

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Application of the Consumer Protection Act — 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 application of the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the situations in which a tool is considered commonly available and regulates the disclosure of information by merchants and manufacturers concerning the warranty of availability of replacement parts, repair services and the information necessary to maintain or repair goods of a nature that requires maintenance. The draft Regulation also provides that the prohibition to use a technique that has the effect of making it more difficult for consumers or their mandataries to maintain or repair goods may, in certain circumstances, be excluded.

The regulatory impact analysis indicates that the planned amendments should not generate any costs for the manufacturing and retail trade sectors. In addition, the amendments should not have any incidence on employment or the competitiveness of Québec businesses. For citizens, the draft Regulation will help improve the transparency of information on the reparability of goods.

Further information on the draft Regulation may be obtained by contacting Joël Simard, lawyer, Direction des affaires juridiques, Office de la protection du consommateur, 5199, rue Sherbrooke Est, aile A, bureau 3671, Montréal (Québec) H1T 3X2; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec)

G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 39, 2nd par., s. 227.0.3, and s. 350, pars. d.9, d.10 and r).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 4).

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by inserting the following after section 79.16:

“CHAPTER VI.4 GOODS OF A NATURE THAT REQUIRES MAINTENANCE WORK

79.17. For the purposes of the second paragraph of section 39 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), a tool is considered commonly available where

(a) it is provided free of charge not later than when the consumer takes possession of the goods;

(b) it can be obtained online or in-store at a reasonable price and within a reasonable time.

79.18. For the purposes of section 39.1 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), the manufacturer must disclose in a prominent and comprehensible manner, online, if he entirely, partially or in no way guarantees the availability of each of the following elements:

- (a) replacement parts;
- (b) repair services;
- (c) information necessary to maintain or repair the goods.

If the manufacturer partially guarantees the availability of one of those elements, he must also disclose, in the same manner, a list of the replacement parts, repair services or information necessary to maintain or repair the goods, as the case may be, whose availability he does not guarantee.

The information disclosed pursuant to this section must be presented in a manner that allows it to be easily retained and printed in paper form. If a user or maintenance manual is provided with the goods, the manufacturer must include the said information in the manual in a prominent and comprehensible manner.

79.19. For the purposes of section 39.2 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), the merchant must, before entering into a contract, disclose in writing, in a prominent and comprehensible manner, if he entirely, partially or in no way guarantees the availability of each of the following elements:

- (a) replacement parts;
- (b) repair services;
- (c) information necessary to maintain or repair the goods.

If the merchant partially guarantees the availability of one of those elements, he must also disclose, in the same manner, a list of the replacement parts, repair services or information necessary to maintain or repair the goods, as the case may be, whose availability he does not guarantee.

In addition, the merchant, before entering into a contract online, must publish in proximity of that information a hyperlink to the information disclosed by the manufacturer under the first and second paragraphs of section 79.18.

79.20. A merchant who publishes online the information prescribed in the first and second paragraphs of section 79.19 is exempt from the application of section 39.2 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), provided that the merchant

(a) presents the information in a prominent and comprehensible manner;

(b) presents the information in a way that allows the consumer to easily retain and print it in paper form; and

(c) publishes the hyperlink to the information disclosed by the manufacturer under the first and second paragraphs of section 79.18 in proximity of that information.”

2. The Regulation is amended by inserting the following after section 91.20, as made by section 68 of the Act to protect consumers against abusive commercial practices and to offer better transparency with respect to prices and credit (2024, chapter 32):

**“SECTION VI
TECHNIQUE THAT HAS THE EFFECT OF
MAKING IT MORE DIFFICULT TO MAINTAIN OR
REPAIR GOODS**

91.21. A merchant or manufacturer who demonstrates that the use of a technique that has the effect of making it more difficult to maintain or repair goods does not contravene section 227.0.3 of the Act if the use of the technique is, as the case may be,

(a) the only way to protect the consumer or his or her mandatory from a grave, serious, direct and immediate risk to that person’s safety, except if the mandatory is a person who provides services to repair or maintain goods as part of the operation of an enterprise; or

(b) required to ensure compliance with an Act or regulation.”

3. The Regulation comes into force on 5 October 2025.
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