

chapter Q-2, r. 46.01

**Regulation respecting a system of selective collection of certain residual materials**

Environment Quality Act

(chapter Q-2, s. 53.30, 1st par., subpars. 6 and 8, and ss. 53.30.1 and 53.30.3).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation

(chapter M-11.6, s. 1 (s. 30, 1st par., and s. 45, 1st par.)).

Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs

(chapter M-30.001, s. 15.4.40, 1st par., subpar. 19).

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection

(2021, chapter 5, s. 20).

Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles

(2022, chapter 8, s. 38).

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## CHAPTER I

### GENERAL

O.C. 973-2022, c. I.

**1.** The purpose of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers or packaging or commercialize, market or otherwise distribute containers, packaging and printed matter to develop, implement and contribute financially to a system of selective collection of residual materials generated to allow them to be recovered and reclaimed.

O.C. 973-2022, s. 1.

**2.** In this Regulation, unless otherwise indicated by context,

“Aboriginal community” means any Aboriginal community represented by its band council; (*communauté autochtone*)

“conditioning” means any stage in the treatment of residual materials subsequent to sorting that involves dismantling, shredding, reassembling, cleaning or transforming them in any other way in order to reclaim them; (*conditionnement*)

“containers and packaging” means a product made of flexible or rigid material such as paper, cardboard, plastic, glass or metal, and any combination of such materials that

(1) is used to contain, protect, wrap, support or present products at any stage in the movement of the product from the producer to the ultimate user or consumer; or

(2) is intended for a single or short-term use of less than 5 years and designed to contain, protect or wrap products, such as storage bags, wrapping paper and paper or styrofoam cups, or to be used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils; (*contenants et emballages*)

“establishment offering on-site consumption” means an establishment that is not mobile that offers meals, snacks or drinks for sale for immediate consumption on the premises with no table service; (*établissement de consommation sur place*)

“municipal body” means a municipality, the metropolitan community of Montréal, the metropolitan community of Québec, an intermunicipal board or any group of municipalities; (*organisme municipal*)

“outdoor public place” means any part of land, public road or other outdoor place accessible to the public, continuously, periodically or occasionally, and that is owned by a municipal body or operated by such a body; (*lieu public extérieur*)

“printed matter” means any product made of paper and other cellulosic fibres, whether or not used as a medium for text or images, except books with a useful life of more than 5 years; (*imprimés*)

“residual materials” means residual materials generated by the containers, packaging and printed matter referred to in sections 4 to 6 and 8 to 9; (*matières résiduelles*)

“trademark” means a sign or combination of signs that is used by a person for the purpose of distinguishing or so as to distinguish products or services manufactured, sold, leased, hired or performed by that person from those manufactured, sold, leased, hired or performed by others. However, “trademark” does not include a certification mark within the meaning of section 2 of the Trademarks Act (R.S.C. 1985, c. T-13). (*marque de commerce*)

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).

In this Regulation, the use of the term “sorting, conditioning and reclamation” includes the transfers required for those operations, unless otherwise indicated by context.

O.C. 973-2022, s. 2; O.C. 1365-2023, s. 1.

## CHAPTER II

### DEVELOPMENT, IMPLEMENTATION AND FINANCIAL CONTRIBUTION OF A SYSTEM OF SELECTIVE COLLECTION

O.C. 973-2022, c. II.

#### DIVISION I

##### DEVELOPMENT, IMPLEMENTATION AND FINANCING OBLIGATION

O.C. 973-2022, Div. I.

**3.** In this Regulation, every person referred to in section 4, paragraph 1 or 2 of section 5, section 6 or 8, paragraph 1 or 2 of section 9 or section 10 is a “producer”.

O.C. 973-2022, s. 3.

#### § 1. — *Containers and packaging*

O.C. 973-2022, Sd. 1.

**4.** Every person that is the owner or user of a name or trademark and has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by

(1) the containers and packaging used in the commercialization, marketing or distribution of any other kind in Québec of a product under that name or trademark; and

(2) the containers and packaging identified by that name or trademark.

The obligations set out in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier in Québec, other than the manufacturer,

(1) of a product the owner or user of the name or trademark for which has no domicile or establishment in Québec;

(2) *(subparagraph revoked)*;

(3) of a product that is commercialized, marketed or otherwise distributed without a name or trademark in a container or packaging; and

(4) of a container or packaging that is not identified by a name or trademark.

O.C. 973-2022, s. 4; O.C. 1365-2023, s. 2.

**5.** Where a product is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated, the containers and packaging used for its commercialization or marketing, or, where the product is a container or packaging, the residual materials generated by the container or packaging, applies to

(1) the person operating a transactional website used to acquire the product and which allows a person having no domicile or establishment in Québec to commercialize, market or otherwise distribute the product in Québec; and

(2) the person from which the product was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

O.C. 973-2022, s. 5.

**6.** Where the persons referred to in the second paragraph of section 4 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 4 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

O.C. 973-2022, s. 6.

**7.** Despite sections 4 to 6, a person is not required to develop, implement and contribute financially to a system of selective collection of residual materials generated by containers or packaging for which

(1) the person is already required, pursuant to a regulation made under the Environment Quality Act (chapter Q-2), to develop, implement or contribute financially to measures to recover and reclaim the containers or packaging;

(2) the person is already required, pursuant to a system of selective collection established pursuant to another law in Québec, to implement or contribute financially to measures to recover and reclaim the containers covered by the system; or

(3) the person is able to show a direct contribution to another system to recover and reclaim the containers and packaging to which this Regulation applies that operates on a stable and regular basis in Québec and that

(a) ensures the recovery of the residual materials concerned throughout Québec; and

(b) enables the achievement of the recovery and reclamation rates, including local reclamation rates, by a designated management body for the purposes of section 30.

For the purposes of subparagraph 3 of the first paragraph, a person determines the person's direct contribution to another recovery and reclamation system by sending to the Société québécoise de récupération et de recyclage and the Minister, on 15 May each year, a demonstration of the contribution the data of which have been audited by a person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26), and authorized by the order of which the person is a member to complete an audit mission.

O.C. 973-2022, s. 7.

§ 2. — *Printed matter*

O.C. 973-2022, Sd. 2.

**8.** Every person who owns or uses a name or trademark and that has a domicile or establishment in Québec is required to develop, implement and contribute financially to a system of selective collection of residual materials generated by printed matter identified by that name or trademark.

Despite the first paragraph, the obligation it specifies applies to the person having a domicile or establishment in Québec that acts as the first supplier, in Québec,

(1) of printed matter identified by a name or trademark the owner of which has no domicile or establishment in Québec;

(2) (*subparagraph revoked*);

(3) of printed matter that is not identified by a name or trademark.

O.C. 973-2022, s. 8; O.C. 1365-2023, s. 3.

**9.** Where printed matter is acquired outside Québec, as part of a sale governed by the laws of Québec, by a person domiciled or having an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracts by public bodies (chapter C-65.1), for its own use, the obligation to develop, implement and contribute financially to a system of selective collection of residual materials generated by that printed matter, including the containers and packaging used for its commercialization or marketing, applies to

(1) the person operating the transactional website used to acquire the printed matter and which allows a person having no domicile or establishment in Québec to commercialize, market or distribute the printed matter; and

(2) the person from which the printed matter was acquired, whether or not that person has a domicile or establishment in Québec, in other cases.

O.C. 973-2022, s. 9.

**10.** Where the persons referred to in the second paragraph of section 8 do business under a single banner, whether pursuant to a franchise contract or another form of affiliation, the obligation set out in the first paragraph of section 8 applies to the owner of the banner if that owner has a domicile or establishment in Québec.

O.C. 973-2022, s. 10.

**11.** The obligations set out in section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 must be performed collaboratively by the persons concerned and they may only develop, implement and contribute financially to a single system of selective collection for all such persons.

O.C. 973-2022, s. 11.

## DIVISION II

### SYSTEM CONTENT

O.C. 973-2022, Div. II.

**12.** Producers must, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection with respect to the collection and transportation of residual

materials throughout Québec, except in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1),

(1) collect and transport, in accordance with the terms and conditions set out in Division III of this Chapter, residual materials from

(a) the residential sector, from institutions, businesses and industries whose residual materials and volumes are similar to those of the residential sector, from educational institutions other than university institutions, and from institutions, businesses, industries and outdoor public places whose residual materials are collected and transported, on 7 July 2022, by a municipal body or an Aboriginal community;

(b) not later than 5 years after the coming into force of this Regulation, all institutions and businesses as well as university institutions;

(c) not later than 2 years after the submission of the plan referred to in section 56, two thirds of the outdoor public spaces identified in the plan;

(d) not later than 3 years after the submission of the plan referred to in section 56, all the outdoor public spaces identified in the plan; and

(e) not later than 8 years after the coming into force of this Regulation, all industries;

(2) define the terms and conditions for the collection and transportation of the residual materials from the places listed in subparagraph 1 to the place where they are sorted and from there to a place where they are conditioned, reclaimed or disposed of;

(3) promote the entering into the contracts referred to in Division III of this Chapter with groups of municipalities to optimize the collection and transportation of residual materials;

(4) promote the entering into the contracts referred to in Division III of this Chapter, where they concern the collection and transportation of residual materials in the territory of Îles-de-la-Madeleine, and in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1) with, as the case may be, the agglomeration of Les Îles-de-la-Madeleine, the Eeyou Istchee James Bay Regional Government or the Cree Nation Government;

(5) promote the entering into the contracts provided for in Division III of this Chapter with service providers operating at the time when a producer must take steps to enter into contracts pursuant to sections 18 and 20; and

(6) provide, with respect to services to collect and transport residual materials referred to in this Regulation, client services to allow, in particular, for the filing and processing of complaints from clients of those services;

(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.

Where, on 1 January 2025, the collection and transportation of residual materials from an industry, a business, an institution, an educational institution referred to in subparagraph *a* of subparagraph 1 of the first paragraph or a residential building with 9 dwellings or more has not been the subject of a contract for the purposes of Division III of this Chapter, producers must provide the collection and transportation of the materials.

Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, with respect to the collection and transportation of residual materials in the territory governed by the Kativik Regional Government as

described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1),

(1) not later than 1 January 2025, provide the collection and transportation of those materials in the territory of at least 1 Northern village;

(2) not later than 1 January 2027, provide the collection and transportation of those materials in the territory of all the Northern villages; and

(3) promote the entering into of contracts for the collection and transportation of those materials with the Kativik Regional Government.

O.C. 973-2022, s. 12; O.C. 1365-2023, s. 4.

**13.** Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, with respect to the sorting, conditioning and reclamation of residual materials,

(1) manage residual materials in a way that gives priority to reclamation, with the choice of reclamation processes respecting the following order:

(a) reuse;

(b) recycling, with the exception of biological treatment;

(c) any other form of reclamation by which residual materials are treated for use as a substitute for raw materials;

(d) energy recovery, subject to the following cases:

i. a life cycle analysis, complying with the applicable ISO standards and taking into account the perennality of resources and the externalities of various reclamation methods for recovered materials, that shows that a reclamation method is more advantageous than another in environmental terms;

ii. the existing technology or the applicable laws and regulations does not allow for the use of a reclamation method in the prescribed order;

(2) define the places where residual materials may be stored for processing and reclamation;

(3) promote the local sorting, conditioning and reclamation of residual materials and give priority to, in the following order, maintaining, optimizing and developing players in the value chain in Québec;

(4) plan measures to facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1); and

(5) sort and condition the residual materials recovered in accordance with the terms and conditions set out in Division IV of this Chapter.

O.C. 973-2022, s. 13.

**14.** Producers must ensure that the system of selective collection they develop, implement and finance allows residual materials to be traced from collection to final destination.

