

The person must also provide a copy of an attestation of specialized college studies in large building inspections issued by a college or an educational institution referred to in subparagraph 1 of the first paragraph of section 44, confirming the successful completion of the program referred to in subparagraph 2 of the first paragraph of section 5, as well as a copy of an attestation of successful completion of the refresher training for residential building inspectors provided for in the second paragraph of section 44.

46. This Regulation comes into force on 1 October 2024, except Division IV of Chapter III, which comes into force on 1 January 2027.

106391

Draft Regulation

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

System of selective collection of certain residual materials — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and others regulations, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation amends some definitions, in particular to ensure concordance, and adds exclusions to the matters to which the Regulation applies.

Changes are made to the provisions concerning the persons required to comply with the obligations of the Regulation.

The draft Regulation adds an obligation, for certain producers, to provide for measures to facilitate the participation of social economy enterprises in order to meet their obligations for the collection and transportation of the residual materials targeted by the Regulation.

Next, the draft Regulation adds cutting-edge technologies to facilitate sorting to the list of measures that producers must include in their system of selective

collection to promote the ecodesign of containers, packaging and printed matter and ensure that the residual materials generated by the containers, packaging and printed matter are compatible with the system.

The rules governing the visibility of the costs involved in the recovery and reclamation of the residual materials generated by containers, packaging or printed matter are amended.

The rules applicable to contracts entered into by the designated management body and municipal organizations and Aboriginal communities are specified.

The draft Regulation sets back, until 1 January 2027, the date on which the collection and transportation of residual materials consisting of wood, cork, ceramic, porcelain or textiles must be provided for in certain contracts.

The management of hazardous materials is added to the elements that must be covered in some contracts.

The draft Regulation adds an obligation, when the designation of a management body ends before its scheduled term, to give priority to the designation of a body that files an application to be designated as a management body rather than the body that the Société québécoise de récupération et de recyclage is planning to designate, if it meets the applicable conditions set out in the Regulation.

Some of the requirements on the governance of the designated management body are amended.

The draft Regulation restricts the types of residual materials that are calculated in order to determine the amount that the designated management body must pay each year to the Minister of Finance.

The obligations imposed on the designated management body with respect to remedial plan, and the rules for calculating amounts that must be included in the plan, are amended.

The draft Regulation adds rules for the auditing of the information filed by producers, sorting centres and conditioners.

Adjustments are made to harmonize the system of selective collection with the deposit system.

The draft Regulation specifies the obligations governing the publication of the terms and conditions for calculating the contribution producers are required to pay to finance the system of selective collection and adjusts, as a result, the requirements for the annual report that the designated management body must submit.

The date on which institutions, businesses and industries, the owners or managers of multiple-unit residential complexes and the syndicates of immovables under divided co-ownership must participate in the system of selective collection is brought forward.

Last, the draft Regulation modifies the monetary administrative penalties applicable for failures to comply and the penal sanctions applicable for offences under certain provisions.

The draft Regulation will have an impact on the producers targeted by the system of selective collection. They will have to finance the system and the amendments proposed will generate costs in addition to those initially provided for. It will have no impact in terms of regulatory streamlining.

In accordance with section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of that Act, because the Government is of the opinion that the urgency of the situation requires it as warranted by the following circumstances: the amendments introduced by the draft Regulation must come into force before 7 September 2023, since they change the dates applicable to the negotiation of certain contracts and it is important to ensure concordance with the other dates currently specified in the Regulation.

Further information on the draft Regulation may be obtained by contacting Valérie Lephât, Direction adjointe du 3RV-E, Direction des residual materials du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to Gitane Boivin, Director, Direction des matières résiduelles du ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: infoconsigne-collecte@environnement.gouv.qc.ca.

