

year 2025 to the management body designated pursuant to the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01).

Despite the first paragraph, the certified body is not required to pay to the designated management body the amounts collected pursuant to section 53.31.13 of the Environment Quality Act to indemnify it for the management and other costs referred to in that section.

**6.** If a municipality has failed to send its declaration to the Société québécoise de récupération et de recyclage before the time limit set out in the third paragraph of section 8.8.6 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10), the Société must, within one month, repay to the certified body that collected contributions pursuant to the first paragraph of section 53.31.13 of the Environment Quality Act (chapter Q-2) and paid them to the Société pursuant to the first paragraph of section 53.31.12 of that Act, the compensation that the latter was bound to pay on or before that date.

### CHAPTER III MISCELLANEOUS AND FINAL PROVISIONS

**7.** Every amount owed pursuant to this Regulation bears interest, from the 31<sup>st</sup> day following the date on which a notice of claim is served, at the rate provided for in the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

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

106388

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Compensation for municipal services provided to recover and reclaim 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 compensation for municipal services provided to recover and reclaim residual materials, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation makes changes to the provisions concerning the persons required to comply with the obligations of the Regulation in force.

Several other provisions are amended to harmonize the compensation rules in the Regulation with the end date of 31 December 2024.

The draft Regulation specifies the types of services that may be eligible for compensation for supplementary costs for the purpose of calculating the annual compensation owed to a municipality in certain circumstances.

The method used to establish, in certain specific cases, the rate of compensation for a municipality for the year 2023 is specified.

The draft Regulation will have no impact on enterprises.

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:

(1) the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) provides that some of the obligations it imposes are applicable from 1 November 2023, and the persons required to comply are the same as those covered by the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10); taken as a whole, the obligations imposed by both regulations are, although distinct, complementary and the persons to which they apply need to be designated in the same way, which is not presently the case;

(2) the amendments introduced by the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, published on the same date as this draft Regulation, must come into force before 1 November 2023 and some of them include provisions similar to those amended by this Regulation;

(3) in addition, the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) specifies obligations for the same persons as those to whom the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials applies. The amendments introduced by the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, also published on the same date as this

draft Regulation, must come into force before 7 September 2023, and some of them include provisions similar to the provisions amended by this draft Regulation;

(4) it is therefore important for this draft Regulation to come into force on the same date as the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers and the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, to ensure that the provisions of all the Regulations concerned are consistent.

Further information on the draft Regulation may be obtained by contacting Valérie Lephât, Direction adjointe du 3RV-E, 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<sup>e</sup> 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, directrice, 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<sup>e</sup> 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 compensation for municipal services provided to recover and reclaim residual materials

Environment Quality Act  
(chapter Q-2, ss. 53.31.2 to 53.31.5, 53.31.12, 53.31.12.1 and 53.31.17)

**1.** The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) is amended in section 3

(1) in the first paragraph

(a) by replacing “owner of a brand, a name or a distinguishing guise” in the part preceding subparagraph 1 by “owner or, as the case may be, user of a name or trademark that has a domicile or establishment in Québec”;

(b) by replacing “that brand, name or distinguishing guise” in subparagraph 1 by “that name or trademark”;

(c) by replacing “that brand, name or distinguishing guise” in subparagraph 2 by “that name or trademark”;

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

“The requirement provided for in the first paragraph is incumbent on a person that has a domicile or establishment in Québec and that acts as the first supplier, other than the manufacturer of a product or containers and packaging of which the person that is the owner or user of the name of trademark has no domicile or establishment in Québec.”;

(3) by striking out “whether or not that supplier is the importer” in the third paragraph;

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

“For the purposes of this section,

“trademark” means a sign or combination of signs used by a person for the purpose of distinguishing or so as to distinguish products manufactured, sold, leased or hired, or services hired or performed, by the person from those manufactured, sold, leased or hired, or those hired or performed, by others, but does not include a certification mark within the meaning of section 2 of the Trade-marks Act (R.S.C. 1985, c. T-13);

“name” means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual.”.

**2.** Section 3.1 is amended

(1) in the first paragraph

(a) by replacing “have a brand, a name or a distinguishing guise” by “have a trademark or name”;

(b) by replacing “identified by a brand, a name or a distinguishing guise” by “identified by a trademark or name”;

(c) by striking out “, whether or not that supplier is the importer”;

(2) by striking out “, whether or not that supplier is the importer” in the second paragraph;

(3) by replacing “ “brand”, “name” and “distinguishing guise” ” in the third paragraph by “ “trademark” and “name” ”.

**3.** Section 6 is amended

(1) by replacing “The owner of a brand, a name or a distinguishing guise identifying material included in the newspapers or printed matter class of materials” in the first paragraph by “The owner or, as the case may be, user of a name or trademark identifying material included in the newspapers or printed matter class of materials that has a domicile or establishment in Québec”;

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

“The requirement provided for in the first paragraph is incumbent on a person that has a domicile or establishment in Québec and that acts as the first supplier, other than the manufacturer, of the materials concerned, where the person that is the owner or user of the name of trademark identifying the materials has no domicile or establishment in Québec.”;

(3) by striking out “, whether or not that supplier is the importer” in the third paragraph;

(4) by replacing “ “brand”, “name” and “distinguishing guise” ” in the fourth paragraph by “ “trademark” and “name” ”.

