may be, material obtained following the conditioning of that type of containers, the designated management body does not achieve the prescribed recovery and reclamation rates, except the local reclamation rates, for a period of five consecutive years despite the implementation of remediation plans during that period, it must make a payment to the Minister of Finance, not later than 15 May following the last of those years, in an amount equal to the amount for the financing of the measures for that type of containers, provided for in the last remediation plan sent to the Société and the Minister pursuant to the second paragraph of section 113. If the gap between the prescribed rate and the rate achieved is less than 5%, the amount of the payment is reduced by half.

The sums paid pursuant to the first paragraph are paid to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

117. The sums referred to in section 116 that are not paid within the prescribed time bear interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid sums is added to the sum owed if the failure to pay exceeds 60 days.

118. If a local reclamation rate or recycling rate is not achieved during five consecutive years, the amount associated with the financing of the measures that the designated management body has put in place or planned to put in place to achieve the rate and that are provided for in the remediation plan will double until it is achieved.

§§8. *Monitoring committee*

119. During the first year of the implementation of a deposit-refund system, the designated management body must establish a monitoring committee, whose members are independent of the members of its board of directors and mandated by the following persons or bodies having a domicile or establishment in Québec to represent them:

- (1) return point managers;
- (2) return centre managers;
- (3) bulk return point managers;
- (4) conditioners, who must mandate two representatives for persons conditioning different types of containers;
- (5) a person whose activities involve recycling the material obtained following the conditioning of redeemable containers to manufacture new containers, packaging or paper intended for the printing field, and a person whose activities involve reclaiming such a material by using it as a substitute for raw materials of a similar or different nature, except where the materials are used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre or for energy recovery;

(6) transporters, who must mandate one representative for persons who collect redeemable containers from return sites and one representative for persons who collect redeemable containers from establishments offering on-site consumption;

(7) retailers;

(8) establishments offering on-site consumption;

(9) the authorities responsible for the administration of the isolated or remote territories;

(10) municipal bodies, including associations established to represent the municipalities;

(11) a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, if such a body exists.

Each person and body listed in the first paragraph may be represented by a maximum of two persons as member of the monitoring committee.

Three seats as observers on the monitoring committee must be reserved for the designated management body, for the Ministère du Développement durable, de l'Environnement et des Parcs and for the Société.

120. The members of the monitoring committee representing the persons or bodies listed in subparagraphs 1 to 8 of the first paragraph of section 119 serve for a term of two years. At the expiry of their term, the persons or bodies must mandate new representatives to sit on the monitoring committee.

121. The monitoring committee is responsible for

(1) monitoring the implementation and operation of the system;

(2) anticipating the issues that the designated management body may face when implementing and operating the system; and

(3) raising the issues with the designated management body and recommending ways to resolve them.

122. The designated management body must send to the monitoring committee, at its request, all operational and financial information on the system needed by the committee to perform its duties.

123. The monitoring committee must hold at least two meetings per year.

124. At least once every five years, before the report referred to in section 79 is sent, the designated management body must hold a meeting with environmental groups and consumers to present the development of the system and gather their comments and recommendations.

§§10. *Bar code information and register*

125. The designated management body must take the necessary steps to ensure that it is possible for a site where a product is offered for sale in a redeemable container and a return site to obtain all the information listed in section 4 from the bar code marked on a redeemable container.

126. The management body must also keep a register containing the quantity of redeemable containers, by type, returned each month to each return site.

§§11. *Annual report*

127. Not later than 15 May each year, the designated body must send to the Société and the Minister a report on its activities in connection with the deposit-refund system for the preceding calendar year along with its audited financial statements.

The first annual report on the activities of the body must be sent on May 15 following the first full year of implementation of the deposit-refund system. It must cover the period beginning in the sixteenth month following (*insert the date of coming into force of this Regulation*) and ending on 31 December of that full year.

The financial statements and the data referred to in subparagraphs *b* to *g*, *k* and *l* of subparagraph 2 and in subparagraph *c* of subparagraph 3 of the first paragraph of section 129, and those referred to in the second paragraph of that section must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

128. The report referred to in the first paragraph of section 127 must contain the following information:

- (1) the name of the body;
- (2) the name and professional contact information of each of its directors;

- (3) the category of producers to which each director belongs, from among those listed in subparagraphs *a* to *f* of subparagraph 3 of the first paragraph of section 73;

- (4) a list of its members;

- (5) the dates of the meetings of its board of directors;

- (6) a list of its committees, the mandate of each committee, the names of its members and the number of its meetings;

- (7) more specifically, with respect to the monitoring committee, the dates of its meetings, the items on the agenda at each meeting, and the recommendations made by the committee to the board of directors;

- (8) the actions taken on the recommendations made by the monitoring committee and, if applicable, the reason for which no action is taken on a recommendation.

129. The report referred to in the first paragraph of section 127 must, in addition, contain the following information more specifically connected with the development and implementation of the deposit-refund system:

- (1) the name of the system, if any;

- (2) for each type of redeemable container,

- (a) the types of product it contains and the trademark or name associated with each type of product;

- (b) the quantity, in units and by weight, of the redeemable containers used to commercialize, market or otherwise distribute a product in Québec;

- (c) the quantity, in units and by weight, of redeemable containers recovered, by administrative region, or by isolated or remote territory, for the whole of Québec and by inhabitant;

- (d) the quantity, in units and by weight, of redeemable containers recovered in return sites and in establishment offering on-site consumption;

- (e) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers that has been used as a substitute for raw materials of a similar or different nature, except where the material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), in a biological treatment centre or for energy recovery, and its final destination;

(f) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers that has been reclaimed otherwise than as a substitute for raw materials of a similar or different nature and its final destination;

(g) the estimated quantity of redeemable containers rejected by the devices installed at return sites and the method used to estimate the quantity;

(h) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers recovered that has been disposed of and its final destination;

(i) the quantity, in units, of redeemable containers returned to a return site and that are disposed of;