The traceability of residual materials involves using quantitative data to monitor quantities of residual materials covered by the system of selective collection, at each stage in the collection, transportation, sorting and conditioning process until their final destination.

O.C. 973-2022, s. 14.



**15.** Producers must in addition, for the purpose of fulfilling their obligations for the development, implementation and financing of a system of selective collection, ensure that the system of selective collection they develop

(1) includes operating rules, criteria and requirements that all service providers, including subcontractors, must comply with for the purpose of the management of the residual materials recovered and provides for the establishment of measures to ensure compliance;

(2) includes measures to promote the ecodesign of containers, packaging and printed matter to ensure that they are compatible with the system of selective collection, in particular concerning

(a) their recyclability;

(b) the existence of market outlets for the residual materials;

(c) the inclusion of recycled post-consumer materials in containers, packaging and printed matter;

(d) the effort made to reduce, at source, the materials used to manufacture containers, packaging and printed matter; and

(e) the quantities of containers, packaging and printed matter marketed;

(f) cutting-edge technologies to facilitate sorting;

(3) includes information, awareness and education activities, in particular to inform consumers about the environmental benefits of recovering and reclaiming the residual materials concerned and the types of residual materials targeted by the system of selective collection;

(4) includes a research and development component on

(a) techniques to recover and reclaim the residual materials generated by containers, packaging and printed matter;

(b) the development of market outlets allowing the reclamation of the materials, which must be situated in the following areas, by order of priority: Québec, regions adjacent to Québec, elsewhere in Canada and the United States; and

(c) the measures that may be implemented to ensure that the system of selective collection contributes to the fight against climate change, in particular by reducing the greenhouse gas emissions attributable to the system;

(5) includes a means of communication to make public the following information covering the preceding year, each year, and ensure access for a minimum period of 5 years:

(a) the name of the person or management body designated pursuant to section 30 to implement the system;

(b) the name of the system, if any;

(c) the quantity of materials making up the containers, packaging and printed matter covered by this Regulation, by weight, type of material and type of resin where the materials are plastics;

(d) the quantity of materials referred to in subparagraph *c* of this subparagraph that are recovered;

(e) the quantity of materials referred to in subparagraph *c* of this subparagraph that are

i. sent to a place referred to in subparagraph 1 of the first paragraph of section 77;

- ii. sent to a place referred to in subparagraph 2 of the first paragraph of section 77;
- iii. otherwise reclaimed;
- iv. stored for more than 30 days, per administrative region; or
- v. disposed of;

(f) the province, state or, in the case of the United States, the American State in which are located the sites where recovered materials were, as the case may be, conditioned, stored, disposed of or reclaimed and, in the latter case, the reclamation method;

(g) the quantity, by weight, of residual materials made of rigid plastic recovered and sorted, by type of resin;

(h) a description of the main activities completed during the preceding year pursuant to subparagraphs 3 and 4;

(i) a description of the measures implemented to promote the ecodesign of containers, packaging and printed matter and so that the system of selective collection contributes to the fight against climate change, in particular by reducing the greenhouse gas emission attributable to the system;

(j) the manner in which the body ensured, with respect to the management of residual materials produced by the containers, packaging and printed matter recovered, to comply, in the choice of a reclamation process, in the order of priority referred to in paragraph 1 of section 13 and a justification for failing to respect that order;

(k) the manner in which the basic principles of the circular economy and the social economy within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1) were taken into account;

(l) if applicable, a description of the remedial plan referred to in the second paragraph of section 82, the amount of financing for the measures included in the plan, the implementation schedule and a list of the measures completed during the year;

(m) the contract models used by the producer to provide the collection, transportation, sorting and conditioning of the residual materials; all the contract models that the producer may use for that purpose must be made public within 8 months after the coming into force of this Regulation;

(n) in the case of a system implemented by a management body designated pursuant to section 30,

i. the name of the body;

ii. the names of the body's members;

iii. the composition of the body's board of directors;

iv. a list of the committees set up by the body, their composition and their mandate;

v. with reference to the information referred to in subparagraph *d* of this subparagraph, the recovery rate achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 73;

vi. with reference to the information referred to in subparagraph *e* of this subparagraph, the reclamation rate, including the local reclamation rate, achieved during the preceding year and the gap between that rate and the minimum rate prescribed in section 75; and

vii. a report setting out the income resulting from the collection, from its members, of amounts to cover the costs of developing and implementing the system of selective collection, which must indicate the apportionment made under subparagraph 7 and be detailed as follows:

I) the costs relating to the collection and transportation of residual materials covered by this Regulation, including costs for client services;

II) the costs relating to the sorting, conditioning and reclamation of the residual materials concerned;

III) the costs referred to in subparagraphs *I* and *II*, per inhabitant and by industry, business or institution served;

IV) the management costs of the designated management body and the costs incurred by the Société québécoise de récupération et de recyclage (referred to herein as the “Société”) for the system of selective collection;

V) the costs for the collection, transportation, sorting, conditioning and reclamation of containers or residual materials not covered by the system of selective collection that were collected;

VI) the costs for the activities referred to in subparagraphs 3 and 4;

VII) the other costs;

(6) provides for the determination of the costs involved in the recovery and reclamation of residual materials generated by the containers, packaging and printed matter covered by this Regulation, after subtraction of any income or gain derived from those materials;

(7) apportions the costs referred to in subparagraph 6 based on characteristics such as those referred to in subparagraphs *a* to *d* of subparagraph 2 and taking into account the percentage of post-consumer recycled materials of which the containers, packaging and printed matter are made;

(8) provides for the verification, by a person who meets any of the following conditions, of the management of the residual materials recovered and of compliance with the requirements of subparagraph 1:

(a) the person holds certification as an environmental auditor issued by a body accredited by the Standards Council of Canada;

(b) the person is a member of a professional order governed by the Professional Code (chapter C-26);

(9) ensures that the verification referred to in subparagraph 8 is conducted at each sorting centre and each conditioner at the following frequency:

(a) at least once in the 2 years following 2025;

(b) as of the first verification conducted under subparagraph *a*, at least once every 3 years;

(10) is not used for purposes for which it is not intended.

The cost of recovering and reclaiming residual materials generated by a container, packaging or printed matter referred to in subparagraph 6 of the first paragraph may only be allocated to a product commercialized, marketed or otherwise distributed using that container, packaging or printed matter, 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 internalized in the sale price as soon as it is commercialized, marketed or otherwise distributed.

This internalized cost may only be made visible on the initiative of the producer who commercializes, markets or otherwise distributes the product, container, packaging or printed matter, and in such a case the

information must be made visible by the producer as soon as its product is commercialized, marketed or otherwise distributed. The information must include a mention that the cost is used to ensure the recovery and reclamation of the residual materials covered by this Regulation and the address of the website where more information can be obtained.

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.

O.C. 973-2022, s. 15; O.C. 1365-2023, s. 5.

**16.** Where the system provides for the management of the residual materials concerned in a territory referred to in subparagraph 4 of the first paragraph of section 12, the producer must ensure that the measures set out in this Division are adapted to the needs and particularities of that territory.

O.C. 973-2022, s. 16.

### **DIVISION III**

#### **CONTRACTS FOR THE COLLECTION AND TRANSPORTATION OF RESIDUAL MATERIALS**

O.C. 973-2022, Div. III.

##### **§ 1. — *Object of contracts***

O.C. 973-2022, Sd. 1.

**17.** This Division concerns the time limits, terms and conditions that apply to the contracts entered into by producers for the collection and transportation of residual materials referred to in this Regulation and their minimum content.

O.C. 973-2022, s. 17.

##### **§ 2. — *Time limits, terms and conditions applicable to the entering into contracts***

O.C. 973-2022, Sd. 2.

**18.** Where, on 7 July 2022, a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends not later than 31 December 2024, a producer must, not later than 8 months after 7 July 2022, take steps to enter into, with that municipal body or Aboriginal community or with any other municipal body or Aboriginal community, a contract for, as a minimum, the collection and transportation of residual materials from residential buildings with less than 9 dwellings with the minimum content set out in section 25.

Where, 16 months after 7 July 2022, no contract has been entered into pursuant to the first paragraph, the producer and the municipal body or Aboriginal community, as the case may be, 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 municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified by the producer, within the same time limit, of the reasons of the dispute preventing the entering into the contract referred to in the first paragraph and of the selection of a mediator, if applicable.

The Minister and the Société must be notified in writing of the outcome by the mediator within 30 days of the end of the mediation process.

If the municipal body or Aboriginal community and the producer opt to begin the mediation process referred to in the second paragraph, it may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the third paragraph.

O.C. 973-2022, s. 18; O.C. 1365-2023, s. 6.

**19.** If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph of section 18 despite the mediation process undertaken pursuant to the second paragraph of that section, the producer may choose

(1) before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party, to enter into a contract with any other person containing, as a minimum the elements set out in section 25 in order to ensure the collection and transportation of those residual materials 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; or

(2) starting on the date referred to in subparagraph 1, to undertake to collect and transport the residual materials itself.

Where, pursuant to the first paragraph, the producer enters into a contract for the collection and transportation of residual materials with a person, or undertakes to collect and transport the residual materials itself, the producer must send a notice to the municipal body or Aboriginal community, as the case may be, indicating the date from which the residual materials will be collected and transported by that person or by the producer.

The notice referred to in the second paragraph must be sent before the expiry date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party and which is referred to in the first paragraph of section 18.

O.C. 973-2022, s. 19; O.C. 1365-2023, s. 7.

**20.** Where, on 7 July 2022, a municipal body or an Aboriginal community is a party to a contract for the collection and transportation of residual materials that ends on a date after 31 December 2024, a producer must, not later than 18 months before 31 December 2024 choose to

(1) take steps to enter into, with the municipal body or Aboriginal community, as the case may be, a contract specifying compensation for the body or Aboriginal community for the services referred to in 53.31.1 of the Environment Quality Act (chapter Q-2), as it read prior to 31 December 2024 provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials to which the municipal body or Aboriginal community is a party; or

(2) take steps to enter into, with the municipal body or Aboriginal community, as the case may be, a contract in which

(a) the municipal body or Aboriginal community agrees to cancel the contract for the collection and transportation of residual materials to which it is a party; and

(b) the producer undertakes to compensate the municipal body or Aboriginal community for the costs, penalties or other claims resulting from the cancellation referred to in subparagraph *a* of this paragraph.

O.C. 973-2022, s. 20; O.C. 1365-2023, s. 8.

**21.** Where, 12 months prior to 31 December 2024, no other contract has been entered into pursuant to section 20, the producer and the municipal body or Aboriginal community, as the case may be, must, within 14 days, begin a mediation process with a mediator selected from a list of mediators selected pursuant to section 53. The producer and the municipal body or Aboriginal community, as the case may be, pay the fees, expenses, allowances and indemnities of the mediator entrusted with the dispute jointly and in equal shares.

The Minister and the Société must be notified by the producer, within the same time limit, of the reasons for the dispute preventing the entering into the contract referred to in section 20 and of the selection of a mediator.

The Minister and the Société must be notified in writing of the outcome by the mediator within 14 days of the end of the mediation process.

The mediation process referred to in the first paragraph may not take longer than 2 months from the date of the notice sent to the Minister in accordance with the second paragraph.

O.C. 973-2022, s. 21; O.C. 1365-2023, s. 9.

**22.** Where, 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, the producer must pay annually to the municipal body or Aboriginal community concerned, as compensation for the services referred to in section 53.31.1 of the Environment Quality Act (chapter Q-2) as it read prior to 31 December 2024 and provided between 1 January 2025 and the end date of the contract for the collection and transportation of residual materials, an amount corresponding to the average compensation received by the body or community for services provided during the years 2022 to 2024 under the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10).