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and others regulations

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, s. 53.30.1 and s. 53.30.3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) is amended in section 2

(1) in the first paragraph

(a) in the French text, by inserting “de” after “ainsi que” in the definition of “contenants et emballages”;

(b) by striking out “, excluding pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings,” in the definition of “containers and packaging”;

(c) by replacing “in or outside the premises, with no table service” in the definition of “establishment offering on-site consumption” by “on the premises with no table service”;

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

“The following products are excluded from the application of this Regulation:

(1) pallets designed to facilitate the handling and transportation of a number of sales units or grouped packagings;

(2) bags used to administer an intravenous fluid or medication and bags used for tube feeding;

(3) syringes, with or without needles;

(4) pressurized containers holding hazardous materials within the meaning of the Regulation respecting hazardous materials (chapter Q-2, r. 32).”

2. Section 4 is amended by striking out subparagraph 2 of the second paragraph.

3. Section 12 is amended in the first paragraph

(1) by striking out “a person,” in subparagraph *a* of subparagraph 1;

(2) by adding the following after subparagraph 6:

“(7) provide for measures to facilitate the participation of social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) in the collection and transportation of residual materials.”.

4. Section 15 is amended

(1) in the first paragraph

(a) by inserting “post-consumer” after “recycled” in subparagraph *c* of subparagraph 2;

(b) by adding the following after subparagraph *e* of subparagraph 2:

“(f) cutting-edge technologies to facilitate sorting;”;

(c) by replacing “the models” in subparagraph *m* of subparagraph 5 by “all the contract models that the producer may use for that purpose”;

(d) by striking out “who is not employed by a producer or a designated management body under section 30 and” in subparagraph 8;

(2) by replacing “or to the container, packaging or printed matter, and must be” in the second paragraph by “or only to the container, packaging or printed matter commercialized, marketed or otherwise distributed and, if it is partially included in the sale price of the product, container, packaging or printed matter, must be”;

(3) by replacing “disclosed” in the third paragraph by “made visible by the producer”;

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

“If a producer makes visible the cost referred to in the third paragraph, any person who offers for sale, sells, distributes to a user or ultimate consumer, or otherwise makes available to them the product, container, packaging, or printed matter with which the cost is associated may also, without being required to do so, make that cost visible.”.

5. Section 18 is amended

(1) in the first paragraph

(a) in the French text, by replacing “visées” by “visés”;

(b) by striking out “and in the territory covered by that contract”;

(2) by replacing “14” in the second paragraph by “16”.

6. Section 19 is amended by striking out “or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract,” in the part of the first paragraph preceding subparagraph 1.

7. Section 20 is amended by striking out the second and third paragraphs.

8. Section 21 is amended in the first paragraph

(1) by striking out “the first paragraph of”;

(2) in the French text, by replacing “entreprennent” by “doivent entreprendre”.

9. Section 22 is amended in the first paragraph

(1) by replacing “10 months prior to 31 December 2024, despite the mediation process undertaken in accordance with section 21, no other contract referred to in section 20 has been entered into by the producer and the municipal body or Aboriginal community, as the case may be” by “on the expiry of the time limit set in the fourth paragraph of section 21, no contract has been entered into pursuant to section 20”;

(2) by replacing “to the municipal body or Aboriginal community” by “to the municipal body or Aboriginal community concerned”;

(3) in the French text, by replacing “un montant correspondant à” by “une somme d’un montant correspondant à celui de”.

10. The following is inserted after section 22:

“22.1. Not later than 18 months prior to the expiry of a contract for the collection and transportation of residual materials to which a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 18 months before its expiry date, a producer must take steps to enter into a new contract with that municipal body or Aboriginal community or with any other municipal body or Aboriginal community.

Every new contract entered into pursuant to the first paragraph must contain the elements provided for in section 25 and cover, as a minimum, the collection

and transportation of residual materials from residential buildings with less than 9 dwellings to which the contract in effect applies.

