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chapter Q-2, r. 40.1

Regulation respecting the recovery and reclamation of products by enterprises

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 1, 2, 6 and 7, s. 70.19, 1st par., subpars. 14 and 15 and s. 95.1).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, ss. 30 and 45).

O.C. 597-2011; I.N. 2019-12-01; S.Q. 2022, c. 8, s. 1.

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CHAPTER I

PURPOSE

1. The purpose of this Regulation is to reduce the quantities of residual materials to be disposed of by assigning responsibility to enterprises for the recovery and reclamation of the products referred to in Chapter VI and marketed by them and by promoting the design of products more respectful of the environment.

O.C. 597-2011, s. 1.

CHAPTER II

RECOVERY AND RECLAMATION PROGRAM

2. Every enterprise that owns or, as the case may be, uses a name or brand and that has its domicile or an establishment in Québec, is required to recover and reclaim, as a measure under subparagraph *b* of subparagraph 6 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), by means of a recovery and reclamation program developed in accordance with section 5, any new product to which this Regulation applies that is marketed in Québec under that name or brand and is returned to one of its drop-off centres, or for which it provides a collection service.

If a product is marketed under more than one name or brand, the obligation provided for in the first paragraph falls on the enterprise responsible for the product's manufacture.

Despite the first and second paragraphs, the obligation provided for in the first paragraph falls on the enterprise that has its domicile or an establishment in Québec and that acts as the first supplier in Québec, excluding the manufacturer, of a new product covered by this Regulation, in the following cases:

(1) the enterprise that owns or uses the name or brand has no domicile or establishment in Québec;

(2) the product is marketed with no name or brand.

O.C. 597-2011, s. 2; O.C. 933-2022, s. 1; O.C. 1369-2023, s. 1.

2.1. Where a new product covered by this Regulation is acquired outside Québec in the course of a sale governed by the laws of Québec by a person that has its domicile or an establishment in Québec, by a municipality or by a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1) for that enterprise's, that person's, that municipality's or that public body's own use, the obligations provided for in the first paragraph of section 2 fall

(1) on the enterprise that operates a transactional website, by means of which the product was acquired, enabling an enterprise that has no domicile or establishment in Québec to market a product in Québec;

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

O.C. 1369-2023, s. 2.

2.2. Where enterprises referred to in section 2 or 2.1 do business under the same banner, whether pursuant to a franchise contract or another form of affiliation, the obligations set out in the first paragraph of section 2 apply to the owner of the banner if that owner has a domicile or establishment in Québec.

O.C. 1369-2023, s. 2.

2.3. Sections 2 to 2.2 do not apply to an enterprise that is a "small supplier" within the means of the Act respecting the Québec sales tax (chapter T-0.1).

O.C. 1369-2023, s. 2.

3. An enterprise that markets a product that is not covered by this Regulation, but is mentioned herein, one of the components of which is a product covered by this Regulation must recover and reclaim, or cause to be recovered and reclaimed, by means of a recovery and reclamation program developed in accordance with section 5, any original component or replacement component of the same type.

However, if the product that contains the component is not designed to allow the easy removal or replacement of the component by the consumer, in such a way as it is normally discarded with the product that contains the component, the enterprise is required to recover and reclaim or cause to be recovered and reclaimed only the components contained in products of the same type as the product marketed that contains the component.

The provisions of this Regulation apply, with the necessary modifications, to an enterprise referred to in the first and second paragraphs.

This section does not apply to an enterprise that is a small supplier within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).

O.C. 597-2011, s. 3; O.C. 1074-2019, s. 1; O.C. 933-2022, s. 2.

4. An enterprise referred to in section 2, 2.1, 2.2, 3 or 8 is exempt from the requirements of this Regulation, subject to the requirements in section 4.4, in the third paragraph of section 6 and sections 7 and 12, if the enterprise, to ensure the recovery and reclamation of a product referred to in this Regulation and marketed by it or manufactured or caused to be manufactured by it for its own use, is a member of an organization

(1) the goal or one of the goals of which is to develop and implement, as a measure, a recovery and reclamation system for residual materials or to contribute financially toward the development and implementation of such a system and, in either case, in accordance with the provisions of this Regulation and the terms and conditions determined in an agreement entered into under subparagraph *a* of subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2); and

(2) the name of which appears on a list published in the *Gazette officielle du Québec* in accordance with subparagraph *b* of subparagraph 7 of the first paragraph of section 53.30 of the Act.

O.C. 597-2011, s. 4; O.C. 933-2022, s. 3; O.C. 1369-2023, s. 31.

4.1. An organization referred to in section 4 must, in the place and stead of the enterprises that are members of it, assume the obligations that fall on them pursuant section 2, 2.1 or 3.

That organization must also, in the place and stead of the enterprises referred to in section 8 that are members of it, provide for the management of the products recovered, in accordance with the conditions provided for in that section, that such an enterprise manufactures or causes to be manufactured for its own use.

The obligations provided for in Chapters V and VI fall on that organization, with the necessary adaptations, in respect of products of the same type as that marketed, or manufactured or caused to be manufactured, by an enterprise referred to in section 2, 2.1, 2.2, 3 or 8 that is a member of it.

O.C. 933-2022, s. 4; O.C. 1369-2023, s. 3.

4.2. An organization referred to in section 4 that ensures the recovery and reclamation of a product in a subcategory for which a recovery rate is prescribed under Chapter VI must recover and reclaim all the types of products in that subcategory.

O.C. 933-2022, s. 4.

4.3. An organization referred to in section 4 that recovers a product the recovery and reclamation of which are ensured by another organization referred to in section 4 must provide to it, for each subcategory, the quantity of products recovered, whatever type.

O.C. 933-2022, s. 4.

4.4. An enterprise referred to in section 4 must provide to an organization of which it is a member, within 60 days following a request by that organization, the information and documents necessary for preparing the assessments and reports provided for in sections 9, 10 and 11 and determining the recovery rate and the difference referred to in the first paragraph of section 13.

O.C. 933-2022, s. 4.

4.5. The organization referred to in section 4 must take steps to discuss, with any management body designated pursuant to the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) or the Regulation respecting a system of selective collection of certain residual materials (chapter Q-2, r. 46.01) and with any organization referred to in subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), ways to optimize the use of their resources.

O.C. 1369-2023, s. 4.

5. A recovery and reclamation program must

(1) provide for the management of recovered products to ensure their reclamation, by focusing, in declining order of priority, on reuse, recycling, including biological reclamation, any other reclamation operation whereby residual materials are processed to be used as substitutes for raw materials and energy recovery, or ultimately their disposal, in that order, subject to the following cases:

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

(b) the existing technology or the applicable laws and regulations does not allow for the use of a management method in the prescribed order;

(2) ensure that the management of recovered products, including the recovery, transportation, storage, sorting, consolidation, conditioning and any other treatment of the recovered products, is carried out by the enterprise, service providers and subcontractors in accordance with the best practices and accepted standards;

(3) provide for operating rules, criteria and requirements that must be complied with by a service provider, including subcontractors, in the management of recovered products and provide for the implementation of measures to ensure compliance.

Those operating rules, criteria and requirements must deal with applicable laws, regulations and agreements, management and monitoring of recovered products and materials through to their final destination, measures aimed at risk management and operational safety as well as safe treatment of products and materials, accountability measures including auditing obligations in regard to recovered products management, if applicable, as well as any other measures to ensure that the activities of the supplier and the supplier’s subcontractors are in compliance with the program and this Regulation;

(4) enable traceability of products and materials from their recovery through to their final destination. The place of final destination is considered to be the place where those products and materials

(a) are rendered available for reuse;

(b) undergo the final stage of their treatment so that they can be used as substitutes for raw materials, in particular in a product manufacturing process;

(c) are used for purposes of energy recovery;

(d) are disposed of;

(5) favour the local or regional management of recovered products and materials through to their place of final destination;

(6) provide for drop-off centres and, if applicable, collection services in accordance with Chapter V and, in the case of a product covered by

(a) Division 6 of Chapter VI, in accordance with section 53.0.4;

(b) Division 7 of Chapter VI, in accordance with sections 53.0.12 and 53.0.13;

(c) Division 8 of Chapter VI, in accordance with section 53.0.21;

(d) Division 9 of Chapter VI, in accordance with section 53.0.31;

(7) provide for the management of containers and other packages not covered by this Regulation and used to bring the products to the drop-off centres and those used to transport them to the treatment centres, by focusing, in declining order of priority, on reuse, recycling, including biological reclamation, any other reclamation operation whereby residual materials are processed to be used as substitutes for raw materials and energy recovery, or ultimately their disposal;

(8) provide for information, awareness and education activities to inform consumers of the environmental benefits of the recovery and reclamation of products, and of the available drop-off centres and services so as to favour their participation;

(8.1) provide for a means of communication to enable the following information to be made public not later than 30 September each year for the preceding calendar year and to be accessed for a minimum period of 5 years:

(a) the name of the enterprise, group of enterprises or organization referred to in section 4 that is implementing the program;

(b) the name of the program;

(c) the types of products covered by the program;

(d) the recovery rates attained, by subcategory of products, as compared to the minimum prescribed recovery rates;

(e) for each subcategory of products, the proportion of products and materials recovered that have respectively been reused, recycled, used for energy recovery purposes, otherwise reclaimed, stored or disposed of, as well as, for each mode of management of recovered products and materials, the proportion of those recovered products and materials broken down according to their place of final destination, that is, Québec, Canada or outside Canada;

(f) the address of each of the drop-off centres and, if applicable, a description of the collection services;

(g) a description of the main information, awareness and education activities conducted during the year;

(h) if applicable, a description of the remediation plan, the implementation schedule and a list of the measures implemented during the year;

(i) in the case of a program implemented by an organization referred to in section 4:

i. the names of the enterprises that are members of that organization;

ii. for each subcategory of products, the quantity of products marketed during the year covered by the annual report and during the reference year determined in Chapter VI;

iii. for each subcategory of products, the quantity of products recovered and the recovery rate attained as compared to the minimum recovery rate prescribed in Chapter VI;

iv. for each category of products, the percentage of each type of materials composing it that have been reused, recycled, otherwise reclaimed, stored or disposed of;

v. an assessment indicating the income related to the collection, from its members, of fees related to the implementation of the recovery and reclamation program, income from the sale of recovered products and materials, as well as costs related to the implementation of the recovery and reclamation program;

(9) include a research and development constituent pertaining to the recovery and reclamation techniques for the recovered products and materials and the development of markets for those products and materials;

(10) determine the actual costs related to the recovery and reclamation of each product subcategory or type and, starting not later than 1 January 2016, modulate those costs by product on the basis of characteristics such as toxicity, recyclability, recycled material content, lifespan or impact on the environment and on the reclamation process;

(11) provide for the auditing of recovered products management and of compliance with the operating rules, criteria and requirements referred to in subparagraph 3 by a person who has no employment relationship with an enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, an organization referred to in section 4, and who meets one of the following conditions:

(a) the person holds the title of certified environmental auditor conferred by an organization 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).

The audit must be conducted at the following frequency:

(a) in the case of service providers in locations referred to in section 17 where collection equipment is installed, including their subcontractors, each year at least 10% of them must be audited and, within a 5-year period, all of them must be audited;

(b) in other cases, except drop-off centre service providers not referred to in subparagraph *a*, including their subcontractors, as of the first full calendar year of implementation of the program and thereafter at least once every 3 years;

(12) provide for criteria to determine which recovered products should be reused rather than recycled, otherwise reclaimed, stored or disposed of;

(13) provide for any other measure required for the purpose of any specific provision applicable to that category of products.

Where the program provides for the management of a product marketed in a territory covered by section 17, the measures contained in the program must be discussed with the authorities responsible for the administration of the territory and adapted to meet the needs and particular circumstances of that territory.

O.C. 597-2011, s. 5; O.C. 933-2022, s. 5; O.C. 1369-2023, s. 5.

6. Not later than 3 months before the date provided for in Chapter VI for the implementation of a recovery and reclamation program for a product, an enterprise referred to in section 2, 2.1, 2.2 or 3 must inform the Minister of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4.

