

THAT be declared autoroute the entrance and exit ramps of Autoroute 10, also designated as Autoroute des Cantons-de-l'Est, built on lot 4 803 991 of the Québec cadastre, of the registration division of Shefford, located in the territory of Bromont, shown on the plan prepared by Mr. Jacques Bonneau, land surveyor, on September 13, 2011, under number 15253 of his minutes and kept in the archives of the ministère des Transports et de la Mobilité durable under number AA-8608-154-04-0794.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 1365-2023, 23 August 2023

Environment Quality Act
(chapter Q-2)

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

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

System of selective collection of certain residual materials and other regulatory provisions — Amendment

Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and other regulatory provisions

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, in particular require any person, in particular any person operating an industrial or commercial establishment, who manufactures, markets or otherwise distributes containers, packaging or packaging materials, printed matter or other products, who markets products in containers or packaging acquired for that purpose or, more generally, whose activities generate residual materials to develop, implement and contribute financially to, on the terms and conditions fixed, programs or measures to reduce, recover or reclaim the residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities, with the goal of extended responsibility of these persons, all while taking into account basic principles of the circular economy and taking into account the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

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

WHEREAS, under section 53.30.1 of the Act, a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Act that requires, as a measure, certain persons to develop, implement and contribute financially to a system of selective collection of certain residual materials, including the collection, transportation, sorting and conditioning of those materials, whenever those materials are stored, to ensure their recovery and reclamation may, in particular,

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

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

— under paragraph 3 of the section, determine the terms and conditions applicable to the collection, transportation, sorting and conditioning of the products referred to in paragraph 1, including their storage, where they are considered to be residual materials within the meaning of the Act;

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

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

— under paragraph 6 of the section, prescribe a mechanism for resolving disputes that may arise following the entering into or performance of contracts referred to in paragraph 2 or the obligation to prescribe such a mechanism in such contracts;

WHEREAS, under section 53.30.3 of the Act, the Government may, by a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, in particular,

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

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

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

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

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

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

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

WHEREAS, under section 20 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5), a regulation made

under section 53.30 of the Environment Quality Act may, for the cases provided for in the third paragraph of section 17 of the Act to amend mainly the Environment Quality Act with respect to deposits and selective collection, prescribe a mechanism for compensating the services referred to in section 53.31.1 of the Environment Quality Act, as it read before being repealed, if the services are provided on or after 31 December 2024;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made under the Act or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act, the Government may determine the provisions of a regulation the Government has made under that Act or the Acts concerned whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and others regulations 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 to amend the Regulation respecting a system of selective collection of certain residual materials and other regulatory provisions with amendments;

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 to amend the Regulation respecting a system of selective collection of certain residual materials and other regulatory provisions come into force on the day of its publication in the *Gazette officielle du Québec* as warranted by the following circumstances:

— some of the provisions of the Regulation must come into force before 7 September 2023, since they make that date the deadline for the negotiation of certain contracts between the designated management body and municipal bodies and Aboriginal communities;

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

THAT the Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and other regulatory provisions, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting a system of selective collection of certain residual materials and other regulatory provisions

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, s. 53.30.1 and s. 53.30.3, pars. 1 to 7)

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.)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection
(2021, chapter 5, s. 20)

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

4. 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.”.

5. 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. The person must, in such a case, include a mention for the same purpose as in the third paragraph and the same internet address.”

6. 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 months” in the second paragraph by “16 months”.

7. Section 19 is amended in the first paragraph

(1) 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 paragraph preceding subparagraph 1;

(2) in subparagraph 1

(a) by inserting “with any other person” after “a contract”;

(b) by striking out “with the exception of the elements listed in subparagraphs 9 and 10 of the first paragraph and the second paragraph of that section,”;

(c) by inserting “beginning on the date of expiry of the contract for the collection and transportation of residual materials to which, on 7 July 2022, the municipal body or Aboriginal community is a party and that expires not later than 31 December 2024” after “those residual materials”;

(3) in the French text, by striking out “du premier alinéa” in subparagraph 2.

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

9. 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”.

10. 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”.

11. 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 contract with any other person covering, as a minimum, the elements referred to in section 25, to provide the collection and transportation of those materials from 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, if a contract has been entered into pursuant to paragraph 2 of section 20, from 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 of this section, with the necessary modifications.”

12. 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”;

(c) by inserting “with any other person” after “a contract” in subparagraph 1;

(d) by striking out “except those referred to in subparagraphs 9 and 10 of the first paragraph and the second paragraph of that section, with a person,”;

(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.”

13. 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 a Northern village 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 village concerned to enter into a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings in that territory, 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 fifth paragraph of section 18, 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 section 25, for the collection and transportation, in the territory of the northern village concerned, of the residual materials to which this Regulation applies, beginning on 1 January 2027; or

(2) beginning on 1 January 2027, undertake itself to collect and transport the residual materials to which this Regulation applies in the territory of the northern village concerned.”

14. Section 24 is amended in the first paragraph

(1) by replacing “In addition to the collection and transportation of residual materials covered by a contract entered into pursuant to sections 18 and 20, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must cover” in the part preceding subparagraph 1 by “Every contract entered into pursuant to this Division covering, as a minimum, the collection and transportation of residual materials must, in addition, cover”;

(2) in subparagraph 1

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

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

(b) by inserting the following after subparagraph *b*:

“(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;”.