(j) the quantity, by weight and by material, of the material obtained following the conditioning of redeemable containers that was sent to a place to be processed and re-used in new containers, packaging or paper intended for the printing field and the address of that place;

(k) the quantity, in units, of the containers recovered and the quantity, by weight, of the materials obtained following their conditioning that are stored for at least 30 days, with the name and address of the place where they are stored; and

(l) the name and address of the persons who condition, the name and address of the persons who reclaim, including the mode of reclamation, and the name and address of the persons who dispose of the containers;

(3) for each type of reusable redeemable container,

(a) the quantity, in units, on the first day of the year covered by the report, of reusable containers in circulation on the market;

(b) the quantity, in units, of new containers added to those referred to in subparagraph *a* during the year covered by the report;

(c) the quantity, in units, of containers recovered that have been re-used and their final destination; and

(d) a demonstration of the average number of uses of a given container for the same purposes as those for which it was first used to commercialize, market or otherwise distribute a product;

(4) if an agreement has been entered into pursuant to section 142 or an arbitration award has been rendered pursuant to Division II of Chapter IV, the quantity of redeemable containers that are taken in charge by a selective collection system and the quantity, by weight, of residual materials targeted by the system that are taken in charge by the deposit-refund system;

(5) in the case referred to in section 145, an estimate during the period provided for in that section and based on the data obtained following the characterizations, of the quantity of redeemable containers, by type, that were taken in charge by a selective collection system and the quantity of residual materials, by type, that were taken in charge by the deposit-refund system and, in the latter case, the manner in which the residual materials were taken in charge for their reclamation;

(6) a list of return sites, by type and by administrative region, and also by isolated or remote territory;

(7) for each return site, its type, address, modes of refund offered, business hours, location inside an establishment or, if not, distance between the site and any establishment with which it is associated, and number of redeemable containers that a person may return per visit if there is a limit;

(8) the address of the website where the list referred to in section 44 can be viewed;

(9) a description of the collection services in return sites and establishments offering on-site consumption;

(10) if applicable, a description of the collection service for redeemable containers, scheduled and completed, in public places;

(11) if applicable, reports from studies completed by the designated management body during the year covered by the report, including studies to determine, by type, the quantities of redeemable containers that are recovered via a selective collection system;

(12) a description of the requirements that all service providers, including subcontractors, must observe in managing the redeemable containers that are recovered and that they take in charge, along with the results from all verifications of such service providers during the year;

(13) a description of the main information, awareness and education activities and research and development activities completed during the year and scheduled for the following year;

(14) a description of the steps referred to in section 169 that were taken during the year and the means planned, agreed to and implemented with the bodies with which exchanges have take place, to optimize the use of their resources.

The report must also contain the following information for the whole of Québec:

(1) the detailed calculation for the contributions producers are required to pay for each type of redeemable container, including the per-container amount used to calculate such contributions and the way in which the factors connected to the impact of the containers on the environment were applied when setting the per-container amount for calculating contributions;

(2) for each type of redeemable container and for all redeemable containers, the recovery rate for redeemable containers, as a percentage, based on data by units and weight and the gap between the rates achieved and the rates prescribed;

(3) for each type of redeemable container and for all redeemable containers, the rates, as a percentage, for the reclamation, local reclamation and recycling of containers, and the gap between the rates achieved and the rates prescribed.

130. The report referred to in the first paragraph of section 127 must, in addition, contain

(1) a list of the contracts, except those entered into with a service provider referred to in Division IV of Chapter II but including any system harmonization agreement, entered into during the year by the designated management body and their contents and, if applicable, a list of any changes made to a current or renewed contract or harmonization agreement;

(2) a list of the contracts entered into during the year by the designated management body with a service provider referred to in Division IV of Chapter II including, for each contract, its purpose, the area covered, the clients targeted by collection and transportation services, the type of container or material targeted, the date on which it takes effect and its duration;

(3) a description of the measures implemented to promote the design of containers using an approach that reduces negative impacts on the environment throughout their life cycle and contributes to the fight against climate change;

(4) an explanation of how the designated management body has ensured, with respect to the management of the redeemable containers that are recovered, that the selection of a form of reclamation complies with the order of priority set out in subparagraph 4 of the first paragraph of section 11;

(5) an explanation of how the body has, in developing and implementing the deposit-refund system, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

(6) any change to the system made or planned for the year following the year covered by the report;

(7) if an agreement has been entered into pursuant to section 142, or if an arbitration award has been made, a description of the activities completed under the agreement or award; and

(8) if such an agreement has not been signed and no arbitration award has been made, a description of the steps taken, up to the date of the report, pursuant to section 142.

131. Where the final destination for a redeemable container or the material obtained following its conditioning must be provided pursuant to sections 128 to 130, it must include a name and an address.

132. Where a remediation plan must be produced by the designated management body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report and the reason why some measures have not been implemented, along with the costs incurred or to be incurred for the implementation of the measures.

133. The financial statements referred to in the first paragraph of section 126 must contain the following information:

(1) the contributions paid by producers to finance the system, for all contributions and for each type of redeemable container;

(2) all forms of income resulting from the operation of the system and, if applicable, from a selective collection system;

(3) by type of containers, the total of the deposit amounts for redeemable containers in which a product was sold or otherwise offered that were not refunded during the year;

(4) the costs associated with the operation of return sites, for all administrative regions and for all remote or isolated territories;

(5) the costs associated with the collection of redeemable containers from return sites, and the costs associated with the transportation of containers from return sites to the sites where they are conditioned;

(6) the costs associated with the collection of redeemable containers from establishments offering on-site consumption, and the costs associated with the transportation of containers from such establishments;

(7) the costs associated with the sorting, conditioning and reclamation of redeemable containers, by type of container;

(8) the costs associated with information, awareness and education activities;

(9) the costs associated with market research and development activities on techniques to recover and condition redeemable containers and reclaim materials from their conditioning, and market development;

(10) the costs associated with the implementation, during the year covered by the financial statements, of the measures in a remediation plan;

(11) the amount of the indemnity paid to the Société pursuant to section 170;

(12) costs associated with the management of redeemable containers recovered via a selective collection system;

(13) all expenses associated with the requirement referred to in subparagraph 5 of the first paragraph of section 129;

(14) any other cost associated with the operation of the system.

