

**19.** Section 31 is amended

(1) by replacing “For” at the beginning of the second paragraph by “Up to the period of 3 consecutive calendar years concerning the 2022 to 2024 model years, for”;

(2) by inserting the following after the second paragraph:

“As of the period of 3 consecutive calendar years concerning the 2025 to 2027 model years, for calculating the charge, the value of a credit is set at \$20,000.”.

**20.** Section 35 is amended by inserting the following after the first paragraph:

“For motor vehicles whose gross weight rating is greater than 3,856 kg, the values of the carbon dioxide emissions, in grams per kilometre, are determined according to the applicable methods and calculations provided for in the Heavy-duty Vehicle and Engine Greenhouse Gas Emission Regulations (SOR/201324).”.

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

105485

**Draft Regulation**

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

Environment Quality Act (chapter Q-2)

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

**Deposit system for certain containers**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the development, implementation and financial support of a deposit system for certain containers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation requires certain persons to develop, implement and contribute financially to a deposit system for certain containers to allow them to be recovered and reclaimed.

The draft Regulation determines the persons (referred to as “producers”) required to fulfill those obligations and the types of containers on which a deposit must be paid.

The draft Regulation specifies that a producer must, in developing a deposit system, determine in particular

— the terms and conditions for collecting and refunding the amount of deposits, for returning containers on deposit, and for managing containers on deposit once they have been recovered, as well as for the costs of recovering and reclaiming containers;

— the terms and conditions for collecting and transporting containers on deposit to their final destination;

— the terms and conditions for communicating certain information, in particular concerning the recovery and reclamation rates achieved for containers on deposit and the percentage of containers on deposit that are re-used or disposed of;

— the measures implemented to facilitate participation by social economy enterprises and contribute to the fight against climate change.

The draft Regulation specifies the amount of the deposit for each container on deposit and the mechanism that allows a body designated in accordance with the draft Regulation to change the deposit amount.

The draft Regulation determines the requirements that apply to sites where a person may bring a container on deposit in order to obtain a refund of the deposit, and the distribution, location, layout and accessibility of those sites. The requirements may vary depending on the type of return locations, which the draft Regulation divides into 3 categories.

The draft Regulation includes an obligation for retailers operating a retail establishment in which a product is offered for sale in a container on deposit to accept containers on deposit that are returned to them, to refund the amount of the deposit and to establish return sites for that purpose.

The draft Regulation contains specific provisions for the return of containers on deposit and the refunding of the amount of the deposit in places situated in a remote or isolated territory.

The draft Regulation also contains specific provisions concerning the collection of containers on deposit in an establishment offering consumption on the premises.

The draft Regulation sets out the terms and conditions that apply to the transportation, sorting, conditioning and reclamation of containers on deposit and to the entering of the contracts needed to implement those terms and conditions.

Under the draft Regulation, the Société québécoise de récupération et de recyclage (referred to as the “Société”) designates, within the time specified, a management body to assume, in place of producers, their obligations under the draft Regulation. It also sets out the rules applicable to the designation, including the content of an application for designation, the duration of designation, and the circumstance in which it may be terminated.

Lastly, the draft Regulation includes the monetary administrative penalties that apply in the event of a failure to comply with its provisions and the penal sanctions for offences, along with miscellaneous and transitional provisions.

The Regulation will have an impact on producers who commercialize, market or otherwise distribute products in containers on deposit and possibly on consumers. Producers will have to ensure the financing of the deposit system to be implemented, which could result in a transfer of costs for consumers.

Further information on the draft Regulation may be obtained by contacting Marie Dussault, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: marie.dussault@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Geneviève Rodrigue, Associate Director, Direction adjointe du 3RV-E, Direction des matières résiduelles, Ministère de l’Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 455-1569; email: genevieve.rodrigue@environnement.gouv.qc.ca.

BENOIT CHARETTE  
Minister of the Environment  
and the Fight Against Climate Change

## Regulation respecting the development, implementation and financial support of a deposit system for certain containers

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)

Environment Quality Act (chapter Q-2, s. 53.30, 1st par., subpar. 6, and ss. 53.30.2, 53.30.3, 95.1, 1st par., subpar. 9, and ss.115.27 and 115.34)

Act to amend mainly the Environment Quality Act with respect to deposits and selective collection (2021, chapter 5, s. 21)

### CHAPTER I GENERAL

**1.** The purpose of this Regulation is to require persons who commercialize, market or otherwise distribute products in containers they have procured for that purpose to develop, implement and contribute financially to a deposit system for the containers to allow them to be recovered and reclaimed.

**2.** In this Regulation,

“administrative region” means a region described and delimited in Schedule I to the Décret concernant la révision des limites des régions administratives du Québec (chapter D-11, r. 1), except the Nord-du-Québec administrative region and the territories of the regional county municipalities of Minganie and Caniapiscau and of Municipalité régionale de comté du Golfe-du-Saint-Laurent; (*régions administratives*)

“alcoholic beverage” means alcohol, spirits, wine, cider and beer, and every liquid containing ethyl alcohol and capable of being consumed by a person, provided that such liquid contains more than 0.5% of ethyl alcohol by volume. Any liquid containing more than 1 of the 5 varieties of alcoholic beverages is considered as belonging to that variety which has the higher percentage of alcohol, in the following order: alcohol, spirits, wine, cider and beer; (*boisson alcoolique*)

“container” means a recipient, except a bag or a bag-in-box package, used to commercialize, market or otherwise distribute a product in a volume of not less than 100 ml and not more than 2 litres, of a type defined in section 3; (*contenant*)

“container on deposit” means any container on which a deposit is paid; (*contenant consigné*)

“establishment offering consumption on the premises” means an establishment that is not mobile that offers meals, snacks and drinks for sale or otherwise for immediate consumption in or outside the premises; (*établissement de consommation sur place*)

“isolated or remote territory” means 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), the territory of the James Bay Region as described in the Schedule to the James Bay Region Development Act (chapter D-8.0.1) (including the municipalities of Chapais, Chibougamau, Matagami and Lebel-sur-Quévillon), and the territory of the regional county municipalities of Minganie and Caniapiscau and of Municipalité régionale de comté du Golfe-du-Saint-Laurent; (*territoires isolés ou éloignés*)

“major contributor” means a person who uses more than 350 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*grand contributeur*)

“medium contributor” means a person who uses between 100 and 350 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*moyen contributeur*)

“milk” means the lacteal secretion obtained from the mammary gland of a domestic animal such as a cow, goat or sheep and intended for human consumption; (*lait*)

“milk permeate” means the product obtained by removing milk proteins and milkfat from milk, partly skimmed milk, or skimmed milk by ultrafiltration; (*perméat de lait*)

“minor contributor” means a person who uses fewer than 100 million containers on deposit per year to commercialize, market or otherwise distribute its products; (*petit contributeur*)

“multilayer container” means a container mainly made from paper in the form of paperboard, as well as thin layers of plastic and, in some cases, a thin layer of aluminum; (*contenant multicouches*)

“multiple-use container” means a container that may be used more than once to commercialize, market or otherwise distribute a product; (*contenant à remplissage multiple*)

“personal information” means any information concerning a natural person that allows that person to be identified; (*renseignement personnel*)

“product” means any liquid intended for human consumption which is sold in a sealed container and which, at the time of purchase, is ready to be drunk, except a concentrate, stock, soup, cream, milk formula, syrup and yogourt drink, and any product of the same type containing over 50% milk permeate; (*produit*)

“regional municipality” means a regional county municipality, the agglomerations of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque, Ville de Mirabel and Municipalité des Îles-de-la-Madeleine and the municipalities of Gatineau, Laval, Lévis, Rouyn-Noranda, Saguenay, Shawinigan, Sherbrooke and Trois-Rivières; (*municipalité régionale*)

“retailer” means a person who operates a retail establishment in which a product is offered for sale in a container on deposit, except a retail establishment in which a product is offered for sale only by means of one or more vending machines, a retail establishment in which a product is offered for sale only by means of a single commercial refrigerator measuring no more than 76.2 cm wide x 82.28 cm deep x 200.66 cm high and an establishment offering consumption on the premises; (*détaillant*)

“single-use container” means a container that may be used only once to commercialize, market or otherwise distribute a product; (*contenant à remplissage unique*)

“soft drink” means a non-alcoholic beverage that contains water, natural or artificial sweeteners and, in certain cases, aromatic substances and in which carbon dioxide gas is dissolved; (*boisson gazeuse*)

“unorganized territory” means a territory referred to in Chapter II of Title I of the Act respecting municipal territorial organization (chapter O-9). (*territoires non organisés*)

In the definition of “alcoholic beverage”, the words “alcohol”, “beer”, “cider”, “light cider”, “spirits” and “wine” have, unless the context indicates a different meaning, the meaning assigned by the Act respecting offences relating to alcoholic beverages (chapter I-8.1).

**3.** The types of containers on deposit are as follows:

- (1) single-use metal containers;
- (2) single-use plastic containers;
- (3) single-use glass containers and containers made of other breakable material;

(4) single-use fibre containers, including multilayer containers;

(5) single-use biobased containers;

(6) multiple-use glass containers and containers made of other breakable material;

(7) multiple-use containers made of a material other than glass or other breakable material.

Containers made of a mixture of materials, the main material of which, in weight, is any of the materials referred to in subparagraphs 1 to 4 of the first paragraph or the materials contained in a biobased container, belong to the type of containers that, in the first paragraph, is associated with that material or that contains the material.

**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 deposit system for containers in which a product is commercialized, marketed or otherwise distributed in Québec under that name or trademark.

The obligations specified in the first paragraph apply to a person having a domicile or establishment in Québec who acts as the first supplier of the product in Québec, other than the manufacturer, if

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

(2) the owner or user of the name or trademark has a domicile or establishment in Québec but commercializes, markets or otherwise distributes the product outside Québec, and if the first supplier then commercializes, markets or otherwise distributes the product in Québec; or

(3) the product is commercialized, marketed or otherwise distributed in Québec without a name or trademark.

**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 that is not pursuing an organized economic activity, 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 obligations specified in the first paragraph of section 4 apply 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.

**6.** Where persons referred to in section 4 or 5 do business under a single banner, whether under a franchise contract or another form of affiliation, the obligations specified in the first paragraph of section 4 apply to the owner of the banner if that owner has a domicile or establishment in Québec.

**7.** Every person to whom section 4, 5 or 6 applies, herein referred to as a “producer”, must fulfill the obligations specified in those sections collaboratively with the other persons concerned, and those persons may only develop, implement and contribute financially to a single deposit system.

**8.** Every producer who commercializes, markets or otherwise distributes a product in a multiple-use container may add to the return sites provided for in Chapter II the supplementary return sites the producer chooses and for which the producer is not required to comply with sections 23 to 41. The producer must however fulfill the obligations provided for in this Regulation concerning the amount of the deposit for such containers and provide in respect of such containers, so that they may be considered in calculating the recovery and reclamation, local reclamation and recycling rates for containers on deposit pursuant to this Regulation, the information and documents that a management body designated under Division I of Chapter III requests, within the time limit set to do so, for the purpose of fulfilling its responsibilities and obligations under this Regulation. The financial responsibility of those sites falls on the producer who adds sites.

Every producer must ensure that multiple-use containers may, as part of the deposit system developed, implemented and financed pursuant to this Regulation, be returned and refunded not only at a supplementary return site chosen pursuant to the first paragraph, but also at a return site for the deposit system.

