

Gouvernement du Québec

## O.C. 1367-2023, 23 August 2023

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

### Certain transitional measures needed for the application of the Act

Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection

WHEREAS, under section 22 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5), the Government may, by a regulation made before the date that is two years after the date of coming into force of that section, enact any other transitional measure required to carry out the Act;

WHEREAS Order in Council 1364-2023 dated 23 August 2023 fixes 30 August 2023 as the date of coming into force of section 22 of the Act;

WHEREAS it is expedient to enact, by regulation, certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), the draft Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection was published in Part 2 of the *Gazette officielle du Québec* dated 19 July 2023 with a notice stating that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection without amendment;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it, and where the reason justifying such coming into force has been published with the regulation;

WHEREAS the Government is of the opinion that the urgency of the situation requires that the Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection come into force on the day of its publication in the *Gazette officielle du Québec* 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) specifies that the deposit system it concerns must be implemented starting on 1 November 2023, and sets the same date for the end of the deposit system currently regulated by the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) and the agreements made pursuant to that Act and the Regulation made under it;

(2) the Société québécoise de récupération et de recyclage is a party to those agreements and on 1 November 2023 it will hold amounts collected pursuant to the agreements that it must then remit to the persons who signed the agreements. As a result, it is important for the provisions of this Regulation authorizing the payment of such amounts to the management body designated to perform the obligations of the signing parties pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers come into force as quickly as possible before that date to enable the financing of the new system;

(3) in addition, the amendments introduced by the Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers, made on the same date as this Regulation, must come into force before 7 September 2023, and some of them concern the termination of the current deposit system. It is therefore important for this Regulation to come into force on the same date to ensure that the provisions of both Regulations are consistent.

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

THAT the Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection, attached to this Order in Council, be made.

DOMINIQUE SAVOIE  
*Clerk of the Conseil exécutif*

## Regulation respecting certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5, s. 22)

### CHAPTER I PROVISIONS APPLICABLE WITH RESPECT TO DEPOSITS

**1.** The purpose of this Regulation is to enact certain transitional measures needed for the application of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5).

**2.** The Société québécoise de récupération et de recyclage, hereinafter the “Société”, must, not later than 15 December 2023, pay to the management body designated pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) an amount equal to the amount that, on 31 March 2023, appeared as “Provision for amounts payable for container deposits”, for the Beer component, under the heading “Liabilities” in its financial statements for the 2022-2023 fiscal year.

The amount is reduced by any part of the provision already paid to the designated management body by the Société before the date of coming into force of this Regulation.

**3.** The amount referred to in the first paragraph of section 2 cannot be used for any purpose other than the development and implementation of a deposit-refund system for certain containers to which the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) applies.

**4.** The Société must, not later than 15 December 2023, send to the Minister, the designated management body and each party having signed an agreement entered into in accordance with the Beer and Soft Drinks Distributors’ Permits Regulation (chapter V-5.001, r. 1) covering redeemable containers in which beer is sold that is in force on 31 October 2023, the amount of the provision referred to in the first paragraph of section 2, the method used to calculate the amount of the provision, and the elements taken into account to perform the calculation, including:

(1) an estimate by the Société of the number of days, on average, that elapses before a redeemable container is returned for a refund of the deposit pursuant to that agreement;

(2) the daily average of deposits referred to in paragraph 1 that are refunded, including the encouragement bonus, for each deposit amount covered by the agreement;

(3) the amount of the provision, including the encouragement bonus, for redeemable containers in which beer is sold, for each deposit amount covered by the agreement.

### CHAPTER II PROVISIONS APPLICABLE TO COMPENSATION

**5.** On the expiry of the time limit set out in the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10) for the last payment of the compensation owed for the year 2025 to the municipalities to which the Regulation applies, a body certified pursuant to subdivision 4.1 of Division VII of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) that has paid all the amounts of compensation it had to pay pursuant to that subdivision must, if it still holds amounts collected under that subdivision, remit them not later than the thirtieth day following the last payment of compensation owed for the 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 31st 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*.

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Gouvernement du Québec

#### **O.C. 1368-2023, 23 August 2023**

Environment Quality Act  
(chapter Q-2)

#### **Compensation for municipal services provided to recover and reclaim residual materials — Amendment**

Regulation to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials

WHEREAS, under the third paragraph of section 53.31.2 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required to pay a compensatory contribution as compensation to the municipalities;

WHEREAS, under the first paragraph of section 53.31.3 of the Act, the annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services;

WHEREAS, under the second paragraph of section 53.31.3 of the Act, the Société québécoise de récupération et de recyclage determines annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities;

WHEREAS, under the first paragraph of section 53.31.4 of the Act, for the purposes of section 53.31.3 of the Act, the Government prescribes by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage and the conditions, including the date, under which they must be sent, and whereas the regulation must also specify the penalties applicable if those obligations are not met;

WHEREAS, under the second paragraph of section 53.31.4 of the Act, should a municipality fail to send the required information or documents to the Société québécoise de récupération et de recyclage before the date prescribed by a regulation made under the first paragraph of that section, the cost of the services provided by the municipality that is eligible for compensation is determined in accordance with the rules set by regulation, and, for that purpose, the Société may estimate the quantity of materials subject to compensation that was recovered or reclaimed in that municipality's territory by using the data from other municipalities in accordance with that regulation;

WHEREAS, under the third paragraph of section 53.31.4 of the Act, such a regulation may also include specific calculation rules in the case where the Société québécoise de récupération et de recyclage deems that a municipality's failure to comply results from special circumstances beyond its control;

WHEREAS, under section 53.31.5 of the Act, the Government may, by regulation and for every material or class of materials it specifies, set the maximum amount of the annual compensation payable and limit the amount of the annual compensation payable to a percentage it sets;

WHEREAS, under the first paragraph of section 53.31.12 of the Act, the certified body must remit to the Société québécoise de récupération et de recyclage, in trust, the amount of the compensation owed to the municipalities and determined in accordance with the second paragraph of section 53.31.3 of the Act;

WHEREAS, under the second paragraph of section 53.31.12 of the Act, the certified body must also remit to the Société québécoise de récupération et de recyclage, in addition to the compensation owed to the municipalities, the amount payable to the Société under section 53.31.18 of the Act;

WHEREAS, under the third paragraph of section 53.31.12 of the Act, the Government may, by regulation, determine how the amounts identified in the first and second paragraphs of that section are to be paid, including any interest or penalties due in case of non-payment, and the Société québécoise de récupération et de recyclage and the certified body may make arrangements regarding payment, subject to the applicable regulatory prescriptions;