134. The designated management body must post the following information annually on its website, not later than the sixtieth day following date on which the results referred to in section 135 are sent or, if the Société has set a time limit pursuant to subparagraph 1 of the first paragraph of that section, not later than the sixtieth day following the expiry of that time limit, covering the year preceding the posting:

(1) the information referred to in paragraphs 1 to 6 of section 128 and the recommendations referred to in paragraph 7 of that section, along with any action taken on the recommendations;

(2) the information referred to in subparagraphs 1 to 11 and 13 of the first paragraph of section 129, except the information referred to in subparagraph *l* of subparagraph 2 and in subparagraphs *a* and *b* of subparagraph 3 of the first paragraph; only the province or state, among the information listed in the second paragraph of section 108, or the country in other cases, in which a final destination is situated and only the result of a demonstration made pursuant to subparagraph *d* of subparagraph 3 of the first paragraph of that section may be posted;

(3) the information referred to in subparagraphs 1 to 3 of the second paragraph of section 128;

(4) the information referred to in paragraphs 3 to 5 of section 130;

(5) the detailed description of the measures referred to in section 132 that have been implemented;

(6) the information referred to in paragraphs 1 to 10, 12 and 13 of section 133.

Such information is public and the body must make it accessible to all persons for a minimum period of five years.

135. The Société must, within 3 months following receipt of the designated management body's annual report, send to it the results of its analysis of the report, including, if applicable,

(1) a list of the information required by sections 128 to 133 that is not shown and the time limit for providing it; and

(2) any other obligation of this Regulation that the body has not fulfilled, as well as the time limit set to allow the body to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the body's annual report, which must include the list required under subparagraph 1 of the first paragraph and a list of the obligations referred to in subparagraph 2 of that paragraph, and make recommendations on ways to improve the deposit-refund system.

§§12. *Exchanges with other bodies*

136. The designated management body must take steps to exchange with a body referred to in subparagraph 7 of the first paragraph of section 53.30 of the Act on the means to optimize the use of their resources.

§2. *Of producers towards the body*

137. A producer must be a member of the designated management body not later than the fourth month following the date of its designation.

Every natural person who becomes covered by section 5, 6 or 7 after the time limit referred to in the first paragraph or every legal person constituted, continued or amalgamated after that time limit must be a member of the body within 10 days, as the case may be, of the date on which it becomes covered by any of those sections or the date on which it is constituted, continued or amalgamated.

138. The conditions for membership of the body may in no case include the payment of a contribution.

139. Every producer that is a member of the designated management body must provide the following information:

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if the enterprise is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) the name and contact information of its representative;

(4) for each product to which this Regulation applies that the producer commercializes, markets or otherwise distributes,

(a) the associated trademark or name, if applicable;

(b) the bar code on the containers in which it commercializes, markets or otherwise distributes a product and the elements listed in section 4 that the bar code shows when scanned; and

(c) an update of the information if a change is made;

(5) its status in connection with the product, in other words if the producer is the owner or user of the trademark or name associated with it, if the producer is the

first supplier of the product in Québec or if the producer sells a product in one of the situations referred to in section 6.

140. Every member of the designated management body is bound to comply with the terms and conditions determined by the body with respect to the deposit-refund system.

141. Every member of the designated management body must provide, within the time limit it sets, the information and documents it requests in order to fulfill its responsibilities and obligations under this Regulation, including the quantity and weight of the redeemable containers used to commercialize, market, or otherwise distribute a product in the course of a year.

The following are included in the calculation of the weight of redeemable containers referred to in the first paragraph:

(1) for plastic containers, fibre containers, including multi-layer containers, and biobased containers: the caps;

(2) for plastic containers, single-use or reusable glass containers: the labels and shrink sleeves;

(3) for metal containers, the elements listed in paragraph 2 along with the tabs.

CHAPTER IV HARMONIZATION OF SYSTEMS

142. A management body designated pursuant to this Regulation must, within nine months following its designation or following the designation, if later, of a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, take steps to agree with that body on the elements needed for system harmonization that will be developed, implemented and financially supported by them.

143. System harmonization must include

(1) a determination of the types of container or types of residual materials that may be taken in charge by a system when not targeted by that system;

(2) the methods used to determine the quantities of containers or residual materials targeted by one system that are taken in charge by the other system, including the criteria used to characterize, as the case may be, redeemable containers or residual materials, and to identify the persons responsible for determining those quantities and for providing follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials targeted by one system that are taken in charge by the other system, in particular as regards their traceability and, if applicable, the way in which they may be taken in charge once again by the system that targets them;

(4) the financial terms and conditions applicable to the performance of the obligations on which the two bodies agree; and

(5) the terms and conditions for communications between the two bodies.

144. An agreement on system harmonization must specify, in addition to the elements provided for in section 143,

(1) its duration and the conditions for its amendment, renewal or cancellation; and

(2) the dispute resolution mechanism.

A copy of an agreement entered into by the bodies must be sent to the Minister and to the Société within 15 days of signing.

145. If the designated management bodies submit a dispute to an arbitrator, pursuant to section 149, concerning an element referred to in paragraph 2 of section 143, they must, beginning on 1 January 2024, and every three months until an arbitration award is made, characterize the redeemable containers or residual materials targeted by the selective collection system and taken in charge by one of the systems despite not being targeted by that system.

The bodies must, not later than 31 December 2023, jointly mandate a person to perform the characterizations referred to in the first paragraph.