“**22.2.** Not later than 12 months prior to the expiry of a contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 12 months before its expiry date, if the producer and the municipal body or Aboriginal community have not entered into a new contract despite the steps taken pursuant to section 22.1, they may, within 14 days after the beginning of that twelfth month, begin a mediation process to which the provisions of section 21 apply.

“**22.3.** Not later than 10 months prior to the expiry of a contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, if a contract has been entered into pursuant to paragraph 2 of section 20, not later than 10 months before its expiry date or, if a mediation process has begun, not later than the expiry of that process, if the producer and the municipal body or Aboriginal community have not entered into a new contract despite the steps taken pursuant to section 22.1, the producer must choose to

(1) enter into a new contract with any other person containing the elements provided for in section 25 and covering, as a minimum, the collection and transportation of residual materials beginning on the day following 31 December 2024; or

(2) from the expiry date of the contract for the collection and transportation of residual materials to which, on 7 July 2022, a municipal body or Aboriginal community is a party and that expires on a date after 31 December 2024 or, as the case may be, if a contract has been entered into pursuant to paragraph 2 of section 20, on its expiry date, undertake itself to collect and transport the residual materials covered by the contract.

The provisions of the second and third paragraphs of section 19 apply to the situation referred to in the first paragraph, with the necessary modifications.”

11. Section 23 is amended

(1) in the first paragraph

(a) by inserting “in that territory” after “dwellings”;

(b) in the French text, by replacing “paragraphe” in the first paragraph by “paragrapes”;

(2) in the third paragraph

(a) by replacing “If” in the paragraph preceding subparagraph 1 by “On the expiry of the time limit provided for in the fifth paragraph of section 18, if”;

(b) by striking out “despite the mediation process provided for in section 18, or if the municipal body or Aboriginal community has given the producer written notice that it does not wish to enter into such a contract” in the part preceding subparagraph; and

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

“In the territory governed by the Kativik Regional Government, the provisions of this section apply only to the obligation set out in subparagraph 1 of the third paragraph of section 12.”

12. The following is inserted after section 23:

“**23.1.** Where, 18 months prior to 1 January 2027, no service to collect and transport residual materials covered by this Regulation is provided in the territory of one or more Northern villages referred to in the third paragraph of section 12, a producer must, not later than the start of that eighteenth month, take steps with the Kativik Regional Government or the Aboriginal community of the northern villages in which the service is not provided, to enter into a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings, on the conditions set out in subparagraphs 1 to 4 of the first paragraph of section 24 with the minimum content set out in section 25.

Where, 12 months prior to 1 January 2027, no contract has been entered into pursuant to the first paragraph by the producer and the Kativik Regional Government or Aboriginal community of the northern village concerned, they may, within 14 days after the time limit, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the Kativik Regional Government or, as the case may be, the Aboriginal community must pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The provisions of the third, fourth and fifth paragraphs of section 18 apply to the mediation process referred to in the second paragraph, with the necessary modifications.

“**23.2.** Where, 12 months prior to 1 January 2027 or, if a mediation process has begun, on the expiry of the time limit provided for in the fourth paragraph of section 21, no contract referred to in the first paragraph of section 23.1 has

been entered into by the producer and the Kativik Regional Government or the Aboriginal community of the northern village concerned, the producer must choose to

(1) enter into a contract with any other person covering, as a minimum, the elements provided for in the first paragraph of section 25; or

(2) beginning on 1 January 2027, undertake itself to collect and transport the residual materials covered by this Regulation in the territory of the Kativik Regional Government or Aboriginal community.”.

13. Section 24 is amended in the first paragraph

(1) by inserting the following after subparagraph iii of subparagraph *b* of subparagraph 1:

“iv. wood, cork, ceramic, porcelain or textiles;”;

(2) by inserting the following after subparagraph *b* of subparagraph 1:

“(c) residual materials used for industrial purposes;”;

(3) by replacing subparagraph 2 by the following:

“(2) not later than 1 January 2027, residual materials, except those used for industrial purposes,

(a) consisting of rigid plastic belonging to the polystyrene category or flexible plastic;

(b) generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer;

(c) generated by containers and packaging composed of wood, cork, ceramic, porcelain or textiles;”.

