

(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.

The draft Regulation amends some of the requirements for the composition of the board of directors of a designated management body to meet the requirements of the Regulation on behalf of producers.

The draft Regulation also details the calculation of the contribution payable by producers to finance the deposit system and the related publication requirements, and adjusts the requirements for the annual report to be produced by the designated management body.

The rules governing the visibility of the costs for recovering and reclaiming redeemable containers are amended.

The draft Regulation amends the obligations for remediation plans.

The rules for designating new members to the monitoring committee provided for in the Regulation are amended to ensure alternating membership.

Last, the draft Regulation makes changes to the monetary administrative penalties and penal sanctions that apply.

The draft Regulation will have an impact on the producers subject to the deposit system, and potentially on consumers. This is because producers will be required to finance the system implemented, which may lead to a transfer of costs to consumers.

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, in particular concerning the persons required to comply such as retailers and establishments offering on-site consumption, the application of new deposit amounts, the types of containers concerned, and the minimum number of return sites that must be operational;

(2) the draft Regulation aims, in particular, to push back until 2025 the coming into force of the new deposit amounts for some of the containers concerned, to reduce

substantially, until 2025, the number of establishments offering on-site consumption for which the designated management body must assume specific obligations, to reduce from 1 November 2023 the number of retailers subject to the obligations of the Regulation, and to reduce the minimum number of return sites that must be operational by 1 November 2023. It is therefore important for this draft Regulation to be made as soon as possible prior to that date, in particular to allow the persons concerned to take the amendments into account and to ensure that the necessary amendments come into force in a timely manner;

(3) in addition, the amendments introduced by the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, must come into force before 7 September 2023 and some of them include provisions similar to or that complement those proposed by this draft Regulation; 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 a system of selective collection of certain residual materials, to ensure that the provisions of both Regulations and the systems to which they apply are consistent.

Further information on the draft Regulation may be obtained by contacting Cynthia Gagné, 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^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 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^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 the development, implementation and financial support of a deposit-refund system for certain containers

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 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 the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) is amended in section 2

(1) in the first paragraph

(a) by striking out “, provided that such liquid contains more than 0.5% of ethyl alcohol by volume” in the definition of “alcoholic beverage”;

(b) by replacing the definitions of “container” and “redeemable container” by the following:

“ “redeemable 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 and on which a deposit is paid; (*contenant consigné*)”;

(c) by replacing “in or outside the premises” in the definition of “establishment offering on-site consumption” by “on the premises, including but not limited to a hospital, a detention centre, a penitentiary, an establishment housing the elderly, a childcare centre and an educational institution”;

(2) by inserting “and except as regards the volume of ethyl alcohol contained in such liquids” after “meaning” in the second paragraph.

2. Section 5 is amended

(1) by replacing “containers” in the first paragraph by “redeemable containers”;

(2) by replacing subparagraphs 2 and 3 of the second paragraph by the following:

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

3. Section 11 is amended by inserting “with a capacity of 20 or more persons at a time or whose services include the supply of meals or snacks to 20 or more persons at time” after “consumption” in subparagraph 9 of the first paragraph.

4. Section 14 is amended in the part of paragraph 1 preceding subparagraph *a*

(1) by striking out “who is not employed by a producer or by a designated management body and”;

(2) by replacing “containers” by “redeemable containers”.

5. Section 17 is replaced by the following:

“**17.** The amount of the deposit for each redeemable container is

(1) \$0.25 for single-use or reusable containers made of glass or any other breakable material that are used to commercialize, market or otherwise distribute a product and that have a volume of not less than 500 ml and not more than 2 litres;

(2) \$0.10 for single-use or reusable containers made of glass or any other breakable material that are used to commercialize, market or otherwise distribute a product and that have a volume of not less than 100 ml and not more than 499 ml and for other types of containers.

The first paragraph applies from the following dates:

(1) 1 November 2023 for single-use or reusable containers made of metal that are mainly composed of aluminum and on which no deposit was payable prior to that date, containers in which beer or a carbonated soft drink is commercialized, marketed or otherwise distributed and for which a deposit, fixed in 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) as it read on (*enter here the date of coming into force of this Regulation*), was payable prior to that date, and containers on which a deposit, fixed under an unregulated deposit system, was payable prior to that date, with the exception of containers used to commercialize, market or otherwise distribute milk;

(2) 1 March 2025 for all containers referred to in section 3 on which no deposit was payable before that date.”.