The amount corresponding to the average compensation paid annually by the producer pursuant to the first paragraph is determined using the information forwarded by the Société to the municipal body or Aboriginal community and to the producer at their request.

O.C. 973-2022, s. 22; O.C. 1365-2023, s. 10.

**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.

O.C. 1365-2023, s. 11.

**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.

O.C. 1365-2023, s. 11.

**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.

O.C. 1365-2023, s. 11.

**23.** Where, on 7 July 2022, no service to collect and transport residual materials covered by this Regulation is provided in the territory of a municipal body or Aboriginal community or the service is provided directly by the municipal body or Aboriginal community, a producer must, not later than 18 months prior to 31 December 2024, take steps 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.

If it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph before the date that occurs 12 months prior to 31 December 2024, the second, third, fourth and fifth paragraphs of section 18 apply, with the necessary modifications.

On the expiry of the time limit provided for in the fifth paragraph of section 18, if it is impossible for the producer and the municipal body or Aboriginal community, as the case may be, to enter into the contract referred to in the first paragraph, the producer must choose

(1) to enter into a contract with any other person that contains, 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 day following 31 December 2024, provide itself the collection and transportation of those materials.

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.

O.C. 973-2022, s. 23; O.C. 1365-2023, s. 12.

**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 18th 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.

O.C. 1365-2023, s. 13.

**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.

O.C. 1365-2023, s. 13.

**24.** Every contract entered into pursuant to this Division covering, as a minimum, the collection and transportation of residual materials must, in addition, cover the collection and transportation of the following residual materials:

(1) residual materials generated by containers, packaging and printed matter covered by this Regulation, with the exception of

(a) residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils, and residual materials generated by products used to support or present products at any stage in their movement from the producer to the ultimate user or consumer; and

(b) residual materials consisting of

i. rigid plastic belonging to the polystyrene category;

ii. flexible plastic; or

iii. compostable or biodegradable plastic;

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

(c) residual materials used for industrial purposes;

(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;

(3) not later than 1 January 2029, residual materials generated by single-use products used by the ultimate user or consumer to prepare or consume a food product, such as straws and utensils;

(3.1) not later than 7 July 2030, residual materials used for industrial purposes;

(4) not later than 1 January 2031, residual materials consisting of compostable or degradable plastic.

Despite the first paragraph, a contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must, throughout the territory covered by the contract, allow the collection of residual materials whose collection was provided on all or part of the territory before 7 July 2022.

O.C. 973-2022, s. 24; O.C. 1365-2023, s. 14.

**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.

O.C. 1365-2023, s. 15.

### § 3. — *Minimum content*

O.C. 973-2022, Sd. 3.

**25.** A contract for the collection and transportation of residual materials entered into by a producer pursuant to this Division must contain, in particular, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

(2) the clients to whom residual material collection services are provided;

(3) the locations in which residual materials are collected, including outdoor public places;

(4) the territory in which residual materials are collected;

(5) all the parameters for the collection and transportation of residual materials, such as those relating to

(a) the type of equipment used for collection and transportation and the parameters relating to its origin and maintenance; and

(b) the conditions for the storage and transfer of residual materials during transportation, if applicable;

- (6) the destination of the residual materials collected and the conditions for their transfer, if applicable;
- (7) the financial parameters of the contract, including prices and terms of payment;
- (8) the duration of the contract and the conditions for its amendment, renewal or cancellation;
- (9) where the contract is entered into with a municipal body or Aboriginal community, the procedure for client service, in particular concerning complaint processing;
- (10) where the contract is entered into with a municipal body or Aboriginal community, the conditions for the awarding by it of contracts, if applicable, covering some or all of the collection and transportation of residual materials under its responsibility;
- (11) the traceability of residual materials during their transportation to the place where they are sorted;
- (12) the mechanism for resolving disputes arising from the performance of the contract, as selected by the parties;
- (13) the conditions ensuring the health and safety of workers during the collection and transportation of residual materials;
- (14) where an Aboriginal community is a party to the contract, details on training for the local workforce;
- (15) the parameters for communications between the parties;
- (16) the quality control procedure for the collection and transportation of residual materials covered by the contract, including the methods used to characterize the residual materials, site visits, and reliance on audits or an external auditor;
- (17) the terms and conditions for adding a party to the contract;
- (18) the information, awareness and education measures implemented to garner the support of system of selective collection clients;
- (19) the conditions for optimizing the procedure for collecting residual materials in order, in particular, to facilitate citizens' access to collection equipment;
- (20) where an Aboriginal community is a party to the contract, the manner in which its cultural and linguistic particularities are taken into account in the selective collection services and in the elements referred to in subparagraphs 9 and 18.

Where a contract entered into pursuant to this Division concerns the collection and transportation of residual materials in the territory governed by the Kativik Regional Government as described in paragraph *v* of section 2 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), in the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1), or in the territory of the regional municipalities of Minganie, Caniapiscau and Golfe-du-Saint-Laurent, it must include as a minimum, in addition to the elements listed in the first paragraph, the conditions for the storage, sorting or conditioning of residual materials prior to transportation, if applicable.

O.C. 973-2022, s. 25; O.C. 1365-2023, s. 16.

## DIVISION IV

### CONTRACTS FOR THE SORTING, CONDITIONING AND RECLAMATION OF RESIDUAL MATERIALS

O.C. 973-2022, Div. IV.

#### § 1. — *Object of contracts*

O.C. 973-2022, Sd. 1.

**26.** This Division concerns the time limits, terms and conditions that apply to the entering, by producers, into contracts for the sorting, conditioning and reclamation of residual materials covered by this Regulation and their minimum content.

O.C. 973-2022, s. 26.

#### § 2. — *Time limits, terms and conditions applicable to the entering into contracts*

O.C. 973-2022, Sd. 2.

**27.** Producers must ensure that the sorting, conditioning and reclamation of residual materials covered by this Regulation are carried out with no service interruptions and must enter into all contracts needed for that purpose.

Where, on 7 July 2022, a municipal body or an Aboriginal community is a party to a contract for the sorting, conditioning or reclamation of residual materials that ends on a date after 31 December 2024, sections 20 to 22.3 apply, with the necessary modifications, to the entering into the contract referred to in the first paragraph.

O.C. 973-2022, s. 27; O.C. 1365-2023, s. 17.

**28.** In selecting a service provider to enter into a contract pursuant to section 27, a producer must take into account

(1) the ability of the service provider to meet the determined requirements for the sorting, conditioning or reclamation of the residual materials targeted and to ensure local management of the residual materials recovered;

(2) the presence of a service provider able to provide the necessary services in the territory concerned;

(3) the system's accessibility for various types of service providers; and

(4) the business model of the service provider and the benefits generated for the community.

In making a selection, the producer must, when entering into a contract pursuant to section 27, give priority to service providers that are already operating when steps are taken to enter into the contract.

O.C. 973-2022, s. 28.

#### § 3. — *Minimum content*

O.C. 973-2022, Sd. 3.

**29.** A contract entered into pursuant to section 27 must contain, in particular, the following elements:

(1) the types of residual materials covered by the contract and their quantity;

- (2) the origin of the residual materials;
- (3) all the parameters for the sorting and conditioning of the residual materials, such as those relating to
  - (a) the type of equipment used to sort, condition or reclaim the residual materials and the parameters relating to their origin and maintenance;
  - (b) the types of bales of materials produced;
  - (c) the conditions for the storage and transfer of residual materials, at each state of sorting, conditioning or reclamation;
    - (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;
    - (d) the management of residual materials, in addition to the hazardous materials referred to in subparagraph c.1, taken in charge by the system of selective collection without being covered by this Regulation;
    - (e) the expected quality of the materials following sorting or conditioning; and
    - (f) the traceability of residual materials at each stage leading from sorting to conditioning and from conditioning to reclamation;
  - (4) if applicable, the destination for the materials once sorted or conditioned;
  - (5) the financial parameters for the contract, including prices and terms of payment;
  - (6) the quality control procedure for the sorting, conditioning or reclamation covered by the contract, including the methods used to characterize residual materials, site visits, and reliance on audits or an external auditor;
  - (7) the duration of the contract and the conditions for its amendment, renewal or cancellation;
  - (8) the mechanism for resolving disputes relating to the performance of the contract selected by the parties;
  - (9) the conditions ensuring the health and safety of workers at the site where materials are sorted, conditioned or reclaimed;
  - (10) the information, awareness and education measures implemented to garner the support of system of selective collection clients;
  - (11) the parameters for communications between the parties.

O.C. 973-2022, s. 29; O.C. 1365-2023, s. 18.

## CHAPTER III

### MANAGEMENT BODY

O.C. 973-2022, c. III.

#### DIVISION I

##### DESIGNATION

O.C. 973-2022, Div. I.

**30.** In the third month after the coming into force of this Regulation, the Société designates, to assume, in place of the producers, the obligations of developing, implementing and contributing financially to a system of selective collection, a body that meets the requirements of section 31 and for which the requirements of sections 32 and 33 have been met and for which an application for designation has been sent. The Société must, without delay, send to the body and to the Minister a written confirmation of the designation.

The designation referred to in the first paragraph is effective as of the date on which the Société sends the confirmation referred to in the first paragraph.

The Société publishes on its website, on the date provided for in the second paragraph, the name of the body designated as the management body of the system of selective collection and the date from which the designation is effective.

O.C. 973-2022, s. 30.

**31.** Any body may be designated pursuant to section 30 if

- (1) it is constituted as a non-profit legal person;
- (2) its head office is in Québec and it carries on most of its activities in that province;
- (3) its board of directors has at least 10 members and at least two thirds of its elected members are producers having their domicile or an establishment in Québec;
- (4) the number of members of the board of directors mentioned in paragraph 3 ensures a fair representation of all the sectors of activity to which the producers belong. Their representation is in proportion to the quantity, by weight, and type of containers, packaging and printed matter commercialized, marketed or otherwise distributed in Québec by the producers in each sector and to the types and quantities of materials used to manufacture such containers, packaging and printed matter;
- (5) it pursues its activities in the field of selective collection and the management of systems to recover and reclaim residual materials; and
- (6) it is able to bear financial responsibility for developing a system of selective collection in accordance with this Regulation.

O.C. 973-2022, s. 31.

**32.** Every application for the designation of a body must be sent to the Société not later than 7 September 2022 or, for a designation other than an initial designation, not later than 2 months before the expiry of the current designation, and must include the following information and documents:

- (1) the body's name, address, telephone number and email address;

- (2) the business number assigned to the body if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) the name of its representative;
- (4) a list of the members of the board of directors, with information allowing them to be identified;
- (5) in the case of a first designation, a plan for the development and implementation of a system referred to in section 33;
- (6) a copy of any document showing that the body meets the requirements of section 31;
- (7) a list of the producers supporting the designation of the body and any document showing support from producers;
- (8) a list of the body's members, if any.

Every person sending an application under the first paragraph must forward a copy of the application to the Minister on the same date as the date on which the application has been sent to the Société.

In cases other than an initial designation, the Société designates a body that meets the requirements of section 31 and for which the requirements of sections 32 and 33 are met and for which an application for designation has been sent, within 30 days of receiving the application.

O.C. 973-2022, s. 32.