(4) by inserting the following after subparagraph 3:

“(3.1) not later than 7 July 2030, residual materials used for industrial purposes;”.

14. The following is inserted after section 24:

“**24.1.** At least 12 months prior to the expiry of a contract entered into pursuant to this Division to which the municipal body or Aboriginal community in whose community residual materials are collected and transported is not a party, the producer who is a party to the contract must send a notice to the municipal body or Aboriginal community, indicating the expiry date of the contract and verifying whether the municipal body or Aboriginal

community wishes, from that date, to be a party to a contract of the same type for residential buildings with less than 9 dwellings. The municipal body or Aboriginal community has one month from the date of receipt of the notice to indicate to the producer whether it wishes to enter into such a contract.

If the municipal body or Aboriginal community indicates an interest, the producer must give it priority for entering into a future new contract and take steps to enter into a contract with it for the collection and transportation of residual materials in its territory, within the time and on the terms and conditions provided for in this Division for such a contract.”.

15. Section 25 is amended

(1) in the first paragraph

(a) by inserting “where the contract is entered into with a municipal body or Aboriginal community,” at the beginning of subparagraph 9;

(b) by replacing, “the conditions for the awarding of contracts by the municipal body or Aboriginal community” in subparagraph 10 by “where the contract is entered into with a municipal body or Aboriginal community, the conditions for the awarding by it of contracts”;

(2) by replacing “section 18 or 19, the second or third paragraph of section 20 or section 23” in the second paragraph by “this Division”.

16. Section 27 is amended

(1) in the first paragraph

(a) by replacing “enter into all the contracts needed to ensure” by “ensure that”;

(b) by adding “are carried out with no service interruptions and must enter into all contracts needed for that purpose” at the end;

(2) by replacing “22” in the second paragraph by “22.3”.

17. Section 29 is amended in subparagraph 3

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

“(c.1) the limiting, removal and management of hazardous materials from within the residual materials covered by the contract that are present in the service provider’s facilities;”;

(2) by inserting “, in addition to the hazardous materials referred to in subparagraph c.1,” after “materials” in subparagraph *d*.

18. Sections 32 and 36 are amended, in the French text, by replacing “suivants” wherever it occurs by “suivant”.

19. Section 46 is amended by inserting “, sent as soon as possible by the Société,” after “notice” in the third paragraph.

20. Section 47 is amended

(1) in the French text, by replacing “désignée” in the first paragraph by “désigné”;

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

“The designation of a body whose application was filed pursuant to the first paragraph, which meets the conditions of section 31, and for which the requirements of sections 32 and 33 have been met, must be given priority over the designation of a body pursuant to the first paragraph of section 46.”

21. Section 50 is amended by adding the following at the end:

“(4) a natural person representing a producer on the board of directors is active primarily in Québec.”

22. Section 53 is amended in the second paragraph

(1) by replacing “who are members of” by “chosen by”;

(2) by striking out “, chosen by the body”.

23. Section 58 is amended

(1) by adding “and, if an audit has been conducted during the year, the audit report on the information referred to in section 86.3” at the end of the first paragraph;

(2) by replacing “an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26)” in the second paragraph by “chartered professional accountant”;

(3) by inserting the following paragraph after the second paragraph:

“The person engaged to perform an audit referred to in the second paragraph may not be employed by the body or by a producer.”

24. Section 59 is amended by adding the following paragraph at the end:

“(18) the results from the audit of the information referred to in the first paragraph of section 86.1.”

25. Section 67 is amended by replacing “during the first year of development of the system of selective collection and at least 3 times per year thereafter” by “each year, beginning in the first year during which the first committee is established.”