6. Section 18 is amended

(1) in the part of the first paragraph preceding subparagraph 1

(a) by replacing “the expiry of a 5-year period beginning in the sixteenth month following 7 July 2022” by “30 November 2028”;

(b) by replacing “container” by “redeemable container”;

(2) in the second paragraph

(a) by replacing “containers” by “redeemable containers”;

(b) by replacing “format and volume of the containers” by “volume of the product commercialized, marketed or otherwise distributed in the type of redeemable containers concerned by the modification”;

(3) by replacing “container” in subparagraph 1 of the third paragraph by “redeemable container”;

(4) by replacing “container” in the fourth paragraph by “redeemable container”.

7. Section 19 is amended

(1) in the first paragraph

(a) by replacing “in the sixteenth month following 7 July 2022” by “on 1 November 2023”;

(b) by replacing “types of containers” by “types of redeemable containers”;

(2) in the second paragraph

(a) in the French text, by replacing “celles-ci” by “la fixation ou de la modification du montant”;

(b) by replacing “format and volume of the containers” by “volume of the product commercialized, marketed or otherwise distributed in the type of redeemable containers concerned by the specification or modification”.

8. Section 20 is amended by replacing “modifying or specifying” in the second paragraph by “specifying or modifying”.

9. Section 21 is amended by replacing “containers” in the first paragraph by “redeemable containers”.

10. Section 22 is revoked.

11. Section 23 is amended by adding the following paragraphs at the end:

“The first paragraph does not apply to the sale of a product in a redeemable container in a retail establishment in which that product is offered for sale only by means of one or more vending machines or a single commercial refrigerator measuring no more than 76.2 cm wide × 82.28 cm deep × 200.66 cm high or by an establishment offering on-site consumption and, in the latter case, the establishment may not demand payment of the deposit for such a container.

Despite the second paragraph, if the operator of such a retail establishment demands, without being required to do so, the payment of the deposit on a redeemable container in which a product is offered for sale as described in that paragraph, the person buying the product is required to pay the deposit.”.

12. The following is inserted before section 25:

“**24.1.** With the exception of the provisions of section 9, beginning on 1 November 2023 no deposit on a redeemable container may be refunded except under the provisions of this Regulation.”.

13. Section 25 is amended in the first paragraph

(1) in subparagraph 5

(a) by replacing “disposal of containers” by “disposal of redeemable or non-returnable containers that are”;

(b) by inserting “or non-returnable” after “redeemable”;

(2) by adding the following subparagraph after subparagraph 11:

“(12) access to the site and the use of its equipment to return redeemable containers and obtain a refund of the deposit must be provided free of charge.”.

14. Section 35 is amended by replacing “containers from” by “redeemable containers from”.

15. Section 39 is amended by replacing “containers” in paragraph 2 by “redeemable containers”.

16. Section 41 is amended in the first paragraph :

(1) by replacing “in the sixteenth month following 7 July 2022” by “on 1 November 2023”;

(2) by replacing “1,500” by “1,200”;

(3) by adding “Beginning on 1 March 2025, a minimum of 1,500 return sites, excluding bulk return sites, must be functional.” at the end.

17. Section 42 is amended by replacing “containers” in the first paragraph by “redeemable containers”.

18. Section 44 is amended by replacing “the fifteenth day following 7 November” in the first paragraph by “15 December”.

19. Section 47 is amended in the first paragraph

(1) by replacing “the fourth month following 7 July 2022” in the part preceding subparagraph 1 by “1 November 2022”;

(2) by replacing “containers” in subparagraph 8 by “redeemable containers”;

(3) by inserting “redeemable or non-returnable” after “transport” in subparagraph 13;

(4) in subparagraph 14,

(a) in the French text, by inserting “ce que” after “jusqu’à”;

(b) by inserting “non-returnable” after “in the case of”;

(c) in the French text, by replacing “ce qu’une” by “une”;

(5) in the French text, by replacing “pas” in subparagraph *e* of subparagraph 15 by “non”.

20. Section 48 is amended

(1) by inserting “, except those set out in sections 52 and 53,” after “subdivision”;

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

“When such a group is formed, its members are required to allow any retailer who so wishes to join, even if the group is already formed. A retailer joining the group must comply with the rules set by its members and with the provisions of section 49.”

21. Section 50 is amended in the first paragraph

(1) by replacing “at the end of the ninth month following 7 July 2022” by “on 30 April 2023”;

(2) by replacing “after the time limit” by “of that date”.

22. Section 51 is amended

(1) in the first paragraph

(a) by replacing “the twelfth month following 7 July 2022” by “31 July 2023”;

(b) in the French text, by replacing “échéance” par “date”;

(2) in the second paragraph :

(a) by replacing “14” in subparagraph 1 by “15”;

(b) by adding the following subparagraph after subparagraph 2:

“(3) provide the retailer, within 3 months following 31 July 2023, with the name and logo of the system.”