## CHAPTER II DEVELOPMENT OF THE DEPOSIT SYSTEM

### DIVISION I PARAMETERS

**9.** Every producer must, to fulfill its obligation to develop, implement and finance a deposit system and in connection with the charging and refunding of deposits, the return and management of the containers on deposit that are recovered, and the cost of implementing and operating the system,

(1) determine a mechanism for charging and refunding deposits, covering the aspects not provided for in this Regulation;

(2) ensure the presence of return sites for containers on deposit throughout Québec, in accordance with the rules set out in sections 23 to 41;

(3) determine the places where the containers on deposit that are recovered may be sorted, conditioned and reclaimed;

(4) take steps to allow the reclamation, preferably in Québec, of the containers on deposit that are recovered with the choice of reclamation process respecting, in order, reuse, conditioning to obtain a material for use as a substitute for raw materials of a similar or different nature, use for energy production, or another reclamation use, unless

(a) a life-cycle analysis, consistent with the applicable ISO standards and taking into account, in particular, resource sustainability and the externalities of various forms of reclamation for the containers on deposit that are recovered, shows that one form has an environmental advantage over another; or

(b) the existing technology or applicable laws and regulations do not allow a form of reclamation to be used in the prescribed order;

(5) take steps so that the disposal of a container on deposit is the last option chosen;

(6) determine the costs involved in the implementation and operation of the deposit system;

(7) determine a modulation of costs for each type of container on deposit, taking into account recyclability of the container, recycled content, the conditioning and reclamation possibilities available for that type of container including those, if any, available in Québec, lifespan, and the impact on the environment and on the reclamation process;

(8) determine the financial contribution to be paid by producers for the cost of implementing and operating the system;

(9) ensure the collection of containers on deposit at return sites and in establishments offering consumption on the premises, and determine the terms and conditions for the transportation, sorting and conditioning of containers or, as the case may be, for the material obtained following their conditioning as far as their final destination;

(10) ensure the traceability of containers on deposit;

(11) determine the requirements that all service providers, including subcontractors, must observe in managing the containers on deposit that are recovered, and provide for the establishment of measures to ensure compliance;

(12) ensure a research and development component on recovery and reclamation techniques for the containers on deposit that are recovered and the development of market outlets for recovered containers; and

(13) take steps to ensure that the system is not used for purposes for which it is not intended.

The final destination of a container on deposit or, as the case may be, the material obtained following its conditioning, is the place where it

(1) is reused;

(2) is used as a substitute for raw materials of a similar or different nature;

(3) is used for energy production;

(4) is reclaimed otherwise than as provided for in subparagraphs 1 to 3; or

(5) is disposed of.

**10.** The traceability of containers on deposit that are recovered and of the material obtained following their conditioning, involves using quantitative data to monitor containers on deposit that are returned to a return site, from the return site in Québec where containers on deposit are returned, and to monitor the material obtained following the conditioning of those containers, from the conditioning site, to the place where the containers and material are transported to be sorted in certain cases, and from there to their final destination.

**11.** Every producer must also, for the same purposes as those set out in section 9 and with respect to activities to inform consumers and communicate certain information,

(1) provide for information, awareness and education activities to inform consumers about the environmental advantages of recovering and reclaiming containers on deposit and about the return sites available, in order to promote their participation in the system; and

(2) use a means of communication to make public, each year, the information listed in section 74 and ensure that the information remains accessible for a minimum period of 5 years.

**12.** Every producer must, in addition, for the same purposes as those set out in section 9 and with respect to the auditing of certain activities,

(1) see to the verification, by a person who meets one of the following conditions, of the management of the containers recovered and of compliance with the requirements set out in subparagraph 11 of the first paragraph of section 9:

(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) and

i. holds a post-secondary diploma in a field relating to environmental protection or industrial ecology;

ii. holds an undergraduate degree and has a minimum of 5 years of experience in a field of activity related to the recovery and reclamation of containers on deposit; or

iii. holds a college diploma and has a minimum of 10 years of experience in a field of activity related to the recovery and reclamation of containers on deposit; and

(2) ensure that the verification referred to in paragraph 1 is performed during the first full calendar year during which the deposit system is implemented, and at the following frequency thereafter:

(a) in the case of the managers of return sites, including subcontractors, at least 10%, in more than one administrative region, must be verified each year and all must be verified over a 5-year period;

(b) in other cases, the verification must take place at least every 3 years.

**13.** Every producer must, for the same purposes as those set out in section 9, 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 measures to contribute to the fight against climate change.

**14.** When, as part of the implementation of a deposit system, the measures provided for in sections 9 to 13 are to be applied in an isolated or remote territory, they must be adapted to reflect the needs and particularities of the territory concerned.

## DIVISION II AMOUNT OF THE DEPOSIT

**15.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), the amount of the deposit for each container on deposit is

(1) \$0.25 for glass containers of not less than 500 ml and not more than 2 litres that are used to commercialize, market or otherwise distribute a product; and

(2) \$0.10 for all other types of containers.

Despite the first paragraph, the amount of the deposit for a fibre container, including a multilayer container, is applicable as of the third year following the year of coming into force of this Regulation.

The amounts of the deposit specified in the first paragraph may not be modified by a management body designated pursuant to Division I of Chapter III for a period of 5 years beginning in the tenth month following (*insert the date of coming into force of this Regulation*).

**16.** From the expiry of the period specified in the third paragraph of section 15, a management body designated pursuant to Division I of Chapter III may modify the amount of the deposit for a container on deposit, in accordance with the following requirements:

(1) the body may not specify more than 2 deposit amounts for all containers;

(2) the amount of a deposit may not be less than \$0.10 nor more than \$1.00;

(3) the body may only specify a deposit amount that is different from the amounts in force if the following conditions are met, whether or not the amounts in force have been specified by this Regulation or, after the expiry of the period mentioned in the third paragraph of section 15, by a management body designated pursuant to Division I of Chapter III:

(a) the recovery rate achieved for the type of container associated with the deposit amount to be modified is more than 10% below the minimum recovery rate prescribed by section 100, for the 2 consecutive years preceding the year for which the modification is planned;

(b) if, for one of the years preceding the year for which the modification is planned, the body was required to submit a remediation plan pursuant to section 113, it submitted the plan and implemented it as provided for.

If the modification of a deposit amount increases the deposit amount for a type of container for which the prescribed recovery rate has been achieved, the modified amount may not exceed 50% of the amount in force.

**17.** Any modification of a deposit amount considered by a management body designated pursuant to Division I of Chapter III must first be approved by the Minister, after the Minister has requested the opinion of the Société québécoise de récupération et de recyclage, herein referred to as the “Société”.

The Société must submit its opinion to the Minister within 30 days of receiving a request for an opinion. If the Société submits a negative opinion, it must give the reasons for its decision.

If the Société fails to submit its opinion within the time specified in the second paragraph, it is deemed to agree with the proposed modification.

**18.** The deposit amount for a container to which the Beer and Soft Drinks Distributors’ Permits Regulation (chapter V-5.001, r. 1) applies, or for a container in a private deposit system for multiple-use containers, is the amount specified in section 15 from the date of coming into force of that section. From the expiry of the period referred to in the third paragraph of section 15, the amount is the amount set pursuant to section 16, if it is modified.

**19.** A person who purchases a product in a container on deposit is required to pay the amount of the deposit for the container to the person selling the product.

**20.** The deposit amount received from a person who purchases a product in a container on deposit belongs to the person who sold the product to the person.

**21.** Every deposit amount must be refunded in full.

**22.** The cost of recovering and reclaiming a container on deposit may be allocated only to that container and, if it is entirely included in the sale price of the product that is commercialized, marketed or otherwise distributed in the container, must be internalized in that sale price as soon as the product is commercialized, marketed or otherwise distributed.

The internalized cost may only be made visible on the initiative of the producer who commercializes, markets otherwise distributes the product, and in such a case the information must be disclosed as soon as the 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 container on deposit and the internet address where more information may be obtained.

### **DIVISION III** **RETURN OF CONTAINERS ON DEPOSIT** **AND REFUNDING**

#### *§1. Return sites for containers on deposit and refunding*

**23.** Every place where a person may return a container on deposit and obtain a refund for the amount of the deposit on the container, herein referred to as a “return site”, must comply with the following requirements:

(1) all containers on deposit must be accepted;

(2) the site must be clean, safe and well lighted;

(3) the site must be situated inside a building or in a closed shelter, including a stand but excluding a tent or other type of shelter made of textile material;

(4) a recovery bin, other than a garbage container, for the disposal of containers rejected by the equipment used to return containers on deposit and also for the disposal of boxes or other recipients used to transport containers on deposit, must be situated in the client area and be clearly marked for that purpose;

(5) the containers on deposit that have been returned to a return site must be stored in an entirely enclosed space, separate from the client area and not visible or accessible from the client area;

(6) the site must be readily identifiable, clearly marked as being part of the deposit system and, when associated with more than one retail establishment, clearly marked as being associated with each such establishment;

(7) a sign bearing the name or logo of the system must be installed in a prominent position on the façade of the return site or near the site;

(8) the site must be accessible to persons with reduced mobility;

(9) the site must have year-round road access;

(10) the site must be situated within a radius of not more than 1 km from a retail establishment operated by a retailer, except in the case of a group referred to in section 48.

If a retailer provides a service for the return of containers on deposit and refunding the amount of the deposit only at checkout counters in a retail establishment, those counters are considered, for all of them, to be one return point and they must meet the requirements for that type of return site, in addition to the requirements of this subdivision. If a retailer provides a service for the return of containers on deposit and refunding the amount of the deposit both at checkout counters in a retail establishment and using a device situated in the establishment, the checkout counters or the device or devices are considered to form a single return point.

**24.** The only personal information that may be required from a person to whom a deposit amount is refunded electronically is the person's email address.

**25.** When a return site is situated inside an establishment, it must be open at the same times as the establishment.

In other cases, a return site must be open every day, for at least 10 hours on Mondays to Saturdays and for at least 6 hours on Sundays, except on 1 and 2 January, 24 June and 24, 25, 26 and 31 December.

**26.** The business days and hours of a return site must be posted at a place at the site that is clearly visible from outside.

**27.** Various types of return sites may be installed at the same location. In such a case they are counted as one return site for the purposes of sections 39 to 41.

**28.** Except where the requirements of this Division apply, the organization of a return site, including its location, form and accessibility, is a responsibility of the producer or, as the case may be, of the retailer referred to in the first paragraph of section 50.

**29.** Return sites are of 3 types:

- (1) return points;
- (2) return centres;
- (3) bulk return points.

#### §§1. *Return points*

**30.** A return point is designed to accept up to 70 containers on deposit at each visit.

**31.** In addition to the requirements of sections 23 to 27, a return point must meet the following requirements:

- (1) it must offer refunding on site, in cash, for the amount of the deposit for a container on deposit;
- (2) it has enough space for 2 persons at a time;
- (3) it must be at a moderate temperature and protected from the elements.

**32.** The manager of a return point may limit the number of containers that a person may return on each visit. However, that number may not be below 50.

When the producer contracts with a person for the management of a return point, the possibility of imposing a limit pursuant to the first paragraph and the conditions for doing so must be set out in the contract.

#### §§2. *Return centres*

**33.** A return centre is designed to accept both small and large quantities of containers on deposit at each visit. It may also, in certain cases, accept containers from other return sites.

**34.** In addition to the requirements of sections 23 to 27, a return centre must meet the following requirements:

- (1) it must offer refunding of the deposit amount for a container on deposit by a secure electronic process, within 48 hours of the transaction at the centre; it may also offer refunds on site, in cash;
- (2) it must be at a moderate temperature and protected from the elements;
- (3) the manager of the centre must ensure that personnel members are present during business hours to provide assistance to the clients and allowing the personnel members to perform all other tasks needed to meet the requirements of subparagraphs 2 to 7 of the first paragraph of section 23.

**35.** The manager of a return centre may not limit the number of containers on deposit that may be returned on each visit.

#### §§3. *Bulk return points*

**36.** A bulk return point is a site where containers are returned using a recipient whose dimensions, material, colour and all other elements are determined by the person who implements the deposit system of which it forms a part.