**33.** A plan for the development and implementation of a system of selective collection must contain

- (1) a general description of the activities of the producers;
- (2) the terms and conditions of membership in the body;
- (3) a summary description of the planned system, covering the operational and financial components for the first 5 years of implementation;
- (4) the model contracts to be used by the body to provide the collection, transportation, sorting and conditioning of the residual materials;
- (5) a list of the measures that the body plans to implement to promote ecodesign and the development of market outlets, in particular in Québec, for various containers, packaging and printed matter and the ecodesign criteria it intends to ask the producers to take into account;
- (6) a list of the information, awareness and education measures the body plans to implement, in particular to facilitate the commissioning of the system of selective collection;
- (7) a draft timeframe for the development and implementation of the system, detailing in particular the implementation stages referred to in subparagraph 1 of the first paragraph of section 12; and
- (8) a proposal for harmonizing the system of selective collection with any deposit-refund system developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and of section 53.30.2 of the Environment Quality Act (chapter Q-2), hereinafter referred to as “deposit-refund system”, which must contain, without limiting the possibility to provide for other elements, the elements of section 88.

O.C. 973-2022, s. 33.

**34.** The Société may, if it notes that the development and implementation plan submitted to it with an application for designation pursuant to section 32 does not meet all the requirements of section 33, ask the applicant to make changes.

O.C. 973-2022, s. 34.

**35.** If, among the applications sent, more than one body meets the requirements of section 31, the requirements of sections 32 and 33 are met and the Société is satisfied with the development and implementation plan submitted for each body, it designates the body supported by the greatest number of producers.

O.C. 973-2022, s. 35.

**36.** On the expiry of the time limit set in the first paragraph of section 32, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of section 31, or if the requirements of sections 32 and 33 have not been met, the Société designates, within 30 days of the expiry of the time limit, any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

O.C. 973-2022, s. 36.

**37.** If the Société has not designated a body within the time allowed in section 30 or the first paragraph of section 36, the obligation provided for therein falls, as of the expiry of the time, on the Minister, who must act as soon as possible.

O.C. 973-2022, s. 37.

**38.** A body is designated for a period of 5 years.

On expiry, it is automatically renewed for the same period, provided that the body has filed with the Société and with the Minister, not later than 6 months prior to expiry, a report on the implementation and effectiveness of the system of selective collection and that the Société has indicated that it is satisfied with the report not later than 4 months prior to expiry.

O.C. 973-2022, s. 38.

**39.** The report referred to in section 38 must contain at least the following information on the current designation period:

(1) an overview of the progress of the types of materials taken in charge by the system of selective collection;

(2) a description of the main problems encountered in the implementation of the system and the manner in which the designated management body solved them;

(3) a description of the elements that, according to the body, allowed the system to generate positive benefits on the management of residual materials in Québec;

(4) a description of the progress of the percentages of recovery and reclamation achieved;

(5) an estimate of the quantities of greenhouse gas emissions that the measures implemented by the system of selective collection allowed to prevent;

(6) if applicable, a description of the measures contained in a remedial plan sent pursuant to section 82;

(7) the proportion of residual materials sent to a reclamation site within the meaning of section 77, per type of material, that were processed and transformed for reintroduction as a substitute for raw materials of the same nature into an industrial process to manufacture new products within the meaning of subparagraph 1 of the first paragraph of section 77.

The report referred to in the first paragraph must set out the aims and priorities of the designated management body for the following 5 years, which must describe in particular, for those years, the elements referred to in paragraphs 3 to 7 of section 33.

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.

O.C. 973-2022, s. 39.

**40.** The Société may, within the month following the submission of the report referred to in the second paragraph of section 38, suggest changes to the body that submitted the report.

The Société informs the Minister, within the time limit set in the first paragraph, of the changes it has suggested to the body.

The body has 2 weeks from the receipt of the proposed changes from the Société to make changes to the report or justify its decision not to make a suggested change.

O.C. 973-2022, s. 40.

**41.** If the Société has not ruled on a report within the time limit, the report is deemed to be satisfactory to the Société and the body's designation is automatically renewed on expiry with no further notice or time limit.

O.C. 973-2022, s. 41.

**42.** A body's designation is not renewed if

(1) the body has failed to submit its report within the time limit set in the second paragraph of section 38; or

(2) the body has submitted a report within the time limit set in the second paragraph of section 38, but the Société has not stated that it is satisfied with the report within the time limit set in the second paragraph of that section.

Where a designation is not to be renewed for a reason set out in the first paragraph, the Société must, at least 4 months before the expiry of the designation, notify the body and the Minister, giving the reason for non-renewal.

The Société must also, as soon as possible, post on its website a notice informing producers that the body's designation has not been renewed.

O.C. 973-2022, s. 42.

**43.** Where a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the 4 months prior to expiry, to designate, to ensure the implementation and financing of a system of selective collection developed and implemented by another body, any body that meets the requirements of section 31, for which the requirements of sections 32 and 33 have been met and for which an application for designation as a management body for the system of selective collection has been filed. It sends confirmation of the designation to the body and to the Minister without delay.



If the Société has not designated a body within the time limit in the first paragraph, the obligation provided for therein falls, as of the expiry of the time limit, on the Minister, who must act as soon as possible.

O.C. 973-2022, s. 43.

**44.** At the end of the time limit provided for in section 43, if no application for designation has been sent, or if no body for which an application has been sent meets the requirements of section 31 or for which the requirements of sections 32 and 33 have not been met, section 36 applies, with the necessary modifications.

O.C. 973-2022, s. 44.

**45.** The Société may terminate a current designation if

(1) the designated management body fails to comply with a provision of this Regulation or of its general by-laws;

(2) the designated management body ceases operations for any reason, including its bankruptcy, its liquidation or the assignment of its property;

(3) the designated management body has filed false or misleading information with the Société or has made false representations; or

(4) more than 50% of the members of the designated management body request termination.

To terminate a designation in progress, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If termination is for a reason provided for in subparagraph 1 of the first paragraph, the body must remedy its failure within the time limit set in the notice, failing which its designation is terminated by operation of law on the expiry of the time limit. If termination is for a reason provided for in subparagraph 2, 3 or 4 of the first paragraph, its designation is terminated by operation of law on the date of receipt of the notice by the body.

The Société must post on its website, as soon as possible, a notice informing producers that the body's designation has been terminated.

O.C. 973-2022, s. 45.

**46.** Where the Société sends a notice referred to in the second paragraph of section 45, it must take steps, within 6 months of sending the notice, to designate any body which, in its opinion, is able to assume the obligations of subdivision 1 of Division II of this Chapter, even if the body, which must still be constituted as a non-profit legal person and have its head office in Québec, meets only some or none of the other requirements.

The Société must, before designating a body pursuant to the first paragraph, obtain its agreement.

A designation under the first paragraph takes effect from the date on which a notice, sent as soon as possible by the Société, informing the body of the designation is received by the body.

O.C. 973-2022, s. 46; O.C. 1365-2023, s. 20.

**47.** Despite section 46, an application for designation as management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 45.

Sections 30 to 35 apply, with the necessary modifications, to any application filed pursuant to the first 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.

O.C. 973-2022, s. 47; O.C. 1365-2023, s. 21.

**48.** If the designation of a body ends prior to expiry or is not renewed, the body must continue to meet its obligations until a new body has been designated.

A body whose designation is terminated must take all necessary steps to ensure that the body that will take its place is able to fulfill all its obligations under this Regulation as soon as possible. The 2 bodies may, for that purpose, enter into a contract to determine the terms and conditions that apply, in particular, to the management of contracts entered into by the body whose designation is terminated.

O.C. 973-2022, s. 48.

## **DIVISION II**

### **OBLIGATIONS, RIGHTS AND RESPONSIBILITIES**

O.C. 973-2022, Div. II.

#### *§ 1. — Of the designated management body*

O.C. 973-2022, Sd. 1.

**49.** Every management body designated pursuant to Division I of this Chapter must assume, in place of the producers, the obligations of those producers under this Regulation.

O.C. 973-2022, s. 49.

#### *§§ 1. — Rules of governance*

O.C. 973-2022, Sd. 1.

**50.** A designated management body must, within 8 months after its designation, ensure that

(1) in addition to the conditions set out in paragraphs 3 and 4 of section 31, the board of directors of the body has enough members to ensure representation in proportion to the financial contribution made by producers to the system of selective collection;

(2) each producer is entitled to only one seat on the board of directors;

(3) each member of the board of directors who is not a member of the body pursues or has pursued activities in the field of selective collection;

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

O.C. 973-2022, s. 50; O.C. 1365-2023, s. 22.

**51.** A body must, within 8 months after its designation, adopt general by-laws providing for

(1) rules of ethics and professional conduct for the members of the board of directors and employees, addressing compliance with laws and regulations, the confidentiality of information obtained in the performance of their duties, conflicts of interest and apparent conflicts of interest;

(2) the procedure for convening meetings, making decisions and ensuring the necessary quorum at meetings of the board of directors;

(3) the contents of the minutes from meetings of the board of directors, which must record the decisions made and their approval by the board of directors;

(4) the inclusion of any topic raised by a member of the monitoring committee established pursuant to section 66 on the agenda at the next ensuing meeting of the board of directors, at the member's request, and the presence of the member to present it.

The body must also implement measures, within the same time limit, to ensure that data gathered for the development, implementation and management of the system of selective collection are used in accordance with the applicable laws and regulations and ensure protection for the personal and confidential information of its members.

O.C. 973-2022, s. 51.

**52.** The following items must be entered on the agenda for each annual general meeting of the members of a designated management body:

- (1) a presentation of the body's activities during the preceding calendar year;
- (2) changes in the implementation of the system and the costs incurred;
- (3) the possibility for members to give their opinion on those topics.

O.C. 973-2022, s. 52.

**53.** Within 30 days after its designation, the designated management body must establish a committee to select mediators pursuant to the second paragraph of section 18 or section 21.

The committee referred to in the first paragraph must include 2 persons chosen by the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), and 2 persons chosen by the designated management body.

The selection committee must, within 3 months of its establishment, draw up a list of 20 mediators accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

If training on the operation of the system of selective collection is needed to allow the mediators referred to in the third paragraph to perform their duties, the costs of the training are borne jointly and equally by the designated management body and the municipal federations referred to in the second paragraph.

O.C. 973-2022, s. 53; O.C. 1365-2023, s. 23.

**54.** The list of mediators drawn up pursuant to section 53 is sent to the Minister, the Société and the mediation or arbitration body referred to in the third paragraph of section 53 within 14 days of being drawn up.

O.C. 973-2022, s. 54.

**55.** 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 2025, the contingency fund must be sufficient to allow the body to meet its obligations for a period of at least 3 months.

O.C. 973-2022, s. 55.

§§ 2. — *Submission of plans and reports and monitoring committees*

O.C. 973-2022, Sd. 2.

**56.** Not later than 3 years after its designation, the designated management body must submit a plan to the Société and to the Minister describing how it intends to fulfill its obligation to collect and transport residual materials from outdoor public spaces in municipalities of over 25,000 inhabitants referred to in subparagraphs *c* and *d* of subparagraph 1 of the first paragraph of section 12, when those public spaces are not covered by a contract to collect and transport residual materials entered into pursuant to sections 18 to 24.

The Société may, within 2 months after submitting the plan referred to in the first paragraph, propose to the body to make changes to the plan.

The Société informs the Minister, within the same period as the period referred to in the second paragraph, of the changes to the plan it proposed to the body.

The body has 2 months after receiving the change proposals from the Société to make the changes in the plan or justify its decision not to make the proposed changes.

O.C. 973-2022, s. 56.

**57.** The plan referred to in section 56 must contain

(1) an identification and a map of all the outdoor public spaces concerned; and

(2) a description of the way in which the designated management body intends to collect and transport residual materials from the outdoor public spaces.

O.C. 973-2022, s. 57.

**58.** Not later than 30 June each year, as of 2024, the designated management body must send to the Société and the Minister, with respect to the system of selective collection, a report on its activities for the preceding calendar year along with its financial statements 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.