23. Section 53 is amended by adding the following paragraph at the end:

“The requirement to post the address pursuant to the first paragraph also applies to retailers whose retail establishment is located in an isolated or remote territory.”

24. The following is inserted after section 54:

“**54.1.** Every retailer must, not later than 15 October 2023, use the application provided for that purpose by a producer on its website to supply the producer with the retailer’s name, telephone number and email address, the name of the retailer’s representative, the name, address and area of each establishment the retailer operates that is referred to in section 45, and the address of the return site planned for each establishment.

The producer must, not later than 1 October 2023, ensure that every retailer referred to in the first paragraph is able to supply the information listed in that paragraph using the application referred to in that paragraph.

“**54.2.** Every retailer referred to in section 45 that operates a retail establishment reduced to an area of less than 375 m² or that ceases to operate a retail establishment referred to in that section must, at least 15 days before the reduction becomes effective or the establishment ceases operations, notify every producer in writing.”

25. Section 55 is amended

(1) by replacing “within 18 months following 7 July 2022” by “not later than 7 January 2024”;

(2) by adding “and submit an updated list to them each year, with the annual report” at the end.

26. Section 56 is replaced by the following:

“**56.** Subject to the provisions of the second paragraph, the provisions of this subdivision apply only to retailers referred to in section 45, except for sections 52 and 53, which apply to all retailers.

The provisions of this subdivision do not apply to establishments offering on-site consumption, nor do they apply, except for sections 52 and 53, to retailers that operate a retail establishment in an isolated or remote territory or an unorganized territory.”

27. Section 57 is amended

(1) by striking out “in which products are sold” in the first paragraph;

(2) in the second paragraph

(a) by replacing “the fourth month following 7 July” in the part preceding subparagraph 1 by “1 November”;

(b) by replacing “containers” in subparagraph 9 by “redeemable containers”;

(c) by inserting “the redeemable containers that are” after “or” in subparagraph 13;

(d) by inserting “, whether redeemable or non-returnable,” after “transport containers” in subparagraph 13.

28. Section 58 is amended in the first paragraph

(1) by replacing “at the end of the ninth month following 7 July 2022” by “on 1 May 2023”;

(2) by replacing “after the time limit” by “of that date”.

29. Section 59 is amended in the first paragraph

(1) by replacing “by the end of the twelfth month following 7 July 2022” in the part preceding subparagraph 1 by “31 July 2023”;

(2) in the French text, by replacing “échéance” in the part preceding subparagraph 1 by “date”;

(3) by replacing “containers from the return sites, and transport, condition and, in the case of redeemable containers,” in the part preceding subparagraph by “redeemable containers and abandoned non-returnable containers from the return sites, transport them and, in the case of redeemable containers, condition and”.

30. Section 61 is replaced by the following:

“**61.** The cost of installing a return site referred to in sections 57 to 59 and the cost of the operational management of the site are borne by the producer.”

31. Section 62 is replaced by the following:

“**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 of an establishment offering on-site consumption with a capacity of 20 or more persons at a time or whose services include the supply of meals or snacks to 20 or more persons at a time must, in order to comply with the requirement of the first paragraph and in addition to the requirements of sections 63 and 65, take the other necessary steps to do so within the establishment.”

32. Section 63 is amended

(1) by replacing “in the fourth month following 7 July” in the part preceding subparagraph 1 by “on 1 November”;

(2) by inserting “with a capacity of at least 75 persons whose services include the supply of meals or snacks to at least 75 persons at a time” after “establishments offering on-site consumption” in the part preceding paragraph 1;

(3) by inserting “the operator of” after “or with” in the part preceding subparagraph 1;

(4) by replacing “such establishments” in subparagraph 4 by “each establishment”;

(5) in the French text, by replacing “chacun de ces établissements” in subparagraph 5 by “chaque établissement”;

(6) by replacing “such establishments” in subparagraph 8 by “each establishment”;

(7) by replacing “the sixteenth month and a half following 7 July 2022” in subparagraph 9” by “1 November 2023”;

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

“Beginning on 1 March 2024, the steps referred to in the first paragraph must also be taken with establishments offering on-site consumption with a capacity of at least 20 persons and with establishments whose services include the supply of meals or snacks to at least 20 persons at a time, if they were not already covered by the first paragraph. The implementation schedule for

collection services must, in the case of those establishments, provide for collection services to begin not later than 1 March 2025.”