26. Section 70 is amended by replacing “third” by “quarter”.

27. Section 77 is amended by inserting “and those situated in the territory referred to in the third paragraph” after “paragraph” in subparagraph 3.

28. Section 78 is amended by replacing “and 75” by “, 75 and 79”.

29. Section 82 is amended

(1) by inserting “prescribed” after “if the”;

(2) by replacing “detailing the measures that will be implemented to achieve the rates” in the second paragraph by “covering all those rates and detailing, for each rate, the measures that will be implemented to achieve it, unless a remedial plan that is still in effect has already been submitted for those rates”;

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

“Any change to a remedial plan must be submitted to the Société and the Minister within 30 days following the date of the change.”

30. Section 83 is amended

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

“(1) allow, not later than the end of the two years following the year in which the plan was submitted, the rates prescribed for the second of those years to be achieved”;

(2) by replacing “of local market outlets” in subparagraph 1 of the third paragraph by “, in Québec, of markets”.

31. Section 84 is replaced by the following:

“**84.** The amount of financing for the measures referred to in the second paragraph of section 83 is calculated for a year using the following equation for each prescribed rate that is not achieved, and the result of the calculation is multiplied by 3 to obtain the total amount of financing:

$$MFm = Pmm \times M$$

where:

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

Pmm = the weight, in kilograms and by type of material, of the materials of which the containers, packaging and printed matter covered by this Regulation are made that are needed to achieve the prescribed rates for the year concerned;

M = an amount equivalent to the amount that the body required its members to pay during the previous year as a contribution to finance the costs of recovering and reclaiming materials for which the prescribed rate was not achieved.

When neither the recovery rate nor the reclamation rate is achieved, in a given year, for a type of material, the result obtained by adding together the amount for each of the rates used to finance the measures in the remedial plan is multiplied by 0.75.”

32. Section 85 is amended by inserting “, calculated for one year,” after “financing” in the first paragraph.

33. Section 86 is amended by adding the following paragraph at the end:

“This section applies only to containers and packaging made of compostable or degradable plastic and to containers and packaging made of fibres, intended for a single use and designed to be used by the ultimate user or consumer to prepare or consume a food product.”

34. The following is inserted after section 86:

“**86.1.** If, on the expiry of a remedial plan, a rate achieved for the year during which the plan was submitted or the year following is below the prescribed rate that led to the submission of the plan, extra financing must be added to the financing initially provided for in the plan. The extra financing is calculated using the equation in the second paragraph of section 115, adapted to ensure that the

rate to be achieved under the formula is the rate for the year during which the plan was submitted or the year following and applies until the expiry of the plan.

If, before the expiry of a remedial plan, a rate prescribed for the year during which the plan was submitted or the year following is achieved, the designated management body may cease to implement the measures in the plan with respect to that rate and the associated financing.

On the expiry of a remedial plan, if the designated management body has disbursed only part of the amount provided to finance the measures in the plan and if the rate or rates prescribed for the second year have not been achieved, it must add to the amounts provided for the financing of the measures in the next plan an amount equivalent to the amount that has not been disbursed.

“**86.2.** Until the expiry of a remedial plan, the designated management body may use the financing associated with the plan at the time of its own choosing.”

“**§§3.1.** *Audit of the information provided by producers, sorting centres and conditioners*

“**86.3.** The designated management body must, each year, beginning in the first year for which rates are prescribed pursuant to sub-subdivision 2 of subdivision 1 of Division II of Chapter III, arrange an audit, for each member it determines, of the following information provided by the member: the quantity of materials entering into the composition of the containers, packaging and printed matter that the member commercializes, markets or otherwise distributes or uses to commercialize, market or otherwise distribute a product, by weight, type of material, and type of resin when the materials are plastics.

Although the number and selection of the members referred to in the first paragraph is under the responsibility of the designated management body, it must ensure that all the audits conducted annually pursuant to that paragraph cover at least 10 % of the total quantity of materials concerned.