An enterprise electing to implement an individual program or to participate in the common program of a group of enterprises must then submit the following information and documents to the Minister:

(1) in the case of an enterprise implementing an individual recovery and reclamation program:

(a) its name and address, telephone and fax numbers and email address;

(b) the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1); and

(c) in the case of a legal person, partnership, association or organization, the name and contact information of its representative;

(2) in the case of an enterprise participating in the common recovery and reclamation program of a group of enterprises:

(a) the information referred to in subparagraph 1 concerning the group and each enterprise in the group; and

(b) a resolution attesting to its participation in the group;

(3) the name and contact information of the person in charge of the program;

(4) each subcategory of products marketed by the enterprise and the brand, name or distinguishing guise owned or used by the enterprise or, as the case may be, that information concerning a product for which the enterprise acts as first supplier;

(5) according to each subcategory of products, the estimated quantity of products marketed during a year;

(6) the regional municipality, territory or administrative region covered by sections 16, 17 and 53.0.12 where each product of a subcategory is marketed and the method of marketing used, such as wholesale, retail sale, distance selling or house-to-house selling;

(7) a list of the drop-off centres, including their quantity, kind, address and working days and hours, the subcategories of products accepted and, if applicable, their maximum threshold, according to weight, quantity or size, for a deposit by industrial, commercial and institutional clients, and a description of the other collection services offered and for whom they are intended;

(8) a description of the residual material management methods used for each subcategory of products, including in particular the conditions of the transportation, storage, sorting, consolidation and any other treatment of recovered products and, if reuse is the management method used, a description of the methods and criteria used to sort out, identify and forward the products for that purpose.

Where a management method may not be used in the order provided for in subparagraph 1 of the first paragraph of section 5 because the existing technology or applicable laws and regulations do not allow for such use, proof must be provided to the Minister. Where the situation is warranted because a method has an advantage over another in environmental terms, a life cycle analysis confirming the situation must be provided to the Minister with the annual report for the year in which the situation occurs;

(9) the names and contact information of the providers whose services have been retained or are about to be retained for the management of residual materials, as well as the operating rules, criteria and requirements service suppliers and their subcontractors must comply with under the program;

(10) a description of the proposed measures for verifying compliance by service providers and their subcontractors with the operating rules, criteria and requirements referred to in subparagraph 3 of the first paragraph of section 5 and subparagraph 9 of the second paragraph of this section;

(11) a description of the means proposed for the management of containers and other packages not covered by this Regulation and that were used to bring products to drop-off centres and to transport them to treatment centres;

(12) the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their reclamation or disposal method;

(13) a description and a schedule of the proposed information, awareness and education activities and research and development activities.

An enterprise who elects to become a member of an organization referred to in section 4 must provide the Minister with the following information:

(1) the information referred to in subparagraph 1 of the second paragraph concerning the enterprise;

(2) the name of the organization of which the enterprise becomes a member;

(3) the information referred to in subparagraph 4 of the second paragraph concerning the product marketed by the enterprise.

The enterprise must, as soon as possible, notify the Minister of any change in any information provided pursuant to this section.

O.C. 597-2011, s. 6; I.N. 2016-01-01 (NCCP); O.C. 933-2022, s. 6; O.C. 1369-2023, s. 6.

6.1. Not later than 1 month before the date of implementation of a recovery and reclamation program for a product the recovery and reclamation of which are ensured by an organization referred to in section 4, that organization must provide to the Minister the following information and documents:

(1) the name and contact information of its representative and of the person in charge of the program;

(2) each subcategory of products the recovery and reclamation of which are ensured by the program;

(3) according to each subcategory of products, the estimated quantity of products marketed during a year by the enterprises that are members;

(4) the information and documents referred to in subparagraphs 6 to 13 of the second paragraph of section 6;

(5) an estimate of the annual budget for the first 3 years of implementation indicating, in particular, the expenses attributable to

(a) the recovery and reclamation of each subcategory of product;

(b) information, awareness and education activities;

(c) research and development activities;

(d) program administration.

O.C. 933-2022, s. 7.

7. The costs related to the recovery and reclamation of a product, as determined under paragraph 10 of section 5, may be attributed only to that product and, if they are included in whole or in part in the sale price of the project, must be internalized in the sale price as soon as the product is put on the market.

Those internalized costs may be rendered visible only on the initiative of the enterprise referred to in section 2, 2.1, 2.2 or 3 that markets the product; in such case that information must be made visible by the enterprise as soon as it puts the product on the market.

An enterprise referred to in section 2, 2.1, 2.2 or 3 electing to render those internalized costs visible must, when selling the product, indicate to the purchaser, by way of a mention, that the amount is used to ensure the recovery and reclamation of the product and include the address of a website on which information concerning the recovery and reclamation program for the product is posted.

If an enterprise referred to in section 2, 2.1, 2.2 or 3 producer makes internalized costs visible, any person who offers for sale, sells, distributes to a user or final consumer or otherwise makes available the product to which the costs apply may also, without being required to do so, make the amounts visible. The person must, in such a case, include a mention for the same purpose as in the third paragraph and the same internet address.

O.C. 597-2011, s. 7; O.C. 933-2022, s. 8; O.C. 1369-2023, s. 7.

8. An enterprise, including a municipality or a public body within the meaning of section 4 of the Act respecting contracting by public bodies (chapter C-65.1), that, for its own use, manufactures, or causes to be manufactured, products covered by this Regulation must recover and reclaim, or cause to be recovered and reclaimed, those products after their use.

That enterprise must provide for the management of recovered products in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 5 and obtain from each of its service providers and subcontractors all information enabling to verify the practices used for the management of the products entrusted to them.

Not later than 3 months before the date provided for in Chapter VI for the implementation of a recovery and reclamation program for a product, that enterprise must inform the Minister of its intention to implement an individual program, join a group of enterprises implementing a common program or become a member of an organization referred to in section 4.

An enterprise electing to implement an individual program or to join a group of enterprises must then provide to the Minister the information and documents referred to in subparagraphs 1 to 5, 8, 9 and 12 of the second paragraph of section 6, with the necessary adaptations.

This section does not apply to an enterprise that is a “small supplier” within the meaning of the Act respecting the Québec sales tax (chapter T-0.1).

O.C. 597-2011, s. 8; O.C. 933-2022, s. 9.

8.1. No one may recover or reclaim a product covered by this Regulation, or entrust to another the recovery and reclamation of such a product, otherwise than as part of a recovery and reclamation program developed pursuant to section 5.

O.C. 933-2022, s. 10.

CHAPTER III

ANNUAL REPORT, ASSESSMENT AND REGISTER

9. Not later than 15 May of each year or, if applicable, within 4 months of the termination of a program, an enterprise referred to in section 2, 2.1, 2.2 or 3 or, if applicable, an organization referred to in section 4 must

submit to the Minister a report assessing the performance of its recovery and reclamation program for the preceding calendar year and including the following information and documents:

(1) for each product subcategory, the quantity of products marketed during the year covered by the annual report and during the reference year determined in Chapter VI and, in the case of a report submitted by an enterprise, according to their brand, name or distinguishing guise, if applicable;

(2) for each product subcategory, the quantity of products recovered, the recovery rate in percentage and the difference in units or in weight calculated in accordance with Chapter IV, the detail of those calculations and any use of a positive difference for compensation purposes, as well as the quantity and proportions of those products that have been reused, recycled, otherwise reclaimed or disposed of in accordance with the program;

(2.1) if applicable, the quantity of products covered by section 4.3 recovered or the recovery of which was carried out by another organization referred to in section 4;

(2.2) if applicable, the quantity of products recovered that are sent or received under an agreement aimed at entrusting the reclamation of a recovered product to another enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, to an organization referred to in section 4;

(3) where a management method may not be used in the order provided for in subparagraph 1 of the first paragraph of section 5

(a) because a method has an advantage over another in environmental terms, a life cycle analysis confirming that situation must be provided, as required under the second paragraph of subparagraph 8 of the second paragraph of section 6 or in the case of any change of management method made during the year for that reason, such analysis must be updated every 5 years;

(b) because the existing technology or laws and regulations do not allow for the use of a method, proof of that situation must be provided in the case of any change of management method made during the year for that reason, or updated proof if 5 years have elapsed since the proof provided under this subparagraph or the second paragraph of subparagraph 8 of the second paragraph of section 6;

(4) if applicable, for each subcategory of products, the total quantity of recovered products or materials that have been stored, the name and address of the storage site and, where the quantity stored is 10% or more greater than the quantity stored in the previous year, the reasons for that situation and the measures proposed to reduce that quantity;

(5) all products considered, a mass balance stating the quantity and nature of materials that were recovered, according to whether they were reused, recycled, otherwise reclaimed, stored or disposed of, and identifying the matters forming more than 3% of those materials and a description of the methodology used to carry out the mass balance;

(6) for each subcategory of products or materials recovered, the name and address of the enterprises that intervene in the reclamation process for those products or materials, the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5 and, if applicable, their method of reclamation or disposal;

(7) a description of the information, awareness and education activities, the means of communication referred to in subparagraph 8.1 of the first paragraph of section 5 and research and development activities that took place during the year and those planned for the following year;

(8) the costs related to the implementation of the recovery and reclamation program, specifying the costs associated with

(a) the recovery, reuse, recycling, any other reclamation or the disposal of the products covered by a program or, as the case may be, the storage, as well as the costs broken down into each subcategory of products;

(b) the information, awareness and education of customers;

(c) research and development; and

(d) program management;

(9) for each subcategory of products, as of 2016 at the latest, the criteria for modulating the costs associated with the recovery or reclamation and the factors for the application of that modulation in accordance with subparagraph 10 of the first paragraph of section 5;

(10) if applicable, the number and the location of the sites where the audits referred to in subparagraph 11 of the first paragraph of section 5 and in subparagraph 10 of the second paragraph of section 6 were carried out during the year, the name and address of the person who carried out those audits, a copy of the documents showing that the person meets the conditions determined in subparagraph 11 of the first paragraph of section 5, the findings resulting from those audits and, if applicable, the adjustments that will be made to rectify any problems;

(11) any amendment to components of the recovery and reclamation program referred to in section 5 and to the information referred to in section 6;

(12) where the calculation of the recovery rate for a subcategory of products benefits from a compensation in the quantity of products marketed pursuant to the second paragraph of section 13, if applicable,

(a) a document issued by a recognized certification organization attesting to the percentage of recycled content in the products in that subcategory;

(b) the document indicating the basic conventional guarantee granted free of charge to any consumer for each of the products of the same subcategory;

(c) the quantity of products or materials that have been reused or recycled in Québec for each subcategory of products, the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination, referred to in subparagraph 4 of the first paragraph of section 5;

(13) if applicable, where a remediation plan referred to in section 14 has been provided to the Minister,

(a) a detailed description of the measures carried out during the year;

(b) the expenditures incurred during the year specifically for the implementation of the measures contained in the remediation plan as well as the amount of the sums not yet incurred for that purpose;

(14) any other document or information required in the annual report pursuant to a specific provision applicable to that category of products;

(15) a description of the steps taken pursuant to section 4.5 during the year covered by the report, as well as the means considered, agreed on and implemented with the organizations with which the discussions were conducted to optimize the use of their resources.

An organization referred to in section 4 must also, in respect of the enterprises referred to in section 8 that are members of the organization, include in its report the information and documents mentioned in subparagraphs 1, 2 and 7 of the first paragraph of section 11.

The information referred to in subparagraphs 1, 2, 2.1, 2.2, 4, 5, 6, 8, subparagraph *c* of subparagraph 12 and subparagraph 13 of the first paragraph must be audited, at the level of both the enterprise or, if applicable, the organization referred to in section 4, and at the level of its service providers and subcontractors, by a chartered professional accountant authorized by the professional order to which the accountant belongs to perform an audit engagement. It may also be audited by any other person legally authorized to perform such an activity in Québec.

In addition, the audit concerning the information referred to in subparagraphs 1 and 2 of the first paragraph and related to a common recovery and reclamation program may be carried out only for a portion of the enterprises, service providers and subcontractors involved in the program, on an alternate basis, on the following conditions:

(1) for each subcategory of products, the quantity of products marketed during the year by those enterprises represents at least 20% of the products marketed by all the enterprises in the program, and the quantity of products recovered or reclaimed during the year by those enterprises and their service providers and subcontractors represents 20% of the products recovered or reclaimed by all the enterprises in the program;

(2) the information subject to the audit engagement allows the expert third person to give his or her opinion for the whole of the enterprises and service providers and subcontractors; and

(3) each enterprise in the program and each service provider and subcontractor are the subject of an audit engagement at least once every 5 years.