33. Section 64 is amended

(1) in the first paragraph

(a) by replacing “at the end of the eleventh month following 7 July 2022” by “on 1 July 2023 for the establishments referred to in the first paragraph of section 63 and 1 November 2024 for the establishments referred to in the second paragraph of section 63”;

(b) by replacing de “, as the case may be, an” by “the operator of an”;

(c) by replacing “the time limit” by “that date”;

(d) by replacing “, as the case may be, the” by “the operator of”;

(2) by replacing “, as the case may be,” in the second paragraph by “the operator of”;

(3) by replacing “, as the case may be,” in the third paragraph by “the operator of”;

34. Section 65 is amended

(1) by replacing the part preceding paragraph 1 by:

“If, on 1 October 2023 or, as the case may be, 1 February 2025, the persons referred to in section 63 have still not succeeded in entering into a contract, the producer must, not later than beginning in the fifth week following either date, offer free of charge, to each establishment offering on-site consumption on whose behalf the group acts, that has consented and has not entered into a contract pursuant to section 63, and to the operator of each establishment offering on-site consumption acting individually, that has consented and has not entered into a contract pursuant to section 63, a collection service for redeemable containers, on the following conditions:”;

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

“(1) beginning in the fifth week following 1 October 2023 for the establishments offering on-site consumption referred to in the first paragraph of section 63: at least one collection per week;

“(2) beginning in the fifth week following 1 February 2025 for the establishments offering on-site consumption referred to in the second paragraph of section 63: at least two collections per month.”;

(3) by inserting “readout” after “digital” in paragraph 6;

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

“If, after four consecutive collections from an establishment offering on-site consumption carried out pursuant to the first paragraph, the producer observes that at each collection, the quantity of redeemable containers collected that are made of metal, plastic or fibre, including multi-layer containers, is less than 750, or that the quantity of redeemable containers collected that are made of glass or another breakable material is less than 250, it may reduce the frequency of the collections agreed on with the establishment. However, when, for all such types of containers, the quantity of redeemable containers collected that are made of metal, plastic or fibre, including multilayer containers, is equal to or greater than 375 and the quantity of redeemable containers collected that are made of glass or another breakable material is equal to or greater than 125, the producer must maintain the frequency of the collections agreed on with the establishment.”.

35. The following is inserted after section 66:

“**66.1.** Every producer must, not later than 7 January 2024 for the establishments referred to in the first paragraph of section 63 and 1 March 2025 for the establishments referred to in the second paragraph of that section, provide a list of all the establishments offering on-site consumption referred to those paragraphs to the Société and the Minister, and send them an updated list annually at the same time as the annual report.

Every establishment offering on-site consumption referred to in the first paragraph must, not later than 15 October 2023 for the establishments referred to in the first paragraph of section 63 and not later than 1 March 2024 for the establishments referred to in the second paragraph of section 63, provide every producer with the name and address of the establishment, its capacity, the name of its representative, its telephone number and its email address. The producer must, not later than 1 October 2023, ensure that the establishments are able to provide and update the information using an application on the producer’s website.

“**66.2.** Every establishment offering on-site consumption referred to in the first paragraph of section 63 that began operations after 1 October 2023 or, for the establishments referred to in the second paragraph of section 63, after 1 March 2025 and every establishment offering on-site consumption whose capacity or delivery of services including the supply or meals or snacks is increased to 20 or more persons at a time after 1 March 2025 must, at least one month before beginning operations or before

the increase takes effect, provide every producer with the information listed in the second paragraph of section 66.1, using the application on the producer's website.

66.3. Every establishment offering on-site consumption whose capacity or delivery of services including the supply of meals or snacks is decreased to less than 20 persons at a time or that ceases its operations must, at least 15 days before the decrease takes effect or operations cease, inform every producer in writing.”

36. The following is inserted after section 66:

“§5. Personalized collection service for redeemable containers

66.4. A person may, for remuneration, offer a personalized service to collect redeemable containers from a home or an establishment offering on-site consumption, combined with a service to refund the deposit on the containers, provided the person first obtains the agreement of every producer that has developed and implemented a collection system.

66.5. A person offering such a service must return the redeemable containers collected either to a return site or to a service provider having entered into a contract pursuant to section 67.

66.6. A person offering such a service must also, when the redeemable containers are returned to a place other than a return site, inform a producer referred to section 66.4, at the frequency agreed with the producer, of

(1) the quantity, by type, of redeemable containers collected, by administrative region and by isolated or remote territory;

(2) the place where the containers were returned.