The report's information on the quantities or achievement of the rates and the financial statements must be audited by chartered professional accountant and authorized by the order of which the professional is a member to complete an audit mission. The financial statements may also be audited by any other person legally authorized to perform such an activity in Québec.

The person engaged to perform an audit referred to in the second paragraph may not be employed by the body or by a producer.

Despite the first paragraph, the first report sent by the designated management body covers its activities for the period beginning on the date of its designation and ending on 31 December 2023.

O.C. 973-2022, s. 58; O.C. 1365-2023, s. 24.

**59.** The report referred to in the first paragraph of section 58 must contain

- (1) the name and professional contact information of the directors of the designated management body, the sectors of activities of the producers they represent and the dates of the meetings of the board of directors;
- (2) a list of the body's members and of the persons referred to in section 7;
- (3) the name of the system of selective collection, if any;
- (4) any website address;
- (5) a description of the selective collection services, detailing the collection services provided for the residential sector, industries, businesses and institutions as well as outdoor public spaces;
- (6) the quantity of materials making up the containers, packaging and printed matter referred to in this Regulation, by weight, by type of materials and by type of resin where the materials are plastics;
- (7) the information referred to in subparagraph *d* of subparagraph 5 of the first paragraph of section 15 by type of material, by administrative region, by isolated or remote territory, for the whole of Québec, and by inhabitant;
- (8) the quantity, by weight and by type of materials, of residual materials generated by containers, packaging and printed matter covered by this Regulation that
  - (a) were disposed of, detailed in total quantity and by inhabitant;
  - (b) were the subject of energy recovery;
  - (c) were the subject of a biological treatment;
  - (d) were sent to a site referred to in subparagraph 1 of the first paragraph of section 77;
  - (e) were sent to a site referred to in subparagraph 2 of the first paragraph of section 77;
  - (f) were stored for more than 30 days, and the address of each storage site and the name of the person operating the site;
  - (g) following their conditioning, were sent to a site to be transformed for their reintroduction into an industrial process to manufacture new containers, packaging or printed matter, and the contact information of the site;
- (9) the quantity, by weight, of residual materials made of rigid plastic recovered and sorted, by type of resin;
- (10) the quantity, by weight, of residual materials not covered by this Regulation and that were taken in charge by the system of selective collection, and the quantity of redeemable containers under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2) taken in charge by that system and the manner in which the containers and residual materials were taken in charge for their reclamation;
- (11) the quantity, by weight, of the residual materials referred to in this Regulation and that were taken in charge as part of a deposit-refund system implemented under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act;
- (12) the recovery and reclamation rates referred to in sections 73, 75 and 79 that were achieved, based on the data by weight and the difference between the rates achieved and the rates prescribed;

(13) the final destination of the residual materials referred to in subparagraph *e* of subparagraph 5 of the first paragraph of section 15 and the name and address of the persons who recovered them, conditioned them, stored them, disposed of them or reclaimed them and, in the latter case, the reclamation method;

(14) for each type of container, packaging and printed matter, the criteria for apportioning the cost of collecting, transporting, sorting, conditioning and reclaiming them, taking into account criteria such as those set out in subparagraphs *a* to *d* of subparagraph 2 of the first paragraph of section 15;

(15) a description of the operating rules, criteria and requirements that all service providers, including subcontractors, must comply with for the purpose of the management of the residual materials recovered and the measures put in place to ensure compliance;

(16) the amounts charged to producers by the designated management body, pursuant to section 121, to finance the cost of recovering and reclaiming the residual materials referred to in subparagraph 6 of the first paragraph of section 15 and the apportionment of the cost made pursuant to subparagraph 7 of that section and, if the costs are internalized in the sale price of a product, the cost of collecting, transporting, sorting, conditioning and reclaiming the residual materials concerned whose cost is internalized in the sale price of the product; and

(17) the quantity, by weight, of compostable or degradable materials referred to in the first paragraph of section 86 and, if applicable, the amount of the sum paid pursuant to the second paragraph of section 86 and the measures the body put in place to reduce the use of those materials.

O.C. 973-2022, s. 59.

**60.** The report referred to in the first paragraph of section 58 must, in addition, contain

(1) a list of the contracts entered into by the designated management body and a summary of their contents and, if applicable, a list of any changes made to current or renewed contracts;

(2) a description of the measures put in place to promote the ecodesign of containers, packaging and printed matter and to allow the system of selective collection to contribute to the fight against climate change, in particular by avoiding the greenhouse gas emissions attributable to the system;

(3) a description of the way in which the body has ensured, with respect to the management of the residual materials generated by containers, packaging and printed matter that have been recovered, that the selection of a form of reclamation complies with the order of priority set out in paragraph 1 of section 13;

(4) a description of the way in which the body has, in developing and implementing the system of selective collection, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1);

(5) a description of its information, awareness and education activities and of the research and development activities completed during the year or scheduled for the following year;

(6) the results of all the studies carried out during the year, in particular the studies of the characterization of residual materials carried out pursuant to section 81;

(7) a list of its committees, the mandate of each committee and the names of its members;

(8) more specifically, with respect to the monitoring committees, the dates of their meetings, the topics on the agenda at each meeting, and the recommendations made by the committees to the board of directors;

(9) the actions taken on the recommendations made by the monitoring committees and, if applicable, the reason for which no action is taken on a recommendation;

(10) a list of the mediators selected pursuant to section 53;

(11) a report containing the information listed in subparagraph vii of subparagraph *n* of subparagraph 5 of the first paragraph of section 15;

(12) the number and sites where verifications referred to in subparagraph 9 of the first paragraph of section 15 were conducted during the year, the name and address of the person who conducted the verifications, a copy of the documents demonstrating that the person meets the conditions set in subparagraph 8 of that paragraph, the observations resulting from the verifications and, if applicable, the adjustment to be made by the body to correct the problems;

(13) any change made to the system and any change planned for the following year;

(14) if the designated management body has agreed with a management body designated under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2) on the elements for ensuring harmonization of the systems that will be developed, implemented and contributed financially to them, a description of the elements referred to in section 88; and

(15) a description of the steps referred to in section 115 that were taken during the year and the means planned, agreed to and implemented by the bodies with which exchanges occurred, to optimize the use of their resources.

O.C. 973-2022, s. 60; I.N. 2022-08-01.

**61.** The financial statements referred to in the first paragraph of section 58 must contain

(1) the contributions required from the producers for the financing of the system;

(2) any form of income from the operation of the system and, if applicable, of a deposit-refund system developed, implemented and financed under a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2);

(3) the expenses for the collection and transportation of residual materials, including expenses for the provision of the service to the clients served, and the expenses for the sorting, conditioning and reclamation of the residual materials;

(4) the expenses for the management of the redeemable containers and residual materials referred to in paragraphs 10 and 11 of section 59;

(5) the expenses for the information, awareness and education activities aimed in particular at informing consumers on the environmental benefits of recovery and reclamation of the residual materials concerned and on the types of residual materials involved in the system of selective collection;

(6) the expenses associated with the research and development activities on the elements referred to in subparagraph 4 of the first paragraph of section 15;

(7) the amount of the indemnity paid to the Société pursuant to section 116; and

(8) any other expenses for the implementation of the system of selective collection.

O.C. 973-2022, s. 61.

**62.** Where a remedial plan referred to in the second paragraph of section 82 must be produced by the designated management body, the annual report must also contain a detailed description of the measures in the plan that have been implemented during the year covered by the report, if applicable, the reasons for which certain measures were not implemented and the expenses incurred and that have not yet been incurred for the implementation of the measures.

O.C. 973-2022, s. 62.

**63.** The Société must, within 3 months after receipt of the designated management body's annual report, send to the designated management body the results of its analysis of the report including, if applicable,

(1) a list of the information required by sections 59 to 62 that do not appear and the time limit for providing the information; and

(2) any other obligation provided for in this Regulation that has not been complied with by the body and the time limit set for indicating how the situation is to be remedied and the schedule to do so.

It must also, in the same time limit as that set in the first paragraph, send to the Minister a written summary of the results of the analysis it made of the body's annual report, which must include the list provided for in subparagraph 1 of the first paragraph and a list of the obligations referred to in subparagraph of that paragraph, and formulate its recommendations on the manner in which the system of selective collection could be improved.

O.C. 973-2022, s. 63.

**64.** Not later than the 60th day after the date on which the results referred to in section 63 are sent or, if a time limit is set by the Société pursuant to subparagraph 1 of the first paragraph of that section, not later than the 60th day after the end of that time limit, the body makes the information referred to in subparagraph 5 of the first paragraph of section 15 public.

O.C. 973-2022, s. 64.

**65.** At least every 5 years, the designated management body must consult with environmental groups carrying on activities in the field of selective collection or in the field of management of residual material recovery and reclamation systems and with consumers to present the development of the system of selective collection and gather their comments and recommendations.

O.C. 973-2022, s. 65.

**66.** Not later than 2025, the designated management body must establish a committee to monitor the implementation of local services and a committee to monitor the collection of materials.

The members of the committees must be independent from the members of the designated management body's board of directors.

O.C. 973-2022, s. 66.

**67.** The designated management body must ensure that the members of each committee meet at least twice each year, beginning in the first year during which the first committee is established.

O.C. 973-2022, s. 67; O.C. 1365-2023, s. 25.

**68.** The members of the committee monitoring the implementation of local services are mandated by the following persons, communities and bodies:

(1) municipal bodies that are parties to the contracts entered into pursuant to Chapter II, that must mandate 3 to 5 representatives taking into account the regional or territorial characteristics;

(2) Aboriginal communities that are parties to the contracts entered into pursuant to Chapter II, that must mandate 2 representatives taking into account the regional or territorial characteristics;

(3) institutions, businesses and industries that are parties to contracts entered into pursuant to Chapter II, that must mandate 4 representatives taking into account the diversity of the needs of the institutions, businesses and industries in the collection of residual materials;



(4) the providers of services to collect and transport residual materials covered by this Regulation, that must mandate 3 representatives taking into account the range of business models and the various types of material making up the containers, packaging and printed matter.

Three seats as observers on the monitoring committee are held by the designated management body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

O.C. 973-2022, s. 68.

**69.** The members of the committee monitoring the collection of materials are mandated by the following persons having a domicile or establishment in Québec:

(1) the managers of sorting centres for the sorting of residual materials, who must mandate 3 representatives taking into account the range of business models;

(2) residual material conditioners, who must mandate 1 representative whose conditioning activities concern mainly plastic, 1 representative whose conditioning activities concern mainly glass and 1 representative whose conditioning activities concern mainly cellulosic fibres;

(3) residual material reclaimers, who must mandate 3 representatives whose reclamation activities concern mainly each of the 3 types of materials referred to in subparagraph 2;

(4) if applicable, persons acting mainly as intermediaries in the buying or selling of residual materials, such as brokers;

(5) a management body designated under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2), if such a body exists.

A person or body referred to in the first paragraph may only be represented on the committee by a single person.

Three seats as observers on the monitoring committee are held by the designated management body, the Ministère du Développement durable, de l'Environnement et des Parcs and the Société.

O.C. 973-2022, s. 69.

**70.** Every 2 years, one quarter of the members of each committee referred to in sections 68 and 69 must be replaced by new members who meet the conditions in those sections.

O.C. 973-2022, s. 70; O.C. 1365-2023, s. 26.

**71.** The monitoring committees are responsible for

(1) monitoring the implementation and management of the system;

(2) anticipating the issues that may arise when implementing and managing the system; and

(3) raising the issues with the designated management body and recommending ways to resolve them.

O.C. 973-2022, s. 71.

**72.** The designated management body must follow up on all the issues raised and all ways to resolve them recommended by a monitoring committee.