The designated management body must also, between 1 January 2026 and 31 December 2028, and at least every three years thereafter, arrange an audit at least once of the information of the same nature as the information referred to in paragraph 7, subparagraph *f* of paragraph 8 and paragraph 9 of section 59 provided by the sorting centres with which it has entered into a contract pursuant to Division IV and the information of the same nature as the information referred to in subparagraphs *d* to *f* of paragraph 8 of section 59 provided by the conditioners with which it has entered into a contract pursuant to that Division.

An audit referred to in this section must be conducted by a professional referred to in the second paragraph of section 58. The professional may be employed by the person engaging the professional's services.

To allow the designated management body to fulfill its obligations under this section, every member of the designated management body, every sorting centre and every conditioner whose information is audited must, at the request of the professional engaged to conduct the audit, give access to the documents and information the professional considers necessary for the purposes of the audit."

35. Section 88 is amended by adding the following at the end:

"(6) the measures to be implemented to make it possible to share, as far as possible, the premises used for each system and the costs for implementing the systems, and any other measure to optimize the use of their resources."

36. The following is inserted after section 121:

"**121.1.** The designated management body must publish and update on its website, with no restrictions on access, for each type of residual material generated by the containers, packaging and printed matter covered by this Regulation, the amounts payable pursuant to the first paragraph of section 121 and the elements it has taken into account, including the characteristics listed in subparagraph 2 of the first paragraph of section 15 and the percentage referred to in subparagraph 7 of the first paragraph of that section, to modulate those amounts."

37. Section 123 is amended

- (1) in the first paragraph
 - (a) by striking out "1 year after";
 - (b) by replacing "from it" by "from that institution, business or industry";
- (2) by inserting "and educational institutions" after "consumption" in the second paragraph.

38. Section 124 is amended

- (1) by striking out "within 1 year";
- (2) by replacing "them" the owner, manager or syndicate".

39. Section 125 is amended by replacing "or conditioning" in the part preceding paragraph 1 by " , conditioning or reclamation".

40. Section 126 is amended in the part preceding paragraph 1

(1) by inserting "other than a person referred to in section 125" after "person";

(2) by replacing "or conditioning" by " , conditioning or reclamation" and by replacing "2024" by "the expiry of the contract".

41. Section 128 is amended

(1) in the French text, by replacing "article" in paragraph 2 by "articles";

(2) by adding the following at the end:

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

42. Section 129 is replaced by the following:

"**129.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails to establish a committee required by this Regulation."

43. The following is inserted after section 129:

"**129.1.** 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 fails

(1) to send the notice provided for in the first paragraph of section 24.1;

(2) to comply with the obligation set out in the second paragraph of section 24.1;

(3) to send the confirmation provided for in the first paragraph of section 30 or the first paragraph of section 43, or to send it within the prescribed time;

(4) to send notification as provided for in the second paragraph of section 42, the notice provided for in the second paragraph of section 45 or the notice provided for in the third paragraph of section 46, or to send it within the prescribed time;

(5) to send an annual report to the Minister at the times and in accordance with the conditions provided for in the first paragraph of section 58 or to have the financial statements contained in the report audited as provided for in the second paragraph of that section or to have them audited by a professional referred to in the second paragraph;

(6) to send the results referred to in the first paragraph of section 63 to the designated management body or to send them within the prescribed time;

(7) to have the rates referred to in section 78 audited or to have them audited by a professional referred to in the second paragraph of section 58;

(8) to submit a remedial plan, in contravention of the second paragraph of section 82 or to submit it within the prescribed time;

(9) to send the information referred to in section 122, section 125 or section 126 to a designated management body or to send it within the prescribed time;

(10) to have the data or information referred to in section 86.3 audited or to have it audited by a professional referred to in the second paragraph of section 58;

(11) to give access to the documents and information requested by a professional engaged to perform an audit, in contravention of the fourth paragraph of section 86.3;

(12) to comply with the time limit provided for in section 87.”