66.7. The deposit on a redeemable container collected pursuant to this subdivision must be refunded in full.”

37. Section 69 is amended in paragraph 9

(1) by replacing “containers” by “redeemable containers”;

(2) by adding “, and in particular the measures concerning redeemable containers returned by a personalized collection service for redeemable containers”.

38. Section 73 is amended by replacing “containers” wherever it occurs in subparagraph 4 of the first paragraph by “redeemable containers”.

39. Section 74 is amended by replacing “sub-subdivision 8 of subdivision 1 of Division II of this Chapter” in paragraph 4 by “sections 119 to 123”.

40. Section 83 is amended by adding, at the end, “It must also, within the same time limit, notify the producers.”.

41. Section 88 is amended in the first paragraph

(1) by replacing “and” by “;”;

(2) by inserting “and comply with the obligation in paragraph 5 of section 74” after “Québec”.

42. Section 89 is amended by inserting the following paragraph after the first paragraph:

“Where this is the case and where the body for which the application is filed meets the requirements of sections 73 and 74, and provided the requirements of sections 71 and 72 have been met, the Société must give it priority over a body that it is considering designating pursuant to the first paragraph of section 88.”

43. Section 92 is amended in the first paragraph

(1) by striking out “representatives of” in subparagraph 1;

(2) by inserting the following subparagraph after paragraph 1:

“(1.1) that the natural person representing a producer on the board of directors is active mainly in Québec and is employed by the producer;”;

(3) by replacing “containers commercialized, marketed or otherwise distributed in Québec by the producers in each sector” in subparagraph 3 by “redeemable containers used by the producers to commercialize, market or otherwise distribute products in Québec, in each category,”.

44. The following is inserted after section 92:

92.1. Not later than 1 February 2024, the designated management body must send a list of the producers to which this Regulation applies to the Société and the Minister, indicating the producers who are members of the body and, in each case, whether the producer is a minor, medium or major contributor and, where applicable, the name of the trademark or trademarks owned or used by the producer.

The designated management body must update the list each year and file it with its annual report.”

45. Section 95 is replaced by the following:

“**95.** The contribution a producer is required to pay pursuant to the third paragraph of section 94 is 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.

In setting the amount referred to in the first paragraph, the designated management body first calculates a basic amount applicable to every redeemable container belonging to a type of container, which may vary depending on the product commercialized, marketed or otherwise distributed in the container.

Next, the designated management body varies the amount depending on whether the container to which it applies is single-use or reusable, increasing the amount for single-use containers and decreasing it for reusable containers. The basic amount for a reusable container may not, however, be more than 25% greater than the average basic amount for all types of single-use containers.

After calculating and varying the basic amount applicable to a container pursuant to the second and third paragraphs, the designated management body again varies the amount by taking into account the capacity of the deposit-refund system to take it in charge until its reclamation and, among other factors, the factors connected to the impact of the containers on the environment, including

- (1) the materials of which the container is made;
- (2) its actual recyclability;
- (3) the existence of markets for all the materials of which it is made;
- (4) the existence of markets in Québec for all the materials of which it is made;
- (5) the inclusion of post-consumer recycled materials in the container;
- (6) the effort made to reduce, at source, the materials used to manufacture the redeemable container.

The consideration given to the elements and factors in the fourth paragraph may lead to a different result for containers belonging to the same type of container.”

46. Section 96 is replaced by the following:

“**96.** The designated management body must post and update on its website, without restricting access,

(1) the basic amount referred to in the second paragraph of section 95, for each type of redeemable container and based on the volume of the product commercialized, marketed or otherwise distributed in each type of redeemable container;

(2) the manner in which it has taken into account, in varying the basic amount, the fact that the container concerned is a single-use or reusable container, the capacity of the system to take it in charge until its reclamation, and the factors connected with the container’s impact on the environment, including those listed in the fourth paragraph of section 95.”

47. Section 97 is amended by replacing “container” by “redeemable container”.

48. Section 98 is amended

(1) by replacing “disclosed” in the second paragraph by “made visible by the producer”;

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

“If a producer makes an internalized cost visible, any person who offers for sale, sells, distributes to a user or final consumer or otherwise makes available the product referred to in the first paragraph of section 95 may also, without being required to do so, make the amount visible. The person must, in such a case, include a mention for the same purpose as in the second paragraph and the same internet address.”

49. Section 99 is amended

(1) in the first table,

(a) by replacing “70” in the second line by “55”

(b) by replacing “65” in the third line by “60”;

(c) by striking out the fourth line;

(d) by striking out the sixth line;

(e) by replacing “containers” in the seventh line by “redeemable containers”;

(2) in the second table, by replacing “containers” in the eighth line by “redeemable containers”.