The designated management body must send to the monitoring committees, at their request, any operational and financial information for the system that they need to fulfill their mandate.

O.C. 973-2022, s. 72.

§§ 3. — *Recovery and reclamation rates*

O.C. 973-2022, Sd. 3.

**73.** A management body designated pursuant to section 30 is required to achieve the recovery rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in the year 2027 are as follows:

Type of material	Minimum annual recovery rate to be achieved beginning in year 2027
1- Cardboard	85%, increased to 90% after 5 years
2- Printed matter, containers and packaging made of fibres other than cardboard	80%, increased to 85% after 5 years
3- Rigid plastics of the high-density polyethylene (HDPE) type	80%, increased by 5% every 5 years until the rate reaches 90%
4- Rigid plastics of the polyethylene terephthalate (PET) type	80%, increased by 5% every 5 years until the rate reaches 90%
5- Other rigid plastics	75%, increased by 5% every 5 years until the rate reaches 85%
6- Flexible plastics	50%, increased by 5% every 5 years until the rate reaches 85%
7- Glass	70%, increased by 5% every 5 years until the rate reaches 85%
8- Metals other than aluminum	75%, increased by 5% every 5 years until the rate reaches 90%
9- Aluminum	55%, increased by 5% every 5 years until the rate reaches 80%

O.C. 973-2022, s. 73.

**74.** The recovery rates for residual materials listed in section 73 are calculated by dividing, for each type of material, the weight of the materials recovered by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100.

For the purposes of the first paragraph, the weight of the materials recovered is determined by the designated management body through characterization performed in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced may be considered in the calculation referred to in the first paragraph.

O.C. 973-2022, s. 74.

**75.** A management body designated pursuant to section 30 is required to achieve the reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved are as follows:

(1) for the years 2027 to 2029:

Type of material	Minimum annual reclamation rate to be achieved for years 2027 to 2029
1- Cardboard	75%
2- Printed matter, containers and packaging made of fibres other than cardboard	70%
3- Rigid plastics of the high-density polyethylene (HDPE) type	65%
4- Rigid plastics of the polyethylene terephthalate (PET) type	70%
5- Other rigid plastics	65%
6- Flexible plastics	40%
7- Glass	65%
8- Metals other than aluminum	70%
9- Aluminum	45%

(2) for the years 2030 and following:

Type of material	Minimum annual reclamation rate to be achieved beginning in the year 2030
1- Cardboard	75%, increased by 5% every 5 years until the rate reaches 85%
2- Printed matter, containers and packaging made of fibres other than cardboard	70%, increased by 5% every 5 years until the rate reaches 80%
3- Rigid plastics of the high-density polyethylene (HDPE) type	65%, increased by 10% every 5 years until the rate reaches a minimum of 85%
4- Rigid plastics of the polyethylene terephthalate (PET) type	70%, increased by 5% every 5 years until the rate reaches 85%
5- Other rigid plastics	65%, increased to 75% after 5 years
6- Flexible plastics	40%, increased by 10% every 5 years until the rate reaches 80%

7- Glass	70%, increased by 5% every 5 years until the rate reaches 80%
8- Metals other than aluminum	70%, increased by 10% every 5 years until the rate reaches 80%
9- Aluminum	45%, increased by 10% every 5 years until the rate reaches 85%

O.C. 973-2022, s. 75.

**76.** The reclamation rates for residual materials listed in section 75 are calculated as follows:

(1) for the rates referred to in subparagraph 1 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent after sorting to a conditioner by the weight of the materials of which the containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100;

(2) for the rates referred to in subparagraph 2 of the third paragraph of section 75, by dividing, by type of material, the weight of the materials sent by a conditioner to a reclamation site by the weight of the materials of which containers, packaging and printed matter covered by this Regulation and by multiplying the result obtained by 100.

For the purposes of the first paragraph, the weight of materials sent to a conditioner or to a reclamation site, as the case may be, is determined by the designated management body through a characterization performed in accordance with the conditions of section 81 and the weight of the materials of which the containers, packaging and printed matter are made concerns only the weight of materials collected and transported under a contract entered into pursuant to Division III of Chapter II of this Regulation in the year for which the rate is calculated.

Only materials that are traced within the meaning of section 14 may be considered in the calculation referred to in the first paragraph.

O.C. 973-2022, s. 76.

**77.** The following sites are reclamation sites for the purposes of section 76:

(1) sites where the materials sent are processed and transformed for reintroduction as a substitute for raw materials of the same nature into an industrial process to manufacture new products;

(2) sites where the materials sent are processed to be used as a substitute for raw materials of a different nature.

The following sites are not reclamation sites for the purposes of section 76:

(1) sites where the materials sent are used to produce a fuel, heat or any other form of energy;

(2) sites where the materials sent are used as backfill for a landfill site or used for the landscaping of such a site;

(3) sites where the materials sent are subjected to biological processing, except those situated in the territories referred to in subparagraph 4 of the first paragraph and those situated in the territory referred to in the third paragraph of section 12.

O.C. 973-2022, s. 77; O.C. 1365-2023, s. 27.

**78.** The rates listed in sections 73, 75 and 79 that are achieved by a producer must be audited by an independent third person who is a professional within the meaning of section 1 of the Professional Code (chapter C-26) and authorized by the order of which the professional is a member to complete an audit

mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

O.C. 973-2022, s. 78; O.C. 1365-2023, s. 28.

**79.** A management body designated pursuant to section 30 is required to achieve the local reclamation rates specified in this section from the residual materials generated by containers, packaging and printed matter referred to in sections 4 to 6, 8 and 9.

The rates specified in this section are determined by type of material.

The minimum rates to be achieved beginning in 2030 are as follows:

Type of material	Minimum annual local reclamation rate to be achieved beginning in 2030
1- Cardboard	90%
2- Printed matter, containers and packaging made of fibres other than cardboard	90%
3- Rigid plastics of the high-density polyethylene (HDPE) type	90%
4- Rigid plastics of the polyethylene terephthalate (PET) type	80%
5- Other rigid plastics	75%
6- Flexible plastics	50%
7- Glass	70%
8- Metals other than aluminum	50%
9- Aluminum	50%

O.C. 973-2022, s. 79.

**80.** The local reclamation rates listed in section 79 are calculated by dividing, by type of material, the weight of the materials sent by a conditioner to a local reclamation site by the weight of the materials sent to any reclamation site referred to in the first paragraph of section 77 and by multiplying the result obtained by 100.

A local reclamation site within the meaning of the first paragraph is a reclamation site referred to in section 77 and situated in the territory of Québec, in the territory of Ontario, New Brunswick, Nova Scotia, Prince Edward Island or Newfoundland and Labrador and in the territory of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York or Pennsylvania.

Where residual materials are sent to a local reclamation site situated elsewhere than in Québec, the proportion, by weight, of what has been sent that may be counted for the purposes of calculating the local reclamation rates is not more than 30% of the total weight of what has been sent to a local reclamation site.

The quantities of materials that correspond to the percentage referred to in the first paragraph may, at the body's choice, be completely counted for only one type of material or distributed among the various types of materials. The quantity of material obtained following such counting for a type of material may not exceed the actual quantity of material reclaimed locally, but elsewhere than in Québec, for that type of material.

O.C. 973-2022, s. 80.

**81.** To determine the weight of materials needed to calculate the rates referred to in sections 74 and 76, the designated management body performs a characterization using samples of residual materials taken in sorting centres and with conditioners in compliance with the following conditions:

- (1) sampling in a sorting centre is conducted before and after the sorting of the materials;
- (2) sampling with a conditioner is conducted when the materials are sent, by the conditioner, to the reclamation site or, if the conditioner is also the person who reclaims the materials, once conditioning has been completed;
- (3) one third of the sorting centres and conditioners must be the subject of a characterization each year, allowing each sorting centre and each conditioner to have been the subject of a characterization at least once every 3 years;
- (4) the samples taken as part of the characterization are taken in accordance with a sampling plan approved by a statistician who holds an accreditation issued by the Statistical Society of Canada or a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

O.C. 973-2022, s. 81.

**82.** The designated management body must, each year and for each type of material referred to in sections 73, 75 and 79, determine if the prescribed recovery, reclamation and local reclamation rates have been achieved.

Where one or more prescribed rates have not been achieved, the body must, within 3 months after the date for submitting the annual report referred to in section 58, submit a remedial plan to the Société and to the Minister 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.

Any change to a remedial plan must be submitted to the Société and the Minister within 30 days following the date of the change.

O.C. 973-2022, s. 82; O.C. 1365-2023, s. 29.

**83.** The measures in the remedial plan must

- (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) take into account the measures contained in any remedial plan previously submitted to the Société and to the Minister.

The remedial plan must specify that the body must finance the measures it contains and the amount of the financing calculated in accordance with section 84.

In the case of a failure to achieve the minimum rate for local reclamation, the measures in the remedial plan must, in addition to the measures specified in the first paragraph,

- (1) detail what the designated management body plans to do to stimulate the development, in Québec, of markets for the materials concerned; and
- (2) specify that if the local reclamation rate is not achieved during 10 consecutive years, the increase in the financing of measures that the body has implemented for the local reclamation of materials and that is specified in the remedial plan referred to in the second paragraph of section 82 will double until the rate is achieved.

O.C. 973-2022, s. 83; O.C. 1365-2023, s. 30.

**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.

O.C. 973-2022, s. 84; O.C. 1365-2023, s. 31.

**85.** Where, for a given type of material, the recovery and reclamation rates, except the local reclamation rate, do not achieve the prescribed rates for a period of 5 consecutive years, despite the implementation of the remedial plans sent to the Société and to the Minister during that period, the body must pay to the Minister of Finance, not later than 30 June after the last of those years, an amount equivalent to the amount of the financing, calculated for one year, for the measures targeting that type of material that were included in the last remedial plan sent to the Minister pursuant to the second paragraph of section 82. If, for the last of those years, the gap between the rate prescribed and rate achieved is less than 5%, the amount to be paid is reduced by half.

The sums paid pursuant to the first paragraph are paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001).

Any sum not paid within the prescribed time bears interest, from the date of default, at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, 15% of the unpaid amount is added to the sum owed if the failure to pay exceeds 60 days.

O.C. 973-2022, s. 85; O.C. 1365-2023, s. 32.

**86.** The designated management body must determine each year, for the preceding year and by type of materials, the weight of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made and the weight of the materials sent, as the case may be, to a conditioner or a reclamation site using a characterization performed in accordance with the conditions set out in section 81.

The body must, not later than 30 June each year, pay to the Minister of Finance a sum the amount of which is calculated using the following equation:

$$Mcd = \frac{Crv}{Qm} \times Qmr$$

where:

$M_{cd}$  = the amount of the sum to be paid for compostable or degradable materials for a given year;

$C_{rv}$  = the costs for the recovery and reclamation of compostable or degradable materials of which the containers and packaging are made, for the preceding year;

$Q_m$  = the quantity of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made;

$Q_{mr}$  = the quantity of compostable or degradable materials of which the containers and packaging referred to in this Regulation are made and that have been recovered under the system of selective collection.

The second, third and fourth paragraphs of section 85 apply to any sum referred to in the second paragraph of this section.

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.

O.C. 973-2022, s. 86; O.C. 1365-2023, s. 33.

**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.

O.C. 1365-2023, s. 34.

**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.

O.C. 1365-2023, s. 34.

§§ 3.1. — *Audit of the information provided by producers, sorting centres and conditioners*

O.C. 1365-2023, s. 34.

**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 3 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.

O.C. 1365-2023, s. 34.

#### §§ 4. — *Harmonization of systems*

O.C. 973-2022, Sd. 4.