44. Section 131 is amended

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

“(1) fails to begin a mediation process, in contravention of the first paragraph of section 21, or to begin it within the prescribed time;

“(2) fails to pay the average compensation referred to in the first paragraph of section 22, or to pay it at the prescribed time;

“(2.1) enters into an agreement that does not contain all the elements referred to in section 25 or, as the case may be, section 29;”;

(2) by replacing “sections 49 to” in paragraph 4 by “the first paragraph of section 50, sections 51 and”;

(3) by inserting the following after paragraph 4:

“(4.1) fails to submit a change to a remedial plan or to submit it within the time limit set out in the third paragraph of section 82;”;

(4) by replacing paragraph 7 by the following:

“(7) fails to provide the information referred to in section 120 to the designated management body;

“(8) fails to provide the documents and information requested pursuant to section 122 or section 127 or to provide them within the prescribed time;

“(9) fails to participate in the system of collective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or section 124;

“(10) fails to comply with a clause of a contract entered into pursuant to this Regulation, en contravention avec section 140.”

45. The following is inserted after section 131:

“**131.1.** 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 fails

(1) to take the steps referred to in the second paragraph of section 48;

(2) to comply with the obligations set out in sections 92, 94 and 95.”

46. Section 132 is amended

(1) by inserting “14, the first and second paragraphs of section 15 and section” after “sections 12 to” in paragraph 2;

(2) by replacing paragraphs 3 and 4 by the following:

“(3) to take steps to enter into a contract referred to in section 18 within the prescribed time and on the prescribed conditions or to take steps to enter into a contract referred to in section 20 within the time and on the conditions set out in that section or in section 21;

“(4) to enter into a contract referred to in subparagraph 1 of the first paragraph of section 19 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the first paragraph of section 22.3 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the third paragraph of section 23 or to undertake itself the obligation set out in subparagraph 2 of the third paragraph of that section or to enter into a contract referred to in paragraph 1 of section 23.2 or to undertake itself the obligation set out in paragraph 2 of that section, or to comply with the time limits set out in those sections to fulfill those obligations;

“(5) to take steps to enter into a contract for the collection and transportation of residual materials referred to in section 22.1, the first paragraph of section 23 or the first paragraph of section 23.1, within the prescribed time and on the prescribed conditions;

“(6) to enter into any contract for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time and on the conditions set out in that section and in section 28;

“(7) to designate a body, in contravention of section 30;

“(8) to continue to meet its obligations pursuant to the first paragraph of section 48 or to assume obligations pursuant to section 49;

“(9) to be a member of a designated management body in accordance with section 118;

“(10) to comply with the terms and conditions determined by the designated management body, in contravention of section 121.”;

47. Section 134 is replaced by the following:

“**134.** Every person who fails to establish any committee required by this Regulation commits an offence and 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.”.

48. The following is inserted after section 134:

“**134.1.** Every person who fails

(1) to send the notice provided for in the first paragraph of section 24.1,

(2) to comply with the obligation set out in the second paragraph of section 24.1,

(3) to send the confirmation provided for in the first paragraph of section 30 or the first paragraph of section 43, or to send it within the prescribed time,

(4) to send notification as provided for in the second paragraph of section 42, the notice provided for in the second paragraph of section 45 or the notice provided for in the third paragraph of section 46, or to send it within the prescribed time,

(5) to send an annual report to the Minister at the times and in accordance with the conditions provided for in the first paragraph of section 58 or to have the

financial statements contained in the report audited as provided for in the second paragraph of that section or to have them audited by a professional referred to in the second paragraph,

(6) to send the results referred to in the first paragraph of section 63 to the designated management body or to send them within the prescribed time,

(7) to have the rates referred to in section 78 audited or to have them audited by a professional referred to in the second paragraph of section 58,

(8) to submit a remedial plan, in contravention of the second paragraph of section 82 or to submit it within the prescribed time,

(9) to send the information referred to in section 122, section 125 or section 126 to a designated management body or to send it within the prescribed time,

(10) to have the data or information referred to in section 86.3 audited or to have it audited by a professional referred to in the second paragraph of section 58,

(11) to give access to the documents and information requested by a professional engaged to perform an audit, in contravention of the fourth paragraph of section 86.3,

(12) to comply with the time limit provided for in section 87,

commits an offence and 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.”.