15. 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 territory 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 covering, as a minimum, residential buildings with less than 9 dwellings in that territory. 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.”.

16. 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”.

17. 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”.

18. 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*.

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

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

21. 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 that meets the conditions of section 31 and whose application meets the requirements of sections 32 and 33 must be given priority over the designation of a body pursuant to the first paragraph of section 46.”.

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

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

23. 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”.

24. Section 58 is amended

(1) by adding “the audit report on its financial statements, the audit report on the information referred to in the second paragraph and the audit reports on the information referred to in section 86.3 that was audited for the year covered by the report on its activities” 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.”.

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 second year following the year in which the plan was submitted, the rates prescribed for that second year 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 the producers it determines, of the following information that each producer must provide pursuant to section 122: the quantity, by weight, for each type of material and, when the materials are plastic, for each type of resin, of the materials entering into the composition of the containers, packaging and printed matter that the producer commercializes, markets or otherwise distributes or uses to commercialize, market or otherwise distribute a product.

The designated management body must ensure that all the audits conducted annually pursuant to the first paragraph cover at least 10% of the total quantity of materials concerned.

Beginning on 1 January 2026, the designated management body must also, at least once every three years, arrange an audit of the information referred to in paragraph 7, subparagraph *f* of paragraph 8 and paragraph 9 of section 59 that must be provided, pursuant to the first paragraph of section 124.1, by the sorting centres with which it has entered into a contract pursuant to Division IV and the information referred to in subparagraphs *d* to *f* of paragraph 8 of section 59 that must be provided, pursuant to the second paragraph of section 124.1, 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 chartered professional accountant or by another person referred to in the second paragraph of section 58. The accountant or the person may be employed by the person engaging their services.

To allow the designated management body to fulfill its obligations under this section, every producer, every sorting centre and every conditioner whose information is audited must, at the request of the person engaged to conduct the audit, give access to the documents and information the person 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 the system 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 122 is replaced by the following:

“A producer must provide to the designated management body, annually and within the time it indicates, the quantity, by weight, for each type of material and, when the materials are plastic, for each type of resin, of the materials entering into the composition of the containers, packaging and printed matter that the producer commercializes, markets or otherwise distributes or uses to commercialize, market or otherwise distribute a product.

A producer must also provide to the designated management body, within the time it indicates, all the documents and information other than those referred to in the first paragraph that the body requests to allow it to perform its responsibilities and obligations pursuant to this Regulation.”.

38. Section 123 is amended

- (1) in the first paragraph
 - (a) by striking out “within 1 year”;
 - (b) by replacing “from it” by “from that institution, business or industry”;
 - (c) by inserting “work at” after “persons who”;

(2) by inserting “and educational institutions” after “consumption” in the second paragraph.

39. Section 124 is amended

- (1) by striking out “within 1 year”;
- (2) by replacing “from them” by “from it”.

40. The following is inserted after section 124:

“**124.1** A sorting centre must provide to the designated management body, annually and within the time it indicates, the information referred to in paragraph 7, subparagraph *f* of paragraph 8 and paragraph 9 of section 59.

A condition must provide to the designated management body, annually and within the time it indicates, the information referred to in paragraph 7, subparagraph *f* of paragraph 8 and paragraph 9 of section 59.”

41. Section 125 is amended by replacing “or conditioning” in the part preceding paragraph 1 by “, conditioning or reclamation”.

42. 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”.

43. 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.”.

44. 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.”

45. 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 chartered professional accountant or any other person 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 have the data or information referred to in section 86.3 audited or to have it audited by a chartered professional accountant or any other person referred to in the second paragraph of section 58;

(10) 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;

(11) to comply with the time limit provided for in section 87;

(12) to provide to a designated management body the information referred to in section 122, section 125 or section 126 or to provide it within the prescribed time.”

46. 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 24, 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 striking out “, within the time limits and” in paragraph 6;

(5) 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, section 124.1 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.”

47. 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.”

48. 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 prescribed time and on the prescribed conditions;

“(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;”.

49. Section 134 is replaced by the following:

“**134.** Every designated management body that fails to establish any committee required by this Regulation commits an offence and is liable to a fine of \$6,000 to \$600,000.”.

50. 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 chartered professional accountant or any other person 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 have the information referred to in section 86.3 audited or to have it audited by a chartered professional accountant or any other person referred to in the second paragraph of section 58,

(10) 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,

(11) to comply with the time limit set out in section 87,

(12) 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,

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.”

51. 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 24, 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, section 124.1 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,”.

52. 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.”

53. 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 prescribed time and on the prescribed conditions,

“(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”.

54. 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”.

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

106442

Gouvernement du Québec

O.C. 1366-2023, 23 August 2023

Environment Quality Act
(chapter Q-2)

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

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

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

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

WHEREAS, under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, in particular, require any person, in particular any person operating an industrial or commercial establishment, who manufactures, markets or otherwise distributes containers, packaging or packaging materials, printed matter or other products, who markets products in containers or packaging acquired for that purpose or, more generally, whose activities generate residual materials, to develop, implement and contribute financially to, on the terms and conditions fixed, programs or measures to reduce, recover or reclaim residual materials generated by the containers, packaging, packaging materials, printed matter or other products, or generated by their activities, with the goal of extended responsibility of these persons, all while taking into account basic principles of the circular economy and taking into account the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);

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