A person engaged to perform the audit referred to in the third or fourth paragraph must not be employed by the organization, the enterprise, its service suppliers or its subcontractors.

O.C. 597-2011, s. 9; O.C. 933-2022, s. 11; O.C. 1369-2023, s. 8.

10. An enterprise referred to in section 2, 2.1, 2.2 or 3 or an organization referred to in section 4 implementing a recovery and reclamation program must also, every 5 years and on the basis of the information referred to in section 9, attach to the annual report an assessment of the implementation and effectiveness of the recovery and reclamation program for the 5 previous years that also specifies the orientations and priorities for the 5 following years.

The assessment must also indicate, for each subcategory of products during the period covered, the quantity of products actually available for recovery and determined on the basis of a sampling, investigation or survey method that complies with recognized practices.

O.C. 597-2011, s. 10; O.C. 933-2022, s. 12; O.C. 1369-2023, s. 31.

11. Not later than 15 May of each year or, as the case may be, in the 4 months following termination of a program, an enterprise referred to in section 8 must send the Minister a report containing the following information and documents for the preceding calendar year:

(1) the quantity of products manufactured by it for its own use, by subcategory of product;

(2) the management methods used in accordance with section 8 for the management of recovered products and materials and, if applicable, the names and addresses of the service providers retained;

(3) if applicable, the documents provided for in subparagraph 3 of the first paragraph of section 9;

(4) the quantity of products recovered and the quantity of those products that have been reused, recycled, otherwise reclaimed, disposed of or, as the case may be, stored, by subcategory and type of product;

(5) if applicable, the total quantity of stored products or materials, the duration of the storage and, where the stored quantity is 10% or more greater than the quantity stored in the previous year, the reasons for that situation and the measures proposed to reduce those quantities;

(6) the name and address of the enterprises that intervene in the reclamation process for those products or materials and the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5;

(7) any change in its recovery and reclamation program and in the information referred to in the second paragraph of section 8.

An enterprise referred to in section 8 or an organization referred to in section 4 must also, every 5 years and on the basis of the information referred to in the first paragraph, attach an assessment complying with section 10 to the annual report.

O.C. 597-2011, s. 11; O.C. 933-2022, s. 13.

12. An enterprise or organization referred to in section 2, 2.1, 2.2, 3, 4 or 8 and an enterprise forming part of a group must each year record in a register the quantities of each subcategory of products covered by this Regulation that are marketed, acquired or manufactured, and a copy must be provided to the Minister on request.

Any information recorded in the register must be kept for 10 years from the date of entry.

O.C. 597-2011, s. 12; O.C. 933-2022, s. 14; O.C. 1369-2023, s. 31.

CHAPTER IV

REMEDIAL PLAN AND PAYMENT TO THE FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE

O.C. 597-2011, c. IV; S.Q. 2020, c. 19, s. 29; O.C. 933-2022, s. 15.

13. From the year in which a recovery rate is prescribed for a subcategory of products under Chapter VI, an enterprise referred to in section 2, 2.1, 2.2 or 3 that markets such products and an organization referred to in section 4 that is required to recover and reclaim such products must, for each subcategory of products to which a product marketed by the enterprise or required to be recovered and reclaimed by the organization, as the case may be, belongs, determine yearly:

(1) its recovery rate according to the following formula:

T = A / B

in which:

A = Quantity of products of the same subcategory as those marketed actually recovered during the year, that is, the quantity of products returned to drop-off centres or recovered through a collection service provided for in the recovery and reclamation program and that were forwarded to a treatment or storage centre during the year. The value of variable A is deemed to be 0 where the quantities of products recovered have not been audited pursuant to the second paragraph of section 9;

B = (1) Quantity of products marketed during the reference year for that subcategory of products; or

(2) quantity of products considered available for recovery during the year under Chapter VI for that subcategory of products; if the quantities of products considered available for recovery vary according to the sizes used to market them or the specific features of the products in a single subcategory or type, the value

used for that subcategory of products must be calculated on the basis of the proportions of quantity considered available for recovery provided for in Chapter VI;

C = Minimum recovery rate provided for in Chapter VI according to the subcategory of products, in percentage;

E = Difference between the quantity of products of the same subcategory as those marketed and actually recovered and that necessary to attain the minimum recovery rate;

T = Annual recovery rate of the enterprise, in percentage.

(2) the difference in units, weight or volume, according to the prescriptions of Chapter VI, between the quantity of recovered products and the quantity necessary for attaining the minimum recovery rate prescribed in Chapter VI for the subcategory of product, according to the following formula:

$E = A – (C \times B)$

Any negative difference calculated in accordance with subparagraph 2 of the first paragraph may be compensated for by a quantity of products equivalent to that determined by multiplying the percentage prescribed in Chapter VI by the value of variable B for the same subcategory of product. The compensation may not be greater than 30% of the quantity of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI.

Any positive difference calculated under subparagraph 2 of the first paragraph may be used, in whole or in part and for a single subcategory of products to compensate for a negative difference of a year occurring 5 years after the year of calculation of the positive difference.

In addition, during each of the 2 full calendar years preceding the calendar year for which a minimum recovery rate is prescribed, up to 50% of the quantity of products recovered in the same subcategory of products may be used to compensate for the negative difference in the same subcategory of products for a year preceding by no more than 5 years the first year for which a rate is prescribed.

Any information used to calculate the recovery rate and the difference referred to in the first paragraph or the reduction in the quantity of products recovered necessary to attain the minimum recovery rate pursuant to the second paragraph, the detail and the result of those calculations as well as any use of a positive difference or of the quantity referred to in the third paragraph or in section 59.3 for compensation purposes and the quantity of products recovered used to compensate for a negative difference in the cases provided for in the third paragraph and in section 59.3 must be recorded annually in a register and that information must be kept for at least 10 years and provided to the Minister on request.

O.C. 597-2011, s. 13; O.C. 1074-2019, s. 2; S.Q. 2020, c. 19, s. 29; O.C. 933-2022, s. 16; O.C. 1369-2023, s. 31.

14. An enterprise referred to in section 2, 2.1, 2.2 or 3 or, if applicable, an organization referred to in section 4 must determine each year, for each subcategory of products, the recovery and reclamation results for the current year, if applicable, after compensation made under the third or fourth paragraph of section 13 or, as the case may be, under both paragraphs and, where applicable, section 59.3.

Where the results for that year indicate a negative residual difference, the enterprise or, if applicable, the organization must, not later than 30 July after the deadline determined for providing the annual report, submit to the Minister a remediation plan detailing the measures that will be implemented to increase the recovery rate.

The measures contained in the remediation plan must

(1) make it possible to attain, not later than the end of the second year following the year during which the plan was submitted, the rates prescribed in Chapter VI for that second year;

(2) provide that the enterprise or, if applicable, the organization will incur expenditures equal to or greater than the applicable values provided for in Chapter VI multiplied by the missing quantity of products recovered to attain the minimum recovery rate for that year, in units, weight or volume, the result of the multiplication being then multiplied by 3 to obtain the minimum total amount of the expenditures;

(3) take into account the measures contained in any remediation plan previously submitted to the Minister; any sums not yet incurred for measures contained in that previous plan must be added to the current plan.

An enterprise or organization that ceases implementing its program must, within 4 months following the date of cessation, determine the recovery and reclamation results for each of the previous years for which no such determination has been made and make a payment into the Fund for the Protection of the Environment and the Waters in the Domain of the State for any negative residual difference. The amount of that payment is calculated by multiplying the applicable values provided for in Chapter VI by the missing quantity of products recovered, in units, weight or volume, to attain the minimum recovery rate for those years, to which are added, if applicable, any sums not yet incurred provided for under a previously submitted remediation plan.

Payment of the amount must be made, to the order of the Minister of Finance within 4 months after termination of a program, and must be attached to the annual report referred to in section 9.

Amounts not paid within the time allowed bear interest from the date of default at the rate determined in accordance with the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002).

If the delay exceeds 60 days, 15% of the unpaid amount is added to any amount due, in addition to interest.

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

O.C. 597-2011, s. 14; S.Q. 2017, c. 4, s. 264; S.Q. 2020, c. 19, s. 29; O.C. 933-2022, s. 17; O.C. 1211-2022; O.C. 1369-2023, s. 9.

14.1. When 2 or more rates prescribed pursuant to Chapter VI have not been attained during a year for various subcategories of products, a single remedial plan covering all the rates may be submitted, detailing for each rate the measures that will be implemented to attain them, unless a remedial plan has already been submitted and is still in effect.

O.C. 1369-2023, s. 10.

14.2. Every change to a remedial plan must be submitted to the Minister within 30 days of being made.

O.C. 1369-2023, s. 10.

14.3. If, before the expiry of a remedial plan, a rate attained for the year during which the plan was submitted or the year following is below the rate attained that led to the sending of the plan, extra financing must be added to the financing initially provided for in the plan. The extra financing is calculated using the equation in subparagraph 2 of the third paragraph of section 14, adapted to ensure that the rate to be attained in the formula is the rate for the year during which the plan was submitted or the year following, applying until the expiry of the plan.

If, before the expiry of a remedial plan, a rate prescribed for the year during which the plan was submitted or the year following is attained, the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 may cease to implement the measures in the plan with respect to that rate and the associated financing.

On the expiry of a remedial plan, if the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 has disbursed only part of the amount provided to finance the measures in the plan and if the rate or rates prescribed for the second year have not been attained, it must add to the amounts provided for the financing of the measures in the next plan an amount equivalent to the amount that has not been disbursed.

O.C. 1369-2023, s. 10.

14.4. Until the expiry of a remedial plan, if the enterprise referred to in section 2, 2.1, 2.2 or 3 or, as the case may be, the organization referred to in section 4 may use any amount that it must commit to finance the expenditures referred to in subparagraph 2 of the third paragraph of section 14 at a time of its own choosing.

O.C. 1369-2023, s. 10.

CHAPTER V

DROP-OFF CENTRES AND COLLECTION SERVICES

15. A drop-off centre is permanent or seasonal.

A permanent drop-off centre is fixed and accessible all year long at least 4 days per week, including at least a week-end day per month.

A seasonal drop-off centre is fixed or mobile and accessible during each season for at least one week day and one weekend day at a same place.

O.C. 597-2011, s. 15.

16. Subject to sections 17, 19 and 20, an enterprise referred to in section 2, 2.1, 2.2 or 3 must set up drop-off centres whose quantity, kind and location correspond to one of the following options:

(1) for each business establishment or other place where that enterprise's products are marketed, there must be a permanent drop-off centre at the business or place or at any other location less than 5 km from the business or place by roads usable by motor vehicles year round;

(2) for any regional municipality, other than those referred to in section 17, in the territory of which the products of that enterprise are marketed:

(a) where the population is less than 15,000 inhabitants, at least 1 seasonal drop-off centre must be provided, unless the territory of the regional municipality is more than 3,000 km^2, in which case there must be at least 2 seasonal drop-off centres;

(b) where the population is at least 15,000 inhabitants but less than 25,000 inhabitants, at least 1 permanent drop-off centre and 1 seasonal drop-off centre must be provided; if the territory of the regional municipality is more than 3,000 km^2, there must be an additional permanent or seasonal drop-off centre;

(c) where the population is at least 25,000 inhabitants but less than 100,000 inhabitants, at least 1 permanent drop-off centre for each of the first 2 full groups of 25,000 inhabitants and 1 seasonal drop-off centre for each additional group of not more than 15,000 inhabitants must be provided;

(d) where the population is 100,000 inhabitants or more, at least 3 permanent drop-off centres for the first group of 100,000 inhabitants and 1 permanent drop-off centre for each additional group of not more than 50,000 inhabitants must be provided.

Where more than 1 drop-off centre is required in the territory of a regional municipality, the drop-off centres must be spread over the territories of different local municipalities.

The drop-off centres referred to in subparagraph 1 of the first paragraph must be in service as soon as a program is implemented.