50. Section 100 is amended by inserting “referred to in that section” after “type of containers”.

51. Section 103 is amended

(1) in the first table,

(a) by replacing “68” in the second line by “53”

(b) by replacing “63” in the third line by “58”;

(c) by striking out the fourth and sixth lines;

(2) in the second table, by replacing “85” in the seventh line by “90”.

52. Section 105 is amended by striking out “redeemable”.

53. Section 106 is amended by striking out “redeemable”.

54. Section 108 is amended in the first paragraph

(1) by replacing “2028” in the fourth line of the table by “2027”;

(2) by replacing “2026” in the seventh line of the table by “2028”.

55. Section 109 is amended by striking out “redeemable”.

56. Section 110 is amended in the second paragraph by replacing “container” wherever it occurs by “redeemable container”.

57. Section 111 is amended by inserting “redeemable or non-returnable” after “new”, wherever it occurs.

58. Section 113 is amended

(1) in the second paragraph

(a) by replacing “one or more” by “several”;

(b) by replacing “sub-subdivision 9 of this subdivision” by “sections 127 to 135”;

(c) by striking out “, for information purposes,”;

(d) by adding “unless a remediation plan that is still in effect has already been sent for those rates” at the end;

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

“Every change to a remediation plan must be sent to the Société and to the Minister within 30 days of the date on which it is made.”.

59. Section 114 is amended

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

“(1) allow, by the end of the second year following the year in which the plan is sent, the rates prescribed for the second of those years to be achieved;”.

(2) by inserting “redeemable or non-returnable” after “new in subparagraph 2 of the second paragraph.

60. Section 115 is amended

(1) by replacing “associated with” in the first paragraph by “of”;

(2) in the second paragraph

(a) by replacing the part preceding subparagraph 1 by “The amount of the financing provided for in the first paragraph is calculated as follows for a year, and the result of the calculation is multiplied by 3 to obtain the total amount of the financing:”;

(b) by replacing “Recovery rate – for the prescribed recovery rate, using the equation” in subparagraph 1 by “for prescribed recovery rates that have not been achieved using, for each rate, the equation”;

(c) by replacing “the year concerned” in the definition of “Mff” in subparagraph 1 by “a year”;

(d) by replacing “concerned” in the definition of “Qcm” in subparagraph 1 by “for which the rates have not been achieved”;

(e) by inserting “,” after “amount” in the definition of MC in subparagraph 1;

(f) by striking out “Reclamation rate, local reclamation rate and recycling rate –” in subparagraph 2;

(3) in the third paragraph

(a) by replacing “2 rates prescribed for a given year are not achieved” in subparagraph 2 by “neither the recovery rate nor the reclamation rate, except the local reclamation rate, for a given year is achieved”;

(b) in the French text, by striking out “pas” in subparagraph 2;

(c) by striking out subparagraph 3.

61. The following is inserted after section 115:

“**115.1.** If, before the expiry of a remediation plan, a rate achieved for the year during which the plan was sent or the year following is below the rate achieved that led to the sending 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 used for the calculation is the rate for the year during which the plan was sent or the year following and applies until the expiry of the plan.

If, before the expiry of a remediation plan, a rate prescribed for the year during which the plan was sent 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 remediation 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.

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

62. Section 116 is amended in the first paragraph

(1) by inserting “, calculated for one year,” after “financing”;

(2) by inserting “, for the last such year,” after “If”.

63. Section 119 is amended

(1) by inserting “redeemable or non-returnable” after “new” in subparagraph 5 of the first paragraph;

(2) by replacing “may be represented by a maximum of 2 persons as member of the monitoring committee” in the second paragraph by “must be represented on the monitoring committee by a member of the committee. The representation may not exceed 2 persons per member”.

64. Section 120 is replaced by the following:

“**120.** Every 2 years, one quarter of the members of the monitoring committee, representing persons or bodies listed in subparagraphs 1 to 8 of the first paragraph of section 119 must be replaced by new members meeting the conditions of that paragraph.”

65. Section 127 is amended

(1) by adding “, the audit report on its statements as well as the data referred to in the third paragraph and the audit report on the information referred to in section 135.1” at the end of the first paragraph;

(2) by replacing “in the sixteenth month following 7 July 2022” in the second paragraph by “on 1 November 2023”;

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

“The financial statements and the data referred to in subparagraphs *b* to *g*, *j* and *k* subparagraph 2 and subparagraphs *a* to *d* 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 a chartered professional accountant authorized by the professional order to which the accountant belongs to perform an audit engagement. They may also be audited by any other person legally authorized to perform such an activity in Québec.”