A characterization must make it possible to determine the types and quantities of redeemable containers taken in charge by the selective collection system or of residual materials taken in charge by the deposit-refund system despite not being targeted by that system.

To determine the types and quantities of redeemable containers taken in charge by the selective collection system, each characterization must be performed using samples taken at a place where residual materials coming mostly from urban territories are sorted, a place where residual materials coming mostly from peri-urban territories are sorted, and a place where residual materials coming mostly from rural territories are sorted, all of which are situated in different administrative regions.

To determine the types and quantities of residual materials taken in charge by the deposit-refund system, each characterization must be performed using samples taken in ten operating return sites, including at least two of each type of return site, situated in at least five administrative regions,

The number of samples and the frequency at which the samples are taken must be validated by a statistician with a university diploma in statistics or an accreditation issued by the Statistical Society of Canada or by a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

The financial terms and conditions applicable to the taking in charge, by a system, of redeemable containers or residual materials that are not targeted by that system are, beginning on 1 January 2024 and until the date of the arbitration award, if the terms and conditions were not the subject of an agreement before that date, the terms and conditions determined by the arbitrator based on the information obtained as part of its mandate. The calculation of the amounts to be paid for taking containers or residual materials in charge must be carried out on the basis of their quantity, determined by the characterizations conducted under this section.

DIVISION I MEDIATION

146. If the bodies fail to agree, within the time prescribed by section 142, on all the elements for system harmonization, they must, within 14 following the end of that time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

The Minister and the Société must be notified in writing by the bodies, within the same time limit, of the elements of the dispute referred to in the first paragraph and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the bodies discontinued their application. Within the same time limit, the bodies must record in writing the elements on which agreement has been reached and send a copy of the agreement to the Minister and to the Société. If an agreement has been entered into before the mediation process, the agreement entered into after the mediation process becomes an integral part of the agreement.

147. The bodies pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

148. The mediation process lasts a maximum of three months.

DIVISION II ARBITRATION

§1. *General*

149. If, at the expiry of the time limit specified in section 148, the mediation process has not allowed the bodies to agree on all the elements for system harmonization, they must submit the elements on which they disagree to an arbitrator who is accredited by a body referred to in the first paragraph of section 146 that accredits arbitrators.

150. The bodies cannot, in an arbitration agreement, derogate from the provision of this Division.

151. The arbitrator may, if the bodies so request and the circumstance allow, attempt to effect conciliation between the bodies. Following conciliation, if the bodies agree on some or all of the elements submitted to the arbitrator, they must record them in writing and send a copy of the agreement to the Société and to the Minister. The agreement becomes an integral part of any agreement entered into before or after the mediation process. Arbitration continues for the other elements on which the bodies have not reached an agreement.

152. The arbitrator must personally perform the mandate entrusted by the bodies or, as the case may be, by the body that accredited the arbitrator, and must act at all times in a neutral and impartial manner.

The arbitrator must avoid any situation of conflict of interest in performing the mandate. If such a situation arises, the arbitrator must so inform the bodies and the bodies may indicate to the arbitrator how to remedy the conflict of interest or they may terminate the mandate by sending a signed notice.

§2. *Selection of an arbitrator*

153. The bodies have 14 days following the time limit in section 149 to choose an arbitrator to hear their dispute. On the expiry of that time limit, if the bodies have failed to agree on the choice of an arbitrator, they must, within two business days, ask a body referred to in the first paragraph of section 146 that accredits arbitrators to designate one.

The body selected then has five business days to designate an arbitrator.

154. An arbitrator who cannot continue with the mandate must inform the bodies without delay. The bodies must then choose another arbitrator within five business days of being informed. If the bodies fail to agree on the choice of a new arbitrator, they must ask the body referred to in the first paragraph of section 153 to designate a new arbitrator within five business days of the expiry of the time limit for choosing a new arbitrator themselves.

An arbitrator whose mandate is terminated must transfer the entire case to the new arbitrator as soon as possible, as agreed with the new arbitrator.

§3. *Conduct of arbitration*

155. Not later than 10 days after the choice or designation of an arbitrator, each body must submit to the arbitrator, and to the other body, all the documents and information that support its claims.

156. The arbitrator determines the procedure for the conduct of the arbitration. It may be conducted in writing, by telephone conference call, or in person or using two or more such methods. In all cases, the arbitrator gives preference to the procedure that is the most practical and the least likely to generate costs. However, the arbitrator must see that the adversarial principle and the principle of proportionality are observed.

When arbitration takes place in person, witnesses are called, heard and indemnified according to the rules applicable to a trial before a court.

157. The arbitrator has all the necessary powers to exercise jurisdiction, including the power to administer oaths, the power to appoint an expert and the power to rule on the arbitrator's own jurisdiction.

If the arbitrator rules on the arbitrator's own jurisdiction, a body may, within 30 days of being advised of the decision, ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed.

For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

158. If a body fails to submit its documents and information or fails to state its contentions, attend at the hearing or present evidence in support of its contentions, the arbitrator, after recording the default, may continue the arbitration.

159. At any time before the award is made, the arbitrator may ask the bodies to provide additional information and documents.

160. Execution of the elements on which the bodies have reached agreement before the arbitration continues without interruption while arbitration is conducted.

§4. Arbitration award

161. The arbitration award must be made within three months after the matter is taken under advisement and is binding on the bodies. It must be made in writing, be signed by the arbitrator, and include reasons. It must state its date and the place where it was made. The award is deemed to have been made on that date and at that place.

The time limit set in the first paragraph may, before its expiry, be extended by one month at the discretion of the arbitrator.

162. The arbitration award must be notified to the bodies without delay. The notification ends the arbitration.

The arbitration award becomes enforceable as soon as it is received by the bodies. It has all the effects of a final judgment of a court not subject to appeal.

163. The arbitrator may, on the arbitrator's own initiative, correct any error in writing or calculation or any other clerical error within 30 days after the award date.

