Gouvernement du Québec

O.C. 800-2025, 18 June 2025

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

WHEREAS, under the second paragraph of section 39 of the Consumer Protection Act (chapter P-40.1), 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), it must be possible to install the replacement parts using commonly available tools and without causing irreversible damage to the goods and a regulation may determine cases in which a tool is considered commonly available;

WHEREAS, under the first paragraph of section 227.0.3 of the Consumer Protection Act, subject to any applicable regulations, no merchant or manufacturer may use a technique that has the effect of making it more difficult for the consumer or his mandatary to maintain or repair goods;

WHEREAS, under paragraph *d*.9 of section 350 of the Consumer Protection Act, the Government may make regulations determining, for the purposes of section 39.1 of the Act, the information the manufacturer must disclose to the consumer, the manner in which it is to be disclosed and the applicable conditions;

WHEREAS, under paragraph *d*.10 of section 350 of the Consumer Protection Act, the Government may make regulations determining, for the purposes of section 39.2 of the Act, the information the merchant must disclose to the consumer, the manner in which it is to be disclosed and the applicable conditions;

WHEREAS, under paragraph *r* of section 350 of the Consumer Protection Act, the Government may make regulations exempting, in whole or in part, from the application of the Act, any class of persons, goods, services or contracts that it determines and fixing conditions for that exemption;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Consumer Protection Act was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2025 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

DAVID BAHAN
Clerk of the Conseil exécutif

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, 1st par., 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 in particular where

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

(*b*) it can be obtained by means of a distance contract 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

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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, the information making it possible to easily identify 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. Where a manufacturer makes available a user or maintenance manual, he 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, the information making it possible to easily identify 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 near that information the hyperlink leading to the information referred to in the first and second paragraphs of section 79.18 and disclosed by the manufacturer, if such a hyperlink exists.

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, near that information, the hyperlink leading to the information referred to in the first and second paragraphs of section 79.18 and disclosed by the manufacturer, if such a hyperlink exists.".

2. The Regulation is amended by inserting the following after section 91.20:

"**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*) necessary to protect the consumer or his or her mandatary from a grave, serious, direct and immediate risk to that person's physical safety, except if the mandatary 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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