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

“The person engaged to perform the audit referred to in the third paragraph must not be employed by the body.”

66. Section 129 is amended

(1) by inserting “redeemable or non-returnable” after “new” in subparagraph *j* of subparagraph 2 of the first paragraph;

(2) by replacing “containers” in subparagraph *k* of subparagraph 2 of the first paragraph by “redeemable containers”;

(3) by replacing “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” in subparagraph 1 of the second paragraph by “details for the calculation of the basic amount referred to in the second paragraph of

section 95 and the method used to vary that amount for each container in accordance with the third paragraph of that section, as well as the method used to take into account, when varying the amount in accordance with the fourth paragraph of that section, the capacity of the deposit-refund system to take in charge until its reclamation the container targeted by the calculation and the factors connected to its impact on the environment, including those listed therein.”

67. Section 130 is amended by replacing “container” in paragraph 2 by “redeemable container”.

68. Section 132 is replaced by the following:

“**132.** Where a remediation plan has been produced by the designated management body, the annual report must also contain

(1) a detailed description of the measures in the plan that have been implemented during the year covered by the report;

(2) where applicable, the reason why some measures have not been implemented;

(3) the costs incurred or to be incurred for the implementation of the measures;

(4) the details of the calculation referred to in the second paragraph of section 115.1;

(5) where applicable, the information contained in the update of the plan sent during the year.”

69. The following is inserted after section 135:

“**§§10.1.** *Audit of the information provided by producers and conditioners*

“**135.1.** The designated management body must, between 1 January 2026 and 31 December 2030 and at least every 5 years thereafter, have the information provided by its members pursuant to section 141 concerning the type, quantity or weight of redeemable containers audited by a professional referred to in the third paragraph of section 127.

The body must also, between 1 January 2026 and 31 December 2028 and at least every three years thereafter, have the information of the same nature as the information referred to in subparagraphs *e*, *f* and *j* of subparagraph of the first paragraph of section 129 forwarded to it by each of the conditioners with which it has entered into a contract pursuant to section 67 audited by a professional referred to in the third paragraph of section 127.

To allow the designated management body to fulfill the obligations in the first and second paragraphs, every member of the body or, as the case may be, every conditioner referred to in the second paragraph must give the professional engaged to perform the audit, at the professional’s request, access to the documents and information needed by the professional for the audit.

A professional engaged to perform an audit under this section may be employed by the person providing the engagement.”

70. Section 139 is amended by replacing “containers” in subparagraph *b* of paragraph 4 by “redeemable containers”.

71. The following is inserted after the heading of Chapter IV:

“**DIVISION I**
“GENERAL”.

72. Section 143 is amended by adding the following paragraph at the end:

“(6) the measures to be implemented to allow, as far as possible, for the sharing of the spaces used for each system, the costs involved in implementing the systems, and any other measure needed to optimize the use of the bodies’ resources.”.

73. The heading of Division I of Chapter IV is amended by replacing “I” by “II”.

74. The heading of Division II of Chapter IV is amended by replacing “II” by “III”.

75. Section 174 is amended

(1) by inserting the following after paragraph 3:

“(3.1) fails to provide the information referred to in the first or second paragraph of section 66.1, section 66.2 or the first paragraph of section 92.1;

“(3.2) fails to inform a producer in accordance with section 66.3;”;

(2) by inserting “section 54.2,” after “provided for in” in paragraph 5;

(3) by inserting the following paragraph after paragraph 6:

“(6.1) fails to update the list referred to in the first paragraph of section 92.1 and to file the list with its annual report, in contravention of the second paragraph of that section;”;

(4) by inserting “and on the conditions” after “limit” in paragraph 9;

(5) by replacing paragraph 11 by the following:

“(11) fails to have the information referred to in the first or second paragraph of section 135.1 audited on the conditions and at the times specified in that section;

“(12) fails to give access to the documents and information referred to in the third paragraph of section 135.1;

“(13) fails to comply with the time limit in section 142.”.

76. Section 176 is amended

(1) in paragraph 3

(a) by replacing “container” by “redeemable container”;

(b) by inserting “the first paragraph of” after “contravention of”;

(2) by inserting “, the first paragraph of section 54.1” after “section 51” in paragraph 11;

(3) by inserting the following after paragraph 24:

“(24.1) fails to send a change to remediation plan or fails to send it within the time prescribed in section 113;”.