Within 30 days after receiving the award, a body may ask the arbitrator to correct any clerical error or ask for a supplemental award on a part of the dispute that was not dealt with in the award or, with the other party's consent, for an interpretation of a specific passage of the award, in which case the interpretation becomes an integral part of the award.

The arbitrator's decision correcting, supplementing or interpreting the arbitration award must be made within two months after it is requested. The rules applicable to the arbitration award apply to such a decision. If the decision is not rendered before the expiry of the prescribed time, a body may ask the court to issue an order to safeguard the parties' rights. The decision of the court cannot be appealed.

164. The arbitrator is required to preserve the confidentiality of the arbitration process and protect deliberative secrecy but violates neither by stating conclusions and reasons in the award.

165. The bodies must send a copy of the arbitration award to the Société and to the Minister within 10 days of its notification.

166. The arbitration award has effect only for the duration of the current designation of the bodies to which it applies.

§5. Fees and expenses

167. The arbitrator is entitled to receive fees for the time taken to study the file, draft the award and, if applicable, hold hearings in the presence of the bodies, including preparation.

168. The arbitrator is entitled to a reimbursement of expenses, including travel and accommodation expenses, based on the standards in force set out in the Directive concernant les frais de déplacement des personnes engagées à honoraires par des bodies publics made by the Conseil du trésor on 26 March 2013, as amended.

The arbitrator's travelling time is remunerated when the distance travelled is greater than 90 km measured as a radius from the arbitrator's base.

The actual expenses and other costs necessary to the performance of the arbitrator's mandate are reimbursed on presentation of supporting documents.

169. The invoice of fees and expenses is sent to the bodies by the arbitrator, broken down to allow the bodies to verify the justification of each day for which fees or expenses are claimed. It must include supporting documents for the expenses claimed, if any.

The bodies are equally liable for the arbitrator's fees and expenses.

CHAPTER V **INDEMNITY TO THE SOCIÉTÉ**

170. The designated management body must pay an amount to the Société annually corresponding to its management costs and other expenses incurred for fulfilling the obligations imposed under this Regulation.

To allow the designated management body to make the payment referred to in the first paragraph, the Société must send to the body, not later than 30 September each year, a detailed list by obligation for the year in progress of the management costs and other expenses referred to in that paragraph that it has incurred up to that date and

those it expects to incur until the end of the fiscal year. It must also send to the body, after receiving it, the auditor general's report provided for in section 30 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), an update of the list setting out the management costs and other expenses actually incurred during the year concerned.

Not later than 31 October each year, the designated management body must pay to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses indicated in the list required as of 30 September. After the update referred to in the second paragraph has been received, if the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated management body pays the difference to the Société within 30 days after the documents are received. If the indemnity already paid is greater than the amount of the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equal to the overpayment.

The indemnity is calculated using the activity-based costing method.

171. The indemnity owed to the Société on the date provided for in section 170 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

CHAPTER VI MONETARY ADMINISTRATIVE PENALTIES

172. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who

(1) sends information or a document by a means other than electronically, in contravention of section 10;

(2) fails to send with a request for approval the information referred to in the second paragraph of section 20;

(3) fails to give reasons for a notice in accordance with the third paragraph of section 20;

(4) fails to post deposit amounts as required by section 21 or within the time limit specified;

(5) requires personal information other than the information listed in section 26 from a person;

(6) fails to post the business days and hours of a return site in accordance with the requirements of section 28;

(7) limits the number of redeemable containers that may be returned on each visit to less than 50, in contravention of section 34;

(8) limits the number of redeemable containers that may be returned on each visit, in contravention of section 37 or section 40;

(9) fails to draw up the list provided for in section 44, to update it or to make it available on a website or fails to do so within the time limit specified in that section;

(10) fails to send notification as required by the second or third paragraph of section 50, the second or third paragraph of section 58, the second or third paragraph of section 64 or the second or third paragraph of section 146, or to send notification in writing or within the time limit specified therein;

(11) fails to post the amount of the deposit, in contravention of the first paragraph of section 52, or the address of the return site, in contravention of section 53;

(12) fails to comply with the requirements of the second paragraph of section 52 or section 55;

(13) fails to post on its website the information provided for in the third paragraph of section 70 or the fourth paragraph of section 87, or fails to post them on the date or within the time limit specified, or the information provided for in section 96;

(14) fails to send to the Minister a copy of the application referred to in the first paragraph of section 71, in contravention of the second paragraph of that section;

(15) fails to send the report referred to in section 127 with all the information provided for in sections 128 to 131, and the information provided for in section 132, where it applies;

(16) fails to send the financial statements referred to in section 127 along with all the information provided for in section 133;

(17) fails to post the information provided for in the first paragraph of section 134 or to make the information available within the time limit specified in the second paragraph of that section;

(18) fails to send to the Minister the summary provided for in the second paragraph of section 135 or to send it within the time limit specified;

(19) fails to provide the information provided for in section 139;

(20) fails to send to the Société and to the Minister a copy of the agreement referred to in the second paragraph of section 144 or to send it within the time limit specified;

(21) fails to send to the Société and to the Minister a copy of the arbitration award referred to in section 165 or to send it within the time limit specified;

(22) fails to take the steps referred to in section 136;

(23) fails to send a document or information requested by the Minister to the Minister, in contravention of section 186, or to send it within the time limit specified;

(24) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

173. A monetary administrative penalty of \$1,500 may be imposed on any designated management body that

(1) fails to establish the monitoring committee provided for in the first paragraph of section 119;

(2) fails to comply with the time limit in section 127 for sending the report and financial statements referred to in that section.

174. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

(1) fails to obtain approval before grouping with other retailers, in contravention of section 48;

(2) fails to ensure the collection of redeemable containers as required by subparagraph 2 of the second paragraph of section 51 or by the third or fourth paragraph of section 59 or to ensure collection at the required frequency;

(3) fails to comply with the requirements of the second paragraph of section 59;

(4) fails to send the confirmation provided for in the first paragraph of section 70 or the first paragraph of section 84, or to send it within the time limit specified;

(5) fails to send the notice provided for in the third paragraph of section 77, section 83, the second paragraph of section 87 or the third paragraph of section 88 or to send the notice within the time limit specified;

(6) fails to implement the measures provided for in the second paragraph of section 92 or to implement them within the time limit specified;

(7) fails to send a remediation plan, in contravention of the second paragraph of section 113, or to send it within the time limit specified;

(8) fails to hold the meeting referred to in section 124 and to gather comments and recommendations as provided for;

(9) fails to send the report or the financial statements provided for in the first paragraph of section 127, the audited financial statements, as provided for in that first paragraph, the audited data required under the third paragraph of section 127 or the financial statements and data required under the third paragraph of section 127 audited by a person referred to therein or any of the documents within the time limit specified;

(10) fails to send to the designated management body the results referred to in the first paragraph of section 135 or to send them within the time limit specified;

(11) fails to comply with the time limit in section 142.

175. A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails to comply with the distances provided for in section 49.

176. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who

(1) fails to comply with the requirements of section 9, section 18, the second, third or fourth paragraph of section 19, section 95 or section 98;

(2) modifies or specifies a deposit amount without having obtained the Minister's approval, in contravention of section 20;

(3) fails to pay the deposit for a container, in contravention of section 23;

(4) fails to reimburse a deposit in full, in contravention of the first paragraph of section 24, or fails to do so in compliance with the conditions set out in the second paragraph of that section;

- (5) fails to comply with the requirements of section 25, 27, 33, 36, 39 or 42;
- (6) fails to send the plan provided for in section 43 or sends a plan that does not cover all the measures listed in that section or fails to send it within the time limit specified;
- (7) offers to accept and refund a redeemable container without complying with the provisions of sections 25 to 40, in contravention of the first paragraph of section 46;
- (8) fails to ensure that a return site is installed for each establishment referred to in section 45, in contravention of the second paragraph of section 46;
- (9) enters into a contract that does not contain all the elements provided for in section 47, the second paragraph of section 57, section 63 or section 69 or an agreement that does not contain all the elements provided for in sections 143 and 144;
- (10) fails to enter into a mediation process, in contravention of the first paragraph of section 50, the first paragraph of section 58, the first paragraph of section 64 or the first paragraph of section 146, or to enter into the process within the time limit specified;
- (11) fails to provide the information and documents required pursuant to the third paragraph of section 51 or the first paragraph of section 141 or fails to provide them within the time limit specified;
- (12) fails to offer to install return sites for redeemable containers in contravention of the first paragraph of section 57;
- (13) fails to comply with the obligations set out in section 62;
- (14) fails to offer a collection service, in contravention of section 65, or offers it without complying with the conditions in that section;
- (15) fails to take into account the elements provided for in the first paragraph of section 68 when selecting a service provider;
- (16) fails to facilitate participation by social economy enterprises when selecting a service provider, in contravention of the second paragraph of section 68;
- (17) except in the case provided for in section 77, designates a management body without complying with the conditions in the first paragraph of section 71;
- (18) except in the case provided for in section 77, designates a management body despite the fact that it does not meet the requirements of section 73 or the requirements of section 74;
- (19) designates a management body pursuant to section 76 without meeting the requirement provided for;
- (20) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 77 or the second paragraph of section 88;
- (21) fails to send to the Minister the results provided for in section 80;
- (22) fails to ensure compliance with the requirements of the first paragraph of section 92;
- (23) fails to pay the sums provided for in the third paragraph of section 94 within the time limit specified;
- (24) fails to make the payment provided for in section 97 at the time determined by the designated management body;
- (25) fails to make the payment provided for in the first paragraph of section 116;
- (26) fails to keep the register provided for in section 126;
- (27) fails to provide the designated management body with the information provided for in section 139;
- (28) fails to take the steps referred to in section 142;
- (29) fails to perform the characterizations provided for in the first paragraph of section 145 or fails to perform them at the required times;
- (30) fails to comply with the requirements of the second, third, fourth or fifth paragraph of section 145 when performing a characterization;
- (31) fails to comply with all the clauses of a contract entered into pursuant to this Regulation to which the person is a party, in contravention of section 187.
- 177.** A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on any person who
- (1) fails to ensure that a minimum of 1,500 return sites, excluding bulk return points, are functional across the administrative regions, in contravention of the first paragraph of section 41;

(2) fails to ensure that return sites are functional in isolated or remote territories or fails to comply with the number of sites set for those territories, in contravention of the second paragraph of section 41;

(3) fails to comply with the minimum number of return points per number of inhabitants provided for in the third paragraph of section 41;

(4) fails to accept the redeemable containers that are returned or to refund the deposit on those containers, in contravention of section 45;

(5) fails to comply with the requirements provided for in the first paragraph of section 51;

(6) fails to take the steps referred to in the second paragraph of section 90;

(7) fails to comply with the obligations referred to in sections 147, 149 and 150.

178. A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who

(1) fails to mark a bar code on the redeemable containers in which the person commercializes, markets or otherwise distributes a product, in contravention of section 4;

(2) fails to develop, implement or financially support a deposit-refund system, in contravention of sections 5 to 7;

(3) fails to fulfill the obligations of section 8 collaboratively with the other persons referred to in sections 5, 6 and 7 or fails to develop a single deposit-refund system in contravention of the said section 8;

(4) fails to fulfill the obligations of sections 11 to 16;

(5) fails to take the steps provided for in the first paragraph of section 47, the second paragraph of section 57, section 63 or the first paragraph of section 88;

(6) fails to meet the requirements provided for in the first paragraph of section 59 or to ensure that redeemable containers are transported, sorted, conditioned and reclaimed, in contravention of section 67;

(7) fails to designate a body, in contravention of the first paragraph of section 70, the first paragraph of section 77 or the first paragraph of section 84;

(8) fails to continue to meet the obligations referred to in the first paragraph of section 90 or fails to assume the obligations provided for in section 91;

(9) fails to make the payment provided for in the third paragraph of section 94;

(10) fails to make the payment provided for in section 97;

(11) fails to meet the obligation provided for in section 125 or section 137;

(12) fails to comply with the terms and conditions determined by the designated management body, in contravention of section 140.