**37.** In addition to the requirements of sections 23 to 27, a bulk return point must meet the following requirements:

(1) it must offer refunding of the deposit amount for a container on deposit by any means considered appropriate by the manager of the site;

(2) the refunding of deposit amounts by an electronic process must be secure and completed within a maximum of 7 days of the transaction completed at the site;

(3) the use of reusable transportation recipients must be encouraged.

**38.** The manager of a bulk return point may not limit the number of containers on deposit that may be returned at each visit.

## §2. *Distribution of return sites*

**39.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), a producer who has developed and implemented a deposit system must ensure that a minimum of 1,500 return sites are functional across the administrative regions, with the exception of unorganized territories situated in those regions. The producer must also ensure that the return sites are functional in isolated or remote territories, without imposing a minimum number for those territories.

In each administrative region, the number of return points per inhabitant must respect the minimum number of return points distributed as follows:

(1) Montréal and Laval, 1 return point for every 15,000 inhabitants;

(2) Montérégie, Estrie, Outaouais, Laurentides, Lanaudière and Capitale-Nationale, 1 return point for every 8,000 inhabitants;

(3) Saguenay-Lac-Saint-Jean, Chaudière-Appalaches, Mauricie et Centre-du-Québec, 1 return point for every 6,000 inhabitants;

(4) Abitibi-Témiscamingue, Bas-Saint-Laurent, Gaspésie-Îles-de-la-Madeleine, and Côte-Nord, with the exception of the territories covered by the regional county municipalities of Minganie and Caniapiscau and by Municipalité régionale de comté du Golfe-du-Saint-Laurent, 1 return point for every 4,000 inhabitants.

When, in a given administrative region, the number of inhabitants is not an exact multiple of the number indicated in the second paragraph, the last group may have fewer members.

**40.** In addition to the requirements of section 39, a producer who has developed and implemented a deposit system must ensure that there are, in each regional municipality, at least 2 return sites in which there is no limit on the number of containers that may be returned per visit.

The producer must also ensure that the return sites in each regional municipality are able, globally, to accept at least 80% of the containers on deposit that are sold, donated or otherwise distributed in that regional municipality.

The total number of containers on deposit specified in the second paragraph for a regional municipality is obtained by dividing the number of containers on deposit in which a product is commercialized, marketed or otherwise distributed in the whole of Québec during the year preceding the year of the calculation by the number representing the population of Québec, established by an order made under section 29 of the Act respecting municipal territorial organization (chapter O-9), to which the number representing the population of the Aboriginal communities present in Québec, and by multiplying the result obtained by the number of inhabitants in the regional municipality.

The number of inhabitants in a regional municipality is calculated by adding the number of inhabitants of each local municipality within it, that number being established by the order made under section 29 of the Act respecting municipal territorial organization (chapter O-9) to which is added the number of inhabitants that are part of an Aboriginal community present in the local municipality.

**41.** Beginning in the tenth month following (*insert the date of coming into force of this Regulation*), the number of return sites for each administrative region must be set in a way that ensures that at least 90% of the inhabitants of each administration region, except the inhabitants of unorganized territories, may have access to a return site at the following maximum distances from their place of residence:

(1) local municipality of fewer than 3,000 inhabitants: 10 km;

(2) local municipality of 3,000 to 15,000 inhabitants: 8 km;

(3) local municipality of 15,001 to 500,000 inhabitants: 6 km;

(4) local municipality of 500,001 inhabitants or more: 2.5 km.

**42.** Every producer who has developed and implemented a deposit system must draw up a list of all return sites operating throughout Québec, map them, update the list and map and make them accessible to the public via a website.

The list must show, for each return site, its type, the mode of refund it offers and, if applicable, the number of containers that may be returned per visit.

**43.** Every producer who has developed and implemented a deposit system must, not later than 1 January of the third year following the year of coming into force of this Regulation, submit to the Société and to the Minister a plan containing all the measures it intends to put in place for the return of containers on deposit in which products are consumed in a public space, including

- (1) the public spaces targeted;
- (2) the types of devices and recipients that will be installed;
- (3) the person by whom and manner in which the operation, maintenance and replacement of the devices will be assured;
- (4) the conditions for the recovery of containers on deposit; and
- (5) a timeframe for the implementation of the measures, for two thirds of the public places targeted, within 2 years following the time limit set, and within 3 years for all the public places targeted.

### §3. Retailers

**44.** Every retailer must, for each establishment the retailer operates in which products are offered for sale in a container on deposit, accept the containers on deposit that are returned to the retailer and refund the deposit amount, except if the area of the part of the establishment reserved for sale is less than 232.26 square metres.

**45.** Containers must be accepted by a retailer and the deposit amount must be refunded at a return site in accordance with sections 23 à 41.

Every producer who has developed and implemented a deposit system must ensure that a return site is installed for each establishment referred to in section 44.

**46.** From (*insert the date of coming into force of this Regulation*), every producer required to develop, implement and finance a deposit system must take steps to enter

into a contract with every retailer which, once signed, must specify, without limiting the possibility to add other elements,

- (1) the location, number, type and layout of the return sites that will be installed by the retailer;
- (2) the terms and conditions for access to the return sites and the parking spaces available close to the sites;
- (3) the types of devices that will be installed for the return of containers on deposit and the person responsible for their purchase or leasing and their maintenance and replacement;
- (4) the terms and conditions for the maintenance and replacement of the devices installed;
- (5) the number of containers on deposit that it will be possible to return at each visit;
- (6) if the installation of a bulk return point is planned, the type of recipients that may be used to return containers on deposit;
- (7) the management mode for the return sites;
- (8) the terms and conditions for storing the containers returned;
- (9) the mode or modes for refunding the deposit amount for containers on deposit, that will be offered to persons returning such containers;
- (10) the terms and conditions for client service;
- (11) the terms and conditions on which the producer refunds to the retailer the deposit amounts that the retailer has refunded for the return of containers on deposit;
- (12) the management process for the containers that will be brought to a return site and are non-returnable or rejected by a device, and for the recipients used to transport containers that will be abandoned at the return site;
- (13) the terms and conditions for collecting containers on deposit in the return sites, including the frequency of collection;
- (14) the costs relating to
  - (a) the installation and operational and financial management of the return sites;
  - (b) if applicable, modifications to an existing establishment to allow the installation of a return site;

(c) the purchase or leasing, as the case may be, of the devices that will be installed in a return site;

(d) the maintenance and replacement of the devices;

(e) training for the personnel members responsible for client services and the handling of containers on deposit when they are collected from a return site;

(15) the sharing of responsibilities with respect to the costs referred to in subparagraph 14;

(16) if a single return site is installed for more than one establishment, the responsibilities of each operator of an establishment with respect to the elements in subparagraphs 1 to 15;

(17) the information and documents that must be submitted to the producer, and the frequency of the submission and the mode of each submission of information and documents;

(18) a schedule for the implementation of the obligations set out in the contract;

(19) the duration of the contract;

(20) the terms and conditions for modifying, cancelling and renewing the contract; and

(21) the dispute resolution method.

Every contract entered into under this section must comply with sections 23 to 41.

**47.** Several retailers may group together to fulfill their obligations under this subdivision, but remain individually responsible for compliance.

**48.** If, in a local municipality, retailers group together to put in place a single return site, the site must be situated within a maximum radius of 1 km from one of the associated establishments and, according to the number of inhabitants of the municipality,

(1) within a maximum radius of 5 km from the other associated establishments for a local municipality of fewer than 3,000 inhabitants;

(2) within a maximum radius of 3 km from the other associated establishments for a local municipality of 3,000 to 25,000 inhabitants;

(3) within a maximum radius of 2 km from the other associated establishments for a local municipality of 25,001 to 100,000 inhabitants; and

(4) within a maximum radius of 1 km from the other associated establishments for a local municipality of more than 100,000 inhabitants.

**49.** If, at the end of the fourth month following (*insert the date of coming into force of this Regulation*), a producer and a retailer have not succeeded in entering into a contract pursuant to section 46, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the retailer pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 46 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 the outcome of the process.

**50.** Not later than the sixth month following (*insert the date of coming into force of this Regulation*), if a producer and a retailer have not succeeded, despite the mediation process, in entering into a contract pursuant to section 46, the retailer is required to put in place, within 3 months of that date, a return site for each establishment it operates and in which it sells a product in a container on deposit. Sections 23 to 38 apply to the retailer.

The producer must reimburse to the retailer referred to in the first paragraph, within 30 days of the filing of a claim by the retailer, the amounts spent to meet the obligation imposed on the retailer by the first paragraph, and the amounts that the retailer incurs to cover the elements listed in subparagraph 14 of the first paragraph of section 46. The claim must detail the costs claimed and include the documents that show those costs.

The retailer must provide the producer, within the time set by the producer, with all the information and documents requested by the producer in order to meet the obligations imposed by this Regulation, including those concerning the elements listed in subparagraphs 1 to 14 of the first paragraph of section 46.

In such a case, the producer must also collect the containers on deposit stored at that site at least twice per week.

**51.** Every retailer is required to post clearly, at the place where the retailer offers for sale a product in a container on deposit, the amount of the deposit for

the container. The same applies to the manager of a vending machine in which a product is offered for sale in a container on deposit.

The amount of the deposit must also appear on the invoice for the person who purchases the product, on a line just below the line indicating the amount of the sale.

**52.** Every retailer must post clearly, inside or at the entrance of every establishment in which the retailer sells a product in a container on deposit, the address of the return site for that establishment.

**53.** Despite section 50, a contract between a producer and a retailer may be entered into at any time after the expiry of the time specified in that section. In such a case, the clauses of the contract are substituted for the provisions of that section.

**54.** Every producer must, within 12 months following (*insert the date of coming into force of this Regulation*), submit to the Société and to the Minister a list of all the retailers subject to the obligations of this subdivision, detailing how they have fulfilled their obligations.

**55.** This subdivision does not apply in isolated or territories and unorganized territories, or to establishments offering consumption on the premises.

*§4. Isolated or remote territories and establishments offering consumption on the premises*

*§§1. Isolated or remote territories*

**56.** Every producer must offer the authorities responsible for the administration of isolated or remote territories to install, in those territories, return sites for containers on deposit in which products are sold by retailers.

For that purpose, the producer must begin a process with each authority representing such a territory to enter into a contract which, once signed, must specify, without limiting the possibility to add other elements,

- (1) the location, number, type and layout of the return sites that will be installed;
- (2) the person responsible for installing the return site or sites and the person responsible for managing the return site or sites;
- (3) the terms and conditions for access to the return sites;

(4) the type of devices that will be installed for the return of containers on deposit and the person responsible for their purchase or, where applicable, leasing, maintenance and replacement;

(5) the terms and conditions for the maintenance and replacement of the devices installed

(6) the number of containers on deposit that it will be possible to return at each visit;

(7) if the installation of a bulk return point is planned, the types of recipients that may be used to return containers on deposit;

(8) the management mode for the return sites;

(9) the terms and conditions for storing the containers returned and the special arrangements that will be needed to prevent the inconveniences caused by odours, vermin and wildlife;

(10) the mode or modes for refunding the amount of deposit for persons returning containers on deposit;

(11) the terms and conditions for client service;

(12) the terms and conditions on which the producer refunds to the retailer the deposit amounts that the retailer has refunded for the return of containers on deposit;

(13) the management process for the containers that will be brought to a return site and are non-returnable or rejected by a device, and for the recipients used to transport containers that will be abandoned at a return site;

(14) the terms and conditions for collecting containers on deposit from the return sites, including the frequency of collection;

(15) the information, awareness and education measures that will be implemented for the inhabitants of the territory concerned, including the identification of return sites and the information that will be posted there, and the language used for that purpose;

(16) the information that must be communicated to the authority that signed the contract concerning the results achieved in the territory with respect to the recovery, reclamation, local reclamation and recycling rates for containers on deposit;

(17) a schedule for the implementation of the obligations set out in the contract;

(18) the duration of the contract;

(19) the terms and conditions for modifying, cancelling and renewing the contract; and

(20) the dispute resolution method.