49. Section 136 is amended

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

“(1) fails to begin a mediation process, in contravention of the first paragraph of section 21, or to begin it within the prescribed time,

“(2) fails to pay the average compensation referred to in the first paragraph of section 22, or to pay it at the prescribed time,

“(2.1) enters into an agreement that does not contain all the elements referred to in section 25 or, as the case may be, section 29.”;

(2) by replacing “sections 49 to” in paragraph 4 by “the first paragraph of section 50, sections 51 and”;

(3) by inserting the following after paragraph 4:

“(4.1) fails to submit a change to a remedial plan or to submit it within the time limit set out in the third paragraph of section 82.”;

(4) by replacing paragraph 7 by the following:

“(7) fails to provide the information referred to in section 120 to the designated management body,

“(8) fails to provide the documents and information requested pursuant to section 122 or section 127 or to provide them within the prescribed time,

“(9) fails to participate in the system of collective collection implemented pursuant to this Regulation, in contravention of the first paragraph of section 123, or to make recovery bins available, in contravention of the second paragraph of that section or section 124,

“(10) fails to comply with a clause of a contract entered into pursuant to this Regulation, en contravention avec section 140.”.

50. The following is inserted after section 136:

“**136.1.** Every person who

(1) to take the steps referred to in the second paragraph of section 48,

(2) to comply with the obligations set out in sections 92, 94 and 95,

commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 and, in other cases, to a fine of \$24,000 to \$3,000,000.”.

51. Section 137 is amended

(1) by striking out “or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or both,” in the part following paragraph 5;

(2) by replacing “ \$15,000 to \$3,000,000” in the part following paragraph 5 by “ \$30,000 to \$6,000,000”;

(3) by replacing paragraphs 3 and 4 by the following:

“(3) to take steps to enter into a contract referred to in section 18 within the prescribed time and on the prescribed conditions or to take steps to enter into a contract referred to in section 20 within the time and on the conditions set out in that section or in section 21,

“(4) to enter into a contract referred to in subparagraph 1 of the first paragraph of section 19 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the first paragraph of section 22.3 or to undertake itself the obligation set out in subparagraph 2 of the first paragraph of that section, to enter into a contract referred to in subparagraph 1 of the third paragraph of section 23 or to undertake itself the obligation set out in subparagraph 2 of the third paragraph of that section or to enter into a contract referred to in paragraph 1 of section 23.2 or to undertake itself the obligation set out in paragraph 2 of that section, or to comply with the time limits set out in those sections to fulfill those obligations,

“(5) to take steps to enter into a contract for the collection and transportation of residual materials referred to in section 22.1, the first paragraph of section 23 or the first paragraph of section 23.1, within the prescribed time and on the prescribed conditions,

“(6) to enter into any contract for the sorting, conditioning and reclamation of residual materials referred to in section 27, within the time and on the conditions set out in that section and in section 28,

“(7) to designate a body, in contravention of section 30,

“(8) to continue to meet its obligations pursuant to the first paragraph of section 48 or to assume obligations pursuant to section 49,

“(9) to be a member of a designated management body in accordance with section 118,

“(10) to comply with the terms and conditions determined by the designated management body, in contravention of section 121.”;

(4) by replacing “5” in paragraph 5 by “11”.

52. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended, in section 281,

(1) by replacing “those referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10)” in paragraph 1 by “the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9 of the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01)”;

(2) in the French text, by replacing “textiles” in paragraph 4 by “textile”.

53. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

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