**87.** A management body designated pursuant to Division I of Chapter III of this Regulation must, within 9 months after its designation or after the designation, if it is subsequent to that date, of a management body designated under a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.2 of the Environment Quality Act (chapter Q-2), take steps to agree with that body on the elements allowing to harmonize the systems to be developed, implemented and contributed financially to them.

O.C. 973-2022, s. 87.

**88.** System harmonization must include

(1) a determination of the types of containers or residual materials that each system may be required to take in charge despite them not being covered by any of the system, including

(a) with respect to redeemable containers that the system of selective collection may be required to deal with, caps, tabs, labels and shrink sleeves; and

(b) with respect to containers or residual materials that the deposit-refund system may be required to deal with, cardboard, containers not covered by the deposit-refund system, recipients and plastic film used to transport redeemable containers;

(2) the methods used to determine the quantities of containers or residual materials covered by a system that must be dealt with by the other system, including the criteria used for the characterization, as the case may be, of the redeemable containers or residual materials and an identification of the persons responsible for determining the quantities and the persons responsible for ensuring follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials covered by a system that must be dealt with by the other system, in particular concerning traceability and, where applicable, the manner in which they may be dealt with by the system by which they are covered;

(4) the financial terms and conditions for the performance of the obligations on which the 2 bodies agree;

(5) the terms and conditions for communications between the 2 bodies;

(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.

O.C. 973-2022, s. 88; O.C. 1365-2023, s. 35.

**89.** Any agreement on system harmonization must specify, in addition to the elements provided for in section 88,

(1) the duration of the agreement and the conditions for its amendment, renewal or cancellation;

(2) the dispute resolution mechanism.

A copy of an agreement entered into by the bodies must be sent to the Minister and to the Société within 15 days of signing.

O.C. 973-2022, s. 89.

**90.** If the designated management bodies submit a dispute to an arbitrator, pursuant to section 94, concerning an element referred to in paragraph 2 of section 88, they must, beginning on 1 January 2024, and every 3 months until an agreement referred to in section 87 is entered into or, as the case may be, until the end of a mediation process or the release of an arbitration award, characterize the redeemable containers covered by the deposit-refund system or the residual materials targeted by the system of selective collection, taken in charge by each system despite not being targeted by that system.

The bodies must, not later than 31 December 2023, jointly mandate a person to perform the characterizations referred to in the first paragraph.

A characterization must make it possible to determine the types and quantities of redeemable containers taken in charge by the system of selective collection or of residual materials taken in charge by the deposit-refund system despite not being targeted by that system.

To determine the types and quantities of redeemable containers taken in charge by the system of selective collection, each characterization must be performed using samples taken at a place where residual materials coming mostly from urban territories are sorted, a place where residual materials coming mostly from semi-urban territories are sorted and a place where residual materials coming mostly from rural territories are sorted, all of which are situated in different administrative regions.

To determine the types and quantities of residual materials taken in charge by the deposit-refund system, each characterization must be performed using samples taken in at least 10 operating return sites, including at least 2 of each type of return site, situated in at least 5 administrative regions.

The number of samples and the frequency at which the samples are taken must be validated by a statistician with a university diploma in statistics or an accreditation issued by the Statistical Society of Canada or by a statistician who is a member of the Association des statisticiens et statisticiennes du Québec.

The financial terms and conditions applicable to the taking in charge, by a system, of redeemable containers or residual materials that are not targeted by that system are, beginning on 1 January 2024 and until the date of the arbitration award, if the terms and conditions were not the subject of an agreement before that date, the terms and conditions determined by the arbitrator based on the information obtained as part of the arbitrator's mandate. The calculation of the amounts to be paid for taking containers or residual materials in

charge must be carried out on the basis of their quantity, determined by the characterizations performed under this section.

O.C. 973-2022, s. 90.

**91.** If the bodies fail to agree, within the time limit set in section 87, on all the elements for system harmonization, they must, within 14 days following the end of that time limit, submit the elements on which they disagree to a mediator who is accredited by a body recognized by the Minister of Justice and whose head office is situated in Québec.

The Minister and the Société must be notified in writing by the bodies, within the same time limit, of the elements of the dispute referred to in the first paragraph and of the choice of a mediator.

The Minister and the Société must be notified in writing by the mediator, within 14 days following the end of the mediation process, of its total or partial success, its failure or the fact that the producer and the retailer discontinued their application. Within the same time limit, the bodies record in writing the elements on which they agree and send a copy of the agreement to the Minister and the Société. If an agreement has been entered into before the mediation process, the agreement entered into after the process forms an integral part of the agreement.

O.C. 973-2022, s. 91.

**92.** The bodies pay the mediator's fees in equal shares, along with the costs incurred by the mediator.

O.C. 973-2022, s. 92.

**93.** The mediation process lasts a maximum of 3 months.

O.C. 973-2022, s. 93.

**94.** If, on the expiry of the time limit specified in section 93, the mediation process has not allowed the bodies to agree on all the elements for system harmonization, they must submit the elements on which they disagree to an arbitrator who is accredited by a body referred to in the first paragraph of section 90 that accredits arbitrators.

O.C. 973-2022, s. 94.

**95.** The bodies cannot, in an arbitration agreement, derogate from this Division.

O.C. 973-2022, s. 95.

**96.** The arbitrator may, if the bodies so request and circumstances allow, attempt to effect reconciliation between the bodies. Following conciliation, if the bodies agree on some or all of the elements submitted to the arbitrator, they must record them in writing and send a copy of the agreement to the Société and to the Minister. The agreement becomes an integral part of any agreement entered into before the mediation process. Arbitration continues for the other elements on which the bodies have not reached an agreement.

O.C. 973-2022, s. 96.

**97.** The arbitrator must personally perform the mandate entrusted by the bodies or, as the case may be, by the body that accredited the arbitrator, and must act at all times in a neutral and impartial manner.

The arbitrator must avoid any situation of conflict of interest in performing the mandate. If such a situation arises, the arbitrator must so inform the bodies and the bodies may indicate to the arbitrator how to remedy the conflict of interest or they may terminate the mandate by sending a signed notice.

O.C. 973-2022, s. 97.

**98.** The bodies have 14 days following the time limit in section 94 to choose an arbitrator to hear their dispute. On the expiry of that time limit, if the bodies have failed to agree on the choice of an arbitrator, they must, within 2 business days, ask a body referred to in the first paragraph of section 91 that accredits arbitrators to designate one.

The body selected then has 5 business days to designate an arbitrator.

O.C. 973-2022, s. 98.

**99.** An arbitrator who cannot continue with the mandate must inform the bodies without delay. The bodies must then choose another arbitrator within 5 business days of being informed. If the bodies fail to agree on the choice of a new arbitrator, they must ask the body referred to in the first paragraph of section 98 to designate a new arbitrator within 5 days of the expiry of the time limit for choosing a new arbitrator themselves.

An arbitrator whose mandate is terminated must transfer the entire case to the new arbitrator as soon as possible, as agreed with the new arbitrator.

O.C. 973-2022, s. 99.

**100.** Not later than 10 days after the choice or designation of the arbitrator, each body must submit to the arbitrator, and to the other body, all the documents and information that support its claims.

O.C. 973-2022, s. 100.

**101.** The arbitrator determines the procedure for the conduct of the arbitration. It may be conducted in writing, by telephone conference call, or in person or using 2 or more such methods. In all cases, the arbitrator gives preference to the procedure that is the most practical and the least likely to generate costs. The arbitrator must, however, see that the adversarial principle and the principle of proportionality are observed.

Where arbitration takes place in person, witnesses are called, heard and indemnified according to the rules applicable to a trial before a court.

O.C. 973-2022, s. 101.

**102.** The arbitrator has all the necessary powers to exercise jurisdiction, including the power to administer oaths, the power to appoint an expert and the power to rule on the arbitrator's own jurisdiction.

If the arbitrator rules on the arbitrator's own jurisdiction, a body may, within 30 days of being advised of the decision, ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed.

For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

O.C. 973-2022, s. 102.

**103.** If a body fails to submit its documents and information or fails to state its contentions, attend a hearing or present evidence in support of its contentions, the arbitrator, after recording the default, may continue the arbitration.

O.C. 973-2022, s. 103.

**104.** At any time before the award is made, the arbitrator may ask the bodies to provide additional information and documents.

O.C. 973-2022, s. 104.

**105.** Execution of the elements on which the bodies have reached an agreement before the arbitration continues without interruption while arbitration is conducted.

O.C. 973-2022, s. 105.

**106.** The arbitration award must be made within 3 months after the matter is taken under advisement and is binding on the bodies. It must be made in writing, give reasons and be signed by the arbitrator. It must state its date and the place where it was made. The award is deemed to have been made on that date and at that place.

The time limit set in the first paragraph may, before its expiry, be extended by 1 month at the discretion of the arbitrator.

O.C. 973-2022, s. 106.

**107.** The arbitration award must be notified to the bodies without delay. The notification ends the arbitration.

The arbitration award becomes enforceable as soon as it is received by the bodies. It has all the effects of a final judgment of a court not subject to appeal.

O.C. 973-2022, s. 107.

**108.** The arbitrator may, on the arbitrator's own initiative, correct any error in writing or calculation or any other clerical error in the arbitration award within 30 days after the award date.

Within 30 days after receiving the award, a body may ask the arbitrator to correct any clerical error or ask for a supplemental decision on a part of the dispute that was not dealt with in the award or, with the other party's consent, for an interpretation of a specific passage of the award, in which case the interpretation becomes an integral part of the award.

The decision correcting, supplementing or interpreting the arbitration award must be made within 2 months after it is requested. The rules applicable to the arbitration award apply to such a decision. If the decision is not rendered before the expiry of the prescribed time, a body may ask the court to issue an order to safeguard the parties' rights. The decision of the court cannot be appealed.

O.C. 973-2022, s. 108.

**109.** The arbitrator is required to preserve the confidentiality of the arbitration process and protect deliberative secrecy but violates neither by stating conclusions and reasons in the award.

O.C. 973-2022, s. 109.

**110.** The arbitration award has effect only for the duration of the current designation of the bodies to which it applies.

O.C. 973-2022, s. 110.

**111.** The bodies must send a copy of the arbitration award to the Société and the Minister within 10 days of its notification.

O.C. 973-2022, s. 111.

**112.** An arbitrator is entitled to fees for the time taken to study the file, drafting of the award and, if applicable, hold hearings in the presence of the bodies, including preparation.

O.C. 973-2022, s. 112.

**113.** The arbitrator is entitled to a reimbursement of expenses, including travel and accommodation expenses, based on the standards in force set out in the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* (C.T. 212379, 2013-03-26).

The arbitrator's travelling time is remunerated when the distance travelled is greater than 90 km measures as a radius from the arbitrator's base.

The actual expenses and other costs necessary to the performance of the arbitrator's mandate are reimbursed on presentation of supporting documents.

O.C. 973-2022, s. 113.

**114.** The invoice of fees and expenses is sent to the bodies by the arbitrator, broken down to allow the bodies to verify justification of each day for which fees or expenses are claimed. It must include supporting documents for the expenses claimed, if any.

The bodies are equally liable for the arbitrator's fees and expenses.

O.C. 973-2022, s. 114.

§§ 5. — *Exchanges with other bodies*

O.C. 973-2022, Sd. 5; I.N. 2022-08-01.

**115.** The designated management body must undertake steps to exchange with any body referred to in subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2) on the means to optimize the use of their resources.

O.C. 973-2022, s. 115.

§§ 6. — *Indemnity to the Société*

O.C. 973-2022, Sd. 6; I.N. 2022-08-01.

**116.** The designated management body must pay an indemnity to the Société annually corresponding to its management costs and other expenses incurred to fulfill the obligations imposed under this Regulation.