**57.** If, at the end of the fourth month following (*insert the date of coming into force of this Regulation*), a producer and one or more authorities referred to in the first paragraph of section 56 have not succeeded in entering into a contract pursuant to section 56, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the authorities pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified by the producer and the authorities concerned, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 56 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 the outcome of the process.

**58.** Not later than by the end of the sixth month following (*insert the date of coming into force of this Regulation*), if a producer and one or more authorities referred to in the first paragraph of section 56 have not succeeded, despite the mediation process, in entering into a contract pursuant to section 56, the producer is required, within 3 months of that date, to install and finance return sites in that territory or those territories, refund the amount of the deposits for containers on deposit, collect containers from the return sites, and transport, condition and reclaim them, in accordance with the following distribution:

(1) for each locality with fewer than 3,000 inhabitants situated in a territory: at least 1 return point, accessible at least 24 hours per week over a minimum period of 4 days;

(2) for each locality of 3,000 inhabitants or more situated in a territory: at least 2 return sites, including a return point, accessible at least 30 hours per week over a minimum period of 5 days.

The producer must, for each return site installed and financed pursuant to the first paragraph, provide an enclosed space at the return site, sufficiently large to store all the containers on deposit returned until they are collected, and laid out in a way that prevents the harm caused by odours, vermin and wildlife.

The producer must also, for each return site situated in a locality situated in a territory accessible year-round by road or rail, collect containers on deposit at the following minimum frequency:

(1) once per month for localities with fewer than 3,000 inhabitants;

(2) twice per month for localities with 3,000 or more inhabitants.

For a return site situated in a locality that is not accessible year-round by road or rail, the producer must collect containers on deposits at least twice per year.

**59.** Despite section 58, a contract between a producer and an authority referred to in the first paragraph of section 56 may be entered into at any time after the expiry of the time specified in section 58. In such a case, the clauses of the contract are substituted for the provisions of that section.

**60.** The producer has operational and financial responsibility for a return site referred to in this sub-subdivision.

**61.** A return site installed in an isolated or remote territory must comply with sections 23 to 38, except subparagraphs 9 and 10 of the first paragraph of section 23.

#### **§§2. Establishments offering consumption on the premises**

**62.** The operator of an establishment offering consumption on the premises must participate in the deposit system developed and implemented pursuant to this Regulation. The operator must, for that purpose, in addition to the requirements of sections 63 and 65, take the necessary steps to do so within the establishment.

**63.** Not later than (*insert the date of coming into force of this Regulation*), a producer must take steps to enter into a contract with the representatives of establishments offering consumption on the premises, which, once signed, must specify, without limiting the possibility of adding other elements,

(1) the types of establishments offering consumption on the premises to which a collection service for containers on deposit in which they sell or otherwise make available a product will be offered;

(2) an undertaking, by any party to the contract, to draw up a list showing the number of participating establishments offering consumption on the premises, their name and address, their type, the

particularities to be taken into account concerning access to the establishment, and the terms and conditions for updating the list;

(3) a list of the equipment and accessories needed to facilitate the collection of containers on deposit, including compactors, bins, crates or other types of recipients, the person responsible for the supply of the equipment and accessories, the terms and conditions for the emptying of containers on deposit and the on-site sorting of containers, if applicable, and the financial terms and conditions for purchasing and maintaining the equipment and those accessories;

(4) the frequency and modes of collection of containers on deposit in participating establishments offering consumption on the premises;

(5) the types of vehicles that may be used for the collection of containers on deposit in each participating establishment offering consumption on the premises;

(6) the minimum and maximum quantities of containers on deposit that may be returned at each collection, and the mode of communication for requesting or cancelling a collection if needed;

(7) the mode or modes for refunding the deposit amount for containers on deposit collected and the terms and conditions for refunds;

(8) the information, awareness and education measures to be put in place for personnel members at participating establishments offering consumption on the premises to ensure a proper management of containers on deposit in which they sell or otherwise offer a product; and

(9) an implementation schedule for collection services, which must begin not later than the tenth month and a half following (*insert the date of coming into force of this Regulation*).

**64.** If, at the end of the sixth month following (*insert the date of coming into force of this Regulation*), a producer and a representative of establishments offering consumption on the premises have not succeeded in entering into a contract pursuant to section 63, they must, within 14 days after the time limit, enter into a mediation process with a mediator member of the Institut de médiation et d'arbitrage du Québec. The producer and the representative pay in equal shares the fees, costs, allowances and indemnities of the mediator to whom the dispute is referred.

The Minister and the Société must be notified by the producer and the representative concerned, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in section 63 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 the outcome of the process.

**65.** If, despite the mediation process, a contract is not entered into by the end of the eighth month following (*insert the date of coming into force of this Regulation*) with a representative of establishments offering consumption on the premises, the producer must offer each establishment concerned, not later than the end of the sixth week following the expiry of the time prescribed, a collection service for containers on deposit, on the following conditions:

(1) for every establishment with a capacity of 50 or more persons at a time: 1 collection at least once per week;

(2) for every establishment with a capacity of fewer than 50 persons at a time: 1 collection at least twice per month;

(3) every collection must allow the establishment concerned to return all the containers on deposit it has stored;

(4) the producer must provide the equipment and accessories needed to facilitate the collection of containers on deposit, including compactors, bins, crates or other types of recipients, ensure the emptying of containers on deposit, and the on-site sorting of containers if applicable;

(5) the producer must refund the deposit amount for containers on deposit collected to the establishment concerned within 1 week following collection;

(6) if the refunding mode requires a digital application, the producer must assign an identification code to the establishment and provide it with a sufficient quantity of precoded labels or a device to allow the establishment to print its own labels;

(7) the producer must provide the establishment with a document showing the operation of the collection service, the containers on deposit targeted and the rules that must be observed in order to receive the service.

**66.** Despite section 65, a contract with a representative referred to in section 63 may be entered into at any time after the expiry of the time specified in section 65. In such a case, the clauses of the contract are substituted for the provisions of that section.

**DIVISION IV**  
TRANSPORTATION, SORTING, CONDITIONING  
AND RECLAMATION OF CONTAINERS  
ON DEPOSIT

*§1. Obligations of producers*

**67.** Every producer must ensure that containers on deposit are transported, sorted, conditioned and reclaimed. For that purpose, the producer may enter into a contract with any service provider, taking into account the requirements of section 68.

Every contract under the first paragraph must be based on a call for tenders. The contract may be entered into by mutual agreement if, after a documented search, it is shown that the service provider is the only person able to provide the goods and or services concerned in the territory of Québec.

**68.** In selecting a service provider, the producer must take into account

(1) the ability of the service provider to meet the requirements determined by the producer for the transportation, sorting, conditioning or reclaiming of containers on deposit;

(2) the service provider's business model and the impact of that model on the community;

(3) the ability of the service provider

(a) to sort and condition, locally, the containers on deposit that are recovered;

(b) to contribute to the fight against climate change, considering for example the effort made by the service provider to reduce greenhouse gas emissions by selecting appropriate routes and modes of transportation to collect containers on deposit.

The producer must, in selecting a service provider, facilitate participation by social economy enterprises within the meaning of section 3 of the Social Economy Act (chapter E-1.1.1).

*§2. Contracts*

**69.** A contract entered into pursuant to section 67 must, without limiting the possibility of adding other elements, specify

(1) the type and quantity of containers on deposit covered by the contract;

(2) the places where services will be provided;

(3) the type of equipment used to transport, sort, condition or reclaim containers on deposit and the terms and conditions relating to maintenance and replacement;

(4) the conditions for the storage of containers on deposit, at each stage of transportation, sorting, conditioning and reclamation;

(5) the management of contamination in containers on deposit;

(6) the traceability of containers on deposit from the return site where they are stored to their final destination;

(7) the expected quality of the materials following transportation, sorting, conditioning or reclamation;

(8) if applicable, the destination of the materials obtained following the conditioning of containers on deposit;

(9) the requirements that all service providers, including subcontractors, must observe in managing the recovered containers, and provide for the establishment of measures to ensure compliance

(10) the management of other residual materials collected at return sites;

(11) the financial parameters, including the price of the services provided and the terms and conditions for payment;

(12) the quality control procedure for transportation, sorting, conditioning or reclamation covered by the contract, including the methods used to characterize containers on deposit, site visits and the use of audits or an external auditor;

(13) the duration of the contract and the conditions for its amendment, renewal or cancellation;

(14) the dispute resolution mechanism;

(15) the conditions ensuring the health and safety of workers at the site where materials are transported, sorted, conditioned or reclaimed;

(16) an undertaking by the service provider to submit to the producer, each year, the information and documents requested by the producer in order to meet its obligations under this Regulation.

## DIVISION V ANNUAL REPORT

**70.** Not later than 30 April each year, a producer must submit to the Société and the Minister, with respect to the deposit system, a report on its activities for the preceding calendar year along with its audited financial statements.

The financial statements and the data referred to in paragraphs 4, 5, and 8 to 10 of section 71 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 professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

**71.** The report referred to in the first paragraph of section 70 must contain the following information:

(1) the names of the producers who developed and implemented the system;

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

(3) the types of products contained in the containers on deposit and, by type of container, the trademark or name associated with each type of product;

(4) for each type of container on deposit, the quantity, in units and weight, of containers on deposit used to commercialize, market or otherwise distribute a product in Québec;

(5) for each type of container on deposit, the quantity, in units, of recovered containers on deposit that were reused, reclaimed, stored or disposed of, their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(6) for each type of container on deposit, the quantity, in units and weight, of containers on deposit that are recovered, by administrative region, by isolated or remote territory, and by inhabitant;

(7) for the whole of Québec,

(a) for each type of container on deposit, the quantity, by weight, of containers on deposit reclaimed and their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(b) for each type of container on deposit, the quantity, by weight, of recovered containers on deposit reclaimed otherwise than as a substitute for raw materials of a similar or different nature and of recovered containers on

deposit disposed of, along with their final destination or, as the case may be, the final destination of the material obtained following conditioning;

(c) for each type of container on deposit, the percentage of the material listed in section 3 of which it is made, that was reused, reclaimed, stored or disposed of;

(d) for each type of container on deposit, the percentage of the material listed in section 3 of which it is made, as, that was reused, reclaimed, disposed of or stored in Québec;

(e) for each type of container on deposit, the quantity of products, by type, commercialized, marketed or otherwise distributed in such a container;

(f) the quantity, in units, of non-returnable containers and other residual materials to which this Regulation does not apply that are recovered at a return site, along with their final destination or, as the case may be, the final destination of the material obtained following conditioning; and

(g) the quantity, in units, of containers on deposit returned to a return site that were disposed of;

(8) for each type of container on deposit, the name and address of the persons who conditioned the containers, the name and address of the persons who reclaimed the containers, with the reclamation method, and the name and address of the persons who disposed of the containers;

(9) for each return site, its type, its address, the types of refund offered, its business hours, whether or not it is situated inside an establishment and, if not, the distance between the site and any establishment with which it is associated, the number of persons it may accommodate at the same time, the number of containers on deposit that a person may return at each visit, if a limit is set, and a description of the collection service, including its frequency;

(10) the address of the website where the list referred to in section 42 is posted;

(11) if applicable, a description of the collection service for containers on deposit in public spaces, as scheduled and carried out;

(12) if applicable, the results for the year covered by the report from studies completed by the producer, including studies to determine, by type, the quantities of containers on deposit that are recovered through a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the



first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act (chapter Q-2)(herein referred to as “Act”);

(13) a description of the main information, awareness and education activities and the research and development activities completed during the year and those planned for the following year.