CHAPTER VII OFFENCES

179. Every person who

(1) sends information or a document by a means other than electronically, in contravention of section 10,

(2) fails to send, with a request for approval, the information referred to in the second paragraph of section 20,

(3) fails to give reasons for a notice in accordance with the third paragraph of section 20,

(4) fails to post deposit amounts as provided for in section 21 or within the time limit specified,

(5) requires personal information other than the information listed in section 26 from a person,

(6) fails to post the business days and hours of a return site in accordance with the requirements of section 28,

(7) limits the number of redeemable containers that may be returned on each visit to less than 50, in contravention of section 34,

(8) limits the number of redeemable containers that may be returned on each visit, in contravention of section 37 or section 40,

(9) fails to draw up the list provided for in section 44, to update it or to make it accessible on a website or fails to do so within the time limit specified in that section,

(10) fails to send the notice provided for in the second or third paragraph of section 50, the second or third paragraph of section 58, the second or third paragraph of section 64 or the second or third paragraph of section 146, or to send the notice in writing or within the time limit specified,

(11) fails to post the amount of the deposit, in contravention of the first paragraph of section 52, or the address of the return site, in contravention of section 53,

(12) fails to comply with the requirements provided for in the second paragraph of section 52 or section 55,

(13) fails to post on its website the information provided for in the third paragraph of section 70 or the fourth paragraph of section 87, or fails to post them on the date or within the time limit specified, or the information provided for in section 96,

(14) fails to send to the Minister a copy of the application referred to in the first paragraph of section 71, in contravention of the second paragraph of that section,

(15) fails to send the report referred to in section 127 with all the information provided for in sections 128 to 131 and the information provided for in section 132, where it applies,

(16) fails to send the financial statements referred to in section 127 with all the information provided for in section 133,

(17) fails to post the information provided for in the first paragraph of section 134 or to make the information available during the period provided for in the second paragraph of that section,

(18) fails to send to the Minister the summary provided for in the second paragraph of section 135 or to send it within the time limit specified,

(19) fails to provide the information provided for in section 139,

(20) fails to send to the Société and to the Minister a copy of the agreement referred to in the second paragraph of section 144 or to send it within the time limit specified,

(21) fails to send to the Société and to the Minister a copy of the arbitration award referred to in section 165 or to send it within the time limit specified,

(22) fails to take the steps referred to in section 136,

(23) fails to send a document or information request by the Minister to the Minister, in contravention of section 186, or to send it within the time limit specified,

(24) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for,

is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

180. Every person who

(1) fails to establish the monitoring committee provided for in the first paragraph of section 119,

(2) fails to comply with the time limit in section 127 for sending the report and financial statements referred to in that section,

is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 and, in other cases, to a fine of \$6,000 to \$600,000.

181. Every person who

(1) fails to obtain approval before grouping with other retailers, in contravention of section 48,

(2) fails to ensure the collection of redeemable containers as required by subparagraph 2 of the second paragraph of section 51 or by the third or fourth paragraph of section 59 or to ensure collection at the required frequency,

(3) fails to comply with the requirements of the second paragraph of section 59,

(4) fails to send the confirmation provided for in the first paragraph of section 70 or the first paragraph of section 84, or to send it within the time limit specified,

(5) fails to send the notice provided for in the third paragraph of section 77, section 83, the second paragraph of section 87 or the third paragraph of section 88 or to send it within the time limit specified,

(6) fails to implement the measures provided for in the second paragraph of section 92 or to implement them within the time limit specified,

(7) fails to send a remediation plan, in contravention of the second paragraph of section 113 or to send it within the time limit specified,

(8) fails to hold the meeting referred to in section 124 and to gather comments and recommendations as provided for,

(9) fails to send the report or the financial statements provided for in the first paragraph of section 127, the audited financial statements, as provided for in that first paragraph, the audited data required in the third paragraph of section 127 or the financial statements and data

required in the third paragraph of section 127 audited by a person referred to therein, or to send any of the documents within the time limit specified,

(10) fails to send to the designated management body the results referred to in the first paragraph of section 135 or to send them within the time limit specified,

(11) fails to comply with the time limit in section 141 or the time limit in section 142,

is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

182. Every person who fails to comply with the distances provided for in section 49 is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 and, in other cases, to a fine of \$12,000 to \$1,500,000.

183. Every person who

(1) fails to comply with the requirements of section 9, section 18, the second, third or fourth paragraph of section 19, section 95 or section 98,

(2) modifies or specifies a deposit amount without having obtained the Minister's approval, in contravention of the first paragraph of section 20,

(3) fails to pay the deposit for a container, in contravention of section 23,

(4) fails to reimburse a deposit in full, in contravention with the first or second paragraph of section 24, or fails to do so in compliance with the conditions set out in the second paragraph of that section,

(5) fails to comply with the requirements of section 25, 27, 33, 36, 39 or 42,

(6) fails to send the plan provided for in section 43 or sends a plan that does not cover all the measures listed in that section or fails to send it within the time limit specified,

(7) offers to accept and refund a redeemable container without complying with the provisions of sections 25 to 40, in contravention of the first paragraph of section 46,

(8) fails to ensure that a return site is installed for each establishment referred to in section 45, in contravention of the second paragraph of section 46,

(9) enters into a contract that does not contain all the elements provided for in section 47, the second paragraph of section 57, section 63 or section 69 or an agreement that does not contain all the elements provided for in sections 143 and 144,

(10) fails to enter into a mediation process, in contravention of the first paragraph of section 50, the first paragraph of section 58, the first paragraph of section 64 or the first paragraph of section 146 or to enter into the process within the time limit specified,