To allow the designated management body to make the payment referred to in the first paragraph, the Société must send to the body, not later than 1 September each year, a detailed list, by obligation for the fiscal year in progress of the management costs and other expenses referred to in that paragraph that it has incurred up to that date and those it expects to incur until the end of that fiscal year. It must also send to the body, after receiving it, auditor general's report provided for in section 30 of the Act respecting the Société québécoise de récupération et de recyclage (chapter S-22.01), an update of the list setting out the management costs and other expenses actually incurred during the year concerned.

Not later than 31 October each year concerned by the payment, the designated management body must pay to the Société, as indemnity, an amount corresponding to 75% of the costs and other expenses indicated in the list required as of 30 September. After the update referred to in the second paragraph has been received, if the amount of the indemnity already paid to the Société does not cover all the costs and other expenses actually incurred by the Société for the year concerned, the designated management body pays the difference to the Société within 30 days after the documents are received. If the indemnity already paid is greater than the management costs and other expenses actually incurred for the year concerned, the amount of the indemnity owed for the following year is reduced by an amount equal to the overpayment.

The indemnity is calculated using the activity-based costing method.

O.C. 973-2022, s. 116.

**117.** Any amount still owed to the Société on the date provided for in section 116 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

O.C. 973-2022, s. 117.

§ 2. — *Of producers towards the body*

O.C. 973-2022, Sd. 2.

**118.** A producer must be a member of the designated management body not later than the end of the fourth month after the date of designation.

A natural person who becomes covered by section 4, paragraph 1 or 2 of section 5, sections 6 or 8, paragraph 1 or 2 of section 9 or section 10 after the time limit provided for in the first paragraph or a legal person constituted, continued or amalgamated after that time limit must be a member of the body within 10 days, as the case may be, of the date on which the person becomes covered by any of the sections or of the date on which the legal person is constituted, continues or amalgamated.

O.C. 973-2022, s. 118.

**119.** The conditions for membership of the body may in no case include the payment of a contribution.

O.C. 973-2022, s. 119.

**120.** As a member of the designated management body, the producer must provide

- (1) its name, address, telephone number and electronic address;
- (2) its Québec business number if it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) the name and contact information of its representative;
- (4) for each container, packaging or printed matter covered by this Regulation that it commercializes, markets or otherwise distributes, the associated trademark or name, if any; and
- (5) its status in connection with the product, in other words if it is the owner or user of the trademark or name associated with it, the first supplier of the product in Québec, or the operator of a transactional website referred to in section 5 or 9.

O.C. 973-2022, s. 120.

**121.** Every member of the designated management body is bound to comply with the terms and conditions determined by the body with respect to every stage in the system of selective collection. It is also bound to pay to the body, within the time limit it sets, as a contribution, the amounts needed by the body to finance the costs of recovering and reclaiming residual materials referred to in subparagraph 6 of the first paragraph of section 15.

The amounts referred to in the first paragraph are modulated in accordance with the conditions of subparagraph 7 of the first paragraph of section 15 and must match the cost per kilogram of the material concerned.

O.C. 973-2022, s. 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.

O.C. 1365-2023, s. 36.

**122.** 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.

O.C. 973-2022, s. 122; O.C. 1365-2023, s. 37.

*§ 3. — Of other persons covered by the system of selective collection*

O.C. 973-2022, Sd. 3.

**123.** Every institution, business and industry must, after the date on which a producer begins to collect residual materials from that institution, business or industry in accordance with subparagraph 1 of the first paragraph of section 12, participate in the system of selective collection implemented pursuant to this Regulation by ensuring, in particular, that the residual materials generated by containers, packaging and printed matter covered by this Regulation, if used for its activities or by persons who work at attend it, can be dealt with by the system.

For the purposes of the first paragraph, participation in the system of selective collection means in particular, with respect to establishments offering on-site consumption and educational institutions, providing clients with recovery bins clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be easily locatable, clearly identified and situated directly in the establishment or in clear view near the establishment.

O.C. 973-2022, s. 123; O.C. 1365-2023, s. 38; I.N. 2023-09-01.

**124.** The owner or manager of a multiple-unit residential complex and the syndicate of an immovable under divided co-ownership must, from the date on which a producer starts to collect residual materials from it in accordance with subparagraph 1 of the first paragraph of section 12, make recovery bins available to occupants and co-owners, clearly marked with the residual materials covered by this Regulation that must be placed in them. The bins must be placed in the common areas, clearly identified, and be situated in the building or close to and clearly visible from the building.

O.C. 973-2022, s. 124; O.C. 1365-2023, s. 39.

**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.

O.C. 1365-2023, s. 40.



**125.** A municipal body or an Aboriginal community which, on 7 July 2022, is a party to a contract for the collection, transportation, sorting, conditioning or reclamation of residual materials covered by this Regulation must, within 2 months after the designation of a body pursuant to section 30, send the following information to the body:

- (1) the nature of the contract and the terms and conditions for its execution;
- (2) the identification of the parties to the contract;
- (3) the identification of the residual materials covered by the contract;

(4) the territory covered and the number and address of the dwellings, institutions, businesses and industries from which the residual materials are collected under the contract and the number from which the residual materials are not collected under the contract;

(5) the end date of the contract and the conditions that may lead, as the case may be, to its amendment, renewal or cancellation.

O.C. 973-2022, s. 125; O.C. 1365-2023, s. 41.

**126.** Every person other than a person referred to in section 125 who, on 7 July 2022, is a party to a contract for the collection, transportation, sorting, conditioning or reclamation of the residual materials covered by this Regulation must, within 2 months after the designation of a body pursuant to section 30 and, thereafter, on 30 April each year until the expiry of the contract, send to the body the following information for the preceding calendar year:

- (1) the nature of the contract and the terms and conditions of its performance;
- (2) the identification of the parties to the contract;

(3) in the case of a person who is a party to a contract for the sorting of residual materials, the rate of discharge of the materials;

(4) the origin and destination of the residual materials covered by the contract;

(5) the end date of the contract and the conditions that may lead, as the case may be, to its amendment, renewal or cancellation.

O.C. 973-2022, s. 126; O.C. 1365-2023, s. 42.

**127.** The persons, municipal bodies and Aboriginal communities referred to, as the case may be, in sections 123 to 126 must provide to the designated management body, within the time limit it indicates, the documents and information it requests to enable it to meet the responsibilities and obligations conferred on it by this Regulation.

O.C. 973-2022, s. 127.

## CHAPTER IV

### MONETARY ADMINISTRATIVE PENALTIES

O.C. 973-2022, c. IV.

**128.** A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to file with the Minister a copy of an application referred to in the first paragraph of section 32, in contravention of the second paragraph of that section;

(2) to include in its annual report the information listed in sections 59 to 62;

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for sending them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act (chapter Q-2) or by this Chapter;

(4) to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

O.C. 973-2022, s. 128; O.C. 1365-2023, s. 43.

**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.

O.C. 973-2022, s. 129; O.C. 1365-2023, s. 44.

**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.

O.C. 1365-2023, s. 45.

**130.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails to put in place the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82.

O.C. 973-2022, s. 130.

**131.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who

(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;

(3) designates a body without the conditions of section 31 being met;

(4) fails to comply with the obligations set out in the first paragraph of section 50, sections 51 and 52, sections 55 and 56, section 81 and the first paragraph of section 86;

(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;

(5) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections;

(6) fails to take steps to agree with a body on the elements to ensure system harmonization to be developed, implemented and contributed financially to the bodies in accordance with section 87 in accordance with the conditions set out in that section and in sections 88 to 114, in contravention of those sections;

(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, in contravention of section 140.

O.C. 973-2022, s. 131; O.C. 1365-2023, s. 46.

**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.

O.C. 1365-2023, s. 47.

**132.** A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who fails

(1) to meet the obligations of section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 collaboratively with the other persons mentioned to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11;

(2) to meet any of the requirements concerning the content of the system of selective collection set out in sections 12 to 14, the first and second paragraphs of section 15 and section 16;

(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.

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O.C. 973-2022, s. 132; O.C. 1365-2023, s. 48.

## CHAPTER V

### OFFENCES

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O.C. 973-2022, c. V.

**133.** Every person who fails

(1) to send to the Minister a copy of an application referred to in the first paragraph of section 32, in contravention of the second paragraph of that section,

(2) to include in its annual report the information listed in sections 59 to 62,

(3) to send any notice or to provide any study, information, report, plan or document, or to comply with the time limit for providing them, if no other monetary administrative penalty is otherwise specified for that contravention by the Environment Quality Act (chapter Q-2) or by this Chapter,

commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

O.C. 973-2022, s. 133.

**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.

O.C. 973-2022, s. 134; O.C. 1365-2023, s. 49.

**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.

O.C. 1365-2023, s. 50.

**135.** Every person who fails to implement the measures of a remedial plan submitted to the Minister pursuant to the second paragraph of section 82 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 and, in other cases, to a fine of \$12,000 to \$1,500,000.

O.C. 973-2022, s. 135.

**136.** Every person who

(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,

(3) designates a body without the conditions of section 31 being met,

(4) fails to comply with the obligations set out in the first paragraph of section 50, sections 51 and 52, sections 55 and 56, section 81 and the first paragraph of section 86,

(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,

(5) fails to pay to the Minister of Finance the sums referred to in section 85 or the second paragraph of section 86, in contravention of those sections,

(6) fails to take steps to agree with a body on the elements to ensure system harmonization to be developed, implemented and contributed financially to the bodies in accordance with section 87, within the time limits and in accordance with the conditions set out in that section and in sections 88 to 114, in contravention of those sections,

(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, in contravention of section 140,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 and, in other cases, to a fine of \$15,000 to \$3,000,000.

O.C. 973-2022, s. 136; O.C. 1365-2023, s. 51.

**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.

O.C. 1365-2023, s. 52.

**137.** Every person who

(1) fails to meet the obligations of section 4, paragraphs 1 and 2 of section 5, sections 6 and 8, paragraphs 1 and 2 of section 9 and section 10 collaboratively with the other persons also mentioned therein to develop, implement and contribute financially to a single system for all such persons, in contravention of section 11,

(2) fails to meet any of the requirements concerning the content of the system of selective collection set out in sections 12 to 16,

(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,

(11) for the purposes of this Regulation, makes a declaration, files information or produces a document that is false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000 000 and, in other cases, to a fine of \$30,000 to \$6,000,000.

O.C. 973-2022, s. 137; O.C. 1365-2023, s. 53.

**138.** Every person who contravenes any other obligation set out in this Regulation commits an offence and is liable, if no other sanction is provided for by this Chapter or the Environment Quality Act (chapter Q-2), to a fine of \$1,000 to \$100,000 in the case of a natural person and to a fine of \$3,000 to \$600,000 in other cases.

O.C. 973-2022, s. 138.

## CHAPTER VI

### MISCELLANEOUS

O.C. 973-2022, c. VI.

**139.** Any document and any information obtained pursuant to this Regulation must be forwarded to the Minister not later than 15 days after a request to that effect.

O.C. 973-2022, s. 139.

**140.** Every person who is a party to a contract entered into pursuant to this Regulation must comply with each of its clauses.

O.C. 973-2022, s. 140.

**141.** Producers are exempted from the obligations of Chapter II of this Regulation until the expiry of the time limit the Société has to designate a body pursuant to section 30 or, as the case may be, until the expiry of the time limit set in section 36.

O.C. 973-2022, s. 141.

## CHAPTER VII

### FINAL

O.C. 973-2022, c. VII.

**142.** *(Omitted).*

O.C. 973-2022, s. 142.

### UPDATES

O.C. 973-2022, 2022 G.O. 2, 1932

O.C. 1365-2023, 2023 G.O. 2, 2080