**72.** The financial statements referred to in the first paragraph of section 70 must contain the following information:

(1) the contributions producers were required to pay to finance the system;

(2) all forms of income resulting from the operation of the system and, if applicable, from a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act;

(3) the total of the deposit amounts for containers on deposit in which a product was sold or otherwise offered that were not refunded during the year;

(4) the costs associated with the operation of return sites

(a) for all the administrative regions; and

(b) for all isolated or remote territories;

(5) the costs associated with the collection and transportation of container on deposit from the return sites to the sorting centres then to the sites where they are conditioned and, where applicable, to the sites where the material obtained following their conditioning has been reclaimed;

(6) the costs associated with the collection of containers on deposit in establishments offering consumption on the premises;

(7) the costs associated with the sorting, conditioning and reclamation of containers on deposit, by type of containers;

(8) the costs associated with the management of containers on deposit that are recovered via a system of selective collection of certain residual materials developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act;

(9) the costs associated with information, awareness and education activities to inform consumers about the environmental advantages of recovering and reclaiming containers on deposit and about the return sites available, in order to promote their participation in the system;

(10) the costs associated with market research and development activities allowing the reclamation of containers on deposit, technological innovations and best practices;

(11) all other costs associated with the management of the system;

(12) any cost associated with the management of the system, that was incurred by the Société.

**73.** The Société must, within 3 months following the receipt of an annual report from a producer, send the producer the results of its analysis, including

(1) a list of the information required by section 71 that is not shown; and

(2) any other obligation of this Regulation that the producer has not fulfilled, as well as the time limit set by the Société to allow the producer to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the producer’s annual report, which must include the list required under subparagraph 1 of that paragraph and make recommendations on ways to improve the deposit system.

**74.** The producer must make public annually, not later than the 45th day following the date of the submission of its annual report to the Société, the information referred to in paragraphs 1 to 6, subparagraphs *a*, *c*, *d* and *g* of paragraph 7 and paragraphs 10, 12 and 13 of section 71 for the year preceding the year of publication, and make them accessible to all persons for a minimum period of 5 years.

### CHAPTER III MANAGEMENT BODY

#### DIVISION I DESIGNATION

**75.** During the month following the expiry of the time limit specified in section 76, the Société designates a body that meets the requirements of sections 78 and 79, for which the requirements of sections 76 and 77 have been met, and for which an application to be designated as the management body for the deposit system has been sent

to the Société, to assume, in place of producers, the obligation to develop, implement and contribute financially to a deposit system. The Société must, without delay, send confirmation of the designation to the body and to the Minister.

The designation provided for in the first paragraph is effective as of the date on which the confirmation provided for in the first paragraph is received by the body.

**76.** Every application for the initial designation of a body pursuant to section 75 or for the designation of a new body pursuant to section 89 must be filed with the Société within 2 months after the coming into force of this Regulation or, for a designation other than an initial designation, not later than the eighth week preceding the expiry of the current designation. It must contain the following information and documents:

- (1) the body's name, address, telephone number and email address;
- (2) the Québec business number assigned 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 its board of directors;
- (5) in the case of an initial designation, a plan for the development and implementation of the deposit system whose contents meet the requirements of section 77;
- (6) a copy of any other document showing that the body meets the requirements of sections 78 and 79;
- (7) a list of the producers who support the body's designation, signed by each producer.

A person who files an application pursuant to the first paragraph must send a copy to the Minister on the date on which the application is filed with the Société.

**77.** A development and implementation plan for a deposit system must contain

- (1) a general description of the activities of the producers that, if the body is designated by the Société, will be required to become members;
- (2) the terms and conditions for membership of the body;
- (3) a summary description of the planned system, covering the operational and financial components for the first 5 years of implementation;

(4) with respect to the returning of containers on deposit, a template for the contracts that may be entered into with

(a) retailers; and

(b) persons operating an establishment offering consumption on the premises;

(5) a list of the measures that the body plans to implement to promote the development of markets throughout Québec for various types of containers on deposit, and the ecodesign criteria it intends to require producers to consider;

(6) a list of the information, awareness and education measures the body plans to implement to encourage consumer participation in the deposit system;

(7) a draft timeframe for the development and implementation of the deposit system;

(8) a proposal for harmonizing the deposit system with any system of selective collection of certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, which must provide for, without limiting the possibility of adding other elements, the elements provided for in section 133.

The operational component referred to in subparagraph 3 of the first paragraph includes all stages in the implementation of the deposit system, and more specifically the stages involving the return of containers on deposit and their management as far as their final destination or, as the case may be, the final destination of the material obtained following conditioning.

**78.** Any body that meets the following requirements may be designated pursuant to section 75:

(1) it is constituted as a non-profit legal person;

(2) its head office is in Québec;

(3) each of the following categories of producers classified based on the types of products they commercialize, market or otherwise distribute, is represented on its board of directors:

(a) producers of beer and other malt-based alcoholic beverages;

(b) producers of alcoholic beverages other than those referred to in subparagraph *a*;

- (c) producers of soft drinks other than sparkling water;
  - (d) producers of water, including sparkling water;
  - (e) producers of milk and milk substitutes;
  - (f) producers of all other beverages that do not contain alcohol;
- (4) each category of producers, based on the types of containers they use among those listed in section 3 mainly to commercialize, market or otherwise distribute their products, is represented on the board of directors;

(5) most of the body's activities are connected to the recovery and reclamation of residual materials;

(6) the body is able to take financial responsibility for the development of the deposit system to which this Regulation applies.

A single member of the body's board of directors may fulfill a requirement specified in both subparagraph 3 and subparagraph 4 of the first paragraph.

**79.** In addition to the requirements of section 78, a body must, to be designated, have adopted general by-laws that are in effect when the application for designation is filed and provide 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 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 referred to in sub-subdivision 8 of subdivision 1 of Division II of this Chapter on the agenda at the next ensuing meeting of the board of directors, at the member's request, and an invitation to the member to present it; and

(5) the possibility for producers to become members.

**80.** The Société may, if it notes that the development and implementation plan filed with an application for designation does not meet all the requirements of section 77, ask the applicant to make changes before selecting the body that will be designated pursuant to section 75.

**81.** If, among the applications filed, more than 1 body meets the requirements of sections 78 and 79, the requirements of sections 76 and 77 are met by each body 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 in each of the categories listed in subparagraph 3 of the first paragraph of section 78.

**82.** On the expiry of the time limit set in section 75, if no application for designation has been sent, if no body for which an application has been sent meets the requirements of sections 78 and 79, or if the requirements of sections 76 and 77 have not been met for a body, the Société designates, within 30 days following the expiry of the time limit, a body which, in its opinion, is able to assume the obligations referred to in 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.

The designation provided for in the first paragraph is effective as of the date on which the notice informing the body of the designation is received by the body.

**83.** If the Société has not designated a body within the time limit set in section 75 or the first paragraph of section 82, the obligation set out therein is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**84.** A body's designation is valid for a period of 5 years.

On expiry, it is automatically renewed for the same period, provided that

(1) the body has filed with the Société and the Minister, not later than 6 months prior to expiry, a report on the implementation and effectiveness of the deposit system during the designation in progress, which must also include consultations and discussions with environmental

groups and consumers, the dates of the consultations and discussions, the topics discussed and the follow-up action taken;

(2) the report sets out the body's strategic aims and priorities for the deposit system for the new 5-year period; and

(3) the Société declares to the designated management body that it is satisfied with the report, not later than 4 months before the expiry of designation.

**85.** Not later than 4 months before the expiry of a designation, the Société must send to the Minister the results of its analysis of the report sent by the body and, if applicable, make recommendations.

**86.** The Société may, before the expiry of the 4-month time limit set in subparagraph 3 of the second paragraph of section 84, suggest that the designated management body make changes to a report filed with the Société pursuant to subparagraph 1 of the second paragraph of section 79.

**87.** If the Société has not ruled on a 5-year 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.

**88.** When a designation is not renewed because of non-compliance with a condition in the second paragraph of section 84, 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.

**89.** When a body's designation will not be renewed on expiry, the Société must begin a process that will allow it, in the 6 months prior to expiry, to designate, to ensure the operation and financing of the deposit system, a body that meets the requirements of sections 78 and 79, for which the requirements of sections 76 and 77 have been met and for which an application for designation as a management body for the deposit system has been sent. 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 set in the first paragraph, the obligation under that paragraph is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**90.** 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 bankruptcy, 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 current designation, the Société sends written notice to the body and to the Minister stating the reason for the termination of designation.

If the reason is the 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 the reason is 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 publishes as soon as possible, on its website, a notice informing producers that the designation of a management body is terminated.

**91.** Where the Société sends a notice referred to in the second paragraph of section 90, it must take steps, within 6 months of sending the notice, to designate a 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 the body receives the notice provided for in that paragraph.

If the Société has not designated a body within the time limit set in the first paragraph, the obligation is transferred, on the expiry of the time limit, to the Minister, who must act as soon as possible.

**92.** Despite section 91, an application for designation as a management body may be filed with the Société at any time after a notice has been sent under the second paragraph of section 90.

Sections 75 to 79, with the necessary modifications, apply to any application filed pursuant to the first paragraph.

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

A management 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 two 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 management body designated pursuant to this Regulation.

## DIVISION II OBLIGATIONS, RIGHTS AND RESPONSIBILITIES

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

**94.** A designated management body must assume, in place of the producers, the obligations of those producers under Chapters I and II.

#### *§§1. Governance*

**95.** The management body designated by the Société must, within 3 months following its designation, ensure

(1) that its board of directors has at least 10 members and that at least two thirds of its elected members are representatives of producers that have a domicile or establishment in Québec;

(2) that a producer is entitled to only 1 seat on the board of directors;

(3) that the number of members of its board of directors ensures a fair representation of all the sectors of activity to which the producers belong. Their representation must be proportionate to the quantity and type of containers 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;

(4) that not more than one third of the members of its board of directors are not members of the management body;

(5) that each director on the board of directors who is not a member has experience in the field of deposits; and

(6) that at least 1 member on the board of directors is a minor contributor while at least 3 members are medium contributors.

The designated management body must also establish measures, within the same time limit, to ensure that data gathered for the development, implementation and operation 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.

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

(1) a presentation of the body's activities during the preceding calendar year;

(2) changes in the implementation of the system of selective collection and the costs incurred;

(3) the possibility for members to give their opinion on such topics.

#### *§§2. Financing of the system*

**97.** The designated management body may use, to meet its obligation to finance the deposit system pursuant to section 75, any deposit amount paid by a producer pursuant to the first paragraph of section 99.

It may also use any other form of income generated by the operation of the system.

If the amounts referred to in the first and second paragraphs are not sufficient for the financing of the system in a given year, the designated management body may require producers to pay, as contributions, the sums necessary to cover the difference. The producers are bound to pay the amounts required by the designated management body within the time limit it sets.

**98.** In determining the contributions a producer is required to pay pursuant to the third paragraph of section 97, the designated management body must take into account the type and quantity of containers on deposit used by the producer, during the year concerned, to commercialize, market or otherwise distribute a product, and the factors that affect the operating costs for the system, including the costs connected to

(1) the materials of which the containers are made;

(2) their actual recyclability;

(3) the capacity of the deposit system to take them in charge until their reclamation;

(4) the existence of markets for all the materials of which a container on deposit is made;

(5) the inclusion of recycled materials in those containers; and

(6) the effort made to reduce, at source, the materials used to manufacture the containers on deposit.

The contributions a producer is required to pay under the third paragraph of section 97 are calculated by multiplying the quantity of containers on deposit used, in 1 year, by a producer to commercialize, market or otherwise distribute a product by the amount per container set by the designated management body on the basis of the elements and factors set out in the first paragraph.

**99.** Every producer must pay to the designated management body, at the time it determines, the amount of the deposit for each container in which it commercializes, markets or otherwise distributes a product.