(11) fails to provide the information and documents required pursuant to the third paragraph of section 51 or the first paragraph of section 141 or fails to provide them within the time limit specified,

(12) fails to offer to install return sites for redeemable containers in contravention of the first paragraph of section 57,

(13) fails to comply with the obligations set out in section 62,

(14) fails to offer a collection service, in contravention of section 65, or offers it without complying with the conditions in that section,

(15) fails to take into account the elements provided for in the first paragraph of section 68 when selecting a service provider,

(16) fails to facilitate participation by social economy enterprises when selecting a service provider, in contravention of the second paragraph of section 68,

(17) except in the case provided for in section 77, designates a management body without complying with the conditions in the first paragraph of section 71,

(18) except in the case provided for in section 77, designates a management body despite the fact that it does not meet the requirements of section 73 or the requirements of section 74,

(19) designates a management body pursuant to section 76 without complying with the requirement provided for,

(20) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 77 or the second paragraph of section 88,

(21) fails to send to the Minister the results provided for in section 80,

(22) fails to ensure compliance with the requirements of the first paragraph of section 92,

(23) fails to pay the sums provided for in the third paragraph of section 94 within the time limit specified,

(24) fails to make the payment provided for in section 97 at the time determined by the designated management body,

(25) fails to make the payment provided for in in the first paragraph of section 116,

(26) fails to keep the register provided for in section 126,

(27) fails to provide the designated management body with the information provided for in section 139,

(28) fails to take the steps referred to in section 142,

(29) fails to perform the characterizations provided for in the first paragraph of section 145 or fails to perform them at the required times,

(30) fails to comply with the requirements provided for in the second, third, fourth or fifth paragraph of section 145 when performing a characterization,

(31) fails to comply with all the clauses of a contract entered into pursuant to this Regulation to which the person is a party, in contravention of section 187,

is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, in other cases, to a fine of \$15,000 to \$3,000,000.

184. Every person who

(1) fails to ensure that a minimum of 1,500 return sites, excluding bulk return points, are functional across the administrative regions, in contravention of the first paragraph of section 41,

(2) fails to ensure that return sites are functional in isolated or remote territories or fails to comply with the number of sites set for those territories, in contravention of the second paragraph of section 41,

(3) fails to comply with the minimum number of return points per number of inhabitants provided for in the third paragraph of section 41,

(4) fails to accept the redeemable containers that are returned or to refund the deposit on those containers, in contravention of section 45,

(5) fails to comply with the requirements provided for in the first paragraph of section 51,

(6) fails to take the steps referred to in the second paragraph of section 90,

(7) fails to comply with the obligations provided for in sections 147, 149 and 150,

is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, in other cases, to a fine of \$24,000 to \$3,000,000.

185. Every person who

(1) fails to mark a bar code on the redeemable containers in which the person commercializes, markets or otherwise distributes a product, in contravention of section 4,

(2) fails to develop, implement or financially support a deposit-refund system, in contravention of sections 5 to 7,

(3) fails to fulfill the obligations of section 8 collaboratively with the other persons referred to in sections 5, 6 or 7 or fails to develop a single deposit-refund system in contravention of the said section 8,

(4) fails to fulfill the obligations of sections 11 to 16,

(5) fails to take the steps provided for in the first paragraph of section 47, the second paragraph of section 57, section 63 or the first paragraph of section 88,

(6) fails to comply with the requirements provided for in the first paragraph of section 59 or to ensure that redeemable containers are transported, sorted, conditioned and reclaimed, in contravention of section 67,

(7) fails to designate a body, in contravention of the first paragraph of section 70, the first paragraph of section 77 or the first paragraph of section 84,

(8) fails to continue to meet the obligations referred to in the first paragraph of section 90 or fails to assume the obligations provided for in section 91,

(9) fails to make the payment provided for in the third paragraph of section 94,

(10) fails to make the payment provided for in section 97,

(11) fails to meet the obligation provided for in section 125 or section 137,

(12) fails to comply with the terms and conditions determined by the designated management body, in contravention of section 140,

is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, in other cases, to a fine of \$30,000 to \$6,000,000.

CHAPTER VIII MISCELLANEOUS

186. Any document and any information obtained pursuant to this Regulation must be sent to the Minister not later than 15 days following a request to that effect.

187. Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

188. Producers are exempted from the obligations of Chapter II until the expiry of the time available to the Société to designate a management body pursuant to section 70 or, as the case may be, until the expiry of the time limit set in section 77.

189. Section 118.3.3 of the Act does not apply to a municipality regulating one of the materials referred to in sections 25 to 40 and 43, for the purposes of the by-law concerned.

CHAPTER IX TRANSITIONAL AND FINAL

190. Every permit issued pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) that is in force on (*insert the date of coming into force of this Regulation*) ceases to have effect on the first day of the sixteenth month following that date.

Every agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in effect on (*insert the date of coming into force of this Regulation*) terminates on the first day of the sixteenth month following that date.

191. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105788

Gouvernement du Québec

O.C. 973-2022, 8 June 2022

Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs
(chapter M-30.001)

Environment Quality Act
(chapter Q-2)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5)

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)

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

System of selective collection of certain residual materials

Regulation respecting a system of selective collection of certain residual materials

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, in particular require any person whose activities generate residual materials to develop, implement and contribute financially to, on the terms and conditions fixed, measures to reduce, recover or reclaim those residual materials;

WHEREAS, under subparagraph 8 of the first paragraph of section 53.30 of the Environment Quality Act, the Government may, by regulation, in particular prescribe the information or documents that a person, a municipality, a group of municipalities or an Aboriginal community, represented by its band council, must transmit to a person who must, under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of the section, meet the obligations referred to in the regulation as well as the other terms and conditions applicable to the transmission and the time limit for doing so;

WHEREAS, under section 53.30.1 of the Act, a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act that requires,