**4.** Section 6.1 is amended

(1) in the first paragraph

(a) by replacing “a brand, a name or a distinguishing guise” by “a trademark or name”;

(b) by striking out “, whether or not that supplier is the importer”;

(2) by striking out “, whether or not that supplier is the importer” in the second paragraph;

(3) by replacing “ “brand”, “name” and “distinguishing guise” ” in the third paragraph by “trademark” and “name” ”.

**5.** Section 6.3 is amended

(1) in the first paragraph

(a) in the French text, by replacing “engendrés” in the part preceding subparagraph 1 by “générés”;

(b) in the French text, by replacing “conclut” in subparagraph 2 by “conclu”;

(c) by replacing “nature” in subparagraph 3 by “type”;

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

“Where a contract referred to in the first paragraph replaces a contract that has expired and is intended to provide services in addition to or different from those covered by the expired contract, or is intended to provide the same type of services to more persons than under the expired contract, the costs generated in either situation are not considered to be supplementary costs for the purpose of calculating the compensation owed to the municipality that has entered into the new contract.”.

**6.** The following is inserted after section 6.4:

“**6.4.1.** Despite section 6.4, for 2025 and any subsequent year, any correction to a declaration sent by a municipality before 1 September of the year for which compensation is owed to it must be received by the Société québécoise de récupération et de recyclage not later than 31 December of the same year.

The conditions provided for in the fourth paragraph of section 6.2 apply to the corrected declaration.

Adjustments arising from a correction made to a declaration referred to in the first paragraph are applied to the amount of the compensation owed to the municipality for the year during which the declaration is sent, in accordance with the terms and conditions in subparagraph 2 of the third paragraph of section 8.10.”.

**7.** Section 8.8.2 is amended, in the French text, by replacing “engendrés” in the definition of the variable “S” in the second paragraph by “générés”.

**8.** The following is inserted after section 8.8.3:

“**8.8.3.1.** Despite section 8.8.3, when the compensation rate of a municipality for the year 2023 referred to in the second paragraph of section 8.8.2 is zero, the rate used for each of the following years is the average rate for the municipalities of the group to which the municipality belongs pursuant to section 8, for each of those years.

“**8.8.3.2.** For the purpose of calculating the compensation rate of a municipality for 2023 referred to in the second paragraph of section 8.8.2, section 8.7 does not apply.”.

**9.** Section 8.8.4 is amended

(1) in the French text, by replacing “engendrés” in the first paragraph by “générés”;

(2) in the second paragraph

(a) in the French text, by replacing “engendrés” in the definition of the variable “S” by “générés”;

(b) by inserting “types of” after “Only the” in the definition of the variable “ENC”.

**10.** Section 8.8.6 is amended by replacing “30 June of the year that follows the year for which compensation is owed” in the third paragraph by “31 December 2025 for compensation owed for the year 2025 or 31 December of each following year to the compensation owed for each of those years”.

**11.** Section 8.12.1 is amended by adding the following paragraph at the end:

“Where the contribution in goods or services consists of disseminating a message referred to in the second paragraph, the dissemination must be carried out not later than eighteenth months following the dissemination of the schedule in the *Gazette officielle du Québec*.”.

**12.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106386

## 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)

### Deposit-refund system for certain containers — 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 the development, implementation and financial support of a deposit-refund system for certain containers, 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 to clearly distinguish between redeemable containers and non-returnable containers.

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

The draft Regulation relaxes the requirements for persons conducting a verification of certain activities, and specifies the requirements for audits.

The new deposit amounts will come into force in two phases. The first phase will take effect on 1 November 2023 and cover containers that, prior to 1 November 2023, were redeemable under another Regulation and pursuant to a private deposit system, except if they contain milk, and single-use and reusable containers made of metal that are mainly composed of aluminum on which no deposit was payable prior to that date. The second phase will begin on 1 March 2023 and cover all the containers to which the Regulation applies.

The draft Regulation includes an exception to the obligation to pay a deposit to a person selling a redeemable container.

Access to a return site and the use of its equipment to return redeemable containers must be provided free of charge, and the number of return sites that must be operational when the implementation of the deposit system begins is reduced.

The draft Regulation amends the requirements for retailers and makes related changes .

Obligations are added for isolated, and unorganized territories in connection with the posting of information in retail establishments in which products are offered for sale in redeemable containers.

The draft Regulation limits, until 1 March 2025, the number of establishments offering on-site consumption for which the designated management body has specific obligations with respect to the deposit system, since only establishments with a capacity of at least 75 persons and establishments whose services include the supply of meals or snacks to at least 75 persons at a time are targeted. From that date, the number of persons will drop to 20.

The draft Regulation also makes it possible for any person to offer a personalized service to collect redeemable containers, on certain conditions.

Details are added to the process for designating a management body.