For each regional municipality referred to in subparagraph 2 of the first paragraph, there must be at least 1 drop-off centre in service as soon as the program is implemented. Two-thirds of the total number of drop-off centres for all those regional municipalities must be in service as of the first anniversary of the program's implementation and all the drop-off centres must be in service as of its second anniversary.

For the purposes of this Chapter, "regional municipality" means a regional county municipality, a metropolitan community, an urban agglomeration or a city or town of more than 25,000 inhabitants. Where one of those territories is entirely comprised within another, the provisions of subparagraph 2 of the first paragraph apply to the largest territory.

O.C. 597-2011, s. 16; O.C. 933-2022, s. 18; O.C. 1369-2023, s. 31.

17. An enterprise referred to in section 2, 2.1, 2.2 or 3 that markets products in the territories of the regional municipalities of La Minganie, Caniapiscau and Golfe-du-Saint-Laurent, the territory of the James Bay region, as described in the schedule to the James Bay Region Development Act (chapter D-8.0.1), 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), as well as any territory not referred to in subparagraph 2 of the first paragraph of section 16 must set up, for each municipality, city, town, urban agglomeration, locality or Native community in those territories, collection equipment appropriate for those territories, in sufficient quantities to recover the products marketed there, installed in sheltered and developed premises suitable for storing recovered products for several months. Those premises must be accessible to consumers or industrial, commercial or institutional clienteles at least 1 day per month and 5 consecutive days during the summer. Periods and conditions of access must be publicized in the territory served and, when those premises are made accessible, a person who has been adequately trained on the identification, handling and storage of the products, adapted to the type of products received, must be present on site to safely receive, sort and store the products received and prepare them to be transported. The products thus recovered must be transported at least once a year to a treatment location indicated in the recovery and reclamation program.

Such equipment must be installed not later than 1 September of the first full calendar year of implementation of the program and, despite the first paragraph, the drop-off centres must be accessible at least 2 days during that first year.

O.C. 597-2011, s. 17; O.C. 933-2022, s. 19; O.C. 1369-2023, s. 31.

18. A fixed drop-off centre must be so located as to limit as much as possible the distance to travel to reach it for most inhabitants of the territory covered by the recovery and reclamation program. Where there is more than one fixed drop-off centre in a territory, they must be so located as to serve as many inhabitants as possible.

In addition, the working days and hours of such a drop-off centre must be posted at an appropriate place on the site of the drop-off centre in a way that makes them visible from the outside.

O.C. 597-2011, s. 18; I.N. 2016-01-01 (NCCP).

19. An enterprise may fix a maximum threshold, according to quantity, weight or size, for the deposit of products at a drop-off centre by an industrial, commercial or institutional clientele. In such case, the clientele must have access to at least one drop-off centre in the same territory as that served by the drop-off centre for which a maximum threshold is fixed, or the enterprise may offer that clientele a complementary collection service for the recovery of products.

Where an enterprise markets a product by distance selling and elects the option referred to in subparagraph 1 of the first paragraph of section 16 as to its drop-off centres, it must offer to consumers residing in the

territory of a regional municipality or in another territory where it has no drop-off centre, a complementary collection service to recover that product in that territory.

O.C. 597-2011, s. 19.

20. Sections 16 and 17 do not apply to an enterprise referred to in section 2, 2.1, 2.2 or 3 that markets a product exclusively for industrial, commercial or institutional clienteles, for their own consumption, if the enterprise offers for that product a collection service directly at the place of those clienteles.

They do not apply either to an enterprise that offers to any person a collection service on request, at least once a month, directly at the place of that person, or a collection service by return mail.

O.C. 597-2011, s. 20; O.C. 1369-2023, s. 31.

21. Access to and the deposit of products at the drop-off centres referred to in Chapters V and VI and the collection services referred to in those chapters must be free of charge.

O.C. 597-2011, s. 21; O.C. 933-2022, s. 20; O.C. 1369-2023, s. 11.

CHAPTER VI

CATEGORIES OF PRODUCTS COVERED

DIVISION 1

ELECTRONIC PRODUCTS

22. The products covered by this Division are electronic appliances used to send, receive, display, store, produce, reproduce, record or save information, images, objects, sounds or waves, and their accessories, except cases, decorative or transportation accessories and products designed and intended to be used exclusively in an industrial, commercial or institutional environment.

The category of electronic products is composed of the subcategories provided for in the following subparagraphs, which include the types of products listed therein:

(1) desktop or laptop computers as well as electronic pads;

(2) display devices, such as computer screens and television sets;

(3) printers, scanners, fax machines and photocopiers;

(4) telephones of all types, pagers and answering machines;

(5) portable electronic products not covered by subparagraphs 1 to 4, such as e-book readers, global positioning systems, cameras, walkie-talkies, camcorders, portable digital players, physical activity trackers, smart watches, smart glasses, as well as small electronic devices not covered by another subcategory provided for in this section, such as digital photo frames;

(6) non-portable electronic products not covered by another subcategory provided for in this section, such as projectors, video game consoles, sound, image and wave readers, recorders, burners or storage devices, amplifiers, equalizers, digital receivers and other non-portable electronic products designed to be used with an audiovisual system or marketed as part of a set;

(7) peripherals and accessories designed to be used with a product covered by this Division, such as cables, routers, servers, hard drives whether portable or not, memory cards, USB keys, webcams, earphones, mouses, keyboards, speakers, remote controls and joysticks, as well as spare parts not covered by another subcategory provided for in this section and designed to be used with a product covered by this category.

(8) *(subparagraph replaced);*

(9) *(subparagraph replaced);*

(10) *(subparagraph replaced).*

For the purposes of this Division, a desktop computer that is integrated into a screen is considered as a product in the subcategory referred to in subparagraph 1 of the second paragraph and a multi-purpose pocket electronic device that includes a function allowing it to be used as a telephone, and whose dimensions are similar to those of a cellphone, is considered as a product in the subcategory referred to in subparagraph 4 of that paragraph.

O.C. 597-2011, s. 22; O.C. 933-2022, s. 21; O.C. 1369-2023, s. 12.

23. For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 22 must be calculated in units or equivalent weight.

That quantity must also be accompanied, for each subcategory of products, by the conversion factor in units or in weight, as the case may be, and by the methodology used to establish that factor.

O.C. 597-2011, s. 23; O.C. 933-2022, s. 22.

24. An enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in section 22 must implement its recovery and reclamation program not later than 1 January 2023 or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.

O.C. 597-2011, s. 24; O.C. 933-2022, s. 23; O.C. 1369-2023, s. 31.

25. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2, 2.1 or 2.2 that markets products covered by this Division must include measures aimed at destroying personal and confidential information that may be contained in recovered and reclaimed electronic products.

O.C. 597-2011, s. 25; O.C. 933-2022, s. 24; O.C. 1369-2023, s. 31.

26. An enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in this Division must describe in its annual report the measures referred to in section 25 that have been applied during the year.

In the case of an enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in subparagraph 7 of the second paragraph of section 22, the information referred to in subparagraph 5 of the second paragraph of section 6 is not required to be provided to the Minister for those subcategories. Likewise, the information referred to in subparagraph 1 of the first paragraph of section 9 and in subparagraph 1 of the first paragraph of section 11 is not required to be included in the annual report for those subcategories of products. That information must however be included in the assessment provided for in section 10 or in the second paragraph of section 11 for the period covered by the assessment.

O.C. 597-2011, s. 26; O.C. 933-2022, s. 25; O.C. 1369-2023, s. 31.

27. As of 2023, the minimum recovery rates that must be attained yearly by an enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in the second paragraph of section 22 must be equal to the following percentages:

(1) in the case of products referred to in subparagraphs 1 to 3 and 6, the minimum rate for all products in each subcategory is 40%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(2) in the case of products referred to in subparagraphs 4 and 5, the minimum rate for all products in each subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained.

The rates are calculated on the basis of the quantity of products marketed in the following reference year:

(1) in the case of products referred to in subparagraph 2, the year preceding by 10 years the year for which the rate is calculated;

(2) in the case of products referred to in subparagraph 4, the year preceding by 3 years the year for which the rate is calculated;

(3) in the case of the other products, the year preceding by 5 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed by subparagraphs 1 to 3 of the second paragraph, the year of the first marketing is considered to be the reference year for those products until the time prescribed by those subparagraphs has elapsed.

O.C. 597-2011, s. 27; O.C. 1074-2019, s. 3; O.C. 933-2022, s. 26; O.C. 1369-2023, s. 31.

27.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 3 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 27.

28. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the second paragraph of section 22 are the following:

(1) in the case of products referred to in subparagraph 1, $3.60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, $15 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, $5 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, $0.50 per unit or kilogram equivalent;

(5) in the case of products referred to in subparagraph 5, $1 per unit or kilogram equivalent;

(6) in the case of products referred to in subparagraph 6, $4 per unit or kilogram equivalent;

(7) *(subparagraph replaced).*

The values applicable in subparagraphs 1, 2, 3 and 6 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 60% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The values applicable in subparagraphs 4 and 5 are reduced by half where the minimum recovery rate prescribed in section 27 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 597-2011, s. 28; O.C. 933-2022, s. 28.

DIVISION 2

CELLS AND BATTERIES

O.C. 597-2011, Div. 2; O.C. 933-2022, s. 29.

29. The battery category is composed of the subcategories provided for in the paragraphs below, and comprising the cells listed therein, and batteries and battery packs constructed of such cells, of any shape and size, irrespective of the substances of which they are composed:

(1) rechargeable batteries, including sealed lead-acid batteries weighing 5 kg or less, except batteries designed and intended for operating a motor vehicle within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), other lead-acid batteries, and batteries exclusively designed and intended for industrial purposes;

(2) single use batteries.

For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraph 1 or 2 of the first paragraph are toys, drones, small lighting devices, smoke and carbon monoxide detectors, tools, personal care appliances, e-cigarettes, power-assisted bicycles, small individual means of transportation such as scooters and gyroscopic vehicles, and mobility aid vehicles.

O.C. 597-2011, s. 29; O.C. 933-2022, s. 30; O.C. 1369-2023, s. 13.

30. For the purposes of this Regulation, every quantity of products referred to in section 29 must be calculated by subcategory in units or equivalent weight.

That quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units or in weight, as the case may be, and by the methodology used to establish that factor.

O.C. 597-2011, s. 30.

31. An enterprise referred to in section 2, 2.1, 2.2, 3 or 8 that markets, acquires or manufactures products referred to in section 29 must implement its recovery and reclamation program not later than 1 January 2023 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

O.C. 597-2011, s. 31; O.C. 933-2022, s. 31; O.C. 1369-2023, s. 31.

32. Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for sealed lead-acid batteries weighing 5 kg or less does not apply until the beginning of the fourth calendar year following implementation of the program.

In addition to the information in section 9, an enterprise referred to in section 2, 2.1, 2.2 or 3 that markets products referred to in subparagraph 2 of the first paragraph of section 29 must indicate in its annual report

(1) the quantity of single use button cells recovered during the year, on the basis of sampling methods satisfying recognized practices;

(2) the various batteries containing mercury marketed during the year and their quantity, the average mercury content of each battery and the total quantity of mercury that is so marketed.

In addition, the mass balance required by subparagraph 5 of the first paragraph of section 9 must specify any quantity of recovered mercury and the quantity of mercury that was reused, recycled, otherwise reclaimed, stored or disposed of.

O.C. 597-2011, s. 32; O.C. 933-2022, s. 32; O.C. 1369-2023, s. 31.

33. The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2, 2.1, 2.2 or 3 that markets products referred to in section 29 must be equal to the following percentages as of the periods indicated:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the minimum rate for all products in that subcategory, except sealed lead-acid batteries weighing 5 kg or less, is 25% as of 2023, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained;

(2) in the case of sealed lead-acid batteries weighing 5 kg or less referred to in subparagraph 1 of the first paragraph of section 29, the minimum rate for all those products is 25% as of 2025, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained, unless they are recovered and treated without differentiating them from the other products referred to in subparagraph 1 of the first paragraph, in which case the minimum rate and the application period are those provided for in subparagraph 1 of this paragraph;

(3) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the minimum rate for all products in that subcategory is 20% as of 2023, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 65% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 29, the year preceding by 5 years the year for which the rate is calculated, which, in the case of sealed lead-acid batteries weighing less than 5 kg, may not be prior to 2022;

(2) in the case of products referred to in subparagraph 2 of the first paragraph of section 29, the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed for those products in subparagraph 1 or 2 of the second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraph 1 or 2 of the second paragraph, the reference year is prior to 2022, that year is considered to be the reference year until 5 years have elapsed, in the case of products referred to in subparagraph 1 of the first paragraph of section 29, and until 3 years have elapsed, in the case of products referred to in subparagraph 2 of the first paragraph of section 29.

