

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)

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

System of selective collection of certain residual materials

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 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 and the Regulation to amend the Regulation respecting a system of selective collection of certain residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers provides for the establishment of conditions conducive to the successful rollout of the modernized deposit-refund system and to stakeholder buy-in, in particular by keeping the number of return sites at 1200 as of 1 March 2025, providing for a minimum of return sites for each administrative region instead of a minimum number of return points, and allowing that number, when counted for all the inhabitants, to include a maximum of 25% of bulk return points. In addition, the draft Regulation increases the maximum distance between a return site and a retail establishment operated by a group of retailers and extends from 7 to 14 days the time limit for refunding the deposit for containers returned to a bulk return point. It also excludes tins from the containers covered under the system, provides more flexibility for the specification of a different deposit amount for reusable containers to better meet the needs of the industry, allows reusable containers to be collected separately from establishments offering on-site consumption if there is no agreement, extends to 10 years the duration of the designation of the designated management body, and requires the designated management body to set up a contingency fund.

The draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials extends to 10 years the duration of the designation of the designated management body in consequence of the draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers.

The draft Regulation to amend the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers would generate annual savings for businesses. Relaxing the requirements for setting up return sites for redeemable containers will create more opportunities to optimize the return site network and support its deployment, thereby generating savings for producers of redeemable containers and for the designated management body. However, in order to improve the financial stability of the system, the producers concerned may be required to pay additional costs, as they would henceforth have to contribute to a contingency fund that would allow the designated management body to meet its obligations for at least 3 months. In short, the draft Regulation would generate annual savings of \$11.5 million for producers of redeemable containers and for the designated management body.

The draft Regulation to amend the Regulation respecting a system of selective collection of certain residual materials would have no financial impact.

Further information on the draft Regulations may be obtained by contacting Valérie Lephât, Direction de la réduction, du réemploi et du recyclage, Direction principale des matières résiduelles, 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 Regulations is requested to submit written comments within the 45-day period to Gitane Boivin, Director, Direction principale des matières résiduelles, 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 and 3 to 7, and s. 53.30.3, pars. 1, 3 to 5 and 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.).

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 the first paragraph of section 2

(1) by inserting the following definition in alphabetical order:

““tin” means a hermetically sealed container mainly composed of metal other than aluminum and used for preserving food, whose lid can be fully removed using a tool or a tab attached to it;”;

(2) by inserting “a tin,” after “except” in the definition of “redeemable container”.

2. Section 19 is amended

(1) by inserting “, in particular,” before “the volume” in the second paragraph;

(2) by replacing “to commercialize, market or other distribute a product” in the fourth paragraph by “concerned by the specification or modification”.

3. Section 25 is amended by striking out “except in isolated or remote territories,” in subparagraph 10 of the first paragraph.

4. Section 39 is amended by replacing “7” in paragraph 2 by “14”.

5. Section 41 is amended

(1) in the first paragraph

(a) by striking out “, excluding bulk return sites;”;

(b) by striking out “Beginning on 1 March 2025, a minimum of 1,500 return sites, excluding bulk return sites, must be functional.”;

(2) in the third paragraph

(a) by replacing “points” in the portion before subparagraph 1 by “sites”;

(b) by replacing “point” wherever it appears by “site”;

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

“The minimum number of return sites that each administrative region must have, when counted for all the inhabitants, may include a maximum of 25% of bulk return points.”.

6. Section 48 is amended by adding “provided the retailer has obtained prior approval from any producer that has developed and implemented the deposit-refund system,” after “to join,” in the second paragraph.

7. Section 49 is amended

(1) by replacing “3” in paragraph 2 by “4”;

(2) in paragraph 3

(a) by replacing “2” by “3”; and

(b) by replacing “25,001 to 100,000 inhabitants” by “more than 25,000 inhabitants”;

(3) by striking out paragraph 4.

8. Section 65 is amended by inserting the following after the first paragraph:

“For the purposes of subparagraph 3 of the first paragraph, a collection may be carried out in several phases to allow the establishment to return the reusable containers it has stored separately from other redeemable containers.”.

9. Section 72 is amended by replacing “5” in subparagraph 3 of the first paragraph by “10”.

10. Section 79 is amended

(1) by replacing “5” in the first paragraph by “10”;

(2) by replacing “5” in subparagraph 2 of the second paragraph by “10”.

11. Section 82 is amended by replacing “5-year” by “10-year”.

12. The following is inserted after section 93:

“**93.1.** Within 4 months after its designation, the designated management body must set up a contingency fund that allows it to meet its obligations under this Regulation, and maintain it for the duration of its designation.

Within the same time limit, the body must establish the terms and conditions for contributions to the contingency fund by its members.

As of the third full calendar year of the body's designation, the contingency fund must be sufficient to allow the body to meet its obligations for a period of at least 3 months.

93.2. For the purposes of section 93.1, in the case of a management body designated before 1 March 2025, the time limit is calculated from that date rather than from the date of its designation.”

13. Section 124 is amended by inserting “in section 135.2 is sent and before the report referred to” after “years, before the report referred to”.

14. The following is inserted after section 135.1:

“§§10.2. *Mid-designation report*

135.2. Not later than 6 months before the expiry of the fifth year of its designation or the renewal of its designation, the body must file with the Société and with the Minister a report on the implementation and effectiveness of the deposit-refund system for that period, which must also include consultations and discussions with environmental groups and consumers, the dates of the consultations and discussions, the topics discussed, the recommendations made and any follow-up action taken.

The report must also set out the body's strategic aims and priorities for the deposit-refund system for the following 5 years.”

15. Section 174 is amended by inserting “or joining an existing group” after “retailers” in paragraph 1.

16. Section 177 is amended

- (1) in paragraph 1
- (a) by replacing “1,500” by “1,200”; and
- (b) by striking out “, excluding bulk return points,”;
- (2) by inserting the following after paragraph 3:

“(3.1) fails to comply with the maximum number of bulk return points provided for in the fifth paragraph of section 41;”

17. Section 181 is amended by inserting “or joining an existing group” after “retailers” in paragraph 1.

18. Section 184 is amended

- (1) in paragraph 1
- (a) by replacing “1,500” by “1,200”; and
- (b) by striking out “, excluding bulk return points,”;
- (2) by inserting the following after paragraph 3:

“(3.1) fails to comply with the maximum number of bulk return points provided for in the fifth paragraph of section 41;”.

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

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

Environment Quality Act
(chapter Q-2, s. 53.30, pars. 6 and 8, and s. 53.30.3, pars. 1, 3, 4, 5 and 7).

1. The Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) is amended in section 33 by replacing “5” in paragraph 3 by “10”.

2. Section 38 is amended by replacing “5” in the first paragraph by “10”.

3. Section 39 is amended by replacing “5” in the second paragraph by “10”.

4. Section 65 is amended by inserting “that is, before the report referred to in section 72.1 and the report referred to in section 38 are sent,” after “years,”.

5. The following is inserted after section 72:

“§§2.1. *Mid-designation report*

72.1. Not later than 6 months before the expiry of the fifth year of its designation or the renewal of its designation, the body must file with the Société and with the Minister a report on the implementation and effectiveness of the system of selective collection for that period.

The report must contain at least the information referred to in subparagraphs 1 to 7 of the first paragraph of section 39.

The report must set out the aims and priorities of the designated management body for the following 5 years.

The report must also state the comments and recommendations made by environmental groups and consumers, in particular during the consultations held pursuant to section 65. Where the body decides not to act on certain recommendations, it must justify its position in the report.”

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

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