77. Section 179 is amended by striking out “monetary administrative” in paragraph 24.

78. Section 181 is amended

(1) by inserting the following after paragraph 3:

“(3.1) fails to provide the information referred to in the first or second paragraph of section 66.1 or the first paragraph of section 92.1,

“(3.2) fails to inform a producer in accordance with section 66.3;”;

(2) by inserting “section 54.2,” after “provided for in” in paragraph 5;

(3) by inserting the following paragraph after paragraph 6:

“(6.1) fails to update the list referred to in the first paragraph of section 92.1 and to file the list with its annual report, in contravention of the second paragraph of that section;”;

(4) by inserting “and on the conditions” after “limit” in paragraph 9;

(5) by replacing paragraph 11 by the following:

“(11) fails to have the information referred to in the first or second paragraph of section 135.1 audited on the conditions and at the times specified in that section,

“(12) fails to give access to the documents and information referred to in the third paragraph of section 135.1,

“(13) fails to comply with the time limit in section 142.”.

79. Section 183 is amended

(1) in paragraph 3

(a) by replacing “container” by “redeemable container”;

(b) by inserting “the first paragraph of” after “contravention of”;

(2) by inserting “, the first paragraph of section 54.1” after “section 51” in paragraph 11;

(3) by inserting the following after paragraph 24:

“(24.1) fails to send a change to remediation plan or fails to send it within the time prescribed in section 113;”.

80. The heading of Chapter IX is amended, in the French text, by replacing “TRANSITOIRE” by “TRANSITOIRES”.

81. The following is inserted before section 190:

“**189.1.** Despite section 17, the amount of a deposit on a contained fixed 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) as it read on 31 October 2023, or fixed under an unregulated deposit system for redeemable containers from 1 November 2023, is, if greater than the deposit on such a container under this Regulation and for the 15 days following 31 October 2023, refundable in the amount fixed under the agreement or unregulated deposit system, and the provisions of this Regulation apply to the refund.

“189.2 Despite the provisions of this Regulation, any producer to which this Regulation applies that, on 1 November 2023, operates an unregulated deposit system to apply a deposit, fixed by the producer, to containers referred to in section 3 that the producer uses to commercialize, market or otherwise distribute milk may continue to operate the system until 28 February 2025.

For 15 days after 28 February 2025, the deposit on the containers referred to in the first paragraph is refundable in the amount fixed under the unregulated system if it is greater than the amount of the deposit on such a container under this Regulation.

“189.3 The designated management body must inform the population, not later than 15 October 2023 for containers referred to in section 189.1 or 15 February 2025 for containers referred to in section 189.2, of the provisions provided for in sections 189.1 and 189.2”.

82. Section 190 is amended

(1) by replacing “7 July 2022 ceases to have effect on the first day of the sixteenth month following that date” in the first paragraph by “the date on which that Act is repealed ceases to have effect on the same date”;

(2) by replacing “7 July 2022 terminates on the first day of the sixteenth month following that date” in the second paragraph by “the date on which that Act is repealed ceases to have effect on the same date”;

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

“The same applies to the agreement dated 17 May 1985 entered into by the Fonds québécois de récupération, the Association des détaillants en alimentation du Québec, the Association des épiciers en gros du Québec, the Conseil québécois du commerce de détail, the Canadian Grocery Distributors’ Institute, Ferme Carnaval inc., Les épiciers unis/Métro-Richelieu inc., Groupe Servi, represented by Aliments Servi inc., Hudon et Deaudelin ltée, Provigo inc., Steinberg inc. and the special retailers’ committee set up by the Association des détaillants en alimentation, in collaboration with the retail chains, and to any written agreement that replaces it which, if still in effect on the date of repeal of the Act referred to in the first paragraph, ends on that date.”.

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

106387

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)

Recovery and reclamation of products by enterprises — 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 to Regulation respecting the recovery and reclamation of products by enterprises, 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 meet the obligations of the Regulation in force.

Obligations are added with respect to drop-off centres and collection services for the products to which the Regulation in force applies.

The draft Regulation amends the rules governing the visibility of costs for the recovery and reclamation of the products to which the Regulation in force applies.

The draft Regulation requires information to be added to the report that an enterprise must submit annually to the Minister.

The rules on audits are specified.

The draft Regulation amends the obligations concerning remediation plans.

Free access for the returning of products to drop-off centres is extended to all complementary collection services.

The draft Regulation adds smart watches to the category of electronic products.

The date on which the minimum recovery rate for paints and paint containers and for oils, coolants, anti-freeze, filters and containers and other similar products increases from 75% to 80% is pushed back.