O.C. 597-2011, s. 33; O.C. 1074-2019, s. 4; O.C. 933-2022, s. 33; O.C. 1369-2023, s. 31.

33.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 34.

34. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 29 are the following:

(1) in the case of products referred to in subparagraph 1 of the first paragraph, $4.80 per kilogram;

(2) in the case of products referred to in subparagraph 2 of the first paragraph, $5.40 per kilogram.

The values applicable are reduced by half where the minimum recovery rate prescribed in section 33 is equal to or greater than 60% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 597-2011, s. 34; O.C. 933-2022, s. 35.

DIVISION 3

MERCURY LAMPS

35. The mercury lamp category is composed of the subcategories provided for in the paragraphs below, and comprising the types of products listed therein:

(1) fluorescent tubes;

(2) compact fluorescent lamps;

(3) any other type of lamp that contains mercury.

O.C. 597-2011, s. 35.

36. For the purposes of this Regulation, every quantity of products referred to in section 35 must be calculated in kilograms.

O.C. 597-2011, s. 36; O.C. 933-2022, s. 36.

37. An enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in section 35 must implement its recovery and reclamation program not later than 14 July 2012 or the date of the marketing, acquisition or manufacture of such a product if it is subsequent to that date.

O.C. 597-2011, s. 37; O.C. 933-2022, s. 37; O.C. 1369-2023, s. 31.

38. The information, awareness and education activities referred to in subparagraph 8 of the first paragraph of section 5 and provided for in the recovery and reclamation program of an enterprise referred to in section 2, 2.1 or 2.2 that markets mercury lamps must include specific activities adapted to various uses and clienteles, such as tanning salons, and showing them, in particular, the manner to clean up and manage mercury debris and releases in case of lamp breakage.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of mercury lamps.

In addition to the information in section 9, the annual report of the enterprise must also specify

(1) any quantity of mercury marketed and the quantity of mercury that was reused, recycled, otherwise reclaimed, stored or disposed of;

(2) the details of the information, awareness and education activities referred to in the first paragraph.

O.C. 597-2011, s. 38; O.C. 933-2022, s. 38; O.C. 1369-2023, s. 31.

39. As of 2023, the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2, 2.1 or 2.2 that markets the products referred to in section 35 is 30% for all products in that category considered cumulatively, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained.

The rate is calculated on the basis of the quantity of products marketed during the year preceding by 3 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than the time prescribed for those products in the second paragraph, the year of the first marketing is considered to be the reference year for those products until 3 years have elapsed.

O.C. 597-2011, s. 39; O.C. 1074-2019, s. 5; O.C. 933-2022, s. 39; O.C. 1369-2023, s. 31.

39.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 40.

40. For the purposes of calculating the payment owing under Chapter IV, the value applicable to the products referred to in section 35 is $4.42 per kilogram.

The value is reduced by half where the minimum recovery rate prescribed in section 39 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 597-2011, s. 40; O.C. 933-2022, s. 41.

DIVISION 4

PAINT AND PAINT CONTAINERS

41. For the purposes of this Division, stains, primers, varnishes, lacquers, metal, wood or masonry treatment or protection products and any preparation of the same nature intended for maintenance, protection or decoration are considered to be paint.

O.C. 597-2011, s. 41.

42. The products covered by this Division are paint marketed in containers with a volume of not less than 100 ml and not more than 25 litres and such paint containers, except paint designed and intended to be used exclusively for industrial or artistic purposes. Paints marketed in aerosol containers and such containers, regardless of the use for which they are intended, are also covered.

The paint and paint container category is composed of the subcategories provided for in the subparagraphs below and comprising the products listed therein:

(1) the following types of paint:

(a) latex paint;

(b) the other types of paint than those referred to in subparagraph *a* and subparagraph 2;

(2) aerosol paint and aerosol containers, as well as containers of any sort used for marketing the products referred to in subparagraph 1;

(3) *(subparagraph replaced).*

O.C. 597-2011, s. 42; O.C. 933-2022, s. 42.

43. For the purposes of this Regulation, every quantity of products referred to in the second paragraph of section 42 must be calculated,

(1) in the case of products referred to in subparagraph 1, in kilograms or equivalent volume;

(2) in the case of products referred to in subparagraph 2, in kilograms based on empty containers or litres of an equivalent capacity.

That quantity must also be accompanied, for each subcategory of products, by the conversion factor in weight, equivalent volume or litres of an equivalent capacity, as the case may be, and by the methodology used to establish that factor.

O.C. 597-2011, s. 43; O.C. 933-2022, s. 43.

44. Every enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in the second paragraph of section 42 must implement its recovery and reclamation program as soon as such a product is marketed, acquired or manufactured.

O.C. 597-2011, s. 44; O.C. 1369-2023, s. 31.

45. *(Revoked).*

O.C. 597-2011, s. 45; O.C. 933-2022, s. 44.

46. As of 2023, the minimum recovery rates that must be attained annually by an enterprise referred to in section 2, 2.1, 2.2 that markets products referred to in the second paragraph of section 42 must be equal to the following percentages:

(1) in the case of products referred to in subparagraph 1 of the second paragraph, the minimum rate for all the products in that subcategory is 75%, which is increased to 80% as of 2026;

(2) in the case of products referred to in subparagraph 2, the minimum rate for all products in that subcategory is 30% of the quantity of containers marketed, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 60% rate is attained.

The rates are calculated on the basis of the quantity considered available for recovery, namely:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 42, on the basis of 7.18% of the quantity of paint marketed during the year;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 42, on the basis of the total quantity of containers marketed during the year;

(3) *(subparagraph replaced).*

O.C. 597-2011, s. 46; O.C. 1074-2019, s. 6; O.C. 933-2022, s. 45; O.C. 1369-2023, s. 15.

46.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the second paragraph of section 42 marketed during the reference year is greater than 1% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 1%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 of the second paragraph of section 42 marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 46.

47. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the second paragraph of section 42 are the following:

(1) in the case of products referred to in subparagraph 1, $0.65 per kilogram or equivalent volume;

(2) in the case of products referred to in subparagraph 2, $0.25 per kilogram or litre of an equivalent capacity;

(3) *(subparagraph replaced).*

The value applicable in subparagraph 1 of the first paragraph is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 46.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 46 is equal to or greater than 55% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 597-2011, s. 47; O.C. 933-2022, s. 47.

DIVISION 5

OILS, COOLANTS, ANTIFREEZE, THEIR FILTERS AND CONTAINERS AND OTHER SIMILAR PRODUCTS

48. The category of oils, coolants, antifreeze, their filters and containers and other similar products is composed of the subcategories provided for in the paragraphs below and comprising the types of products listed therein:

(1) mineral, synthetic or vegetable oils intended for lubrication, insulation or heat transfer in motorized vehicles or equipment, or in the operation of hydraulic or transmission systems, as well as brake fluids, except oils that combust when used such as oils intended to be blended with combustion engine fuel, machine tool slideway lubricants, chainsaw chain oils, drawing, stamping, shaping or form oils, drilling oils, conveyor lubricating oils, dust control oils, penetrating oils and rustproof oils;

(2) containers of 50 litres or less used

(a) for marketing the products referred to in subparagraph 1, including containers used for marketing oils that are excluded in that subparagraph, as well as aerosol containers used to market brake cleaners;

(b) for marketing the products referred to in subparagraph 4;

(3) oil filters intended for internal combustion engines, hydraulic systems and transmissions, filters for heating systems using light heating oil and for oil storage tanks, coolant and antifreeze filters and diesel filters that are considered to be oil filters for the purposes of this Regulation;

(4) coolants and antifreeze intended for use in vehicles, machinery or motorized equipment, except vegetal coolants and antifreeze, as well as coolants and antifreeze used for aircraft deicing;

(5) *(subparagraph revoked)*.

For the purposes of section 3, the products marketed that may contain, as components, one of the products referred to in subparagraphs 1 to 4 of the first paragraph are

(1) transportation and recreational vehicles of all types such as automobiles, motorcycles, ATVs and other recreational vehicles;

(2) machinery such as heavy machinery, farm and forest machinery, lawn tractors and snow blowers;

(3) electrical equipment such as transformers and condensers.

O.C. 597-2011, s. 48; O.C. 933-2022, s. 48.

49. For the purposes of this Regulation, every quantity of products referred to in section 48 must be calculated,

(1) in the case of products referred to in subparagraph 1, in litres or equivalent weight;

(2) in the case of products referred to in subparagraph 2, in litres of capacity or equivalent weight based on empty containers;

(3) in the case of products referred to in subparagraph 3, in units or equivalent weight;

(4) in the case of products referred to in subparagraph 4, in litres according to their equivalence to a pure product, or in equivalent weight.

That quantity must also be accompanied, for each subcategory of products, by the conversion factor in litres, equivalent weight, litres of capacity or units according to their equivalence to a pure product in the case of products referred to in subparagraph 4 of the first paragraph, as well as by the methodology used to establish that factor.

O.C. 597-2011, s. 49; O.C. 933-2022, s. 49.

50. Every enterprise referred to in section 2, 2.1, 2.2, 3 or 8 that markets, acquires or manufactures products referred to in section 48 must implement its recovery and reclamation program,

(1) in the case of products referred to in subparagraphs 1 to 3, as soon as they are marketed, acquired or manufactured;

(2) in the case of products referred to in subparagraph *b* of subparagraph 2 and in subparagraph 4 of the first paragraph, not later than 14 July 2012 or the date of their marketing, acquisition or manufacture if it subsequent to that date.

Despite subparagraph 1 of the first paragraph, where an enterprise markets, acquires or manufactures only brake cleaners in aerosol containers, it may implement its recovery and reclamation program not later than 14 July 2012 or the date of their marketing, acquisition or manufacture if it is subsequent to that date.

O.C. 597-2011, s. 50; O.C. 933-2022, s. 50; O.C. 1369-2023, s. 31.

51. *(Revoked).*

O.C. 597-2011, s. 51; O.C. 933-2022, s. 51.

52. As of 2023, the minimum recovery rates that must be attained annually by an enterprise referred to in section 2, 2.1, 2.2 or 3 that markets products referred to in this Division must be equal to the following percentages:

(1) in the case of products referred to in subparagraphs 1 to 3 of the first paragraph of section 48, the minimum rate for all the products in each subcategory is 75%, which is increased to 80% as of 2026;

(2) in the case of products referred to in subparagraph 4 of the first paragraph of section 48, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 70% rate is attained;

(3) *(subparagraph replaced).*

The rates are calculated on the basis of the quantity considered available for recovery, namely:

(1) in the case of products referred to in subparagraph 1 of the first paragraph of section 48, 69.8% of the total quantity of that product marketed during the year;

(a) (subparagraph revoked);

(b) (subparagraph revoked);

(c) (subparagraph revoked);

(d) (subparagraph revoked);

(e) (subparagraph revoked);

(f) (subparagraph revoked);

(g) (subparagraph revoked);

(h) (subparagraph revoked);

(i) (subparagraph revoked);

(j) (subparagraph revoked);

(2) in the case of products referred to in subparagraphs 2 and 3 of the first paragraph of section 48, on the basis of the total quantity of products marketed in the year;

(3) in the case of products referred to in subparagraph 4 of the first paragraph of section 48, on the basis of 39.9% of the total quantity of products being equivalent to a pure product marketed in the year.

O.C. 597-2011, s. 52; O.C. 1074-2019, s. 7; O.C. 933-2022, s. 52; O.C. 1369-2023, s. 16.

52.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in the products referred to in subparagraph 1 of the first paragraph of section 48 marketed during the reference year is greater than 7% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 7%;

(2) where the proportion of recycled material content in the products referred to in subparagraph 2 or 3 of the first paragraph of section 48 marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(3) where the proportion of recycled material content in the products referred to in subparagraph 4 of the first paragraph of section 48 marketed during the reference year is greater than 4% of the total volume of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 4%;

(4) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 1 or 4 of the first paragraph of section 48 is greater than 25% of the volume of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion;

(5) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory of products referred to in subparagraph 2 or 3 of the first paragraph of section 48 is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 53.

53. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the first paragraph of section 48 are the following:

(1) in the case of products referred to subparagraph 1 of the first paragraph, $0.10 per litre or kilogram equivalent;

(2) in the case of products referred to subparagraph 2 of the first paragraph, $0.18 per litre of capacity or kilogram equivalent;

(3) in the case of products referred to subparagraph 3 of the first paragraph, $0.38 per unit or kilogram equivalent;

(4) in the case of products referred to subparagraph 4 of the first paragraph, $0.39 per litre or kilogram equivalent, according to their equivalence to a pure product.

The values applicable in subparagraphs 1 to 3 of the first paragraph are reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 52.

The value applicable in subparagraph 4 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 52 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 597-2011, s. 53; O.C. 933-2022, s. 54.

DIVISION 6

HOUSEHOLD APPLIANCES AND AIR CONDITIONERS

O.C. 1074-2019, s. 8.

53.0.1. The products covered by this category are electric or gas appliances designed and intended for domestic, commercial or institutional purposes, used, in particular, for cooking, conservation or storage, the washing or drying of dishware, cloth or clothing, and those controlling ventilation, the temperature or the humidity in a room or dwelling. The appliances are designated under the name of household appliances and air conditioners.

Household appliances and air conditioners whose weight is greater than 400 kg and appliances and air conditioners that form an integral part of an immovable to ensure its usefulness or facilitate its use within the meaning of article 901 of the Civil Code, such as ice rink refrigeration systems and central air conditioning systems in buildings, are excluded from the category. Refrigeration and freezing appliances whose effective volume is less than 2.5 ft^3 and coolers are also excluded.

The category of household appliances and air conditioners is composed of the subcategories provided for in the following subparagraphs, which include the types of products listed therein:

(1) refrigerating and freezing appliances, designed and intended for domestic use, for conservation or storage, in particular, refrigerators, freezers, refrigerating wine cellars, wine coolers and water dispensers;

(2) refrigerating and freezing appliances, designed and intended for commercial or institutional use, for conservation or storage, in particular, refrigerators, freezers, cooling units, refrigerating wine cellars, wine coolers, refrigerated displays, ice machines, refrigerated automatic food or beverage vending machines and beverage centres;

(3) air conditioners, heat pumps and dehumidifiers;

(4) ranges, built-in ovens, built-in cooking surfaces, dishwashers, washing machines and dryers, which are designed and intended for domestic use.

Where an appliance has more than one function including that of refrigerating or freezing food or beverages, the appliance is classified, as the case may be, in the subcategory referred to in subparagraph 1 or 2 of the third paragraph. If the appliance has, among others, the function of conditioning a room or dwelling,

the appliance is classified in the subcategory referred to in subparagraph 3 of that paragraph. In other cases, the appliance is classified in the subcategory referred to in subparagraph 4 of that paragraph if it is designed to be used in particular for the same purpose as one of the types of products listed therein.

O.C. 1074-2019, s. 8; O.C. 933-2022, s. 55; O.C. 1369-2023, s. 17.

53.0.2. For the purposes of this Regulation, every quantity of the products referred to in the third paragraph of section 53.0.1 must be calculated in units or equivalent weight.

The quantity must also be accompanied, for each subcategory or type of products, with the conversion factor in units or weight, as the case may be, and the methodology used for establishing the factor.

O.C. 1074-2019, s. 8.

53.0.3. Every enterprise referred to in section 2, 2.1 or 8 that markets or acquires the products referred to in the third paragraph of section 53.0.1 must implement its recovery and reclamation program,

(1) in the case of the products referred to in subparagraphs 1, 3 and 4, not later than 5 December 2020 or the date of the marketing, acquisition or manufacturing of the product if it is subsequent to that date; and

(2) in the case of the products referred to in subparagraph 2, not later than 5 December 2021 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

Despite the first paragraph, an enterprise referred to in section 2, 2.1 or 8 that markets or acquires products referred to in the third paragraph of section 53.0.1 that are not used for the cooking, conservation or storage of food or drink, the washing or drying of dishware, cloth or clothing, or products that control the ventilation, the temperature or the humidity in a room or dwelling, must implement its recovery and reclamation program not later than 30 June 2023 or the date of their marketing, acquisition or manufacture if it is subsequent to that date.

O.C. 1074-2019, s. 8; O.C. 933-2022, s. 56; O.C. 1369-2023, s. 18.

53.0.4. In addition to the elements mentioned in section 5, the recovery and reclamation program of an enterprise referred to in section 2, 2.1, 2.2 or 8 must provide, where applicable, measures respecting the recovery and treatment of halocarbons, their isomers and any other alternative substance, which are contained in particular in insulating foams or are used as refrigerant in refrigeration, freezing or air conditioning systems of the products covered by this Division, and any hazardous material in accordance with every applicable environmental standard.

Despite subparagraph 10 of the first paragraph of section 5, the requirement to provide in the program the modulation of costs for each household appliance or air conditioner applies only as of the fourth calendar year of implementation of the program.

For enterprises referred to in section 2, 2.1, 2.2, the recovery and reclamation program of an enterprise must provide, not later than the second full calendar of the program's implementation and, in addition to the drop-off centres provided for in Chapter V, an additional collection service directly at the consumer.

Despite the third paragraph, an enterprise referred to in section 2, 2.1 or 2.2 is not required to offer an additional collection service directly at the consumer in the territory of a regional municipality or territory referred to in section 17.

O.C. 1074-2019, s. 8; O.C. 933-2022, s. 57; O.C. 1369-2023, s. 19.

53.0.5. In addition to the information that must be contained in the mass balance required by subparagraph 5 of the first paragraph of section 9, the mass balance must indicate the quantity of recovered halocarbons,

their isomers and any alternative substance that have been reused, recycled, otherwise reclaimed, stored or disposed of, by type of halocarbons, their isomers or alternative substances and by type of use.

O.C. 1074-2019, s. 8.

53.0.6. As of the year indicated, the minimum rates of recovery that must be attained annually by an enterprise referred to in section 2, 2.1 or 2.2 that markets the products referred to in the third paragraph of section 53.0.1 must be equivalent to the following percentages:

(1) in the case of the products referred to in subparagraph 1, the minimum rate for all the products of that subcategory is 70% as of 2024, which is increased by 5% every 3 years until the rate reaches 90%;

(2) in the case of the products referred to in subparagraph 2, the minimum rate for all the products of that subcategory is 35% as of 2026, which is increased by 5% every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years until the rate reaches 80%;

(3) in the case of the products referred to in subparagraph 3, the minimum rate for all the products of that subcategory is 25% as of 2024, which is increased by 5% every 2 years until the rate reaches 50%, followed by an increase of 5% every 3 years until the rate reaches 70%;

(4) in the case of the products referred to in subparagraph 4, the minimum rate for all the products of that subcategory is 70% as of 2026, which is increased by 5% every 3 years until the rate reaches 90%.

The rates are calculated on the basis of the quantity of products marketed during the year preceding by 12 years the year for which the rate is calculated.

In the case where the duration elapsed since the date of the first marketing of such products by an enterprise is less than 12 years, the year of that marketing is considered to be the reference year for those products until 12 years have elapsed.

Where, for the purposes of the second paragraph, the reference year is prior to 2019, that year is considered to be the reference year until 12 years have elapsed.

O.C. 1074-2019, s. 8; O.C. 933-2022, s. 58; O.C. 1369-2023, s. 31.

53.0.6.1. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the reference year all the products in the same subcategory are protected by a basic conventional guarantee granted free of charge to any consumer, offering to repair or replace the product for a minimum period of 5 years, the percentage is 10% per additional year covered by the guarantee;

(3) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 59.

53.0.7. For the purpose of calculating the amount payable under Chapter IV, the values applicable to the products referred to in the third paragraph of section 53.0.1 are the following:

(1) in the case of products referred to in subparagraph 1, $60 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2, $60 per unit or kilogram equivalent;

(3) in the case of products referred to in subparagraph 3, $6 per unit or kilogram equivalent;

(4) in the case of products referred to in subparagraph 4, $11 per unit or kilogram equivalent.

The values applicable in subparagraphs 1 and 4 of the first paragraph are reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 80% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 3 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.6 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 1074-2019, s. 8; O.C. 933-2022, s. 60.

DIVISION 7

AGRICULTURAL PRODUCTS

O.C. 933-2022, s. 61.

53.0.8. The category of agricultural products is composed of the following subcategories, which include the types of products listed therein:

(1) sheeting, netting and twine, tubing and fittings, bags and canvas used for conserving and baling silage or hay;

(2) other bags designed and intended for agricultural purposes, such as grain bags and grain silo bags, woodchip bags known as “shavings”, supplement bags, mineral bags, fertilizer or soil amendment bags, seed bags, feed bags, peat moss bags, growing medium bags, as well as bags that have been used to market a product referred to in paragraph 7 and that are designed and intended for non-household purposes;

(3) containers designed and intended for agricultural purposes, such as canisters, tanks and barrels holding seed or sanitary supplies, fertilizer or soil amendment containers, and containers that have been used to market a product referred to in paragraph 7 and that are designed and intended for non-household purposes;

(4) plastic mulch, plastic sheeting for tunnel coverings, as well as plastics used in drip irrigation systems;

(5) floating tarpaulins or covers, plastics used to cover greenhouses, anti-insect and anti-bird netting, manure pit covers, watering mats and ground mats;

(6) plastics for maple sugar production, such as tubing, mainline tubes, fittings and spouts;

(7) Class 1 to 3A pesticides designed and according to the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) and seed coated with pesticides intended for non-household purposes.

The products referred to in subparagraphs 1 and 4 to 6 of the first paragraph are those designed and intended for agricultural purposes. In addition, the agricultural products referred to in this Division that are designed and intended for agricultural purposes do not include those intended for household purposes.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 20.

53.0.9. For the purposes of this Regulation, every quantity of products referred to in section 53.0.8 must be calculated,

(1) in the case of products referred to in paragraphs 1, 4, 5 and 6, in kilograms;

(2) in the case of products referred to in paragraphs 2 and 3, in units or equivalent weight;

(3) in the case of products referred to in paragraph 7, in litres or equivalent weight.

The quantity must also be accompanied, for each subcategory and type of product, by the conversion factor in units, litres or weight, as the case may be, as well as the methodology used to establish that factor.

O.C. 933-2022, s. 61.

53.0.10. An enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in section 53.0.8 must implement its recovery and reclamation program not later than,

(1) in the case of products referred to in paragraphs 1, 2, 3, 6 and 7, 30 June 2023, or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date;

(2) in the case of products referred to in paragraphs 4 and 5, 30 June 2025, or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.11. Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for agricultural products does not apply until the beginning of the fourth calendar year following implementation of the program.

O.C. 933-2022, s. 61.

53.0.12. Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in section 53.0.8, except manure pit covers, Class 1 to 3A pesticides and seed coated with pesticides, must set up drop-off centres whose quantity and location correspond to one of the following options:

(1) for each business establishment or other premises where that enterprise's products are marketed, there must be a permanent drop-off centre at the business establishment or the premises or at any other location less than 5 km from the business establishment or premises by roads usable by motor vehicles year round;

(2) for any administrative region in the territory of which the products of that enterprise are marketed,

(a) in the case of the administrative regions of Laval and Montréal, there must be at least 1 drop-off centre per administrative region;

(b) in the case of the administrative region of Gaspésie–Îles-de-la-Madeleine, there must be at least 1 drop-off centre in the territory of Îles-de-la-Madeleine and 1 drop-off centre in the territory of Gaspésie;

(c) in the case of the administrative regions of Capitale-Nationale, Lanaudière, Laurentides, Mauricie, Outaouais and Saguenay–Lac-Saint-Jean, there must be at least 4 drop-off centres per administrative region;

(d) in the case of the administrative regions of Abitibi-Témiscamingue, Bas-Saint-Laurent, Centre-du-Québec and Estrie, there must be at least 5 drop-off centres per administrative region;

(e) in the case of the administrative regions of Chaudière-Appalaches and Montérégie, there must be at least 15 drop-off centres per administrative region;

(f) in the case of the administrative regions of Côte-Nord and Nord-du-Québec, the conditions set out in section 17 concerning the quantity and location of drop-off centres apply, with the necessary adaptations.