### §§3. Recovery rate

**100.** The designated management body is required to achieve the following annual recovery rates for containers on deposit:

(1) for the years 2026 and 2027:

| Type of container   | Annual recovery rate |
|---|----------------------|
| Single-use metal containers   | 75%                  |
| Single-use plastic containers   | 70%                  |
| Single-use containers made of glass or any other breakable material                       | 65%                  |
| Single-use biobased containers  | 70%                  |
| Multiple-use containers made of glass or any other breakable material                     | 85%                  |
| Multiple-use containers made of any material other than glass or other breakable material | 70%                  |
| All containers  | 70%                  |

(2) for the years 2028 and 2029:

| Type of container   | Annual recovery rate |
|---|----------------------|
| Single-use metal containers   | 80%                  |
| Single-use plastic containers   | 75%                  |
| Single-use containers made of glass or any other breakable material                       | 75%                  |
| Single-use fibre containers, including multi-layer containers                             | 65%                  |
| Single-use biobased containers  | 75%                  |
| Multiple-use containers made of glass or any other breakable material                     | 90%                  |
| Multiple-use containers made of any material other than glass or other breakable material | 75%                  |
| All containers  | 80%                  |

Starting in 2030, and every 2 years thereafter, the recovery rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

**101.** The recovery rates prescribed by section 100 are calculated by dividing, for a given year, for each type of containers, the quantity of containers on deposit that are recovered at all return sites by the quantity of containers on deposit in which a product has been commercialized, marketed or otherwise distributed by a producer, and by multiplying the result obtained by 100%.

**102.** Only containers on deposit that are traceable may be considered in the calculation of the recovery rates achieved by the designated management body, which 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 concerned to complete an audit mission. They may also be audited by any other person legally authorized to perform such an activity in Québec.

**103.** Containers on deposit that are recovered via a system of selective collection of certain residual materials that is developed, implemented and financed pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, are eligible for the calculation of recovery rates if

(1) they are not accounted for in the calculation of recovery and reclamation rates for the system of selective collection of certain residual materials;

(2) they are covered by a contract entered into, pursuant to the first paragraph of section 130, between the designated management body and a management body designated pursuant to the regulation respecting the system of selective collection of certain residual materials;

(3) they represent at most 5% of the containers on deposit in which a product is commercialized, marketed or otherwise distributed under the deposit system;

(4) the quantity of containers on deposit that are eligible is limited to 10% of the total quantity of containers on deposit that are recovered that are counted for the achievement of those rates; and

(5) they meet all the requirements applicable to containers on deposit of the same type accounted for under the deposit system.

#### §§4. Reclamation rates

**104.** The designated management body is required to achieve the following annual reclamation rates for the containers on deposit:

(1) for the years 2026 and 2027:

| Type of container  | Annual reclamation rate |
|--|-------------------------|
| Single-use metal containers  | 75%                     |
| Single-use plastic containers  | 68%                     |
| Single-use containers made of glass or any other breakable material                  | 63%                     |
| Single-use biobased containers   | 68%                     |
| Multiple-use containers made of glass or any other breakable material                | 90%                     |
| Multiple-use containers of any material other than glass or other breakable material | 80%                     |
| All containers   | 65%                     |

(2) for the years 2028 and 2029:

| Type of container  | Annual reclamation rate |
|--|-------------------------|
| Single-use metal containers  | 80%                     |
| Single-use plastic containers  | 73%                     |
| Single-use containers made of glass or any other breakable material                  | 73%                     |
| Single-use fibre containers, including multi-layer containers                        | 60%                     |
| Single-use biobased containers   | 73%                     |
| Multiple-use containers made of glass or any other breakable material                | 90%                     |
| Multiple-use containers of any material other than glass or other breakable material | 85%                     |
| All containers   | 75%                     |

Starting in 2030, and every 2 years thereafter, the reclamation rates prescribed by subparagraph 2 of the first paragraph are increased by 5% until they reach 90%.

**105.** Only materials obtained from the conditioning of containers on deposit that are used as a substitute for raw materials of a similar or different nature, except when that material is used in a landfill for residual materials within the meaning of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) or for a biological treatment, are eligible for the calculation of reclamation rates.

For a material obtained following the conditioning of multiple-use containers on deposit to be eligible in the calculation of the rates prescribed by section 104, the designated management body must demonstrate that the containers have, on average, been reused at least 10 times before being conditioned, each time for the same purposes as those for which they were used for the first time to commercialize, market or otherwise distribute a product.

**106.** For each type of single-use containers referred to in section 104, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the containers on deposit of that type and that has been reclaimed, by the weight of all containers on deposit of the same type used to commercialize, market or otherwise distribute a product, and by multiplying the result obtained by 100%.

**107.** For each type of multiple-use containers referred to in section 104, the reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following the conditioning of the containers on deposit of that type and that has been reclaimed, by the weight of all containers on deposit that are recovered of the same type, that may no longer be reused and before they are conditioned, and by multiplying the result obtained by 100%.

**108.** The recovered containers on deposit referred to in section 103 are eligible for the calculation of reclamation rates if the requirements of that section are met.

#### §§5. Local reclamation rates

**109.** The designated management body is required to achieve the following annual local reclamation rates for the containers on deposit to which this Regulation applies:

| Type of container  | Annual local reclamation rate |
|--|-------------------------------|
| Single-use metal containers  | 20% starting in 2026          |
| Single-use plastic containers  | 80% starting in 2026          |
| Single-use containers made of glass or other breakable material                      | 90% starting in 2026          |
| Single-use fibre containers, including multi-layer containers                        | 80% starting in 2028          |
| Single-use biobased containers   | 80% starting in 2028          |
| Multiple-use containers made of glass or any other breakable material                | 90% starting in 2026          |
| Multiple-use containers of any material other than glass or other breakable material | 80% starting in 2026          |

Local reclamation is the reclamation, in Québec, of a material obtained following conditioning of a container on deposit.

**110.** For each type of containers referred to in section 109, the local reclamation rate is calculated by dividing the quantity, by weight, of the material obtained following conditioning of containers on deposit of that type and that has been reclaimed in Québec, by the quantity, also by weight, of the material obtained following the conditioning of the containers on deposit of that type and that have been reclaimed, and by multiplying the result obtained by 100%.

#### §§6. Recycling rate

**111.** The designated management body must ensure, that for each type of containers on deposit, the material obtained following conditioning of the containers that are recovered are sent, in the following percentages and for the following purposes, to a site where it is transformed to be reintegrated in an industrial process for manufacturing new products:

(1) as of 2026, at least 50% of the material obtained following the conditioning of metal containers, in order to produce new containers and packaging;

(2) as of 2026, at least 50% of the material obtained following the conditioning of plastic containers, in order to produce new containers and packaging;

(3) as of 2026, at least 50% of the material obtained following the conditioning of glass containers, in order to produce new containers;

(4) as of 2026, at least 50% of the material obtained following the conditioning of fibre containers, including multilayer containers, in order to produce new containers, packaging or paper intended for the printing field.

**112.** The rates prescribed by section 111 are calculated by dividing the quantity, by weight and by material listed in paragraphs 1 to 4 of that section, the material obtained following the conditioning of containers on deposit that were sent to site referred to in that section by quantity, by weight, of material obtained following the conditioning of the containers on deposit referred to in the first paragraph of section 104, and by multiplying the result obtained by 100%.

#### §§7. Remediation plan

**113.** The designated management body must determine each year, for each type of container referred to in section 3, if the recovery, reclamation, local reclamation and recycling rates prescribed have been achieved.

When one or more prescribed rates have not been achieved, the designated management body must, within 3 months from the date set for submitting the annual report referred to in sub-subdivision 9 of this subdivision, send to the Société and the Minister, for information purposes, only 1 remediation plan detailing, for each rate, the measures that will be taken to achieve the rate.



**114.** The measures contained in a remediation plan with respect to recovery rates and reclamation rates, except local reclamation rates, must

(1) allow the prescribed rates to be achieved within 2 years; and

(2) take into account the measures contained in a remediation plan previously submitted to the Société and the Minister.

The measures in a remediation plan for local reclamation rates and recycling rates must

(1) stimulate the development, in Québec, of markets for the material obtained following the conditioning of containers on deposit if the minimum local reclamation rate is not achieved and promote ecodesign of containers made with such material; and

(2) provide that if the local reclamation rate is not achieved during 5 consecutive years, the amount associated with the financing of the measures that the designated management body has put in place or planned to put in place to achieve the rate and that are provided for in the remediation plan will double until it is achieved.

The measures in a remediation plan are financed by the designated management body and the plan must contain the amount associated with that financing.

The amount associated with the financing provided for in the third paragraph is calculated as follows:

(1) **Recovery rate** – for the recovery rate, using the equation

$$MFr = Qcm \times MC$$

where:

MFr = the amount of the financing for the measures for the year concerned;

Qcm = the quantity, by type and in units, of containers on deposit needed to achieve the prescribed recovery rates for the year concerned;

MC = an amount equivalent to the amount of the deposit for a container needed to achieve the prescribed rates;

(2) **Reclamation rate, local reclamation rate and recycling rate** – for the reclamation rates, the local reclamation rates and the recycling rates, by multiplying the quantity of materials, the weight of which is converted into the number of containers, which, for a given type of

containers on deposit, is needed to achieve the prescribed reclamation rate, local reclamation rate or recycling rate by an amount equal to the amount set by container, by the designated management body, in accordance with the second paragraph of section 98.

Where, for a given year, no contribution is required from the producers for a type of containers on deposit, the quantity of material that is needed is multiplied by \$0.02.

Where no reclamation rate or local reclamation rate is achieved, for a given year, for a type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.75.

Where none of the prescribed recovery, reclamation, local reclamation and recycling rates is achieved, for a given year, for a type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

Where 2 of the prescribed reclamation rates, local reclamation rates or recycling rates are not achieved, for a given year, for a material obtained following the conditioning of a same type of containers on deposit, the result obtained by adding the amounts for the financing of the measures contained in the remediation plan is multiplied by 0.75.

Where none of the reclamation rates, local reclamation rates and recycling rates are achieved, for a given year, for a material obtained following the conditioning of a same type of containers on deposit, the result obtained by adding the amounts for financing the measures contained in the remediation plan is multiplied by 0.60.

**115.** If, for a given type of containers on deposit or, as the case may be, material obtained following the conditioning of that type of containers, the designated management body does not achieve the prescribed recovery and reclamation rates, except the local reclamation rates, for a period of 5 consecutive years despite the implementation of remediation plans during that period, the designated management body must make a payment to the Minister of Finance, not later than 30 April following the last of those years, in an amount equal to the amount for the financing of the measures for that type of containers, provided for in the last remediation plan sent to the Société and the Minister pursuant to the second paragraph of section 113. If the gap between the prescribed rate and the rate achieved is less than 5%, the amount of the payment is reduced by half.

The sums paid pursuant to the first paragraph are paid to 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).

**116.** The sums referred to in section 115 that are not paid within the prescribed time bear 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 sums is added to the sum owed if the failure to pay exceeds 60 days.

### §§8. *Monitoring committee*

**117.** During the first year of the implementation of a deposit system, the designated management body must establish a monitoring committee, whose members are independent of the members of its board of directors and mandated by the following persons and bodies having a domicile or establishment in Québec to represent them:

- (1) the managers of return points;
- (2) the managers of bulk return points;
- (3) the managers of return centres;
- (4) conditioners, who must mandate 2 representatives for persons conditioning different types of containers;
- (5) recyclers;
- (6) transporters, who must mandate 1 representative for persons who collect containers on deposit from return sites and 1 representative for persons who collect containers on deposit from establishments offering consumption on the premises;
- (7) retailers;
- (8) establishments offering consumption on the premises;
- (9) the authorities responsible for the administration of the isolated or remote territories;
- (10) municipal bodies;
- (11) a management body designated pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, if such a body exists.

Each person and body listed in the first paragraph may only be represented by 1 person as member of the monitoring committee, except the persons listed in subparagraphs 4 and 6 of the first paragraph.

Four seats as observers on the monitoring committee must be reserved for the designated management body, for a designated management body, if applicable, pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1, for the Ministère du Développement durable, de l'Environnement et des Parcs and for the Société.