Where more than 1 drop-off centre is required in the territory of an administrative region, the drop-off centres must be dispersed across the territories of the various regional municipalities.

Despite section 16, subject to sections 17, 19, 20 and 21, an enterprise referred to in section 2, 2.1 or 2.2 that markets manure pit covers, Class 1 to 3A pesticides or seed coated with pesticides in the territory of an administrative region must set up at least 1 drop-off centre therein.

The drop-off centres referred to in subparagraph 1 of the first paragraph and in the third paragraph must be in service as soon as a program is implemented.

One-third of drop-off centres in each administrative region referred to in subparagraph 2 of the first paragraph must be in service as soon as a program is implemented, and that number may not be less than 1. Two-thirds of drop-off centres in those administrative regions must be in service as of the first anniversary of the program's implementation and all of the drop-off centres must be in service as of the third anniversary of its implementation.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.13. In addition to the conditions provided for in Chapter V, the location and access times for a drop-off centre must be adapted to meet the needs of users in the territory where it is located, in view of the fact that those needs may vary depending on the type of agricultural activity practised there and the seasons.

O.C. 933-2022, s. 61.

53.0.14. The minimum recovery rates that must be attained yearly by an enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in section 53.0.8 must be equal to the following percentages from the time indicated:

(1) in the case of products referred to in paragraphs 1 and 2 of section 53.0.8, the minimum rate for all products in each subcategory is 45% as of 2025, which is increased to 50% in 2027, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in paragraphs 3 and 6 of section 53.0.8, the minimum rate for all products in each subcategory is 50% as of 2025, which is increased by 5% every 3 years until an 80% rate is attained;

(3) in the case of products referred to in paragraphs 4 and 5 of section 53.0.8, the minimum rate for all products in each subcategory is 25% as of 2027, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained.

The rates are calculated on the basis of the quantity of products marketed during the following reference years:

(1) in the case of products referred to in paragraphs 1 to 4 of section 53.0.8, the year for which the rate is calculated;

(2) in the case of products referred to in paragraph 5 of section 53.0.8, the year preceding by 7 years the year for which the rate is calculated;

(3) in the case of products referred to in paragraph 6 of section 53.0.8, the year preceding by 10 years the year for which the rate is calculated.

Where the time elapsed since the date of the first marketing of such products by an enterprise is less than that prescribed in subparagraphs 2 and 3 of the second paragraph, the year of that marketing is considered to be the reference year for those products until the time prescribed in those subparagraphs has elapsed.

Where, pursuant to subparagraphs 2 and 3 of the second paragraph, the reference year is prior to 2022, the latter is considered to be the reference year until 7 years have elapsed, in the case of products referred to in paragraph 5 of section 53.0.8, and until 10 years have elapsed, in the case of products referred to in paragraph 6 of section 53.0.8.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.15. For the purposes of the second paragraph of section 13, the percentage that may be used to compensate for a negative difference in the same subcategory of products is determined as follows:

(1) where the proportion of recycled material content in products of the same subcategory marketed during the reference year is greater than 10% of the total weight of those products marketed that same year, the percentage is 1% per percentage point of recycled content greater than 10%;

(2) where during the year the proportion of materials that were reused or recycled entirely in Québec contained in recovered products in the same subcategory is greater than 25% of the weight of products recovered necessary to attain the minimum recovery rate prescribed in Chapter VI, the percentage is 0.5% per percentage point greater than that proportion.

O.C. 933-2022, s. 61.

53.0.16. For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.8 are the following:

(1) in the case of products referred to in paragraph 1, $0.45 per kilogram;

(2) in the case of products referred to in paragraph 2, $1.20 per unit or kilogram equivalent;

(3) in the case of products referred to in paragraph 3, $0.55 per unit or kilogram equivalent;

(4) in the case of products referred to in paragraphs 4 to 6, $0.35 per kilogram.

The values applicable in subparagraphs 1, 2 and 4 of the first paragraph are reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 3 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.14 is equal to or greater than 70% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

O.C. 933-2022, s. 61.

DIVISION 8

PRESSURIZED FUEL CONTAINERS

O.C. 933-2022, s. 61.

53.0.17. The products covered by this category are containers used to hold liquids or gases under pressure that are to be used as fuel, such as propane, butane, isobutane or propylene, except lighters and fire starters.

The category of pressurized fuel containers is composed of the following subcategories, which include the types of products listed therein:

(1) non-refillable containers;

(2) refillable containers marketed in a territory referred to in section 17.

O.C. 933-2022, s. 61.

53.0.18. For the purposes of this Regulation, every quantity of products referred to in section 53.0.17 must be calculated in units or equivalent weight on the basis of empty containers.

The quantity must also be accompanied by the conversion factor in units or weight, as the case may be, as well as the methodology used to establish that factor.

O.C. 933-2022, s. 61.

53.0.19. An enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products referred to in section 53.0.17 must implement its recovery and reclamation program not later than 30 June 2024 or the date of the marketing, acquisition or manufacture of the product if it is subsequent to that date.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.20. In addition to the elements mentioned in the first paragraph of section 5, the recovery and reclamation program of an enterprise referred to in section 2, 2.1, 2.2 or 8 that markets, acquires or manufactures products covered by this Division must provide for measures, if applicable, aimed at recovering and treating liquids and gases contained in recovered containers, in accordance with any applicable environmental standard.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program for pressurized fuel containers does not apply until the beginning of the fourth calendar year following implementation of the program.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.21. In addition to the drop-off centres referred to in section 16, an enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in section 53.0.17 must set up, not later than the second full calendar year of program implementation, drop-off centres at the entrance to national parks, outfitting operations, controlled zones, campgrounds and other outdoor recreation areas where such products are used, except municipal parks.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 21.

53.0.22. As of 2027, the minimum recovery rate that must be attained yearly by an enterprise referred to in section 2, 2.1 or 2.2 that markets products referred to in section 53.0.17 must be equal to the following percentages:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 53.0.17, the minimum rate for all products in that subcategory is 25%, which is increased by 5% every 2 years until a 50% rate is attained, followed by a 5% increase every 3 years until a 75% rate is attained;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 53.0.17, the minimum rate for all products in that subcategory is 75%, which is increased to 80% in 2030.

The rates are calculated on the basis of the quantity of products marketed during the year for which the rate is calculated.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.23. For the purposes of calculating the amount payable under Chapter IV, the values applicable to the products referred to in section 53.0.17 are the following:

(1) in the case of products referred to in subparagraph 1 of the second paragraph of section 53.0.17, $2 per unit or kilogram equivalent;

(2) in the case of products referred to in subparagraph 2 of the second paragraph of section 53.0.17, $0.90 per kilogram.

The value applicable in subparagraph 1 of the first paragraph is reduced by half where the minimum recovery rate prescribed in section 53.0.22 is less than 65% and the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate.

The value applicable in subparagraph 2 of the first paragraph is reduced by half where the quantity of products recovered is equal to or greater than 90% of the quantity necessary to attain the minimum recovery rate prescribed in section 53.0.22.

O.C. 933-2022, s. 61.

DIVISION 9

PHARMACEUTICAL PRODUCTS

O.C. 933-2022, s. 61.

53.0.24. The category of pharmaceutical products is composed of the following subcategories, which include the types of products listed therein:

(1) any substance, whether mixed with other substances or not that can be used

(a) to diagnose, treat, mitigate or prevent a disease, disorder, abnormal physical or mental state or their symptoms in human beings or companion animals within the meaning of the Animal Welfare and Safety Act (chapter B-3.1); or

(b) to restore, correct or modify organic functions in human beings or companion animals within the meaning of the Animal Welfare and Safety Act;

(2) natural health products within the meaning of the Natural Health Products Regulations (SOR/2003-196); when the products are designed and intended for animals, only products designed and intended for companion animals within the meaning of the Animal Welfare and Safety Act are included;

(3) cutting or sharp objects designed to perforate the skin and used for medical purposes, including everything designed to be attached to and be in contact with a product referred to in subparagraph 1; when the

objects are designed and intended for animals, only objects designed and intended for companion animals within the meaning of the Animal Welfare and Safety Act are included.

Despite the first paragraph, the following are not covered by this Division:

(1) products used in the course of supplying care by a professional within the meaning of section 1 of the Professional Code (chapter C-26) or for remuneration, particularly in an institution referred to in the Act respecting health services and social services (chapter S-4.2) or in the Act respecting health services and social services for Cree Native persons (chapter S-5), a private health facility within the meaning of those Acts, a veterinary clinic, a pet shop, a zoo, a park or a zoological garden;

(2) contact lens disinfectants;

(3) anti-dandruff products including shampoos, and antiperspirants and sun screens;

(4) mouthwashes and fluoridated toothpastes;

(5) lozenges for cough, sore throat or halitosis;

(6) topical substances that do not contain antibiotics, anti-fungal agents or anti-inflammatories;

(7) radiopharmaceuticals.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 22.

53.0.25. For the purposes of this Regulation, every quantity of products referred to in section 53.0.24 must be calculated by subcategory of products and in prescription units, units or equivalent weight.

The quantity must also be accompanied, for each subcategory of products and each type of product, by the conversion factor in prescription units, units or weight, as the case may be, as well as the methodology used to establish that factor.

O.C. 933-2022, s. 61.

53.0.26. An enterprise referred to section 2, 2.1 or 2.2 that markets or acquires products referred to in section 53.0.24 must implement its recovery and reclamation program not later than 30 June 2024 or the date of the marketing or acquisition of the product if it is subsequent to that date.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 23.

53.0.27. For the purposes of developing the recovery and reclamation program for products referred to in section 53.0.24, subparagraph 12 of the first paragraph of section 5 does not apply.

O.C. 933-2022, s. 61.

53.0.28. In addition to the elements mentioned in the first paragraph of section 5, the recovery and reclamation program of an enterprise referred to in section 2, 2.1 or 2.2 must

(1) provide for a study to be conducted, starting from the fourth full civil year of the implementation of the program and thereafter every 3 years, to determine the level of consumer awareness of and participation in the recovery program for products referred to in section 53.0.24;

(2) provide for a study to be conducted, starting from the sixth full civil year of the implementation of the program and thereafter every 5 years, to determine the quantity of products referred to in section 53.0.24 that are held by a consumer and have not yet been used or have expired.

Despite subparagraph 10 of the first paragraph of section 5, the obligation to modulate costs in the program does not apply to the category of pharmaceutical products.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.29. For the purposes of the report referred to in section 9, the information referred to in subparagraph 9 of the first paragraph of section 9 does not have to be included in the report.

In addition to the elements referred to in section 9, the report must include, for each subcategory of products recovered and for containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the name and address of the enterprises that treat those products or materials at the place of their final destination referred to in subparagraph 4 of the first paragraph of section 5.

In addition, the report must describe the efforts made to ensure the separation and recycling of containers and packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, as well as the quantity of those containers transferred for recycling if that activity is carried out elsewhere than at the various drop-off centres.

Where a management method may not be used in the order provided for in subparagraph 1 of the first paragraph of section 5 in respect of containers and other packages not covered by this Regulation that have been used to bring to drop-off centres or transport to treatment centres the products referred to in section 53.0.24, the report must contain the information and documents mentioned in subparagraph *a* or *b*, as the case may be, of subparagraph 3 of the first paragraph of section 9.

O.C. 933-2022, s. 61.

53.0.30. Section 10 does not apply to an enterprise referred to in section 2, 2.1 or 2.2 that implements a recovery and reclamation program for a product referred to in section 53.0.24.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 31.

53.0.31. An enterprise referred to in section 2, 2.1 or 2.2 that markets a product referred to in section 53.0.24 must, as soon as the program is implemented, set up drop-off centres whose quantity, kind and characteristics meet the following conditions:

(1) for any regional municipality or any territory referred to in sections 16 and 17 where the products of that enterprise are marketed, a permanent drop-off centre must be set up in at least 40% of veterinary clinics and at least 80% of the community pharmacies or, if there are no community pharmacies in a regional municipality or territory, 100% of the dispensaries in the territory of that regional municipality or in the territory where the products of that enterprise are marketed;

(2) the drop-off centre must be designed to ensure safe storage and handling conditions for the products recovered.

O.C. 933-2022, s. 61; O.C. 1369-2023, s. 24.

CHAPTER VI.1

MONETARY ADMINISTRATIVE PENALTIES

O.C. 683-2013, s. 1.

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

(0.1) to take the steps referred to in section 4.5;

(0.2) *(paragraph replaced);*

(0.3) *(paragraph replaced);*

(1) to inform the Minister, within the period provided for in the first paragraph of section 6, of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4 or to submit to the Minister for that purpose the information and documents prescribed by the second or third paragraph of section 6;

(2) to attribute the costs related to the recovery and reclamation of a product only to that product and to internalize the costs in the price asked for the product as soon as it is put on the market as prescribed by the first paragraph of section 7;

(3) *(paragraph revoked);*

(4) *(paragraph revoked);*

(5) *(paragraph revoked);*

(6) *(paragraph revoked);*

(7) *(paragraph revoked);*

(8) *(paragraph revoked);*

(9) to record the information referred to in the fifth paragraph of section 13 and to keep the information for the period provided for therein;

(10) to include in the annual report the information provided for in the first paragraph of section 26 or to include the information in the assessment, as prescribed by the second paragraph of that section;

(11) *(paragraph revoked);*

(12) to include in the information, awareness and education activities specific activities adapted to various uses and clienteles, on the conditions provided for in the first paragraph of section 38, or to include in the annual report the information provided for in the third paragraph of that section;

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

O.C. 683-2013, s. 1; O.C. 1074-2019, s. 9; O.C. 933-2022, s. 62; O.C. 1369-2023, s. 25.

53.2. A monetary administrative penalty of $350 in the case of a natural person or $1,500 in other cases may be imposed on any person who fails

(1) *(paragraph revoked);*

(2) to include in the recovery and reclamation program measures aimed at destroying personal and confidential information as prescribed by section 25;

(3) to include in the recovery and reclamation program measures aimed at recovering and treating halocarbons, their isomers and any other alternative substance, as well as any hazardous material, as prescribed by section 53.0.4.

O.C. 683-2013, s. 1; O.C. 933-2022, s. 63; O.C. 1369-2023, s. 26.

53.3. A monetary administrative penalty of $500 in the case of a natural person or $2,500 in other cases may be imposed on any person who fails

(1) to recover and reclaim or to cause to be recovered and reclaimed the products referred to in the first paragraph of section 8 as prescribed by that section;

(1.0.1) to submit the report referred to in the first paragraph of section 9, to include the information referred to in the second paragraph of that section, to have the information referred to in the third paragraph of that section audited or to have it audited by a person referred to in that paragraph, to submit the report or information within the time and on the conditions provided for in that section, or to comply with the last paragraph of that section;

(1.1) to provide to the Minister a remediation plan, at the frequency and on the conditions provided for by the second paragraph of section 14, or to include in the remediation plan one of the measures prescribed by the third paragraph of that section;

(2) *(paragraph revoked);*

(3) *(paragraph revoked);*

(4) *(paragraph revoked);*

(5) *(paragraph revoked);*

(6) *(paragraph revoked);*

(7) *(paragraph revoked);*

(8) *(paragraph revoked).*

O.C. 683-2013, s. 1; O.C. 1074-2019, s. 10; I.N. 2020-12-10; O.C. 933-2022, s. 64; O.C. 1369-2023, s. 27.

53.4. 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 fails

(1) to provide the information referred to in section 4.3 to another organization;

(2) to provide the information and documents referred to in section 4.4 to an organization referred to in section 4 of which it is a member or to provide them within the prescribed time;

(3) to submit to the Minister the information and documents listed in section 6.1 or to submit them within the prescribed time;

(4) to comply with the requirements of section 7;

(5) to comply with the prohibition in section 8.1 concerning the treatment of products to which this Regulation applies;

(6) to record in a register the information referred to in the first paragraph of section 12, to provide the Minister with a copy on request in accordance with that paragraph, or to keep the information during the period prescribed by the second paragraph of the section;

(7) to make the payment to the Fund for the Protection of the Environment and the Waters in the Domain of the State required under the fourth paragraph of section 14 and at the frequency and in the manner provided for in the fifth paragraph of section 14;

(8) to comply with the requirements of section 16, 17, 53.0.4, 53.0.12, 53.0.13 or 53.0.21 or the first paragraph of section 53.0.31;

(9) to establish a drop-off centre on the conditions provided for in the first paragraph of section 18;

(10) to comply with the conditions relating to drop-off centres or collection services for an industrial, commercial or institutional clientele provided for in the first paragraph of section 19;

(11) to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19;

(12) to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21 or the second paragraph of section 53.0.31.

O.C. 683-2013, s. 1; O.C. 933-2022, s. 65; O.C. 1369-2023, s. 28.

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

(1) to comply with the requirements provided for in section 2, 3, 4.1, 4.2 or 5, the first or second paragraph of section 8, section 58 or section 59;

(2) to implement its recovery and reclamation program or to implement it within the period prescribed by section 24, 31, 37, 44, 50, 53.0.3, 53.0.10, 53.0.19 or 53.0.26.

O.C. 1369-2023, s. 28.

CHAPTER VII

PENAL SANCTIONS

O.C. 597-2011, c. VII; O.C. 683-2013, s. 2.

54. Every person who contravenes section 4.5 or 6, the second, third or fourth paragraph of section 8, section 10 or 11, the fifth paragraph of section 13, section 26 or the first or third paragraph of section 38, commits an offence and is liable, in the case of a natural person, to a fine of $1,000 to $100,000 or, in other cases, to a fine of $3,000 to $600,000.

O.C. 597-2011, s. 54; O.C. 683-2013, s. 2; O.C. 1074-2019, s. 11; O.C. 933-2022, s. 66; O.C. 1369-2023, s. 29.

55. Every person who

(1) fails to provide the information referred to in section 4.3,

(2) fails to provide the information and documents referred to in section 4.4 to an organization referred to in section 4 or to provide them within the prescribed time,

(3) fails to submit to the Minister the information and documents listed in section 6.1 or to submit them within the prescribed time,

(4) fails to comply with the conditions set out in section 7,

(5) fails to comply with the prohibition in section 8.1,

(6) fails to record in a register the information referred to in the first paragraph of section 12, to provide the Minister with a copy on request in accordance with that paragraph, or to keep the information during the period prescribed by the second paragraph of the section,

(7) fails to make the payment to the Fund for the Protection of the Environment and the Waters in the Domain of the State required under the fourth paragraph of section 14 and at the frequency and in the manner provided for in the fifth paragraph of section 14,

(8) fails to comply with the requirements of section 16, 17, 53.0.4, 53.0.12, 53.0.13 or 53.0.21 or the first paragraph of section 53.0.31,

(9) fails to establish a drop-off centre on the conditions provided for in the first paragraph of section 18,

(10) fails to comply with the conditions relating to drop-off centres or collection services for an industrial, commercial or institutional clientele provided for in the first paragraph of section 19,

(11) fails to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19,

(12) fails to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21 or the second paragraph of section 53.0.31,

(13) pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading,

commits an offence and 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.

O.C. 597-2011, s. 55; O.C. 683-2013, s. 2; O.C. 1369-2023, s. 30.

56. Every person who

(1) fails to comply with the requirements of section 2, 2.1, 2.2, 3, 4.1, 4.2 or 5, the first or second paragraph of section 8, or section 58 or 59,

(2) fails to implement a recovery and reclamation program within the time prescribed by section 24, 31, 37, 44, 50, 53.0.3, 53.0.10, 53.0.19 or 53.0.26,

commits an offence and 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.

O.C. 597-2011, s. 56; O.C. 683-2013, s. 2; O.C. 1074-2019, s. 12; O.C. 933-2022, s. 67; O.C. 1369-2023, s. 30.

56.1. *(Replaced).*

O.C. 683-2013, s. 2; O.C. 933-2022, s. 68; O.C. 1369-2023, s. 30.

56.2. *(Replaced).*

O.C. 683-2013, s. 2; O.C. 1369-2023, s. 30.

56.3. Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Chapter or the Environment Quality Act (chapter Q-2), to a fine of $1,000 to $100,000 in the case of a natural person or, in other cases, to a fine of $3,000 to $600,000.

O.C. 683-2013, s. 2.

CHAPTER VIII

TRANSITIONAL AND MISCELLANEOUS

57. The Regulation respecting the recovery and reclamation of discarded paint containers and paints (chapter Q-2, r. 41) and the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters (chapter Q-2, r. 42) are revoked.

Despite the foregoing, the provisions of those Regulations continue to apply to enterprises that implement recovery programs under those Regulations until they develop recovery and reclamation programs in accordance with this Regulation.

O.C. 597-2011, s. 57.

58. An enterprise that, on 14 July 2011, implements a recovery system under the Regulation respecting the recovery and reclamation of discarded paint containers and paints (chapter Q-2, r. 41) or the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters (chapter Q-2, r. 42) must, not later than from 2013, implement a recovery and reclamation program in accordance with this Regulation, and provide the Minister, not later than 3 months before the date scheduled for the implementation of that program, with the notice of intention and the information and documents provided for in section 6.

O.C. 597-2011, s. 58.

59. An enterprise must continue to implement its recovery system under the Regulation respecting the recovery and reclamation of discarded paint containers and paints (chapter Q-2, r. 41) and the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters (chapter Q-2, r. 42) until that program is replaced in accordance with section 58.

For the purposes of paragraph 10 of section 5, the modulation of costs related to the recovery and reclamation of each subcategory or type of product covered by either of the regulations referred to in the first paragraph must be implemented as of 2013.

O.C. 597-2011, s. 59; O.C. 1074-2019, s. 13.

59.1. Where an enterprise referred to in section 2, 2.1, 2.2 or 8 must implement a recovery and reclamation program before 1 January 2021 for the products referred to in subparagraphs 1, 3 and 4 of the third paragraph of section 53.0.1, the enterprise may implement its program without the elements provided for in subparagraphs 3, 9, 10 and 11 of the first paragraph of section 5, but only for the first 2 calendar years of implementation of the program.

Despite the period provided for in the first paragraph of section 6, that enterprise must notify the Minister of its intent to implement its program not later than 1 month before the date provided for in Chapter VI for its implementation. The enterprise may send in a second notice to the Minister the information referred to in subparagraph 9 of the second paragraph of that section concerning the operating rules, criteria and requirements to comply with under the program, the information referred to in subparagraph 13 of the second paragraph concerning the description and schedule of the research and development activities and the information referred to in subparagraph 10 of the second paragraph, before the end of the first full calendar year of implementation of the program.

Regarding the first report required, as the case may be, under section 9 or 11, it must be submitted not later than 15 May of the year following the first full calendar year of implementation of the program and must cover the period since the beginning of the program.

That enterprise must ensure at all times that the service providers and subcontractors participating in the implementation of its program comply with every applicable environmental standard.

O.C. 1074-2019, s. 14; O.C. 933-2022, s. 69; O.C. 1369-2023, s. 31.

59.2. Sections 24 and 31 of this Regulation, as they read on 29 June 2022, continue to apply in respect of the subcategories of products referred to in sections 22 and 29 as they read at that date, until 30 June 2023.

O.C. 933-2022, s. 70.

59.3. Any positive difference calculated under subparagraph 2 of the first paragraph of section 13 and in sections 27, 33, 39, 46 and 52, as they read before 19 September 2019, may be used, in whole or in part and for the same subcategory of products, to compensate for a negative difference calculated for a year prior to 2027.

O.C. 933-2022, s. 70.

60. *(Omitted).*

O.C. 597-2011, s. 60.

UPDATES
O.C. 597-2011, 2011 G.O. 2, 1369
O.C. 683-2013, 2013 G.O. 2, 1816
S.Q. 2017, c. 4, s. 264
O.C. 1074-2019, 2019 G.O. 2, 2801
S.Q. 2020, c. 19, s. 29
O.C. 933-2022, 2022 G.O. 2, 1763
O.C. 1211-2022, 2022 G.O. 2, 2087
O.C. 1369-2023, 2023 G.O. 2, 2113