**118.** The members of the monitoring committee representing the persons or bodies listed in subparagraphs 1, 2, 4 to 6 and 8 of the first paragraph of section 117 serve for a term of 2 years. At the expiry of their term, the persons or bodies must mandate new representatives to sit on the monitoring committee.

**119.** The monitoring committee is responsible for

- (1) monitoring the implementation and operation of the system;
- (2) anticipating the issues that the designated management body may face when implementing and operating the system; and
- (3) raising the issues with the designated management body and recommending ways to resolve them.

**120.** The designated management body must send to the monitoring committee, at its request, all operational and financial information on the system needed by the committee to perform its duties.

**121.** The monitoring committee must hold at least 2 meetings per year.

**122.** At least once every 5 years, before the report referred to in section 84 is sent, the designated management body must hold a meeting with environmental groups and consumers to present the development of the system and gather their comments and recommendations.

### §§9. *Annual report*

**123.** Not later than 30 April each year, the designated body must send to the Société and the Minister, with respect to the deposit system, a report on its activities for the preceding calendar year along with its audited financial statements.

The financial statements and the data referred to in the second paragraph of section 124 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 professional order of which the professional is a member to complete an audit mission. The financial statements and data may also be audited by any other person legally authorized to perform such an activity in Québec.

**124.** The report referred to in the first paragraph of section 123 must contain, with the necessary modifications, the information referred to in section 71 and the following information:

- (1) the name of the body;
- (2) the name and professional contact information of each of its directors;
- (3) the category of producers to which each director belongs, from among those listed in subparagraphs *a* to *f* of subparagraph 3 of the first paragraph of section 78;
- (4) a list of its members;
- (5) a list of its committees, the mandate of each committee, and the names of its members;
- (6) more specifically, with respect to the monitoring committee, the dates of its meetings, the items on the agenda at each meeting, and the recommendations made by the committee to the board of directors;
- (7) the actions taken on the recommendations made by the monitoring committee and, if applicable, the reason for which no action is taken on a recommendation;
- (8) a description of the collection services in the return sites and in the establishments offering consumption on the premises.

The report must also contain the following information for the whole of Québec:

- (1) the detailed calculations for the amounts producers are required to pay;
- (2) the recovery rates for containers on deposit, as a percentage, based on data by unit and weight and by type;
- (3) for each type of container on deposit, the rate, as a percentage, of container reclamation and the gap between the rate achieved and the prescribed rate.

**125.** The report referred to in the first paragraph of section 123 must, in addition, contain

- (1) a summary showing the income collected from its members as the contributions producers are required to pay to finance the system and all other forms of income generated by the operation of the system;
- (2) a list of the contracts entered into by the designated management body and their contents and, if applicable, a list of any changes made to current or renewed contracts;
- (3) a description of the measures put in place to promote the design of containers using an approach that reduces negative impacts on the environment throughout their life cycle and contributes to the fight against climate change;
- (4) an explanation of how the designated management body has ensured, with respect to the management of the containers on deposit that are recovered, that the selection of a form of reclamation complies with the order of priority set out in subparagraph 4 of the first paragraph of section 9;
- (5) an explanation of how the body has, in developing and implementing the deposit system, taken into account the principles forming the basis for the circular economy and the social economy within the meaning of the Social Economy Act (chapter E-1.1.1);
- (6) if applicable, the amount internalized in the sale price of products sold in a container on deposit that a purchaser of a product is required to pay to cover some or all of the system costs that producers must bear;
- (7) any change to the system made or planned for the year following the year covered by the report; and
- (8) for the first annual report, a description of the harmonization mechanism with a system of selective collection of certain residual materials developed and implemented pursuant to a regulation made under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Environment Quality Act with respect to the treatment of containers on deposit that are recovered during the selective collection of certain materials targeted by that system.

**126.** Where a remediation plan must be produced by the designated 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, along with the costs incurred or to be incurred for the implementation of the measures.

**127.** The financial statements referred to in the first paragraph of section 123 must contain the information listed in section 72.

**128.** The designated management body must make the following information public each year, in addition to the information listed in section 74, for the same year as the year specified in that section and in accordance with the same requirements:

- (1) its name;
- (2) the names of its directors;
- (3) the summary referred to in paragraph 1 of section 125.

**129.** The Société must, within 3 months following receipt of the designated management body's annual report, send to it the results of its analysis of the report, including

- (1) a list of the information required by sections 124 to 126 that is not shown; and
- (2) any other obligation of this Regulation that the body has not fulfilled, as well as the time limit set by the Société to allow the body to indicate how it intends to correct the situation and its timeframe for doing so.

The Société must also, within the time limit set in the first paragraph, send a written summary to the Minister of the results of its analysis of the body's annual report, which must include the list required under subparagraph 1 of that paragraph and make recommendations on ways to improve the deposit system.

#### **§§10.** *Inter-system harmonization*

**130.** A management body designated pursuant to Division I of Chapter III must enter into a contract with a management body designated pursuant to a regulation made pursuant to subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 and section 53.30.1 of the Act, ensuring the harmonization of the systems developed, implemented and financially supported under both regulations.

The contract referred to in the first paragraph must be signed within 5 months following the designation of the bodies referred to in the first paragraph.

**131.** Any dispute preventing, within the time limit set in the second paragraph of section 130, the entering into a contract between the bodies referred to in that section must be submitted to a mediator within 14 days of the time limit set in the second paragraph of section 130.

The Minister and the Société must be notified by the bodies, within the same time limit, of the reasons for the dispute preventing the entering into a contract referred to in the first paragraph of section 130 and of the choice of a mediator, who must be a member of the Institut de médiation et d'arbitrage du Québec.

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

The maximum duration of the mediation process is 3 months.

**132.** If, at the end of the time limit set in the fourth paragraph of section 131, the mediation process has not allowed the designated management bodies to come to an agreement, they must submit their dispute to arbitration.

Arbitration pursuant to the first paragraph is governed by the rules of Title II of Book VII of the Code of Civil Procedure (chapter C-25.01).

**133.** A contract entered into pursuant to section 130 must contain, without limiting the possibility for the parties to add other elements,

- (1) an identification of the types of containers or residual materials that each system may be required to deal with despite them not being covered by any of the systems, including in particular,

- (a) with respect to containers on deposit that the system of selective collection may be required to deal with, the types of containers on deposit, including the elements referred to in the second paragraph of section 140; and

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

- (2) the methods used to determine the quantities of containers or residual materials not covered by a system that must be dealt with by the other system, such as the criteria used for sampling, and an identification of the persons responsible for determining the quantities and those responsible for ensuring the follow-up;

(3) the terms and conditions applicable to the management of containers or residual materials not covered by a system that must be dealt with by the other system, in particular concerning traceability to their final destination or, as the case may be, the final destination of the material obtained following the conditioning of containers on deposit, and as regards, 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 in the contract;

(5) the terms and conditions for communications between the parties to the contract;

(6) the duration of the contract and the conditions for its amendment, renewal or cancellation; and

(7) the dispute resolution mechanism selected by the parties.

**134.** A copy of the contract entered into pursuant to section 130 must be sent to the Minister and the Société within 15 days of signing.

## *§2. Of producers towards the body*

**135.** A producer must be a member of the designated management body not later than the third month following the date of its designation.

**136.** The terms and conditions for membership of the body may in no case include as a membership condition the payment of a contribution by the member or impose the entering into a contract between a member and the body.

**137.** As a member of the designated management body, the producer must provide the following information:

(1) its name, address, telephone number and electronic address;

(2) its Québec business number if the enterprise 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 product to which this Regulation applies that the producer commercializes, markets or otherwise distributes, the associated trademark or name, if applicable;

(5) its status in connection with the product, in other words if the producer is the owner or user of the trademark or name associated with it, if the producer is the first supplier of the product in Québec or if the producer sells a product in one of the situations referred to in section 5.

**138.** 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 deposit system.

**139.** Every member of the designated management body must keep a register containing the following information:

(1) the quantity of containers on deposit returned each month to each return site under their responsibility;

(2) the quantity of non-returnable containers returned each month to each return site under their responsibility;

(3) the quantity of containers, on deposit or not, sent each month to a place where they are conditioned;

(4) the final destination of the materials obtained from the conditioning of containers.

**140.** Every member of the designated management body must provide, within the time limit it sets, the documents and information it requests in order to fulfill its responsibilities and obligations under this Regulation, including the quantity and weight of the containers on deposit used to commercialize, market, or otherwise distribute a product in the course of a year.

The following are included in the calculation of the weight of containers on deposit referred to in the first paragraph:

(1) for plastic containers, fibre containers, including multilayer containers, and biobased containers: the caps;

(2) for metal containers, plastic containers, single-use or multiple-use glass containers: labels and shrink sleeves.

**141.** The designated management body must pay an amount to the Société annually corresponding to its management costs and other expenses incurred for fulfilling 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, for the year in progress, of the 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 the year. It must also send to the body, after receiving it, the 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), with its activities report and financial statements for the year concerned by the payment.

Not later than 31 December of the 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 in the second paragraph. After the other documents referred to in that paragraph have 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 amount of the indemnity already paid is greater than the amount of 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.

**142.** The indemnity owed to the Société on the date provided for in section 141 bears interest at the rate determined pursuant to the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

#### CHAPTER IV MONETARY ADMINISTRATIVE PENALTIES

**143.** 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

- (1) fails to submit an opinion within the time set out in the second paragraph of section 17;
- (2) fails to give reasons for an opinion submitted pursuant to the second paragraph of section 17;
- (3) fails to comply with the requirements of the second paragraph of section 22 or of section 26, the second paragraph of section 51 or section 54;
- (4) fails to allocate the cost of recovering and reclaiming a container on deposit only to that container, in contravention of the first paragraph of section 22;
- (5) fails to draw up the list provided for in section 42;

(6) fails to post the amount of the deposit, in contravention of the first paragraph of section 51, or the address of the return site, in contravention of section 52;

(7) fails to send to the Minister a copy of the application referred to in the first paragraph of section 76, in contravention of the second paragraph of that section;

(8) fails to send a report referred to in section 123 containing all the elements listed in section 124 or 125;

(9) fails to send a report referred to in section 123 containing the required information listed in section 126;

(10) fails to send to the Minister and the Société the document provided for in section 134 or fails to send the document within the time limit set therein;

(11) fails to provide the information provided for in section 137;

(12) fails to send to the Minister a document or information requested by the Minister, in contravention of section 157, or fails to send the document or information within the time limit set therein; or

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

**144.** A monetary administrative penalty of \$1,500 may be imposed on any designated management body who

- (1) fails to establish a monitoring committee provided for in the first paragraph of section 117; or
- (2) fails to comply with the time limit set in section 123 for sending the report referred to therein.

**145.** 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

- (1) fails to comply with the requirements of the third paragraph of section 50 and the second paragraph of section 58;
- (2) fails to collect containers on deposit at the frequency provided for in the fourth paragraph of section 50 or the third or fourth paragraph of section 58;
- (3) fails to send confirmation as provided for in section 75 or fails to send it within the time limit set therein;

(4) fails to establish measures as provided for in the second paragraph of section 95;

(5) fails to submit a remediation plan, in contravention of the second paragraph of section 113;

(6) fails to hold the meeting referred to in section 122 and to gather the comments and recommendations provided for therein;

(7) fails to send the report provided for in section 123, fails to send with the report the audited financial statements and the data referred to in the second paragraph of section 124 or fails to send financial statements and the data referred to in the second paragraph of section 124 that are audited by a person referred to in the second paragraph of that section;

(8) fails to send the results referred to in section 129 or fails to send them within the time limit set; or

(9) fails to comply with the time limits set in the second paragraph of section 130 or 140.

**146.** 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 comply with the distances provided for in section 48.

**147.** 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 comply with the requirements of the first or second paragraph of section 8, or those provided for in the first or second paragraph of section 16, the first paragraph of section 50, section 61 or section 98;

(2) fails to submit the plan referred to in section 43 or submits such plan without the plan containing all the measures listed in that section;

(3) fails to ensure that a return site is installed for each retailer bound to comply with the obligations of section 44;

(4) offers to take back and refund a container on deposit without complying with sections 23 to 41, in contravention of the first paragraph of section 45;

(5) enters into a contract that does not contain all the elements provided for in the first paragraph of section 46, the second paragraph of section 56, section 63, 69 or 133;

(6) enters into a contract without complying with sections 23 to 41, in contravention of the second paragraph of section 46;

(7) fails to provide all the documents and information requested pursuant to the third paragraph of section 50 or section 140 or fails to provide them within the time limit set therein;

(8) does not offer the installation of return sites for containers on deposit, in contravention of the first paragraph of section 56;

(9) fails to fulfill the obligation set out in section 62;

(10) fails to offer a collection service, in contravention of section 65, or does so without complying with the conditions in that section;

(11) enters into a contract otherwise than as provided for in the second paragraph of section 67;

(12) fails to take into account the elements set out in the first paragraph of section 68 in selecting a service provider;

(13) designates a management body without the conditions of the first paragraph of section 76 being met;

(14) designates a management body pursuant to section 75 despite the fact that it does not meet the requirements of section 78 or those of section 79;

(15) designates a management body that does not meet the requirements of section 81;

(16) fails to send to the Minister the results provided for in section 85;

(17) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 91;

(18) does not ensure compliance with the requirements of the first paragraph of section 95;

(19) fails to pay the amounts provided for in the third paragraph of section 97 within the time limit set pursuant to that paragraph;

(20) fails to pay the amount provided for in section 99 at the time determined by the designated management body;

(21) does not make the payment provided for in section 115;

(22) fails to enter into a contract referred to in section 130;

(23) fails to keep the register provided for in section 139; or

(24) fails to comply with each clause of a contract entered into pursuant to this Regulation to which it is a party, in contravention of section 158.

**148.** 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

(1) fails to take back the containers on deposit that are returned to it or to refund the amount of the deposit, in contravention of section 44; or

(2) fails to comply with the requirements of the first paragraph of section 58.

**149.** 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

(1) fails to develop, fails to implement or fails to contribute financially to a deposit system, in contravention of sections 4 to 6;

(2) fails to prepare only 1 deposit system, in contravention of section 7;

(3) fails to fulfill the obligations of sections 9 to 14;

(4) fails to take steps as provided for in the first paragraph of section 46 or those provided for in the second paragraph of section 56 or section 63;

(5) fails to ensure that containers on deposit are transported, sorted, conditioned and reclaimed, in contravention of the first paragraph of section 67;

(6) fails to designate a body, in contravention of section 75, 82 or 89;

(7) fails to assume the obligations provided for in section 94;

(8) fails to make the payment provided for in the third paragraph of section 97;

(9) fails to make the payment provided for in section 99;

(10) fails to fulfill the obligation set out in section 135;

(11) fails to fulfill the obligations and conditions set out in section 138.

## CHAPTER V OFFENCES

### **150.** Any person who

(1) fails to submit an opinion within the time set out in the second paragraph of section 17,

(2) fails to give reasons for an opinion submitted pursuant to the second paragraph of section 17,

(3) fails to comply with the requirements of the second paragraph of section 22 or of section 26, the second paragraph of section 51 or section 54,

(4) fails to allocate the cost of recovering and reclaiming a container on deposit only to that container, in contravention of the first paragraph of section 22,

(5) fails to draw up the list provided for in section 42,

(6) fails to post the amount of the deposit, in contravention of the first paragraph of section 51, or the address of the return site, in contravention of section 52,

(7) fails to send the Minister a copy of the application referred to in the first paragraph of section 76, in contravention of the second paragraph of that section,

(8) fails to submit a report referred to in section 123 containing all the elements listed in section 124 or 125,

(9) fails to submit a report referred to in section 123 containing the required information listed in section 126,

(10) fails to send to the Minister and the Société the document provided for in section 134 or fails to send the document within the time provided for therein,

(11) fails to provide the information provided for in section 137,

(12) fails to send to the Minister a document or information requested by the Minister, in contravention of section 157, or fails to send the document or information within the time provided for therein, or

(13) fails to comply with a provision of this Regulation for which no fine is otherwise provided for,



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.

**151.** Any person who

(1) fails to establish the monitoring committee provided for in the first paragraph of section 117, or

(2) fails to comply with the time limit set in section 123 for sending the report referred to therein,

is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 and, in other cases, to a fine of \$6,000 to \$600,000.

**152.** Any person who

(1) fails to comply with the requirements of the third paragraph of section 50 or those of the second paragraph of section 58,

(2) fails to collect containers on deposit at the frequency provided for in the fourth paragraph of section 50 or the third or fourth paragraph of section 58,

(3) fails to send confirmation as provided for in section 75 or fails to send it within the time provided for therein,

(4) fails to establish measures as provided for in the second paragraph of section 95,

(5) fails to submit a remediation plan, in contravention of the second paragraph of section 113,

(6) fails to hold the meeting referred to in section 122 and to collect the comments and recommendations referred to therein;

(7) fails to send the report provided for in section 123, fails to send with the report audited financial statements and the data referred to in the second paragraph of section 124 or fails to send financial statements and the data referred to in the second paragraph of section 124 that are audited by a person referred to in the second paragraph of that section;

(8) fails to send the results referred to in section 129 or fail to send the results within the time set, or

(9) fails to comply with the time limit set in the second paragraph of section 130 or the time limit set in section 140,

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.

**153.** Any person who fails to comply with the distances provided for in section 48 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.

**154.** Any person who

(1) fails to comply with the requirements of the first or second paragraph of section 8 or those of the first or second paragraph of section 15, the first paragraph of section 50, section 61 and section 98,

(2) fails to send the plan provided for in section 43 or fails to send such a plan that does not contain all the measures listed in that section,

(3) does not ensure that a return site is installed for each retailer bound to comply with the obligations of section 44,

(4) offers to take back and refund a container on deposit without complying with sections 23 to 41, in contravention of the first paragraph of section 45,

(5) enters into a contract that does not contain all the elements provided for in the first paragraph of section 46, the second paragraph of section 56, section 63, 69 or 133,

(6) enters into a contract without complying with the provisions of sections 23 to 41, in contravention of the second paragraph of section 46,

(7) fails to provide all the documents and information requested pursuant to the third paragraph of section 50 or section 140 or fails to provide them within the time limit set therein,

(8) does not offer the installation of return sites for containers on deposit, in contravention of the first paragraph of section 56,

(9) fails to fulfill the obligation set out in section 62,

(10) fails to offer a collection service, in contravention of section 65, or does so without complying with the conditions in that section,

(11) enters into a contract otherwise than as provided for in the second paragraph of section 67,

(12) fails to take into account the elements set out in the first paragraph of section 68 in selecting a service provider,

(13) designates a management body without the conditions of the first paragraph of section 76 being met,

(14) designates a management body pursuant to section 75 despite the fact that it does not meet the requirements of section 78 or those of section 79,

(15) designates a management body that does not meet the requirements of section 81,

(16) fails to send to the Minister the result provided for in section 85,

(17) designates a management body without obtaining its agreement, in contravention of the second paragraph of section 91,

(18) does not ensure compliance with the requirements of the first paragraph of section 95,

(19) fails to pay the amounts provided for in the third paragraph of section 97 within the time limit set in that paragraph,

(20) does not make the payment provided for in section 99 within the time limit set in that section,

(21) does not make the payment provided for in section 115,

(22) fails to enter into a contract provided for in section 130,

(23) fails to keep the register provided for in section 139, or

(24) fails to comply with each clause of a contract entered into pursuant to this Regulation to which it is a party, in contravention of section 158,

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

**155.** Any person who

(1) fails to take back the containers on deposit that are returned to it or to refund the amount of the deposit, in contravention of section 44, or

(2) fails to comply with the requirements of the first paragraph of section 58,

is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, in other cases, to a fine of \$24,000 to \$3,000,000.

**156.** Any person who

(1) fails to develop, implement or contribute financially to a deposit system, in contravention of sections 4 to 6,

(2) fails to develop only 1 deposit system, in contravention of section 7,

(3) fails to fulfill the obligations of sections 9 to 14,

(4) fails to take steps as provided for in the first paragraph of section 46 or those provided for in the second paragraph of section 56 or section 63,

(5) fails to ensure that containers on deposit are transported, sorted, conditioned and reclaimed, in contravention of the first paragraph of section 67,

(6) fails to designate a body, in contravention of section 75, 82 or 89,

(7) fails to assume the obligations provided for in section 94,

(8) does not make the payment provided for in the third paragraph of section 97,

(9) does not make the payment provided for in section 99,

(10) fails to fulfill the obligation set out in section 135,

(11) fails to fulfill the obligations and conditions set out in section 138,

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

**CHAPTER VI**  
**MISCELLANEOUS**

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

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

**159.** Producers are exempted from the obligations of Chapter II until the expiry of the time available to the Société to designate a management body pursuant to section 75 or, as the case may be, until the expiry of the time limit set in section 82.

**160.** Section 118.3.3 of the Act does not apply to a municipality regulating one of the materials referred to in sections 23 to 38 and 43, for the purposes of the by-law concerned.

## CHAPTER VII TRANSITIONAL AND FINAL

**161.** Every permit issued pursuant to the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (chapter V-5.001) that is in force on (*insert the date of coming into force of this Regulation*) ceases to have effect on the first day of the tenth month following that date.

Every agreement entered into under the Beer and Soft Drinks Distributors' Permits Regulation (chapter V-5.001, r. 1) that is in effect on (*insert the date of coming into force of this Regulation*) terminates on the first day of the tenth month following that date.

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

105494

## Draft Regulation

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02)

### Limit on the number of credits that may be used by a motor vehicle manufacturer and confidentiality of some information — Amendment

Notice is hereby given, in accordance with sections 10 et 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the limit on the number of credits that may be used by a motor vehicle manufacturer and the confidentiality of some information, appearing below, may be made by the Minister of the Environment and the Fight Against Climate Change on the expiry of 45 days following this publication.

The draft Regulation progressively reduces the ceiling for the use of credits by an automobile manufacturer, accumulated during a preceding compliance period, during a subsequent period to 0% in 2035. It also amends the time when motor vehicle manufacturers must indicate to the Minister the number of credits they wish to use in order to be able to make a decision based on an update of their accumulated credits. Lastly, the draft Regulation makes minor adjustments to the information entered in the name of a motor vehicle manufacturer in the register referred to in section 11 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02) that is not public.

Study of the matter has shown that the draft Regulation governs the manner in which motor vehicle manufacturers will be able to meet the requirements of the zero-emission vehicle standard after the 2025 model year, particularly with the credits accumulated during the various compliance periods which will affect the marketing of electric vehicles in Québec. The changes are complementary to the amendments provided for the draft Regulation to amend the Regulation respecting the application of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, published in the *Gazette officielle du Québec* on the same date as this draft Regulation, and tighten the zero-emission motor vehicle standard, a commitment made under the 2030 Plan for a Green Economy.

Further information on the draft Regulation may be obtained by contacting Josée Michaud, Directrice des programmes et de la mobilisation, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675 boulevard René-Lévesque Est, 6<sup>e</sup> étage, boîte 31, Québec (Québec), G1R 5V7; email: josee.michaud@environnement.gouv.qc.ca; telephone: (418) 805-7882.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean-François Gibeault, Assistant Deputy Minister, Bureau d'électrification et de changements climatiques, 675 boulevard René-Lévesque Est, 30<sup>e</sup> étage, Québec (Québec), G1R 5V7; email: jean-francois.gibeault@environnement.gouv.qc.ca.

BENOIT CHARETTE  
*Minister of the Environment and the Fight Against  
Climate Change*

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